

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Charleston County

Honorable Jennifer B. McCoy, Circuit Court Judge

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

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**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)**

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Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. And 246?

2 [Whereupon, the photograph is published]

3 A. A photograph of the front passenger door.

4 Q. 247?

5 [Whereupon, the photograph is published]

6 A. And a photograph of the front passenger wheel.

7 Q. And I know it's obvious but what does it appear as
8 though it is missing?

9 A. This is documenting that the front passenger wheel
10 is missing a hubcap.

11 Q. All right. 248?

12 [Whereupon, the photograph is published]

13 A. This is the same -- a little different perspective
14 but this is the front bumper passenger side hood area.

15 Q. And 249?

16 [Whereupon, the photograph is published]

17 A. This is the front bumper hood area of the same
18 vehicle.

19 Q. All right. Is this vehicle equipped with a front
20 license plate?

21 A. It is not.

22 Q. 250?

23 [Whereupon, the photograph is published]

24 A. A little more straight-on perspective also noting
25 there is no front license plate.

1 Q. 251?

2 [Whereupon, the photograph is published]

3 A. And then the front driver's side bumper area.

4 Q. Okay. Did you have the occasion to swab or take
5 stickies from the inside of the car for GSR?

6 A. Yes, I did.

7 Q. What -- how did you do that?

8 A. So I collected potential GSR, gunshot residue
9 samples using an adhesive tab. And so the process to do
10 that is you will place adhesive tab across the surface
11 that you're wanting to possibly collect a sample from and
12 then you will label it and that will get sent off to the
13 lab.

14 Q. Okay. And you did that in this case?

15 A. Yes, I did.

16 Q. Okay.

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

18 THE COURT: Yes.

19 Q. [Mr. Osborne] I'm showing you what has been marked
20 as State's exhibit 214.

21 [Whereupon, the witness is shown exhibit]

22 Q. Can you take a look at that and tell me if you
23 recognize that?

24 A. Yes, I do.

25 Q. And what is that?

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Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 A. This is the GSR kit that I had placed the adhesive
2 samples inside and further was submitted to SLED for
3 analysis.

4 Q. Okay.

5 MR. OSBORNE: Your Honor, at this time we would
6 seek to admit 214 into evidence.

7 THE COURT: Any objection to 214?

8 MR. MULBRY: No objection.

9 THE COURT: All right. 214 will be admitted
10 without objection.

11 [Whereupon, State's exhibit number 214 is entered
12 into evidence by the Court]

13 MR. OSBORNE: Beg the court's indulgence.

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

15 Q. [Mr. Osborne] Did you say where you took the GSR
16 samples in this case?

17 A. Yes. The GSR samples were individually labeled. I
18 collected several samples and if I can refer to my notes
19 I'll tell you where exactly they came from.

20 [Whereupon, the witness reviews document]

21 A. So the surfaces that were -- where the adhesive tab
22 was applied to included the interior driver door, the
23 steering wheel, the center console armrest, the interior
24 front passenger door, the interior rear driver's side
25 door, the interior rear passenger door, the front console

1 above the glove box, and gear shift.

2 Q. Okay. All throughout the interior?

3 A. Yes.

4 Q. Okay.

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

6 THE COURT: All right.

7 MR. MULBRY: May it please the Court?

8 THE COURT: Sure.

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State v K'Sone M. Campbell
Ashley Wojslawowicz-Cross-Examination by Mr. Mulbry
March 4, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon.
4	A. Hello.
5	Q. So you did the search on Walter Drive on May 13th?
6	A. Yes, I was involved with that.
7	Q. And you went inside the washing machine?
8	A. Yes.
9	Q. And you found seven white tank tops?
10	A. Yes.
11	Q. And several white sleeve shirts?
12	A. Yes.
13	Q. They were all white shirts?
14	A. Yes.
15	Q. No blue pants?
16	A. No.
17	Q. No blue shirts?
18	A. No, not in the wash.
19	Q. And you also did the search warrant on the white
20	Dodge Avenger?
21	A. Correct.
22	Q. And that was on May 14th?
23	A. Yes.
24	Q. And when you went through the car there were things
25	in it, right?

State v K'Sone M. Campbell
Ashley Wojslawowicz-Cross-Examination by Mr. Mulbry
March 4, 2020

1 A. Correct.

2 Q. There was clothing?

3 A. Yes.

4 Q. Food and beverage containers?

5 A. Yes.

6 Q. There was a bunch of personal items?

7 A. Yes.

8 Q. It's cluttered, right?

9 A. Yes.

10 Q. It wasn't clean?

11 A. No.

12 MR. MULBRY: Court's indulgence.

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

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

15 THE COURT: Anything else?

16 MR. OSBORNE: No, Your Honor.

17 THE COURT: All right. You're free to step down.

18 Any objection to her being released?

19 MR. OSBORNE: No.

20 MR. MULBRY: No.

21 THE COURT: Okay. You're free to leave as well.

22 Thank you.

23 [Whereupon, the witness is excused and exits the

24 witness stand]

25 THE COURT: Is the next witness ready?

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Megan Fletcher-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: Yes, she is. The State calls Megan
2 Fletcher.

3 [Whereupon, Ms. Fletcher 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 and spell your last name for the record.

8 THE WITNESS: My name is Megan Fletcher; F-L-E-T-C-
9 H-E-R.

10 - - - - -

11 MEGAN FLETCHER,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Good afternoon, Agent Fletcher. Where do you work?

17 A. I work for the South Carolina Law Enforcement
18 Division in the forensic services laboratory in the trace
19 evidence department.

20 Q. Okay. And that's with SLED?

21 A. Yes, sir.

22 Q. And how long have you been with SLED?

23 A. Twelve and half years.

24 Q. All right. Now I know trace lab y'all analyze. Is
25 it fair to say y'all analyze a bunch of different items?

State v K'Sone M. Campbell
Megan Fletcher-Direct Examination by Mr. Osborne
March 4, 2020

1 A. Yes, sir. In the trace lab we analyze various types
2 of evidence such as fire debris, paint, glass, fibers,
3 explosives, tape analysis as well as gunshot primer
4 residue.

5 Q. Okay. Let's talk about -- well, let's qualify you
6 first. What's your educational background?

7 A. I have my Bachelor's degree in Biochemistry and
8 English from Chatham College in Pittsburgh, Pennsylvania.
9 I also have my Master's in Forensic Chemistry and
10 Computer Forensics from Washington University in
11 Huntington, West Virginia.

12 Q. Okay. And since we got you here for gunshot residue
13 do you have any specialized training in that field?

14 A. I do. Once I was hired on at SLED I received in-
15 house training as well as off-site training at SLED
16 specifically related to the analysis of gunshot primer
17 residue.

18 Q. All right. And are you authorized or certified by
19 SLED to conduct analysis on gunshot residue?

20 A. SLED has deemed me competent and I maintain my
21 proficiency in performing analyses and gunshot primer
22 residue.

23 Q. Okay. Let's explain to the jury what is gunshot
24 primer residue?

25 A. So gunshot residue in general is everything that

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1 comes out of a gun when it's fired. That includes the
2 smoke, the ---

3 MR. MULBRY: --- Your Honor, objection.

4 THE COURT: She hasn't been qualified to give this
5 opinion ---

6 MR. MULBRY: --- she hasn't been qualified ---

7 THE COURT: --- so I think we got to start by
8 giving testimony that would be ---

9 MR. OSBORNE: --- okay.

10 Q. [Mr. Osborne] Have you ever been qualified as an
11 expert?

12 A. Yes sir, I have.

13 Q. How many times?

14 A. Approximately 25 times for gunshot residue.

15 Q. Okay. And what courts?

16 A. All of my gunshot residue has been state and Family
17 Court for South Carolina.

18 Q. Okay.

19 MR. OSBORNE: Your Honor, at this time we would
20 seek to qualify Agent Fletcher as an expert in the field
21 of gunshot primer residue.

22 THE COURT: All right. Any objection as to her
23 expertise in that field or voir dire from the defense?

24 MR. MULBRY: No, Your Honor.

25 THE COURT: All right. Ladies and gentlemen once

1 again normally people cannot give opinions from the
2 witness stand but an exception exists when someone is
3 deemed an expert in some field.

4 Ms. Fletcher will be deemed an expert in the field
5 of gunshot residue and she will be permitted to give
6 opinions in that area. Of course, you don't have to
7 accept her opinion but it is information for you to use
8 in any way that you see fit. Please continue.

9 MR. OSBORNE: Thank you, Your Honor.

10 Q. [Mr. Osborne] All right. What is gunshot primer
11 residue?

12 A. So gunshot residue is everything that comes out of a
13 gun when it is fired. That includes smoke, soot, flame,
14 portions of the bullet as well as gunshot primer residue.
15 And that's what we're specifically looking for in the
16 trace lab at SLED.

17 Gunshot primer residue are particles that are
18 characteristic of the primer residue from the cartridge
19 of a bullet. And those particles that are characteristic
20 are molten particles that contain the elements lead,
21 barium, and antimony.

22 Q. Okay. And are there sources in the environment that
23 can produce a false position result for a gunshot primer
24 residue test?

25 A. There has only been one study in -- to my knowledge

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1 there has only been one study that has ever found another
2 source that contains lead, barium, and antimony together
3 in one particle. However, these particles were not
4 molten in nature and they also contained high amounts of
5 iron.

6 In our analyses our analysis requires that the
7 particle be molten and we cannot have high amounts of
8 iron in our particles.

9 Q. Okay. So obviously in the environment there is
10 lead, things that have lead, things that have barium,
11 things that have antimony. But if you have all three and
12 they are molten that's gunshot primer residue?

13 A. Yes sir, that is.

14 Q. Okay. Now in regards to this investigation I think
15 your lab number is 20-00899. Were you asked to perform
16 some gunshot residue analysis on certain items?

17 A. Yes sir, I was.

18 Q. All right. Well, let's start with --

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

20 THE COURT: Yes.

21 Q. [Mr. Osborne] Let's start with State's 63.

22 [Whereupon, the witness is shown exhibit]

23 Q. I think that's labeled gunshot residue from Deangelo
24 Milligan.

25 A. State's exhibit 63 is SLED item L20-00899 item

1 number 5 one GSR kit from Deangelo Milligan. I have
2 identified it based on a SLED label, barcode label as
3 well as my initials and it has been sealed and dated by
4 myself as well.

5 Q. Okay. When you came into possession of that did you
6 what did you do to conduct your analysis?

7 A. The first person in the trace evidence laboratory to
8 come into possession of this was a technician within our
9 department.

10 She inventoried this kit and deemed it to be
11 appropriate for analysis, for further analysis. And she
12 indicated on our inventory sheets that everything was
13 sealed and initialed and appropriate for further
14 analysis.

15 Q. Okay. So that's the first step; make sure it got to
16 you correctly?

17 A. Yes, sir.

18 Q. All right. Then what's the next step?

19 A. The kit is then opened and checked for particle
20 lifts. The particle lifts necessary for analysis were
21 present. And then the name and the time between the
22 incident and the collection are recorded on an inventory
23 sheet.

24 And then they are further processed and then they
25 are either directly handed to myself or they are put in a

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1 secure location for myself to pick up and to put on the
2 instrument for analysis.

3 Q. Okay. And once you conducted your analysis what, if
4 any, conclusion were you able to draw?

5 A. May I refer to my report?

6 Q. Sure.

7 [Whereupon, the witness reviews document]

8 A. For the GSR kit from item number 5 one GSR kit from
9 Deangelo Milligan no particle characteristic of gunshot
10 primer residue were detected.

11 Q. Okay. Let's move on to State's exhibit 207. I
12 believe this is going to be your SLED 13 if I'm right.
13 And this is a GSR kit from the victim, Derrick Barber.

14 [Whereupon, the witness is shown exhibit]

15 Q. Did y'all do the same procedure and make sure it got
16 to you and it was properly sealed?

17 A. Yes, sir. The same inventory procedure was followed
18 in this particular kit. State's exhibit 207 is SLED lab
19 number L20-00899, item number 13. I identified it based
20 on SLED's barcode label as well as my initials.

21 And it is still in a sealed state with my initials
22 and the date in which I sealed it. And it is one GSR kit
23 from Derrick Barber.

24 Q. Okay. And did you go -- did you perform analysis on
25 that?

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1 A. Yes sir, I did.

2 Q. And what conclusions, if any, were you able to
3 reach?

4 A. In the GSR kit from Derrick Barber particles
5 characteristic of gunshot primer residue were found.

6 Q. Okay. So you did find gunshot primer residue on
7 Derrick Barber?

8 A. Yes sir, I did.

9 Q. Okay. Can you explain to the jury how would gunshot
10 primer residue get on someone's hand?

11 A. So in general there are three different ways that
12 you can get gunshot residue on your hands. You can be in
13 the vicinity to the gun when it goes off, you can
14 actually shoot a firearm, or you can touch something that
15 already has gunshot primer residue already on it.

16 So in the case of a victim they are established to
17 be in the vicinity of a gun because they have sustained a
18 gunshot wound therefore we expect to find gunshot residue
19 on a victim who has sustained a gunshot wound.

20 Q. Okay. So you have this phrase that gunshot residue
21 follows a bullet?

22 A. I have used that phrase before. There has been some
23 published studies that indicate that gunshot primer
24 residue does follow the path of the bullet. The majority
25 of gunshot primer residue does exit out of the muzzle of

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1 a gun whether it is a revolver or a semi-automatic. And
2 so it follows along the path of the bullet and therefore
3 it stands to reason that the majority then also travels
4 along towards the target or in this case the victim of a
5 gunshot wound.

6 Q. All right. Have you read any studies or do you know
7 of any studies that have been published regarding how far
8 gunshot residue can travel from the gun to a surface or
9 to an individual?

10 A. There is one published study that states that a
11 particle of gunshot primer residue can travel up to
12 around 60 feet; its 18 meters but around 60 feet away
13 from the shooting.

14 Q. So with that in mind would you expect to find
15 gunshot residue on a shooting victim?

16 A. Yes. We do in fact find it in about 75 percent of
17 the cases that we analyze at SLED.

18 Q. Okay. I'll move on to State's exhibit number 208.
19 I believe that was labeled gunshot residue collected from
20 Mikel Funnie.

21 [Whereupon, the witness is shown exhibit]

22 Q. Was that received via the same way; properly?

23 A. Yes, sir. State's exhibit 208 is SLED lab number
24 L20-00899, item number 9 identified with a SLED barcode
25 number and my initials. It is still in a sealed state

1 with my initials and the date in which I sealed it and it
2 is one GSR kit from Mikel Funnie.

3 Q. Okay. And did you perform an analysis on that kit?

4 A. Yes sir, I did.

5 Q. What, if any, conclusions did you reach?

6 A. No particles characteristic of gunshot primer
7 residue were detected.

8 Q. Okay. Now you had mentioned before that there were
9 one of three ways that gunshot primer residue could come
10 to a person's hand or could show up on a person's hand.

11 A. Yes, sir.

12 Q. And one of them was handling a gun.

13 A. Yes, sir.

14 Q. Okay. And Mikel Funnie came back negative for GSR?

15 A. Correct.

16 Q. All right. And lastly 214. And I think this is
17 labeled gunshot residue collected from a Dodge Avenger.

18 [Whereupon, the witness is shown exhibit]

19 Q. Probably your item 14.

20 A. Yes, sir. State's exhibit 214 is SLED lab number
21 L20-00899, item number 14 identified with a SLED barcode
22 number as well as my initials.

23 And it is still in a sealed state with my initials
24 and the date in which I sealed it. And it is one GSR kit
25 from a white Dodge Avenger A-L dash or I'm sorry colon

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1 19BJ842VIN colon EN105196.

2 Q. Okay. And before we get into conclusions that you
3 reached when you analyzed that, if any, is there, well I
4 guess just explain to the jury is there something kind of
5 tricky about looking at gunshot residue results from
6 inside closed spaces like a car?

7 A. Inside a vehicle is completely different than a
8 person's hands. So on a person's hands gunshot residue
9 is going to last approximately six hours; and that's on a
10 living person.

11 And it's because a living person is active, they are
12 moving, they are wiping their hands, they can wash their
13 hands; they are actively removing it every step of the
14 way. They're touching things, they're transferring
15 things.

16 On a deceased individual it's going to remain until
17 it is removed by outside medical personnel or somebody
18 else wiping the hands.

19 An inanimate object such as a vehicle is closer to
20 that of a deceased individual meaning something has to be
21 -- that gunshot residue has to be actively removed from
22 that vehicle.

23 So, gunshot residue is going to remain inside of a
24 vehicle until it is removed. The other thing about a
25 vehicle is that if you shoot from the inside of a vehicle

1 you're shooting into an enclosed space. So you're
2 shooting a cloud of particles inside an enclosed space.

3 And those particles land all over the place so there
4 is not necessarily a way that you can say a
5 directionality per se as to where those particles are
6 going to land.

7 Q. Okay. And I guess then can we extrapolate that to
8 say -- when I asked you about your results if you get
9 more particles in one compartment or another can I then
10 ask you in your expert opinion was the gun in that
11 compartment?

12 A. I'm not going to be able to tell you whether the gun
13 was in one area or pointed in one direction with any sort
14 of certainty.

15 Q. It's moving around.

16 A. It could move around.

17 Q. Okay. So what, if any, conclusions did you reach
18 when you analyzed this?

19 A. May I refer to my notes for the specific areas?

20 [Whereupon, the witness reviews document]

21 A. So from the vehicle there were a number of different
22 areas that were collected; from the interior driver's
23 door, the center console armrest, from the steering
24 wheel, from the interior rear passenger door, from the
25 gearshift, from the interior front passenger door, from

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1 the front console above the glove box, interior rear
2 driver's side door there were particles characteristic of
3 gunshot primer residue found.

4 Q. Okay. And do you have -- I understand it's a little
5 bit -- it's hard to draw conclusions from it but do you
6 have a particle deposition number for each location?

7 A. I do have the number of particles that I verified in
8 each location, yes sir.

9 Q. Could you relay that to us?

10 A. Yes, sir. From the interior driver's door I
11 verified four particles of gunshot primer residue. In
12 the center console armrest I did not detect any gunshot
13 primer residue.

14 On the steering wheel I verified one particle of
15 gunshot primer residue. On the interior rear passenger
16 door I verified three particles of gunshot primer
17 residue.

18 On the gear shift I verified one particle of gunshot
19 primer residue. On the interior front passenger door I
20 verified one particle of gunshot primer residue.

21 On the front console above the glove box I verified
22 four particles of gunshot primer residue. On the
23 interior rear driver's side door I verified two particles
24 of gunshot primer residue.

25 Q. Okay.

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1	MR. OSBORNE: No further questions, Your Honor.
2	THE COURT: Cross?
3	MR. MULBRY: May it please the Court?
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State v K'Sone M. Campbell
Megan Fletcher-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. Let me make sure I'm understanding this correctly.
6	Gunshot residue is the residue discharged from a gun when
7	it's fired.
8	A. That's true.
9	Q. It comes out the front of the gun?
10	A. Yes, sir.
11	Q. And it can also come out of the ejector plate as
12	well.
13	A. In a semi-automatic, yes sir.
14	Q. And it's typically found at the scene of a shooting,
15	right?
16	A. Yes, sir.
17	Q. It can be found on a shooting victim.
18	A. Yes, sir.
19	Q. And it's common to find gunshot residue on a
20	shooting victim.
21	A. Absolutely.
22	Q. But you cannot say what range that gun was fired
23	based on the presence of gunshot residue.
24	A. Based on the presence of gunshot primer residue no
25	you cannot.

1 Q. And if I also heard you testify correctly you cannot
2 say where in the car this gun was fired, correct?

3 A. That's correct.

4 Q. Now the characteristic particles that's basically
5 the little lead pieces of gunshot residue?

6 A. Those are the molten particles that contain lead,
7 barium, and antimony; all three.

8 Q. Now if I shoot a gun I'm going to get gunshot
9 residue on my hand, right, is what you said?

10 A. Usually, yes sir.

11 Q. If I start touching something I'm going to get
12 gunshot residue on what I touch?

13 A. There is a potential for transfer, yes sir.

14 Q. Okay. Now, you just testified about the number of
15 characteristic particles. You said you found four on the
16 interior driver's side door?

17 A. Yes, sir.

18 Q. And that was the highest number?

19 A. That along with the front console above the glove
20 box I verified the same number for both of those.

21 Q. So, let's say a gun is fired towards a driver's side
22 door. You're going to expect to find some gunshot
23 residue on that, correct?

24 A. Yes, sir.

25 Q. And if I had the gun in my hands I might get gunshot

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1 residue on my hands, correct?

2 A. Correct.

3 Q. If I'm sitting in the passenger seat and start
4 touching things you'd expect to find gunshot residue in
5 that area too, right?

6 A. Correct.

7 Q. And the least amount or I'm sorry; you did not find
8 any gunshot particles on the center console area, right?

9 A. On the center console armrest I did not find any.

10 Q. And you only found one on the steering wheel.

11 A. That's correct.

12 Q. From the driver's side.

13 A. That's correct.

14 MR. MULBRY: Court's indulgence.

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

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

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1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. Let me just make sure that we reiterate here in
4 closed containers, in closed areas it's kind of hard to
5 draw any conclusions, is that fair to say?

6 A. Yes, sir. I can't draw any conclusions as to where
7 the gun was when it was fired.

8 Q. So I couldn't, you can't say whether the gun was on
9 the driver's side or if it was on the passenger side. I
10 mean that would just be impossible to say.

11 A. Yes sir, I cannot say that.

12 Q. Okay. And if it were fired inside the car you might
13 expect, and I think Mr. Mulbry sort of said this that it
14 gets on anything inside there is that fair to say?

15 A. If the gun was fired inside the vehicle it can get
16 it on any surface inside that vehicle, yes sir.

17 Q. And just piggybacking off what he had asked about
18 testing live people or getting gunshot residue from live,
19 you mentioned this briefly earlier.

20 Is there a time limit on how long after the believed
21 incident is to which y'all will do gunshot residue on a
22 live person?

23 A. On a living individual six hours is our time limit.
24 So if a person -- the gunshot residue has to be collected
25 within six hours of a shooting incident for us to be able

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1 to test the gunshot residue kit.

2 Q. Okay. So if you -- if a detective came into contact
3 with a suspect a day or two later y'all wouldn't have
4 accepted that gunshot residue test?

5 A. We would not analyze that kit, no.

6 Q. Okay. Thank you.

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

8 THE COURT: Anything else?

9 MR. MULBRY: No, Your Honor.

10 THE COURT: You may step down. Any objection to
11 Ms. Fletcher being released?

12 MR. OSBORNE: No, Your Honor.

13 THE COURT: All right. You're free to leave.

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

16 THE COURT: Is the next witness ready as well.

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State v K'Sone M. Campbell
Charles Jolliff-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: We'd call Investigator Chuck Jolliff.

2 [Whereupon, Investigator Jolliff 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 name is Charles Jolliff; spelling
8 of the last name is J-O-L-L-I-F-F.

9 - - - - -

10 CHARLES JOLLIFF,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. OSBORNE:

15 Q. Investigator, can you tell the jury what your law
16 enforcement background is?

17 A. I was a police officer with the Charleston Police
18 Department for over 20 years. And I've recently been
19 assigned to the Solicitor's office as an investigator.

20 Q. Okay. How long have you been -- and that's in my
21 office?

22 A. Right, three years in this office.

23 Q. Three years, so 23 plus years in law enforcement?

24 A. Yes, sir.

25 Q. All right. We'll just get into -- what are some of

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1 your duties and responsibilities as an investigator in my
2 office?

3 A. So I assist the attorneys that I'm assigned to with
4 serving subpoenas, case preparation and things like that.

5 Q. Okay. And we work together?

6 A. Yes.

7 Q. Did I or did you attempt I should say, did you
8 attempt to serve subpoenas in this case to many people?

9 A. Yes, over 30.

10 Q. Okay. Let's just talk specifically. Did you try to
11 serve a guy by the name of Kris Jacques?

12 A. Yes.

13 Q. How did that work out?

14 A. Unsuccessful.

15 THE COURT REPORTER: Can you speak up just a little
16 bit.

17 THE WITNESS: Yes, ma'am. Sorry.

18 Q. [Mr. Osborne] Can you just -- I know you did a lot
19 but can you just briefly I guess sort of say what were
20 some of your efforts to try to locate him?

21 A. So we use various search engines when we're
22 attempting to locate people. There is one called TLO --
23 we also use --

24 THE COURT REPORTER: TLO?

25 THE WITNESS: TLO. Yes, I'm sorry ma'am.

1 A. We also use some of the utilities, South Carolina
2 DMV, the Al Cannon Detention Center inmate search and
3 things like that; anything that would have addresses and
4 phone numbers, you know some place we can contact.

5 We also through TLO we get information about family
6 members and neighbors so we also attempt to contact them
7 just so we can try to locate the people.

8 Q. And with him you went by I think work addresses as
9 well?

10 A. We went through multiple addresses, called multiple
11 relatives and neighbors. The problem with this case is
12 it's over three years old.

13 By the time it gets to court and a lot of people
14 have moved and changed phones, changed phone numbers,
15 changed jobs and things like that. Some people we just
16 can't find.

17 Q. Okay. How about a guy by the name of Donald Phiri?
18 Did you try to get him?

19 A. Same situation. I got some good addresses for him.
20 I went to his house multiple times and just never made
21 contact with him.

22 Q. And you can't force someone to answer the door, is
23 that fair to say?

24 A. No; or their phone.

25 Q. And the female employee that we saw the video of, I

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1 think her name was Trina, did you try to locate her?

2 A. Yes; same situation.

3 Q. All right. And did you have the occasion to sit
4 down with Deangelo Milligan?

5 A. I did.

6 Q. Was he interested in coming in here?

7 A. He was not ---

8 MR. MULBRY: --- objection. Hearsay.

9 THE COURT: Overruled.

10 Q. [Mr. Osborne] And same question for Demetrius Young.

11 A. He was also located and expressed no interest in
12 coming to court.

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

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1 CROSS-EXAMINATION

2 BY MR. MULBRY:

3 Q. You testified you located Deangelo Milligan, right?

4 A. Yes, sir.

5 Q. You served him with a subpoena?

6 A. Yes, sir.

7 Q. So he can come to court?

8 A. Yes, sir.

9 Q. And you located Demetrius Young, right?

10 A. Yes, sir.

11 Q. Served him with a subpoena?

12 A. Yes, sir.

13 Q. Can he come to court?

14 A. Can he come to court? Yes, sir.

15 MR. MULBRY: Court's indulgence.

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

17 Q. [Mr. Mulbry] And a subpoena you have to come to

18 court when you get a subpoena, right?

19 A. It is a court order, yes sir.

20 Q. So if you don't come the sheriff picks you up and

21 brings you here?

22 A. If the Judge issues a bench warrant they could be

23 picked up and brought to court forcibly, yes.

24 Q. So even if they don't want to come they'd still have

25 to come?

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1 A. I've seen it happen, yes sir.

2 MR. MULBRY: Court's indulgence.

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

4 Q. [Mr. Mulbry] Didn't your office request a bench
5 warrant on Kristopher Jacques?

6 A. No sir, not to my knowledge.

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

8 Q. [Mr. Mulbry] Were you in court when Mr. Osborne
9 requested a bench warrant?

10 A. No, sir.

11 Q. On at least one witness? Okay. So you don't know
12 who he requested a bench warrant for?

13 A. We were going to request a bench warrant for Mr.
14 Funnie but Mr. Funnie came to court. That's the only
15 bench warrant that I know that we even discussed.

16 Q. Oh, so he didn't want a bench warrant for Mr.
17 Jacques?

18 A. I have no idea. I wasn't told.

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

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

21 THE COURT: All right. Anything else of this
22 witness?

23 MR. OSBORNE: Yes. Briefly, Your Honor.

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State v K'Sone M. Campbell
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1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. All right. If I'm going to request a bench warrant,
4 if we're going to request a bench warrant they've got to
5 be served, right?

6 A. Yes.

7 Q. You can't just arrest people. They've got to know
8 they have to be here, right?

9 A. Correct.

10 Q. And the problem with this guy Jacques is you ---
11 MR. MULBRY: --- objection ---

12 Q. [Mr. Osborne] --- were never able to find him ---
13 MR. MULBRY: --- objection. Leading.

14 THE COURT: Sustained.

15 Q. [Mr. Osborne] Were you ever able to find him?

16 A. No, I was never able to find him.

17 Q. So you were never able -- were you ever able to
18 serve him ---

19 A. --- I've never been in contact with him at all via
20 phone or email or in person.

21 Q. Okay. And since we talked about that what was the
22 deal with Mr. Funnie?

23 A. He was just tentative about coming in. He didn't
24 want to be known as a snitch. He was served. We served
25 him physically with the subpoena and told him if he

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1 didn't come in there was a possibility of a bench warrant
2 being issued for him and that he would have to come to
3 Court one way or the other.

4 Q. And since it was asked did you ever hear me ask for
5 a bench warrant for Mr. Funnie or Mr. Jacques or anyone
6 for that matter?

7 A. No, never officially asked for a bench warrant for
8 anyone.

9 Q. I think the inquiry was if we need to.

10 A. Correct. We wanted to know what the procedure was
11 if it had to be done.

12 Q. Right. Okay.

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

14 THE COURT: Anything else?

15 MR. MULBRY: No, Your Honor.

16 THE COURT: All right. You can step down.

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

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1 THE COURT: Any other witnesses this afternoon?

2 You ready?

3 MR. OSBORNE: I've got two more.

4 THE COURT: Excellent.

5 MR. OSBORNE: This one might be a second, though.

6 THE COURT: You need a minute? That's what I was
7 getting at. We'll take a break at this time ladies and
8 gentlemen for about ten minutes. Once again, please do
9 not discuss the case during the break.

10 [Whereupon, the jury exits at 2:54 p.m.]

11 THE COURT: We'll be at ease. Thank you.

12 [Whereupon, Court is in recess from 2:55 p.m. until
13 3:09 p.m.]

14 THE COURT: All right. Are y'all ready to proceed?

15 MR. OSBORNE: Yes, Your Honor.

16 THE COURT: Okay. We'll bring the jury back in
17 then please, sir.

18 [Whereupon, the jury enters at 3:11 p.m.]

19 THE COURT: Thank you so much. Please be seated.
20 Is the State ready to call its next witness?

21 MR. OSBORNE: We are, Your Honor.
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Paul Krasowski-Direct Examination by Mr. Osborne
March 4, 2020

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

3 [Whereupon, Detective Krasowski 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: My first name is Paul, last name is
9 Krasowski, and it's spelled K-R-A-S-O-W-S-K-I.

10 - - - - -

11 PAUL KRASOWSKI,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. All right Sergeant, where are you employed?

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

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

19 A. I've been there just over 13 years now.

20 Q. All right. And what have been some of your various
21 assignments while being there?

22 A. So I started out as a patrol officer and I found my
23 niche in investigations pretty early on and became a
24 detective in roughly 2011. And I've worked in the
25 robbery division. I've worked in the violent crimes

1 unit. And I became a polygraph examiner as well. So I'm
2 a state licensed polygraph examiner. And more recently
3 I've been -- I was promoted to sergeant and I am the
4 supervisor of the homicide unit now.

5 Q. Okay. Let's talk about May of 2017. What was your
6 assignment back then?

7 A. So I was in the homicide unit, the violent crimes
8 unit and I was just a detective at that point.

9 Q. Okay. Did you have the occasion to assist with this
10 investigation?

11 A. I did.

12 Q. All right. And were you working on the night of the
13 murder?

14 A. I believe I was called in. It was after hours,
15 evening time hours so I was called in to assist in the
16 investigation.

17 Q. All right. Did you have the occasion to respond to
18 the scene or where did you respond?

19 A. So I briefly went to the scene and I only made it to
20 the outer perimeter of the crime scene so I wasn't even
21 part of where it all happened.

22 I met with my commanding officer and was directed to
23 go elsewhere, which included respond to the hospital.

24 Q. And what was the purpose of going to the hospital?

25 A. So in crimes like these it's very common for family

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1 and friends to respond to the hospital for support and
2 for more information. So I responded there to intercept
3 the family, to reach out and to try to learn as much as I
4 could about the victim.

5 Q. Okay. And did you or were you able to identify the
6 victim?

7 A. Yes. The victim was identified as Derrick Barber.

8 Q. Okay. Did you have the occasion later to search
9 social media for the victim?

10 A. I did. Since social media is such a large component
11 of our society at this point that's one of the first
12 places that we check and that often times sheds light on
13 somebody's background and maybe possibly current events
14 in their life.

15 Q. Okay.

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

17 THE COURT: Yes.

18 Q. [Mr. Osborne] I'm showing you what has been marked
19 as State's exhibit 254.

20 [Whereupon, the witness is shown exhibit]

21 Q. Can you take a look at that and tell me if you
22 recognize that?

23 A. I do recognize this.

24 Q. And what is that?

25 A. So this is just a screenshot of the victim's

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1 Facebook page, social media page, and his name is Skinny
2 D. Barber; so that's his vanity name on social media.
3 And we know he went by the name of Skinny.

4 Q. Okay. All right, while you ---

5 MR. MULBRY: --- may we approach?

6 THE COURT: Wait a minute and maybe just move that.

7 MR. OSBORNE: It's just for I.D. purposes.

8 [Whereupon, an off the record bench conference is
9 held]

10 THE COURT: Go ahead. Please continue.

11 Q. [Mr. Osborne] All right. Did you speak with any of
12 the family members, any of Derrick's family members?

13 A. I did. I made contact with the majority of the
14 family; his father, his mother, a sister, and I think a
15 cousin as well.

16 Q. All right. Obviously, I'm not asking you what was
17 told to you but what I would ask you is after speaking to
18 them did that shed any light on furthering the
19 investigation?

20 A. Not -- they didn't have -- there was -- no, not at
21 that point.

22 Q. Okay. We've heard Detective Jarrell already testify
23 that at some point y'all made contact with the Defendant;
24 I think that was on May the 13th?

25 A. Yes. So that was two days after responding to the

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1 actual murder.

2 Q. Okay. And were you one of the detectives that went
3 out there?

4 A. Yes, I was.

5 Q. 3258 Walter Drive I think it was?

6 A. Yes; on Johns Island.

7 Q. All right. And did you -- well, you met with the
8 Defendant?

9 A. We did.

10 Q. And just describe to the jury what that
11 conversation, what that interaction was like.

12 A. So myself and Detective Jarrell actually made
13 contact directly with the Defendant. We introduced
14 ourselves and explained the purpose for us being there.
15 And we requested, we asked if he would be willing to
16 provide a statement to us.

17 Q. Okay. And was this a calm interaction? Was it
18 intense?

19 A. No, no, this was a very calm interaction. It was
20 just a normal conversation.

21 Q. Okay. And did he agree to come to the station?

22 A. He did, he did agree; he came down.

23 Q. All right. And how did that go? Did he drive on
24 his own, did y'all drive him, how did that work?

25 A. So he rode in one of our unmarked police cars. So

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1 we drive unmarked Ford Fusions and so he was in the seat,
2 in the car with us. So there was one other detective
3 with me, the case agent.

4 Q. Detective Jarrell?

5 A. Yes.

6 Q. Okay. So just walk the jury through once y'all
7 three got to the station what did y'all do then?

8 A. So this was a voluntary statement at this point. So
9 we came in through the lobby. He was checked in as a
10 visitor.

11 And he was escorted to our interview room. And it's
12 a similar room to what you would see on television in
13 terms of where we conduct our interviews.

14 Q. Okay.

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

16 THE COURT: Yes.

17 Q. [Mr. Osborne] I'm showing you what has been marked
18 as 209, 210, and 211.

19 [Whereupon, the witness is shown exhibits]

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

22 A. I can. So we'll start off with 209 and this is
23 going to be the signed Miranda card that the Defendant
24 signed when he was advised, so that would entail me
25 reading all his Miranda warnings and then him signing off

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1 on them. 210 -- so in the interview room it is audio and
2 video recorded and this 210 is going to be his full
3 statement audio and video recorded.

4 And 211 is going to be actual video clips from the
5 entire video that we reviewed and signed off on in
6 preparation.

7 Q. And you explained it pretty well but 211 is just
8 clips of the entire interview?

9 A. Yes.

10 MR. OSBORNE: Your Honor, at this time we'd seek to
11 admit 209 and 211 into evidence.

12 THE COURT: 209 and 211; any objection to those
13 two?

14 MR. MULBRY: I just renew my pretrial objection.

15 THE COURT: Your objection is timely renewed and
16 the ruling will stand. They will come in over objection.

17 [Whereupon, State's exhibit numbers 209 and 211 are
18 entered into evidence by the Court]

19 THE COURT: You may proceed.

20 Q. [Mr. Osborne] How long would you estimate that you
21 were in the Defendant's presence?

22 A. So the entirety of the recording is about I want to
23 say it's about an hour and a half. Our presence in there
24 was relatively -- significantly less than that. I would
25 say it's probably maybe the 40 to 50 minute mark.

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1 Q. All right. And during the interview did the
2 Defendant appear to be intoxicated or under the influence
3 of drugs in any way?

4 A. No, not at all.

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

8 A. No, absolutely not.

9 Q. Prior to or during your interview with the Defendant
10 did you offer him any breaks bathroom or otherwise?

11 A. Yes. We will typically always offer food or a snack
12 throughout the duration of an interview multiple times.
13 We do have some basic snacks and obviously water and the
14 restroom is always available as well.

15 Q. Okay. Were there any threats or promises of any
16 kind made to him in exchange for his statement?

17 A. No, not at all.

18 Q. Okay. From 211 I'm playing clip 1.

19 [Whereupon, State's exhibit 211, clip 1, plays with
20 questions from Mr. Osborne]

21 Q. Okay. Is this the Defendant?

22 A. That is.

23 Q. And is this the first time that he walks into the
24 interview room?

25 A. It is.

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1 Q. What is this badge that's hanging over his shirt
2 here [indicates]?

3 A. That's our visitor's pass. It just has a little
4 clip on it; it's clipped to his shirt.

5 Q. All right. Was he in custody at this time or under
6 arrest?

7 A. He was not. He was not in handcuffs; nothing like
8 that.

9 Q. Okay. Well, do you bring arrested individuals
10 through the visitor's side and give them a visitor's
11 badge?

12 A. No. We have -- the back of our building is where
13 anyone that's under arrest or detained is coming through.

14 Q. If at any point he wanted to terminate the interview
15 or go home or just shut down what would you have done?

16 A. The interview would be over. And then we can't just
17 freely let someone walk out; he would have to be escorted
18 out but that would be made soon thereafter.

19 Q. And if he needed a ride home what would you have
20 done?

21 A. We would have provided him a ride home.

22 Q. And did he know the nature of why he was there?
23 What did y'all explain to him?

24 A. So we had talked about the murder and so we just
25 wanted to resume that conversation about that night.

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1 Q. So he understood this was about Derrick ---

2 A. --- about Skinny.

3 Q. Skinny? Clip 2.

4 [Whereupon, State's exhibit 211, clip 2, plays with
5 questions from Mr. Osborne]

6 Q. And the way your system works is it is broken down
7 into files?

8 A. Yes, unfortunately. So it breaks it down into
9 smaller files but you have to save larger -- the whole
10 interview could go beyond that so it allows you to
11 separate it out. It has its strengths and weaknesses.

12 Q. So is that the break that we're seeing here?

13 A. Yes, that would be.

14 Q. All right. So going to 3 now.

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

17 Q. Okay. We heard Detective Jarrell there ask if the
18 phone call that the Defendant received in the car was his
19 attorney. Do you remember the Defendant receiving a
20 phone call while y'all were in the car?

21 A. I do remember that.

22 Q. Okay. We've already talked about it. Why are y'all
23 talking about an attorney?

24 A. So when we introduced ourselves when we were at his
25 residence he did acknowledge that he has met with an

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1 attorney already and he did have an attorney. So when we
2 were at his residence he said he was still willing to
3 come with us and provide a statement at that point.

4 So given that we wanted just to reassure that we
5 were -- that he was still wanting to provide that
6 statement without his attorney present.

7 Q. So prior to law enforcement ever making any contact
8 with the Defendant he had already had an attorney?

9 A. That's correct.

10 Q. Just real quick I'll show you 209.

11 [Whereupon, the exhibit is published]

12 Q. Are these the Miranda warnings you issued?

13 A. Yes, they are.

14 Q. Then on the back who initialed by the do you
15 understand your rights?

16 A. That would be the Defendant right there.

17 Q. And I understand all my rights as read to me, who
18 initialed that?

19 A. And that's the Defendant again.

20 Q. What's the date and time?

21 A. That's 6:34 p.m. and that's on May 13th, 2017.

22 Q. And who signed above suspect's signature?

23 A. That's the Defendant's signature there.

24 Q. Warning officer?

25 A. The warning officer that's my signature.

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1 Q. And witness?

2 A. And the witness is the case agent Detective Jarrell.

3 [Whereupon, State's exhibit 211, clip 3, resumes
4 with questions from Mr. Osborne]

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 --

9 [Whereupon, State's exhibit number 259 is marked by
10 the court reporter]

11 Q. I'm showing you what has been marked as State's 256
12 [sic].

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. So this is going to be the driveway of that
17 943 King Street. To the right side of the picture you
18 will see it's a liquor store and there is a larger
19 parking lot out there.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time we'd seek to
22 admit 256 [sic] into evidence.

23 THE COURT: Okay. Any objection?

24 MR. MULBRY: None, Your Honor.

25 THE COURT: All right. Just briefly Mr. Osborne I

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1 have a different -- we discussed that earlier.

2 MR. OSBORNE: So is this going to be 257? Is that
3 the next one?

4 THE COURT: We used that too. I've got all the way
5 up to 258. I think we're on 259.

6 [Whereupon, Mr. Osborne confers with the Court and
7 the court reporter]

8 THE COURT: Thank you. All right. Any objection
9 to 259? It's the same piece of evidence; different
10 number?

11 MR. MULBRY: None, Your Honor.

12 THE COURT: All right. Thank you. It will be
13 admitted without objection.

14 [Whereupon, State's exhibit number 259 is entered
15 into evidence by the Court]

16 [Whereupon, the exhibit is published]

17 Q. [Mr. Osborne] Okay. So I think it's kind of obvious
18 but is that a liquor store to the right?

19 A. Yes, it's on the right. In this big parking lot
20 there is a liquor store on the front and that's the only
21 thing you can see. And around the side of it is an
22 actual store.

23 Q. And what's the name of that store?

24 A. Rawan Market.

25 Q. Okay. And he said 943 King is where Little Brah

1 lives. Where is 945 -- or 943 King?

2 A. So it's going to be this white house [indicates]
3 that's set back a little bit with a tent in the front
4 yard and a driveway that goes right along the right side
5 of the house.

6 Q. Okay. And that's what he keeps referring to as the
7 drive through?

8 A. Yes.

9 [Whereupon, State's exhibit 211, clip 3, resumes
10 with questions from Mr. Osborne]

11 Q. All right. Let me pause this for a second and go
12 back to the clip from 1:07. Now he said there were how
13 many people with him outside the store?

14 A. He said there were three, I think three people.

15 Q. Three and him?

16 A. Plus him, yes.

17 Q. Okay. Can you count the number of people you see
18 here?

19 A. So, walking to the store I think that's obviously
20 one, I think that's Kris. And then further back you can
21 see two more right there [indicates]. At the edge of the
22 screen in that corner it looks like there is one more
23 there.

24 Q. And we've already heard testimony this was Kris
25 [indicates], the guy in the tank top was the Defendant;

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1 the guy in the white shirt was Deangelo?

2 A. Yep.

3 Q. And so that would be three and the fourth one he
4 referred to as Little Brah.

5 A. Little Brah, yes.

6 Q. I'll go back to where we -- this is clip 3, back to
7 where we were.

8 [Whereupon, State's exhibit 211, clip 3, resumes
9 with questions from Mr. Osborne]

10 Q. All right.

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

12 THE COURT: Uh Huh.

13 Q. [Mr. Osborne] I'm showing you what has been marked
14 as State's 102 and 103.

15 [Whereupon, the witness is shown exhibits]

16 Q. Can you tell me if you recognize those two items?

17 A. So 103 is going to be video clips from James Simmons
18 school. And that school is located at King and Moultrie
19 Street.

20 And 102 is going to be -- I think 102 is going to be
21 the full video from the school, from James Simmons
22 school.

23 Q. Okay. So 103 is just clips and 102 is all the
24 video?

25 A. Correct. When we pull video we will pull in large

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1 chunks that expand way beyond the point of interest. And
2 that's just to ensure that we capture what we're actually
3 looking for.

4 Q. Okay. So through your training and experience do
5 you know that sometimes, this is obvious, but sometimes
6 surveillance times that are on there are not accurate?

7 A. Yes.

8 Q. Are the video times on here accurate?

9 A. Yes. They are all relatively within a few minute
10 range, but yes they are.

11 Q. And were you able to see things and events from
12 other cameras and tied it into this camera to even
13 further verify that the times and dates here are
14 accurate?

15 A. We were. We were.

16 Q. I can get into that in more detail.

17 MR. OSBORNE: Your Honor, at this time I'd seek to
18 admit State's 103 into evidence.

19 THE COURT: 103 is the clipped version is that
20 right?

21 MR. OSBORNE: The clipped version, yes ma'am.

22 THE COURT: All right. Any objection to 103?

23 MR. MULBRY: The same objection from earlier, Your
24 Honor.

25 THE COURT: Okay.

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1 MR. MULBRY: I'm just stating for the record.

2 THE COURT: Sure. That's the same objection that
3 will be preserved but overruled. I'll allow it.

4 [Whereupon, State's exhibit number 103 is entered
5 into evidence by the Court]

6 Q. [Mr. Osborne] Okay. Before we get into -- I'm
7 showing you State's exhibit 4 before we get to the video.

8 [Whereupon, the photograph is published]

9 Q. So let's just kind of put it all together here. Can
10 you put an X on where the drive through would be for 943
11 King?

12 A. Yep. So that's going to be right here [indicates].
13 It's not a very good X; sorry.

14 Q. And based on the Defendant's statement what was his
15 path to get home?

16 A. So his path he said that he was parked which would
17 be headed, travelling south on King Street. So he was
18 facing, he would be travelling towards Huger Street so he
19 would be travelling this way [indicates].

20 Q. And then?

21 A. And then Huger Street is cut off a little bit but
22 you can see it enough to know that it's there
23 [indicates].

24 And then he described going towards Rutledge Street
25 which would mean he would be going west on Huger Street.

1 Q. Okay. Let's keep following it. Where did he go
2 from there? I know you're running out of space but where
3 did he go from there?

4 A. So we lose part of Huger but Huger will run parallel
5 to the edge of this map here. And so he would pretty
6 much travel like that [indicates] and then Rutledge
7 Avenue he would be travelling south on Rutledge
8 [indicates].

9 Q. Okay. And then hitting the Crosstown?

10 A. Yes. And that's how you would go further into
11 downtown towards downtown on the Crosstown.

12 Q. And then from there to Johns Island?

13 A. And Johns Island you would take the Crosstown over
14 to the west side and then go to James Island to Johns
15 Island.

16 Q. Okay. You can go ahead and clear that.

17 [Whereupon, the witness complies]

18 Q. All right. From 103 I'm going to start with clip 1.

19 [Whereupon, State's exhibit 103, clip 1, plays with
20 questions from Mr. Osborne]

21 Q. Now, you had mentioned before this is from James
22 Simmons?

23 A. Yes.

24 Q. What are we looking at here? What road are we
25 looking at?

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1 A. So this is Moultrie Street what you see here. The
2 far left corner of this picture is going to be the
3 furthest west of the angle so it's towards; going down
4 the roadway would be to Rutledge Avenue.

5 Q. Okay. So facing the screen to the left would be
6 Rutledge and to the right would be?

7 A. King Street.

8 Q. All right. Now I'm playing clip 2.

9 [Whereupon, State's exhibit 103, clip 2, plays with
10 questions from Mr. Osborne]

11 Q. Okay. Does this clip 2 just pick up right where
12 clip 1 left off?

13 A. Yes. So you saw the vehicle travelling in that
14 first small angle and now this is the wider angle
15 pointing towards Rutledge Avenue.

16 Q. Okay. It's really difficult to see but could you
17 make any observations?

18 A. Yes. There were several observations made. So
19 obviously you saw the white car pull off to the side of
20 the road. There was somebody that exited that vehicle
21 from the driver's side the way that it pulled over.

22 And you saw that person cross the street in front of
23 those headlights that were coming, which would be towards
24 King Street; another vehicle travelling east.

25 Q. This is what you meant crossing the headlights?

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- 1 A. Yep.
- 2 Q. It looks like he is coming back?
- 3 A. Yes.
- 4 Q. What's the time on the video?
- 5 A. It is looks like 21:28.
- 6 Q. So it's 9:28 but it looks like it's about to flip to
- 7 9:29?
- 8 A. Yes.
- 9 Q. Can you tell which way the car turns?
- 10 A. So the car, the intersection that you see it stopped
- 11 at is going to be Rutledge Avenue. It appears that the
- 12 left turn blinker goes on to turn south on Rutledge.
- 13 However, when you watch this over and over again it
- 14 suggests that maybe there is a change of direction and
- 15 turned actually north onto Rutledge.
- 16 Q. Did you find any additional information to support
- 17 that?
- 18 A. We did. So there was video in the next block up
- 19 which is Moultrie Street, I mean excuse me Maverick
- 20 Street and there was some video at 24 Maverick which was
- 21 pretty close to Rutledge and it picks that white vehicle
- 22 up and that's why we drew that conclusion.
- 23 Q. What is the time on this video?
- 24 A. This is 21:29 and that's 9:29.
- 25 Q. The same time as the other one left off?

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1 A. Yep.

2 Q. And again we're looking -- where is Rutledge?

3 A. So Rutledge is the intersection that is
4 perpendicular to this. So you see the white vehicle we
5 just saw it's travelling north on Rutledge and you'll see
6 that it is going to turn onto Maverick.

7 Q. Okay. And let's just go back to 4 for a second
8 here.

9 [Whereupon, the photograph is published]

10 Q. You had testified earlier that -- well, can you put
11 an X on where the crime scene was?

12 A. Yes. So there is actually -- on this map Maverick
13 Street isn't listed but it was right around here
14 [indicates].

15 Q. Okay. And you had testified earlier that the white
16 car went up King, and you kind of lose it there but it
17 ended up going that way [indicates]?

18 A. So I testified to what his statement was or
19 testified to what the video showed?

20 Q. His statement.

21 A. His statement yes and then it would turn south onto
22 Rutledge.

23 Q. Okay. And what did that video show the white car
24 doing?

25 A. So the video showed something completely different.

1 The video showed that that white car made a right turn
2 onto Moultrie Street. And so this big building just
3 below that is going to be James Simmons School and we saw
4 two video angles from that. And from there we saw that
5 that vehicle travelled about to here [indicates], parked
6 maybe give or take a little bit.

7 But the point of reference that we really used was a
8 speed bump in the roadway and that's what really gave us
9 the good perspective. Unfortunately, on this overhead
10 you can't capture that.

11 Parked the vehicle and then that's where we saw that
12 subject get out of the car, cross the street, and then
13 soon after come back to that car and then continue his
14 motion all the way down to Rutledge.

15 And that's where initially it looked like it was
16 turning left but then it made this right hand turn
17 [indicates] to travel north on Rutledge. And then we saw
18 it turn right onto Maverick street right here
19 [indicates]. I cut the corner a little bit.

20 Q. Okay. Had that left blinker on for a second and
21 then turned right?

22 A. Yep, it looked like a last minute change.

23 Q. Okay. Going back to clip 3 picking up where we left
24 off at 14:70.

25 [Whereupon, State's exhibit 211, clip 3 resumes with

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1 questions from Mr. Osborne]

2 Q. According to the Defendant name every person that
3 was driving that white Dodge Avenger on the night that
4 Derrick Barber was murdered?

5 A. It was only himself.

6 Q. According to the Defendant name every single person
7 that was inside of that white Dodge Avenger the night
8 that Derrick Barber was murdered?

9 A. He said only himself.

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

11 THE COURT: Okay.

12 MR. MULBRY: Your Honor, may we approach?

13 THE COURT: Sure.

14 [Whereupon, an off the record bench conference is
15 held]

16 MR. MULBRY: May it please the Court?

17 THE COURT: Uh Huh.

18

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1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. You testified that May 13th you and Detective
4	Jarrell went to K'Sone's house.
5	A. That's correct.
6	Q. On Walter Drive?
7	A. Walter Drive.
8	Q. You asked him to provide a statement, right?
9	A. Correct.
10	Q. And he tried calling his attorney before he left,
11	right?
12	A. Yes, he did.
13	Q. He was not able to get a hold of his attorney?
14	A. That's correct.
15	Q. He still rode with you to headquarters.
16	A. He did.
17	Q. He still elected to proceed with the interview.
18	A. He did elect to, yes.
19	Q. Could you have waited for his attorney?
20	A. We could have if he requested that, yes absolutely.
21	Q. You put him in an interview room.
22	A. Yes.
23	Q. A little room, small room, six by eight feet.
24	A. That's about right.
25	Q. No windows.

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- 1 A. No, no windows.
- 2 Q. You leave him there for a while.
- 3 A. I think it's like eight or ten minutes, yes.
- 4 Q. And he told you he was operating on two hours of
- 5 sleep, right?
- 6 A. He did.
- 7 Q. He told you he had a high school education.
- 8 A. He did.
- 9 Q. You read him his Miranda warnings.
- 10 A. Correct.
- 11 Q. And he agreed to give a statement.
- 12 A. That's correct.
- 13 Q. Now, I want to talk about what's in that statement.
- 14 K'Sone said the argument with Milligan stemmed from
- 15 Milligan's involvement in a gang?
- 16 A. Correct.
- 17 Q. K'Sone said that Milligan wanted K'Sone to join the
- 18 gang.
- 19 A. Correct.
- 20 Q. K'Sone said no, he didn't want to join the gang.
- 21 A. That's what he said.
- 22 Q. And that's what hurt their friendship; is K'Sone
- 23 declining to join this gang.
- 24 A. That's what he alleged, yes.
- 25 Q. And K'Sone told you earlier in this statement that

1 he worked on May 11th.
2 A. Yes, as a mover, yes.
3 Q. He worked at Plantation Moving and Storage.
4 A. Yep.
5 Q. And after he got off work he went to 943 King
6 Street.
7 A. That's correct.
8 Q. And he said he parked right in front of 943 King
9 Street.
10 A. Correct.
11 Q. And when he got there he was hanging out with big
12 Kris and Little Brah.
13 A. Correct.
14 Q. Big Kris is Kristofer Jacques.
15 A. Yes, that sounds correct.
16 Q. Little Brah is Demetrius Young.
17 A. Correct.
18 Q. And K'Sone said he left 943 King Street and went to
19 the market.
20 A. So he left there and he went to the market yes at
21 some point.
22 Q. And those two locations are within easy walking
23 distance.
24 A. Correct, they're adjacent.
25 Q. And on the way to the market he saw Deangelo

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1 Milligan.
2 A. Correct.
3 Q. And he told you he knew Milligan.
4 A. Yes, he did.
5 Q. He said he and Milligan grew up together in the same
6 neighborhood.
7 A. Yep.
8 Q. Along with Derrick.
9 A. Correct.
10 Q. And when they saw each other they got in a verbal
11 argument.
12 A. Him and Milligan, yes.
13 Q. And K'Sone and Milligan separated for a second.
14 A. Yep.
15 Q. They saw each other again in the store.
16 A. Correct.
17 Q. And that argument continued.
18 A. Correct.
19 Q. And at some point Demetrius got involved in that
20 altercation.
21 A. Correct.
22 Q. And K'Sone said he had no plan for Demetrius to jump
23 in.
24 A. Correct.
25 Q. And K'Sone said this was not some coordinated fight

1 between him and Milligan.

2 A. Correct.

3 Q. And while he was fighting with Milligan K'Sone said
4 Demetrius pulled a gun out.

5 A. Correct.

6 Q. And K'Sone said he knew Derrick since he was nine
7 years old.

8 A. Correct.

9 Q. K'Sone told you he was like a brother to K'Sone.

10 A. Correct.

11 Q. Now, are you aware this is not the only statement
12 K'Sone gave?

13 A. I'm not -- to me; it's the only statement he gave to
14 me.

15 Q. Are you aware he gave a statement on May 19th?

16 A. I can't say with certainty. I wasn't part of that.
17 I wasn't the case agent. You know I just can't remember.

18 Q. Are you aware that statement is recorded?

19 MR. OSBORNE: Objection, Your Honor. If he wants
20 to play it he can play it --

21 THE COURT: I'm not sure there is a foundation for
22 his awareness or -- he answered the question so I'll have
23 to ask you to move on. He just stated he wasn't even
24 aware of it or anything about it.

25 Q. [Mr. Mulbry] So you said based on K'Sone's statement

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1 no one else got in the car.

2 A. Yes.

3 Q. But you did charge Demetrius Young?

4 A. Yes, there was a co-defendant on this charge.

5 Q. Based on his involvement in this case.

6 A. Right. I don't remember exactly how that came to be
7 but yes there was a second Defendant charged in this
8 case.

9 Q. You were the detective on this case?

10 A. I wasn't the case agent. I just was filling in
11 where there were follow-ups needed.

12 Q. You have no idea how Demetrius came to be charged?

13 A. I don't remember. I really don't.

14 MR. MULBRY: Court's indulgence.

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

16 Q. [Mr. Mulbry] I'm not asking you what anybody said
17 but did you also interview Demetrius Young?

18 A. So I remember doing a search warrant at Demetrius
19 Young's house. I don't remember if I was part of that
20 interview or not.

21 MR. MULBRY: Court's indulgence.

22 THE COURT: Sure.

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

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

25 THE COURT: Okay. Any redirect?

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. Just very briefly. I feel like I might not have
4 heard that correctly. Did Mr. Mulbry ask you if the
5 Defendant had an opportunity to speak to his attorney
6 prior to y'all talking to him?

7 A. He did have the attorney. He said he met with him
8 days earlier.

9 Q. So he did talk to him?

10 A. Yes.

11 Q. And didn't we hear that he said Mr. Thrower told him
12 that he could talk if he wanted to or he could stop when
13 he didn't like the questions?

14 A. He did. And I asked several additional questions
15 from what I typically ask just because of he did
16 acknowledge that he had an attorney.

17 I wanted to make sure that they had their
18 conversation; the attorney said that he was willing -- he
19 had no problem providing a statement.

20 Q. Okay. So the Defendant spoke to Mr. Thrower at some
21 time prior than the 13th?

22 A. Correct. So prior to our first encounter with the
23 Defendant he had said or he had met with an attorney. He
24 let us know that he met with his attorney. And that
25 attorney's advice was if you want to provide a statement

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1 you can. And if you don't or if you do you can stop when
2 you want to or you don't have to. So he knew his
3 options.

4 Q. Okay. So sometime between May 11th and your
5 encounter with him on May the 13th he had already sat
6 down and talked to an attorney.

7 A. Correct.

8 Q. And so I guess -- so Mr. Mulbry's question then was
9 he tried to get in touch with Mr. Thrower again that day
10 but he ---

11 A. --- yes, he said he tried calling him that day.

12 Q. Okay. I see --

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

14 THE COURT: Any recross?

15 MR. MULBRY: No, Your Honor.

16 THE COURT: All right. You may step down. Thank
17 you very much.

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

20 THE COURT: The State may call its next witness.
21
22
23
24
25

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1 MR. OSBORNE: The State calls Doctor Nicholas
2 Batalis.

3 [Whereupon, Doctor Batalis 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: My name is Nicholas Ike Batalis, B-A-
9 T-A-L-I-S.

10 - - - - -

11 NICHOLAS BATALIS,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Doctor Batalis, where do you work?

17 A. I work at the Medical University of South Carolina
18 here in Charleston.

19 Q. All right. And in what capacity are you employed by
20 MUSC?

21 A. I am a professor in the Department of Pathology and
22 Laboratory Medicine and my main role is as a forensic
23 pathologist.

24 Q. Okay. And how long have you been a forensic
25 pathologist?

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1 A. It will be 12 years here in July.

2 Q. And what is your educational background?

3 A. I obtained my undergraduate degree from Butler
4 University in Indianapolis, Indiana. I then went on to
5 complete medical school at Indiana University School of
6 Medicine.

7 After graduating medical school I came down to MUSC
8 for my training, residency training in general pathology.
9 At the completion of that training I passed an
10 examination to become board certified.

11 I then moved on to a one year subspecialty
12 fellowship in forensic pathology at the Dallas County
13 Medical Examiner's office in Dallas, Texas.

14 Again, at the end of that fellowship I passed an
15 examination to become board certified and I took my
16 current position.

17 Q. Okay. Do you have any continuing education
18 requirements?

19 A. Yes. There are requirements both through the
20 university and through the American Board of Pathology
21 who accredits us and certifies us and also the state of
22 South Carolina.

23 Q. Okay. And as a pathologist do you have the occasion
24 to conduct autopsies?

25 A. Yes. That's the probably the main thing I do in my

1 role as a forensic pathologist.

2 Q. And during your employment at MUSC or as a
3 pathologist in general I guess how many autopsies would
4 you estimate that you've performed?

5 A. I don't have an exact log but somewhere probably
6 over 2,000; between 2 and 3,000 at this point.

7 Q. Have you ever been qualified as an expert in the
8 field of forensic pathology?

9 A. Yes, maybe somewhere around 70 times or so in South
10 Carolina, a couple of times in Texas and a couple times
11 in North Carolina.

12 Q. Okay. Ever failed to qualify?

13 A. No.

14 MR. OSBORNE: Your Honor, at this time we'd seek to
15 qualify Doctor Batalis as an expert in the field of
16 forensic pathology.

17 THE COURT: Any objection to that ---

18 MR. MULBRY: --- no objection ---

19 THE COURT: --- designation? All right. Ladies
20 and gentlemen once again normally people cannot give
21 opinions from that witness stand. However, the exception
22 exists when they are deemed to be an expert in some field
23 or science. This doctor will be deemed an expert in the
24 area of forensic pathology and he will be allowed to give
25 opinions limited to that area. Of course that doesn't

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1 mean you have to accept his opinions but once again it is
2 information for you to use in any way that you see fit.

3 Thank you.

4 MR. OSBORNE: Thank you, Judge.

5 Q. [Mr. Osborne] All right. So you kind of touched on
6 a little bit what's the difference between forensic
7 pathology and other branches of pathology?

8 A. So pathology is a medical subspecialty that deals
9 with the diagnosis of disease. So a pathologist would
10 typically be the one if you had a biopsy taken or a tumor
11 cut out the pathologist would be the one that looks at it
12 and would tell your surgeon or your physician what it
13 was.

14 A pathologist also receives the laboratories so if
15 you have blood work done there is a pathologist that is
16 overseeing the lab to make sure everything is working
17 right and to answer any questions that your physician may
18 have.

19 Forensic pathology is in a subspecialty off of
20 pathology that really deals with the legal aspects of
21 medicine particularly evaluating injuries and performing
22 autopsies to determine a cause and manner of death.

23 Q. Okay. And did you have the occasion to perform an
24 autopsy on the victim in this case, Derrick Barber?

25 A. Yes, I did on May 12th of 2017.

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March 4, 2020

1 Q. All right. Let me just start by asking you some
2 like little background questions I guess. What is the
3 height and weight of the victim?

4 A. We measured him to be five foot nine inches in
5 length and weighed 145 pounds.

6 Q. Okay.

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

8 THE COURT: Yes.

9 Q. [Mr. Osborne] I'm showing you what has been marked
10 as State's exhibit 253.

11 [Whereupon, the witness is shown exhibit]

12 Q. Can you take a look at that and tell me if you
13 recognize that?

14 A. Yes. This is a diagram I prepared about a month ago
15 that shows the major findings in this case.

16 Q. Okay. Would referring to that diagram assist you in
17 your presentation or explain to the jury what happened to
18 Mr. Barber?

19 A. I believe it would.

20 MR. OSBORNE: Your Honor, at this time I'd seek to
21 admit and publish to the jury State's 253.

22 THE COURT: Any objection?

23 MR. MULBRY: No objection.

24 THE COURT: All right. Without objection it will
25 be admitted.

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1 [Whereupon, State's exhibit number 253 is entered
2 into evidence by the Court]

3 [Whereupon, the exhibit is published]

4 Q. [Mr. Osborne] All right Mr. [sic] Batalis, I guess
5 just kind of give an overview of the diagram and then
6 I'll ask you to kind of explain the gunshot wounds. So
7 what generally speaking what are we looking at here?

8 A. So this is just a general body diagram. During the
9 course of performing an autopsy we have a diagram and we
10 sketch all sorts of notes and other findings on here.

11 To make it more clear to illustrate the major
12 findings in this case we have just the diagram with the
13 gunshot wounds in this case.

14 Q. Okay. And these zeros are depicting entrance wounds
15 and the X's are exit wounds?

16 A. Correct.

17 Q. And I see that they are numbered GSW, gunshot wound?

18 A. Yes.

19 Q. And this diagram isn't, and correct me if I'm wrong,
20 this diagram isn't meant to relay that this is the
21 necessary order of the gunshot wounds; you've just got to
22 put a number on them, is that fair to say?

23 A. Correct. We number the gunshot wounds just in order
24 to describe them. It in no way implies that that was the
25 order in which they occurred. It's virtually impossible

1 to tell in most cases which and in what order they
2 occurred.

3 Q. Impossible for you to tell with the body sitting in
4 your autopsy room?

5 A. Correct.

6 Q. All right. Well, let's just start in order with
7 gunshot wound number one. What can you tell me about
8 that?

9 A. Sure. So in total he had four gunshot wounds.
10 Gunshot wound number one you can see is on the left flank
11 so kind of underneath the left armpit area here
12 [indicates].

13 That one and gunshot wound number two took a very
14 similar course across the body so they essentially go
15 straight across the body from the left side to the right
16 side.

17 So number one is a little bit higher up so that went
18 through the chest wall. It then travelled internally
19 through the left lung and went through the heart, went
20 through the diaphragm which separates your kind of heart
21 and lungs from your abdomen, and then exited the right
22 side of the body over here [indicates] where the X --
23 where the X is shown.

24 So, again pretty much straight across the body
25 passing through the left lung and heart and liver being

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1 the major structures. As it did that it caused
2 significant bleeding with about 800 milliliters of blood
3 so almost a liter of blood was in the cavity surrounding
4 the left lung.

5 Q. Okay. And I realize that this -- people generally
6 don't get shot standing like this diagram is. That's not
7 what we're trying to say here, right?

8 A. Correct.

9 Q. So would it be consistent, I understand we can do it
10 a number of different ways, but would it be consistent if
11 you were the shooter for Mr. Barber have been turned
12 sideways going into his left going out of his right?

13 A. Certainly.

14 Q. And you said it was kind of like on a level plain?

15 A. Yes. It was almost -- it was exactly level
16 measuring from the top of the head the entrance wound and
17 the exit wound were the exact measurement from the top of
18 the head.

19 Q. Okay. Let's -- well, let me just ask you.

20 Sometimes we hear the term soot or stippling when we're
21 dealing with gunshot wounds. Can you just explain what
22 they are to the jury?

23 A. Sure. When a gun is fired not only the bullet comes
24 out of the gun but there is a couple of other things that
25 come out that can help us determine the range of fire or

1 more simply put how far away the gun was from the body.
2 There is kind of burned up gun powder or soot from the
3 explosion of the gun being fired. That will travel,
4 depends on the weapon and the ammunition but somewhere
5 between six to 12 inches soot will travel.

6 Another thing that comes out are pieces of gun
7 powder that are either burning or unburnt and they will
8 strike the skin and cause small little abrasions or what
9 we call stippling.

10 And again it depends on the weapon or the ammunition
11 but that will go out to three to four feet depending on
12 those sorts of things.

13 In this case we did not see soot or stippling with
14 any of the wounds, which could mean that the gun was at
15 least greater than three or four feet from the body when
16 it was fired or there was some sort of intermediary
17 object.

18 So if somebody had a sweatshirt, a window, a wall
19 you know something inbetween that would kind of absorb
20 the soot and the stippling.

21 Q. Okay. So if he's wearing a shirt then it might not
22 show up.

23 A. Yes.

24 Q. Even if they were close.

25 A. Correct.

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1 Q. All right. Let's move on to number two.

2 A. Sure. Gunshot wound number two again is on the left
3 flank nearly directly below gunshot wound number one;
4 just a little bit lower on the body.

5 That one after going through the skin went through
6 the abdomen perforated the bowel and stomach multiple
7 times and then exited the right hip.

8 Again, this one pretty much straight across the
9 body. It did -- it was 26 inches below the top of the
10 head where it entered the body and -- that's like 26 and
11 a half inches and it exited 28 inches below the top of
12 the head.

13 So as it passed through the body it basically
14 dropped about an inch and a half; so pretty much straight
15 across but it did go a little bit downward.

16 Q. Okay. And again, so if you were the shooter it's
17 the same situation I'm turned sideways?

18 A. Certainly that would ---

19 Q. --- and so a very slight deviation here and one of
20 two things could have happened I suppose? Maybe the gun
21 went up or the victim went down to create that slight
22 angle?

23 A. Yes. So when I talk about the pathways and say
24 front to back or left to right we're talking about the
25 relationship of the gun to the body when the gun is

1 fired. So as the Solicitor just said there are multiple
2 factors involved basically if the gun is moving or the
3 body is moving you can get different positions.

4 So if my gun is pointed towards my hand here
5 [indicates] that could be how things were. But the two
6 things could keep moving in all sorts of different
7 positions and you could maintain that same pathway.

8 Q. All right. Let's go to number three.

9 A. So gunshot wound number three is on the right side
10 of the chest located up around here [indicates]. After
11 entering the skin it passed through the chest wall, went
12 through the right lung and then exited the mid back which
13 is shown over on the right side here [indicates].

14 As it passed through again it went through the right
15 lung so definitely a significant injury there and again
16 ended up with 800 milliliters of blood again so almost a
17 liter of blood in the right lower cavity surrounding the
18 right lung.

19 Q. Okay. Anything significant about this exit wound in
20 the middle of his back?

21 A. Yes. So this -- when we look at gunshot wounds the
22 first thing to determine is is it an entrance wound or is
23 it an exit wound so we're going to use expertise from
24 studying to know different features that show it is an
25 exit wound or an entrance wound and understanding the

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1 ballistics of how the bullet travels through the body and
2 such. So typically entrance wounds are kind of perfectly
3 circular because the bullet essentially drills through
4 the body almost like a football with a spiral. So you
5 get kind of a perfect circular defect.

6 An typically an exit wound the bullet as it travels
7 through the body it's kind of tumbling, it strikes
8 tissues and it doesn't have that spiral anymore and it
9 will push through the skin giving a really irregular
10 appearance to it.

11 In this case the exit wound is what we call a shored
12 type exit wound. And basically it looks like an entrance
13 wound. And the phenomenon for the shored exit wound is
14 when the body is pressed up against something it could be
15 against a structure, sometimes if you have a heavy
16 sweatshirt or a heavy backpack.

17 But essentially whatever is pressing against the
18 skin doesn't allow it to kind of open up like it does
19 normally when the bullet is pushing its way out. So
20 because of that you get more of an entrance wound
21 appearance to the exit wound.

22 So that being said this could imply that his back
23 was up against something when the bullet travelled
24 through him.

25 Q. Okay. Does that something in your expert opinion do

1 you think glass would be a sufficient surface to cause
2 that shored wound?

3 A. Yes.

4 Q. And then by that same token I guess a harder object
5 like a car door would also prevent that opening of the
6 skin?

7 A. Yes.

8 Q. And you said now in this one he's turned. So before
9 we had two shots this way [indicates] and in this one
10 it's sort of like maybe like his arm is out coming in
11 here [indicates] if it's like this [indicates]?

12 A. I don't know the position of his arm but as far as
13 the pathway from where you are right now to me that would
14 be roughly the pathway it was travelling.

15 Q. Okay. You're absolutely right; we don't know what
16 was going on with the arm. But the chest itself is
17 contorted to the right?

18 A. Correct. The gun, again, when it was fired was
19 pointing from the right side as opposed to the previous
20 two wounds.

21 Q. Okay. And can you tell anything about the plane
22 here [indicates]? Is it on the same plane or is it
23 slightly up or slightly down?

24 A. This one again was for the most part pretty much
25 front to back. Again, it also went from right to left

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1 because it came in the right side of the chest, entered
2 the mid back, and again just very, very slightly
3 downward.

4 So this one it entered 15 inches below the top of
5 the head and it exited 16 inches below the top of the
6 head so again it did drop one inch as it travelled
7 through the body.

8 Q. Okay. If he had been standing perfectly, well I
9 think this is obvious but if he had been standing just
10 facing the shooter and he got hit on his right side it
11 wouldn't have been in the middle of his back, right?

12 If I'm facing the shooter directly it would have
13 come in here [indicates] and then went out over I guess
14 his right shoulder blade or in that area ---

15 MR. MULBRY: --- objection. Leading.

16 THE COURT: Sustained.

17 Q. [Mr. Osborne] Where would it have exited?

18 A. If I had my weapon pointed at you as you're standing
19 right there correct; I would expect it to see if it
20 entered the right side of the chest it would have entered
21 the right side of the back somewhere near the shoulder
22 blade.

23 Q. Okay. All right. Number four; what can you tell me
24 about that one?

25 A. So gunshot wound number four is on the wrist. So

1 this one was a through and through wound. There is an
2 entrance wound on the kind of we call it the outer part
3 of the wrist here [indicates] and then it exited the back
4 part of the right hand here [indicates].

5 This one is a little bit different because the skin
6 in the wrist area when you're dealing with the skin
7 around the palm and that sort of stuff its much thicker
8 skin. So they don't always show the kind of perfect
9 characteristics that I was showing and talking about
10 earlier as far as their entrance wounds and exit wounds.

11 So again both of these wounds appeared a little bit
12 irregular which could be due to the skin itself again
13 just being a little bit kind of thicker and that sort of
14 thing. The other possibility would be that since it did
15 have an irregular appearance is that this could have been
16 a reentry wound.

17 So it's possible that the bullet from most likely
18 either gunshot wound number one or two after it left the
19 body after one of those left the body it's possible that
20 the hand was against the body or near that and so one of
21 those bullets could have travelled after it left the body
22 then travelled on through the wrist.

23 Again, it's not possible to definitively say that
24 but it was -- it did have an irregular appearance to it
25 and it's a definite possibility.

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1 Q. Okay. Possible that it's an entrance, possible that
2 it's a re-entry.

3 A. Correct.

4 Q. Okay. All right Doctor Batalis, did you determine
5 within a reasonable degree of medical certainty the
6 manner and cause of Mr. Barber's death?

7 A. I did.

8 Q. And what was that?

9 A. The cause of death was gunshot wounds of the trunk;
10 specifically that would be due to the defects in the
11 lungs and heart that led to substantial bleeding and then
12 dysfunction of those organs.

13 The manner of death in this case is homicide which
14 in our terms is death at the hands of another individual.

15 Q. Thank you, Doctor.

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

17 MR. MULBRY: May it please the Court?

18 THE COURT: Sure.

19

20

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1 CROSS-EXAMINATION

2 BY MR. MULBRY:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Now you observed four gunshot wounds on Mr. Barber?

6 A. Correct.

7 Q. And it's impossible to determine the exact order of
8 the gunshot wounds?

9 A. In this case, yes.

10 Q. So you can't say gunshot wound came before gunshot
11 wound number two -- sorry gunshot wound number one came
12 before gunshot wound number two; that's just an arbitrary
13 marking so it's easier to understand?

14 A. Correct.

15 Q. And when people are being shot they rarely stay in
16 one position, correct?

17 A. I hate to generalize but yes I would say it would be
18 natural for someone to move around.

19 Q. And if I heard your testimony correct gunshot wound
20 I believe number four which goes through the hand it
21 could be related to gunshot wound number three which goes
22 through the chest or I'm sorry; yes?

23 A. To me more likely it would have been gunshot wound
24 number one or two because those bullets we know exited
25 the right side of the body, the entrance wound is on the

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Nicholas Batalis-Cross-Examination by Mr. Mulbry
March 4, 2020

1 right hand so it would be more likely if it left the body
2 and then re-entered the hand it would be from gunshot
3 wound number one or two.

4 Q. And I think you testified to this when you examined
5 the body you looked for stippling?

6 A. Yes.

7 Q. And you didn't find any stippling?

8 A. We did not.

9 MR. MULBRY: Court's indulgence.

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

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

12 THE COURT: Any redirect?

13 MR. OSBORNE: None, Your Honor.

14 THE COURT: You may leave. You are free to leave.

15 Thank you very much.

16 THE WITNESS: Thank you, Your Honor.

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

19 THE COURT: Does the State have any other witnesses
20 they intend to call this afternoon?

21 MR. OSBORNE: The State rests.
22
23
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25

1 THE COURT: All right. Ladies and gentlemen this
2 is a perfect time for me to excuse you for the day. I
3 have a few more matters of law to take up with these
4 attorneys outside your presence and given the hour we
5 will go ahead and dismiss you for the rest of the day.
6 Once again I will ask that you come back tomorrow morning
7 at 9:30 and we will get started then.

8 Please do not discuss the case. You have not heard
9 all the evidence in the case and it's not proper to do
10 so. Additionally, please don't do any independent
11 research whatsoever. Don't try to look anything up
12 overnight or talk with anybody else about the case at
13 all, okay. Thank you. You are free to leave.

14 [Whereupon, the jury exits at 4:36 p.m.]

15 THE COURT: All right. The State has rested. I'm
16 happy to hear any motions from either side at this point
17 in time in the trial. Mr. Osborne, do you have any
18 motions?

19 MR. OSBORNE: I do not have any motions.

20 THE COURT: Mr. Mulbry, do you have any motions at
21 this time?

22 MR. MULBRY: Your Honor, I would like to make my
23 directed verdict motion in the morning. I do, I want to
24 follow up with Mr. Osborne's comments saying I could put
25 my client's statement proffer into evidence that he

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1 didn't say in front of the jury if I may. He consented
2 to that. I would like to know or I'd like an instruction
3 to the jury saying I don't carry the burden in this case.
4 He kind of said that as an offhand comment but it did
5 shift the burden to us to show that. And my
6 understanding is I can't just play my client's statement
7 to the jury, his burden shifting comment, so at the very
8 least an instruction, curative.

9 THE COURT: Okay. Obviously, the jury is
10 instructed at the beginning of the trial and they will be
11 again at the end of the trial that no comments by the
12 attorneys are evidence in the case whatsoever. But I'm
13 happy to issue a curative instruction first thing in the
14 morning if that's still what you want after thinking
15 about it overnight tonight; I'll let you have the night
16 to think about it.

17 Sometimes attorneys find that merely just draws more
18 attention to the facts when they -- but it's up to you;
19 it's entirely up to you all. I will honor the request
20 either way you decide to go tomorrow. I don't know that
21 I think its burden shifting necessarily. You could put
22 in evidence of course you don't have to. And they also
23 are instructed about that as well at the end of the case.
24 So I'm not sure that I...

25 MR. OSBORNE: And Your Honor the only thing I would

1 add to that is that your ruling on that matter was that
2 Mr. Mulbry was not to mention that that statement was
3 recorded and he went right up there and said it anyway.

4 THE COURT: Well, he asked him. And he actually
5 didn't even answer the question because I stopped it
6 before he even had an opportunity to answer the question
7 because he had just said I really don't know anything
8 about the statement so asking him if he knew it was
9 recorded to me it was futile at that point.

10 There wasn't a foundation laid for him to even
11 really be able to respond with any knowledgeable answer
12 at that point in time.

13 MR. OSBORNE: No, I definitely agree, Judge.

14 THE COURT: That's why I stopped him when I did.
15 But regardless, just think about it. If you want me to
16 issue a curative instruction more specific I always
17 invite attorneys if you want to even draft it yourself
18 I'm happy to look at however you'd like me to phrase it.
19 I'm happy to just entertain that in the morning. I have
20 no problem doing that. Okay. Anything else this
21 afternoon then?

22 MR. OSBORNE: Not from the State.

23 THE COURT: Okay. Anything from you all?

24 MR. MULBRY: Nothing, Your Honor.

25 THE COURT: Okay. If I could see -- we'll be at

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1 ease now until 9:30 in the morning. If I could just ask
2 Mr. Mulbry to come up and approach briefly on one issue.

3 [Whereupon, the Court confers with Mr. Mulbry]

4 THE COURT: All right. See everybody a few minutes
5 before 9:30 in the morning. We'll be at ease.

6 [Whereupon, the Court, counsel, and the court
7 reporter review the exhibits]

8 [Whereupon, Court adjourns at 4:45 p.m.]

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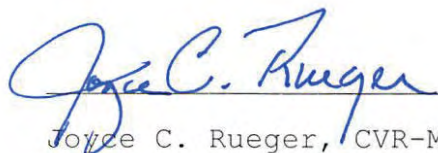
State v K'Sone M. Campbell
Certificate of the Court Reporter
March 4, 2020

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 4th 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 5, 2020
Charleston, South Carolina

Volume 4 (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]

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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	
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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	
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98	(Not used)	
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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	
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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	
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204	Item 219: Fired bullet-dash	
205	Item 220: Fired bullet	
206	Item 206: Fired bullet	
207	CPD Item 404: GSR Barber	
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210	Defendant's statement (whole)	
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231	Defendant's blue shirts	
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3	Note from jury	829
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Proceedings
March 5, 2020

PROCEEDINGS

THE COURT: All right. Is the State ready to proceed?

MR. OSBORNE: We are, Your Honor. For the record I can clarify some of the exhibits from yesterday.

THE COURT: That would be wonderful. Thank you. We'll take care of that housekeeping now. Yes, go ahead.

MR. OSBORNE: So 255 we had originally marked as North Charleston police officer Lohnes' report. We're changing that to 260. So 260 will now be North Charleston police officer Lohnes' report. And 255 is the screenshot from Milligan's download showing the phone.

THE COURT: Thank you.

MR. OSBORNE: And just for the record I would like to address the question that Mr. Mulbry presented yesterday.

THE COURT: Okay.

MR. OSBORNE: And just sort of backing it up because some of this I'm not so sure was really clear on the record. We had originally filed a motion to exclude the proffer agreement, any mention of it.

Mr. Mulbry asked the Court if he could -- and you ruled that the proffer itself was inadmissible. But my understanding was that Mr. Mulbry could then inquire as to a meeting that occurred between Detective Jarrell and

1 whoever else was present and then follow that up with and
2 what did you do after that? We arrested Demetrius Young.
3 Mr. Mulbry then asked well can I then inquire as to
4 whether there is an audio recorded statement. Obviously,
5 the State objected to that. Our position was by doing
6 that you're leaving the jury with the impression that I'm
7 in possession of a piece of evidence that I don't want to
8 present to them.

9 So I told Mr. Mulbry then if he wanted to inquire
10 into the audio recorded statement I have no issues with
11 that but I want it then played to the jury. Mr. Mulbry
12 then said well, let me redact it, let me look at it.
13 That's when we had a redaction conversation.

14 We then went to lunch. While on the direct
15 examination of Detective Jarrell we went to lunch and he
16 said he was going to work on the redactions. We came
17 back. He then said he was going to work on the
18 redactions some more. He needed another 15 or 20 minutes
19 to work on the redactions.

20 He then did cross with Detective Jarrell. I don't
21 know but I thought he was going to bring the statement
22 in. I thought that was the whole point to the redaction
23 but he changed his mind and that's fine. He didn't
24 mention the statement. He didn't mention the audio
25 recording. He did mention the meeting which was okay

State v K'Sone M. Campbell
Proceedings
March 5, 2020

1 with the Court's ruling. Then some more witnesses
2 testified. Then Detective Paul Krasowski testified, an
3 individual that Mr. Mulbry knows was not present during
4 that meeting and I know he was not present during that
5 meeting.

6 And then he inquired as to the meeting and then he
7 inquired was it audio recorded. That was the question
8 that should have been posed for Detective Jarrell, not
9 for Detective Krasowski. And per your ruling my position
10 is I have no problem with him playing the recording.

11 And so to answer his question I have the same
12 position that I had when Detective Jarrell testified; I
13 have no issues with him playing the recording if he wants
14 to play it in its entirety. So if he wants to call
15 Detective Jarrell now and play that recording I have no
16 issue with that.

17 THE COURT: Okay. I would like to say when you
18 verbalized your objection yesterday you really shouldn't
19 have made the statement that you made. It should have
20 just been objection, may we approach. That's the
21 scenario when you discuss evidence that's not in and
22 potentially might not come in. That's just always a good
23 point of practice to come in and approach on something
24 like that. So all that being said I agree with you that
25 Krasowski answered yesterday that he didn't know anything

1 about that statement; he wasn't there, he didn't know
2 much about it. Mr. Mulbry followed up with a question
3 about do you know if there was a recorded statement. You
4 objected. I sustained the objection. He didn't answer
5 the question. There was no basis of knowledge. It would
6 have been speculation frankly if he had answered the
7 question. He had just got through saying I don't know
8 anything about it.

9 So for that reason I sustained your objection and he
10 didn't answer. And really Mr. Mulbry's objection that he
11 raised yesterday and request for a curative instruction
12 had more to do with your commentary following your
13 objection than anything else. Am I correct, Mr. Mulbry?

14 MR. MULBRY: [Nods affirmatively]

15 THE COURT: Okay. When we left yesterday you had
16 requested or you were considering requesting a curative
17 instruction. And I told you that if you wanted to come
18 back this morning and craft one yourself that I would
19 certainly consider that and I'm happy to do so if you
20 have crafted one or if you think that one is necessary.

21 As I stated at the outset of the trial as well as at
22 the close the jury will be instructed that nothing the
23 attorneys say is evidence in this case and they are not
24 to construe it in that manner. But if you have a
25 proposed instruction for me to consider I will.

State v K'Sone M. Campbell
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March 5, 2020

1 MR. MULBRY: Your Honor, I don't think it's
2 necessary.

3 THE COURT: Okay. All right. Anything else need
4 to be said for the record at this time?

5 MR. OSBORNE: No, Your Honor.

6 THE COURT: Okay. Is the State ready to proceed?

7 MR. OSBORNE: We are, Your Honor.

8 THE COURT: All right. And the defense ready?
9 We'll handle motions first.

10 MR. MULBRY: Yes, Your Honor.

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

12 MR. MULBRY: Sorry, Your Honor.
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State v K'Sone M. Campbell
Motion for Directed Verdict
March 5, 2020

1 THE COURT: Do you have any motions ---

2 MR. MULBRY: --- Your Honor, first we'd like to
3 make a Motion for a Directed Verdict.

4 THE COURT: Okay.

5 MR. MULBRY: Taking the evidence in the light most
6 favorable to the State I don't think the State has made a
7 case for murder, Your Honor. There is no evidence of a
8 gun. There is no evidence my client had a gun. We
9 haven't seen a gun. Your Honor, I just don't think there
10 has been a case even taking all that evidence in the
11 light most favorable to the State.

12 THE COURT: Okay. Up until a certain point I might
13 have agreed with you in that we couldn't -- the State
14 didn't -- there is very little, if any, direct evidence
15 in this case. This is certainly a case of circumstantial
16 evidence.

17 Our case law is clear that circumstantial evidence
18 can be enough to submit as a jury question and carry the
19 question over to the jury for an ultimate determination
20 of the facts. Direct evidence is not always required.

21 I find that there is certainly enough evidence
22 presented through initially the neighbor's testimony
23 specifically related to her viewing the white vehicle
24 approach the scene where the shots were fired and then
25 shortly thereafter we had another witness come testify

State v K'Sone M. Campbell
Motion for Directed Verdict
March 5, 2020

1 who witnessed the tussle or whatever there was I guess at
2 a convenience store that involved the Defendant and the
3 evidence of the Defendant getting into a tussle with
4 another individual at the store.

5 And then we have of course the statement given by
6 the Defendant himself which was audio and video recorded
7 where he puts himself in that white vehicle that was seen
8 approaching the crime scene and in fact stated he was the
9 only person in the car.

10 So whether or not the jury is going to view all that
11 evidence as credible certainly goes to the weight of the
12 evidence but not the existence of the evidence. So at
13 this point there is at least enough evidence that exists
14 to bound this over and make it a jury question. So
15 respectfully your Motion is denied for a Directed
16 Verdict.

1 THE COURT: Any other motions at this time from the
2 State or the defense?

3 MR. OSBORNE: None, Your Honor.

4 THE COURT: Are the parties ready to proceed
5 otherwise for the jury to come back in.

6 MR. OSBORNE: Yes.

7 MR. MULBRY: Can we set up the computer if that's
8 okay, Your Honor?

9 THE COURT: Sure. Take a minute and set the
10 computer up.

11 [Off the record momentarily]

12 MR. MULBRY: Your Honor, we are ready when you are.

13 THE COURT: All right. Sounds good. We can bring
14 the jury in. Thank you very much.

15 MR. MULBRY: Your Honor?

16 THE COURT: Yes?

17 MR. MULBRY: You might want to go through the
18 colloquy with my client.

19 THE COURT: Okay. Are you ready to do that? I
20 wasn't sure what we were getting ready to do so okay.
21 Yes, thank you. Stop the jury from coming in for a
22 minute, please. Thanks. I'm following your lead. You're
23 driving the train so yes, I'm happy to do that.

24

25

State v K'Sone M. Campbell
Fifth Amendment Rights
March 5, 2020

1 FIFTH AMENDMENT RIGHTS

2 THE COURT: All right. Your client may stand but
3 he's welcome to be seated as well; whichever he prefers.

4 [Whereupon, the Defendant stands]

5 THE COURT: If the Clerk could please place him
6 under oath for me.

7 [Whereupon, the Defendant is duly sworn by the Clerk
8 of Court]

9 THE COURT: Good morning Mr. Campbell. At this
10 time I'm going to explain to you certain rights that you
11 have. If you don't understand anything I say I want you
12 to let me know. If you want me to explain anything in
13 more detail I also want you to let me know that, do you
14 understand?

15 MR. CAMPBELL: Yes, ma'am.

16 THE COURT: All right. We have now reached the
17 stage of the trial where you may present your defense.
18 You have the right to claim the protections which are
19 given to you by the Fifth Amendment of our Constitution
20 of the United States.

21 The Fifth Amendment states in part that no person
22 shall be compelled in any criminal case to be a witness
23 against himself. This means that you cannot be required
24 to testify in this case. You have the right to testify
25 on your own behalf; however no one can make you testify.

State v K'Sone M. Campbell
Fifth Amendment Rights
March 5, 2020

1 This is a personal right and no one can waive this right
2 but you or give it up but you. If you do decide to
3 testify you will be subject to the same rules that have
4 governed these other witnesses on the witness stand and
5 you may be examined and cross-examined on any relevant
6 issue in this case.

7 In addition, if you have any convictions involving
8 dishonesty or false statements or for crimes which were
9 punishable by imprisonment for more than one year and
10 this Court determines that the probative value of
11 admitting that evidence would outweigh its prejudicial
12 effect to you the Solicitor would be able to introduce
13 your record to attack your creditability.

14 If you decide to testify this decision on your part
15 must be freely, voluntarily, and intelligently made with
16 knowledge of these protections given to you by the Fifth
17 Amendment and the consequences of your decision to
18 testify.

19 If you decide not to testify I will instruct the
20 jurors that they cannot give the fact that you did not
21 testify any consideration whatsoever and that they are to
22 draw no prejudice to you or no conclusions because you
23 did not testify. It is left entirely up to you whether
24 or not you want to testify in this trial. You can talk
25 to your attorneys some more, you can talk to your family

State v K'Sone M. Campbell
Fifth Amendment Rights
March 5, 2020

1 and friends out there or anyone else you want to but the
2 final decision is yours and yours alone. Do you
3 understand what I've just explained to you?

4 MR. CAMPBELL: Yes, ma'am.

5 THE COURT: All right. Do you have any questions
6 about what I've just explained to you?

7 MR. CAMPBELL: No, ma'am.

8 THE COURT: All right. Have you discussed with
9 your attorney whether or not you should or should not
10 testify in this case?

11 MR. CAMPBELL: Yes, ma'am.

12 THE COURT: All right. Have you reached a
13 decision?

14 MR. CAMPBELL: Yes, ma'am.

15 THE COURT: Do you need any more time to talk to
16 your lawyer?

17 MR. CAMPBELL: No, ma'am.

18 THE COURT: What is your decision?

19 MR. CAMPBELL: Testify.

20 THE COURT: You want to testify?

21 MR. CAMPBELL: Yes, ma'am.

22 THE COURT: All right. Mr. Mulbry, do you believe
23 your client understands these rights and waivers I just
24 read to him?

25 MR. MULBRY: Yes, Your Honor.

State v K'Sone M. Campbell
Fifth Amendment Rights
March 5, 2020

1 THE COURT: And do you agree with his decision to
2 testify in this case?

3 MR. MULBRY: I do.

4 THE COURT: All right. Thank you so much. I
5 appreciate it. You may be seated.

6 [Whereupon, the Defendant complies]

7 THE COURT: Mr. Mulbry, will he be the first one to
8 testify for the defense?

9 MR. MULBRY: Yes, Your Honor.

10 THE COURT: All right. Thank you very much. Now,
11 you can bring the jury in.

12 [Whereupon, the jury enters at 9:48 a.m.]

13 THE COURT: Welcome back ladies and gentlemen.
14 Good morning. Thank you once again for being so prompt
15 this morning. Ladies and gentlemen at the close of
16 yesterday the State rested so I will now turn to the
17 defense. Mr. Mulbry, does the defense wish to call any
18 witnesses at this time?

19 MR. MULBRY: Yes, Your Honor.
20
21
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25

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

March 5, 2020

1 MR. MULBRY: The defense calls K'Sone Campbell.

2 THE COURT: All right. Thank you very much.

3 [Whereupon, Mr. Campbell comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please take a seat. Please speak
7 loud and clear into the mic. State your full name and
8 spell your last name for the record.

9 THE WITNESS: K'Sone Campbell.

10 - - - - -

11 K'SONE CAMPBELL,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MULBRY:

16 Q. Good morning, K'Sone.

17 A. How you doing?

18 Q. Are you okay? Are you nervous?

19 A. Just a little bit.

20 THE COURT REPORTER: I need you to speak up just a
21 little bit.

22 THE WITNESS: Just a little bit; I'm fine though.

23 Q. [Mr. Mulbry] Would you introduce yourself to the
24 jury. How old are you?

25 A. 26 years old. My name is K'Sone Campbell.

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

March 5, 2020

- 1 Q. Where did you grow up?
- 2 A. Downtown Charleston.
- 3 Q. Where in Charleston?
- 4 A. 18 Moultrie Street.
- 5 Q. Do you have any siblings?
- 6 A. Yes, I have three.
- 7 Q. Tell me about them.
- 8 A. I have a little brother who is 13. I have a little
- 9 sister off my father's side, she graduates this year. I
- 10 have another little brother, he has Down syndrome, and
- 11 he's 16.
- 12 Q. Tell me about your parents.
- 13 A. My father he is deceased. My Mom is still alive.
- 14 She's right here in the courtroom.
- 15 Q. Are you married?
- 16 A. Yes sir, I am.
- 17 Q. Do you have any children?
- 18 A. Yes sir, I do.
- 19 Q. I want to go to May 11th, 2017. How old were you
- 20 then?
- 21 A. I was 24.
- 22 Q. Where were you living?
- 23 A. 3258 Walter Drive.
- 24 Q. Where is that?
- 25 A. Johns Island.

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

March 5, 2020

- 1 Q. Were you living with anyone?
- 2 A. Yes sir, I was.
- 3 Q. Who were you living with?
- 4 A. My wife, well my fiancée at the time and my kids.
- 5 Q. Were you working?
- 6 A. Yes sir, I was.
- 7 Q. Where were you working?
- 8 A. Plantation Moving.
- 9 Q. Now, do you remember that day?
- 10 A. Yes, I do.
- 11 Q. Tell me how the day started.
- 12 A. I got up. It was like my second or third day
- 13 starting work for Plantation. I got up to get to work.
- 14 We had a banging day. I finished the job well. It was
- 15 normal and it was fun.
- 16 Q. Anything abnormal about that day at work?
- 17 A. No sir, not at all.
- 18 Q. Do you remember what time you got off work?
- 19 A. Like 7:30ish.
- 20 Q. When you got off work where did you go?
- 21 A. I headed downtown.
- 22 Q. Where downtown?
- 23 A. 943 King Street.
- 24 Q. Why were you going there?
- 25 A. To hang out with a friend, drink a little couple of

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

March 5, 2020

- 1 beers.
- 2 Q. What friend?
- 3 A. Kris Jacques.
- 4 Q. Who is Kris?
- 5 A. A friend of mine.
- 6 Q. How long have you known Kris?
- 7 A. About five or six years.
- 8 Q. Was anyone else there?
- 9 A. Yes, sir.
- 10 Q. Who else was there?
- 11 A. Me, Demetrius, Kris, Demetrius' uncle Antonio.
- 12 Q. First who is Antonio?
- 13 A. He's like a father figure that I know of.
- 14 Q. Is he related to you?
- 15 A. No, sir.
- 16 Q. And you said Demetrius was there.
- 17 A. Yes, sir.
- 18 Q. How do you know Demetrius?
- 19 A. His grandma they live near my grandma in the area
- 20 for decades.
- 21 Q. You spend a lot of time with Demetrius?
- 22 A. Not until I was about 17, yes sir.
- 23 Q. Where do you usually see Demetrius?
- 24 A. His grandma's house.
- 25 Q. And where is that?

State v K'Sone M. Campbell
K'Sone Campbell-Direct Examination by Mr. Mulbry
March 5, 2020

1 A. 943 King Street.
2 Q. Is Demetrius older or younger than you?
3 A. He's younger.
4 Q. Was Demetrius friends with Deangelo Milligan or
5 Derrick Barber?
6 A. We was all cool, yes sir.
7 Q. Now while you were hanging out at 943 King Street
8 with Kris and Demetrius did you leave to go to the
9 market?
10 A. Yes sir, I did.
11 Q. When you left did you see anybody?
12 A. At the time there was another friend that comes
13 around there Trey he was in the yard and me and him and
14 Kris we was heading towards the store, on the way to the
15 store when we saw Deangelo come across the street.
16 Q. I'm showing you what has been marked and admitted as
17 State's exhibit 107.
18 [Whereupon, State's exhibit 107 plays with questions
19 from Mr. Mulbry]
20 Q. Do you see that?
21 A. Yes sir, I do.
22 Q. What's going on here?
23 A. That's me, Kris, Trey, Deangelo.
24 Q. Let's back up. So who is this [indicates] in the
25 vest?

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

March 5, 2020

- 1 A. That's Kris.
- 2 Q. And he was your friend?
- 3 A. Yes, sir.
- 4 Q. Still is your friend?
- 5 A. Yes, sir.
- 6 Q. And who is that [indicates]?
- 7 A. That's me I believe so.
- 8 Q. What about this guy [indicates] in the darker
- 9 clothing?
- 10 A. Trey.
- 11 Q. And who is that [indicates] in the white clothing?
- 12 A. Deangelo.
- 13 Q. What's going on here?
- 14 A. Just giving each other handshakes; acknowledging
- 15 each other.
- 16 Q. What was that? What just happened there?
- 17 A. A handshake and a hug.
- 18 Q. Now, I want to talk to you about Deangelo Milligan.
- 19 How long have you known Deangelo?
- 20 A. Since we were like five or six years old.
- 21 Q. Where did you meet him?
- 22 A. We were kids in the neighborhood growing up. He
- 23 lived on Meeting Street. I lived on Moultrie; it's not
- 24 too far away from each other. It's like a block away.
- 25 We played recreation together, grew up on the same park.

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

March 5, 2020

1 His mom and my mom went to school together. The family
2 was close.

3 Q. Now, you've seen your statement played.

4 A. Yes, sir.

5 Q. And is it fair to say he was your friend growing up?

6 A. Yes, sir.

7 Q. Now, at any point in time did he ask you to join a
8 gang?

9 A. Yes, sir.

10 Q. What did you say to that?

11 A. No.

12 Q. Why did you say no?

13 A. Because of the negativity of the gang.

14 Q. Explain that. Did you have anything going on in
15 your life?

16 A. Yes, sir. I had a girlfriend at the time, well my
17 fiancée and my kids. We just had got our first place.

18 Q. Were you friends with Milligan before ---

19 A. --- yes ---

20 Q. --- he joined that gang?

21 A. Yes, sir. Yes, sir. Indeed.

22 Q. And even though he joined a gang did you think of
23 him as a childhood friend?

24 A. Yes. I still thought of him as a childhood friend.

25 Q. What's happening here K'Sone?

State v K'Sone M. Campbell

K'Sone Campbell-Direct Examination by Mr. Mulbry

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1 A. Me and Deangelo kind of having words.

2 Q. And you mentioned in your statement that you
3 mentioned that refusing to join a gang put a strain on
4 your relationship. Do you remember what this argument
5 was about?

6 A. Not really but it was a disagreement between the
7 feeling amongst each other. Basically it was like I
8 believe he thought that I had issues with him because I
9 didn't speak much to him you know during the conversation
10 after about the gang.

11 Q. So in the parking lot you guys were arguing. Then
12 what happened?

13 A. He went ahead towards the store. I stood by the
14 liquor store that was next to the convenience store that
15 we walked to to cool off for a second.

16 But I felt like it was something I had to talk to
17 him about after I thought about our little small issues
18 so I went to the store to talk to him about it and it
19 kind of escalated after that.

20 Q. So when you got in that store who did you see when
21 you walked in?

22 A. I saw Deangelo.

23 Q. And what happened when you saw Deangelo?

24 A. I went towards him and we talked more about it.

25 Q. Did you see Demetrius at this point?

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- 1 A. No sir, I didn't.
- 2 Q. When did you see Demetrius?
- 3 A. In the middle of me and Deangelo's argument.
- 4 Q. I'm showing you State's exhibit 105.
- 5 [Whereupon, State's exhibit 105 plays with questions
- 6 from Mr. Mulbry]
- 7 Q. What's going on here?
- 8 A. At this moment?
- 9 Q. Yes, sir?
- 10 A. I asked Deangelo like when can we stop the madness
- 11 between each other with this bullshit. Excuse me for
- 12 cursing; I'm sorry.
- 13 Q. What just happened there?
- 14 A. I brushed past him.
- 15 Q. Why did you move past him?
- 16 A. Because I saw that I wasn't getting anywhere with
- 17 us.
- 18 Q. Now at this point do you see Demetrius?
- 19 A. No sir, I don't.
- 20 Q. Did you know he was coming to the store?
- 21 A. No, sir.
- 22 Q. Who is that?
- 23 A. I believe that is Demetrius.
- 24 Q. Where are you facing?
- 25 A. Towards the cooler.

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- 1 Q. At what point did you see Demetrius?
- 2 A. I believe when me and Mr. Milligan approach each
- 3 other face to face and I believe I saw Demetrius on the
- 4 side of my eyes.
- 5 Q. Did you ask Demetrius to help you?
- 6 A. No sir, I didn't.
- 7 Q. Did you want Demetrius to help you?
- 8 A. No, sir.
- 9 Q. Did you plan on Demetrius getting involved?
- 10 A. No, sir.
- 11 Q. So what happened here? What is Demetrius doing?
- 12 A. I believe he lifted his shirt up.
- 13 Q. When you were fighting Milligan at what point did
- 14 you see that Demetrius had a gun?
- 15 A. When he took it off his waist I saw him swinging it
- 16 trying to strike him with it.
- 17 Q. Before that point in time when you saw him with the
- 18 gun did you know he had a gun?
- 19 A. No sir, I did not.
- 20 Q. Did you want Demetrius to pull a gun?
- 21 A. No, sir.
- 22 Q. Did you ask Demetrius to pull a gun?
- 23 A. No, sir.
- 24 Q. Did you plan on Demetrius pulling a gun?
- 25 A. No, sir.

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1 Q. I'm showing you again what has been marked as
2 State's exhibit 107.

3 [Whereupon, State's exhibit 107 plays with questions
4 from Mr. Mulbry]

5 Q. Now, what is happening here?

6 A. I'm yelling at Demetrius.

7 Q. Why?

8 A. Because I wanted him to stop Milligan. And I asked
9 him why he bring a gun in the store.

10 Q. Were you upset about anything else?

11 A. I was upset about the fight; yes I was.

12 Q. Why did you feel upset?

13 A. Because me and Milligan grew up together.

14 Q. You're upset but did you want to hurt somebody?

15 A. No, sir.

16 Q. Did you want to hurt Milligan?

17 A. No, sir.

18 Q. Did you want to keep fighting Milligan at that point
19 in time?

20 A. No, sir.

21 Q. And what's going on right here?

22 A. Kris is coming out from the gate or the driveway at
23 that point I believe and I was explaining to him what
24 happened in the store.

25 Q. Did you ever go back to the store?

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1 A. Yes I did, sir.

2 Q. Why did you go back to the store?

3 A. I left my uniform shirt inside the store.

4 Q. Did you immediately go back to the store?

5 A. No, sir. I waited till I saw Deangelo leaving out
6 the parking lot and then I went in the store to grab my
7 shirt.

8 During this time is when Kristopher is keeping me
9 calm telling me to just wait, chill out, get your shirt
10 and then go home.

11 Q. So did you see what I just pulled up?

12 A. Yeah.

13 Q. What's happening right there?

14 A. I was in the parking lot telling him everything and
15 telling him I had to go grab my shirt and I'm coming for
16 or --

17 THE COURT REPORTER: What's the last part of your
18 answer? You went in to get your shirt and?

19 THE WITNESS: I went in to get my shirt and telling
20 Deangelo that I got no problem; I'm just going to grab my
21 shirt.

22 [Whereupon, the video ends]

23 Q. [Mr. Mulbry] Now, I want to move forward for a
24 second and talk about your first meeting with detectives
25 on May 13th.

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K'Sone Campbell-Direct Examination by Mr. Mulbry

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- 1 A. Okay.
- 2 Q. Do you remember meeting with them?
- 3 A. Yes, I do.
- 4 Q. You saw the statement you made to detectives on May
- 5 13th?
- 6 A. Yes, sir.
- 7 Q. Was it true?
- 8 A. No, it wasn't.
- 9 Q. What part was not true?
- 10 A. The part of me not telling that I wasn't there.
- 11 Q. And when you were talking with detectives did you
- 12 know you were being questioned about a murder?
- 13 A. Yes, sir.
- 14 Q. Did that make you nervous?
- 15 A. Yes, it did.
- 16 Q. Were you scared?
- 17 A. Yes.
- 18 Q. Did you think they would believe you if you told
- 19 them what happened?
- 20 A. No, I don't think they would have.
- 21 Q. And when you were going downtown with detectives did
- 22 you receive a phone call while you were in the car with
- 23 detectives?
- 24 A. Yes, sir.
- 25 Q. Who called you?

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K'Sone Campbell-Direct Examination by Mr. Mulbry
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1 A. I got a private phone call from Demetrius.
2 Q. What did he say?
3 A. Don't say shit.
4 Q. Now after this happened so on May 12th, the morning
5 of May 12th did you want to go to the police?
6 A. Yes sir, I did.
7 Q. But who did you call on the morning of May 11th?
8 A. On the morning of May 11th?
9 Q. I'm sorry, May 12th; my apologies.
10 A. My lawyer at the time.
11 Q. Did you witness a murder the night before?
12 A. Yes sir, I did.
13 Q. Why did you call an attorney?
14 A. Because I don't know what was going on. I didn't
15 know really how to go about the situation on making a
16 statement about it. He told me that he was ---
17 MR. OSBORNE: --- objection. That calls for
18 hearsay.
19 THE COURT: Sustained.
20 Q. [Mr. Mulbry] Without telling me what he said.
21 A. Okay.
22 Q. I want to move forward or sorry, back to May 11th.
23 A. Okay.
24 Q. When you came back from the market after getting
25 your shirt what did you do?

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K'Sone Campbell-Direct Examination by Mr. Mulbry

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- 1 A. I left and headed towards my car.
- 2 Q. What happened after that?
- 3 A. Kris begged me to take Demetrius home because he
- 4 said he had a headlight problem and he was drunk at the
- 5 time so.
- 6 Q. Did you agree to give Demetrius a ride home?
- 7 A. At first I didn't, no.
- 8 Q. Did you end up agreeing to give him a ride home?
- 9 A. Yes sir, I did.
- 10 Q. Why did you agree to give him a ride home?
- 11 A. Because Kris kept nagging me about it and I told him
- 12 I wouldn't but I told him to let Demetrius go and put the
- 13 gun up before he got in my car.
- 14 Q. Had you been planning on giving Demetrius a ride
- 15 home that evening?
- 16 A. No, I haven't. No, sir.
- 17 Q. You touched on this but before Demetrius got in the
- 18 car did you say anything?
- 19 A. No, I didn't.
- 20 Q. What did he do before he got in your car?
- 21 A. He ran in the house. He said hold on I'm going to
- 22 tell Unk I'm leaving which was Antonio at the time. And
- 23 I sat there and just waited for him to come out.
- 24 Q. Why did he run in the house?
- 25 A. To tell Antonio bye, I believe so. That's what he

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1 told me.

2 Q. Was there any other reason he ran in the house?

3 A. Probably just tell him hi or bye; that's it.

4 Q. Did you say anything to him before he ran in the

5 house?

6 A. Yeah to put the gun up.

7 Q. So what was his reaction to you saying that?

8 A. He was like okay; and he went upstairs.

9 Q. When he came out of the house what made you -- and

10 when he got in your car did you think he still had a gun?

11 A. No, I didn't.

12 Q. And when Demetrius got in your car was he angry?

13 A. No, he wasn't. He wasn't.

14 Q. When Demetrius got in your car did he indicate he

15 wanted to hurt anybody?

16 A. No, sir.

17 Q. So you two are in the car together ---

18 A. --- yes sir ---

19 Q. --- at 943 King Street where did you go?

20 A. I ran into 18 Moultrie Street to my grandma's --

21 THE COURT REPORTER: 18 Moultrie Street to?

22 THE WITNESS: Grandma's house, yes ma'am.

23 Q. [Mr. Mulbry] Why did you go to 18 Moultrie Street?

24 A. Because I had my mom's key at the time and I thought

25 I had it on me and I told her I couldn't find it and I

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1 was supposed to put it in the mailbox. So I called to
2 let her know that I did find it and I left it by her
3 house at the time.

4 Q. Is that the only thing you did at 18 Moultrie
5 Street?

6 A. That's the only thing I did, yes sir.

7 Q. And when you left 18 Moultrie Street where did you
8 go?

9 A. I headed towards Rutledge; Moultrie and Rutledge. I
10 was going to take down Rutledge to the interstate but I
11 didn't. I told Demetrius that I would talk to Deangelo
12 and squash the beef between us.

13 Q. And after you got on Rutledge where did you go?

14 A. I turned on Maverick Street at the time, sir.

15 Q. You said you wanted to talk to Deangelo. Why didn't
16 you call him?

17 A. I didn't have his number at the time, sir.

18 Q. Why did you want to talk to Deangelo?

19 A. Because we were friends, close friends.

20 Q. Explain that.

21 A. Well, we grew up together daily hanging out. I mean
22 not every day but like friends of the family. His family
23 and my family were close. We weren't strangers. We
24 always live in the same area. Borrow rice pot to rice
25 pot from each other. We were that close.

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- 1 Q. Did you want to fight with Milligan?
- 2 A. No sir, I didn't.
- 3 Q. Did you want to harm Milligan?
- 4 A. No, sir. Not at all, sir.
- 5 Q. Did you want to defuse the situation with Milligan?
- 6 A. Correct, sir.
- 7 Q. Now, I want to back up to May 19th, 2017.
- 8 A. Okay.
- 9 Q. Did you have an opportunity to speak with detectives
- 10 after that initial statement?
- 11 A. Yes sir, I did.
- 12 Q. Did you say anything different than what you said
- 13 today?
- 14 A. Yes sir, I did.
- 15 Q. Were you nervous when you gave that statement?
- 16 A. Yes, sir.
- 17 Q. Were you scared?
- 18 A. Yes, sir.
- 19 Q. Did you think detectives would believe you if you
- 20 told the truth?
- 21 A. No sir, I don't think they would have.
- 22 Q. After you gave the statement were you still charged
- 23 with murder after you left?
- 24 A. Yes sir, I was.
- 25 Q. When you left 18 Moultrie Street did Demetrius seem

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1 upset?

2 A. No sir, he didn't.

3 Q. Did Demetrius say anything?

4 A. No.

5 Q. Did you say anything?

6 A. No, besides telling him that I was going to squash
7 the beef with Deangelo that's it.

8 Q. Did you believe he had a gun at that point in time?

9 A. No sir, I did not.

10 Q. And when you turned on Maverick Street what did you
11 do?

12 A. I turned on Maverick Street. I didn't see Deangelo
13 standing where he usually stands by that little cold cut
14 so I turned the car on Oswego to turn around and if I
15 didn't see him by the next five seconds I was just
16 heading off to home.

17 Q. Did you see anyone at the intersection of Maverick
18 and Oswego Street?

19 A. Yes, sir. When I turned around I saw Derrick coming
20 in from Maverick Street.

21 Q. How did you know it was Derrick?

22 A. I recognized his car.

23 Q. I want to talk to you about Derrick Barber. Did you
24 know him?

25 A. Yes, I did.

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- 1 Q. How did you know him?
- 2 A. Close friends as well.
- 3 Q. Explain that.
- 4 A. He was a big brother; like a big brother to me.
- 5 Q. How did you know him?
- 6 A. I've known him since I was like 11. By the time he
- 7 moved downtown him and his family they moved from
- 8 Strawberry Lane where my grandfather and the rest of my
- 9 family reside from.
- 10 Q. Did you two grow up together?
- 11 A. Something like that. He was a lot older than me
- 12 though so I was kind of under him as he was growing up.
- 13 Q. Where did Derrick fit in your life?
- 14 A. He was like -- he was like a big brother.
- 15 Q. When you saw Derrick did you stop and talk with him?
- 16 A. Yes, I did.
- 17 Q. Why did you think Derrick would be a good person to
- 18 talk to?
- 19 A. Peacemaker in a lot of situations.
- 20 Q. And what happened when you talked to Derrick? What
- 21 did you say?
- 22 A. Well, I pulled up by him. He got out the car and
- 23 was upset about the situation with me and Deangelo so.
- 24 Q. Why was he upset?
- 25 A. Because the fact that we had an altercation in

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1 public and he figured it was something that we could
2 actually work out between each other instead of having
3 other people involved.

4 Q. You said Derrick got out the car. What did he do
5 when he got out the car?

6 A. He got out the car, he pulled his pants up.

7 Q. Did you see a gun on Derrick?

8 A. No, I didn't.

9 Q. When you were talking with Derrick did you see
10 anything or anyone behind you?

11 A. I talked to Derrick for a second. I told him -- he
12 got out the car first and he was like I'm not getting
13 involved in y'all's bullshit -- whatever bullshit y'all
14 got going on. And I told him that's not me; that's him.
15 You need to talk to him.

16 Q. When you were talking with Derrick did you see
17 anything?

18 A. I looked in the rearview mirror after he was
19 speaking and I heard a voice going fuck that, which was
20 Deangelo at the time walking from behind the vehicle.

21 He reached down, but he didn't have a weapon he was
22 just tying his shoe I believe at the time.

23 Q. Did you see a gun on Milligan?

24 A. No, I didn't.

25 Q. When you were talking to Derrick were you looking at

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1 Demetrius?

2 A. No, I wasn't.

3 Q. Was Demetrius saying anything?

4 A. No, he wasn't.

5 Q. Did you notice Demetrius doing anything?

6 A. No.

7 Q. While you were talking to Derrick and Milligan was
8 approaching the car from behind what did Demetrius do?

9 A. I believe he moved must be look because I looked
10 back but I wasn't looking at him to see what he was
11 actually doing. I looked back at Derrick and Derrick
12 said he ain't got nothing. He all right.

13 And I asked Derrick I said what he got going on at
14 the time. He say nothing. I say does he have a gun on
15 him? He said no, he don't have no gun and so he put his
16 hand up.

17 Q. And then what happened?

18 A. He put his hand up as like a stop sign or a stop
19 signal to Deangelo basically telling him to stop you know
20 walking up. I probably upped the window not even too far
21 from him walking up close and Demetrius was --

22 THE COURT REPORTER: Demetrius what?

23 THE WITNESS: Demetrius shot him. He shot him.

24 Q. [Mr. Mulbry] Do you remember how many times he shot
25 him?

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- 1 A. Three, four, five times; something like that.
- 2 Q. What was your reaction?
- 3 A. I was shocked. I mean who wouldn't be.
- 4 Q. Describe what you saw?
- 5 A. I saw him reached over from my driver's door and
- 6 shot him like three or four times; three, four, five
- 7 times something like that.
- 8 Q. After Demetrius shot Derrick what did you do?
- 9 A. I just -- I looked at Derrick. I ain't know what to
- 10 do.
- 11 Q. Did you start driving?
- 12 A. I took off after Demetrius said ride. He said ride
- 13 off.
- 14 Q. What was Demetrius doing while you were driving?
- 15 A. He had his gun in his hand. He said drive. Fuck ---
- 16 Q. --- sorry.
- 17 A. He said fuck them. You know it's us against them.
- 18 Q. Did Demetrius still have the gun at this point?
- 19 A. Yes, he did.
- 20 Q. What were you saying to Demetrius?
- 21 A. I told him he was wrong. He was wrong for what he
- 22 did. So I grabbed my phone to call somebody. He knocked
- 23 the phone out my hand and said fuck that phone shit. You
- 24 don't call nobody. You with them or you with me.
- 25 Q. While you were driving were you paying attention to

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1 what Demetrius was doing?

2 A. No, I wasn't. No, I was not.

3 Q. Did Demetrius ever get out of your car?

4 A. Yeah. I eventually got him out.

5 Q. Where did he get out?

6 A. Peachtree or one of those side streets off Rutledge.

7 Q. Did you ask Demetrius to get out your car?

8 A. Yeah. I told him just get out. You never was with
9 me. I made him feel comfortable enough to make it seem
10 like he wasn't in the car with me. And he got out and he
11 ran.

12 Q. Now after Demetrius got out of your car where did
13 you go?

14 A. I just went straight to the interstate.

15 Q. Describe what you were feeling while you were
16 driving.

17 A. I was really distraught, confused. We grew up as a
18 village. We grew up as a village together. I'm no
19 killer you know. Derrick was no killer and Deangelo was
20 no killer.

21 We grew up like family around each other. And I get
22 my part for me not being there for him like I should have
23 been. It affected me. I mean I got enough of that --

24 Q. Do you remember what time you got home?

25 A. No, I don't. I don't.

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1 Q. What happened when you got home?

2 A. After I got home I called my mom. I called my mom
3 and I explained to her what happened. I didn't explain
4 everything. I just told her to meet me at the house.

5 I just needed to get comfort. I needed to get an
6 understanding. I just needed to talk to her. I also
7 needed to figure out how -- I didn't know -- at that time
8 I was confused myself.

9 Q. What happened when you got home?

10 A. I got home pretty much the same as here. I was a
11 little -- I was tore up. I lashed out on the living room
12 floor.

13 I crawled into the bathroom to the toilet where I
14 sat there for the rest of the time just sitting there
15 trying to figure out why it happened the way it happened
16 and regretting even going downtown period that day.

17 Q. Describe the rest of your night?

18 A. Stressful. I didn't sleep.

19 MR. MULBRY: Court's indulgence.

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

21 Q. [Mr. Mulbry] When you left the Rawan Market the
22 night of May 11th did you plan to get in an altercation
23 with Milligan?

24 A. No sir, I didn't.

25 Q. Did you and Demetrius plan to confront Milligan?

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- 1 A. No, sir. No, sir.
- 2 Q. Did you and Demetrius try to get in an altercation
3 with Milligan?
- 4 A. No, sir.
- 5 Q. Did you want to hurt Milligan?
- 6 A. No, sir.
- 7 Q. Did you and Demetrius plan to hurt Milligan?
- 8 A. No, sir.
- 9 Q. When you left the Rawan Market the night of May 11th
10 did you plan to get in an altercation with Derrick
11 Barber?
- 12 A. No sir, not at all.
- 13 Q. Did you and Demetrius plan to get in an altercation
14 with Derrick Barber?
- 15 A. Not at all, not at all, not at all.
- 16 Q. Did you shoot Derrick Barber?
- 17 A. No, I didn't.
- 18 Q. Did you want to hurt Derrick Barber?
- 19 A. No, sir.
- 20 Q. Did you and Demetrius plan to hurt Derrick Barber?
- 21 A. No sir, not at all.
- 22 Q. Did you or Demetrius plan together to hurt anyone
23 the ---
- 24 A. --- no ---
- 25 Q. --- night of May 11th?

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1 A. No, no, no.

2 MR. MULBRY: Court's indulgence.

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

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

5 THE COURT: Cross-Examination.

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

7 THE COURT: Uh Huh.

8 [Whereupon, Mr. Osborne reviews documents]

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K'Sone Campbell-Cross-Examination by Mr. Osborne
March 5, 2020

1 CROSS-EXAMINATION

2 BY MR. OSBORNE:

3 Q. Good morning, Mr. Campbell.

4 A. Good morning.

5 Q. Did I just hear your testimony correct in saying

6 that you had no idea that Demetrius Young had a pistol in

7 his possession until he pulled it out at the Rawan

8 Market?

9 A. Yes, sir.

10 Q. No idea at all?

11 A. No sir, I didn't know that.

12 Q. What does it mean when you say you're strapped?

13 A. That means that ---

14 MR. MULBRY: --- Your Honor, may we approach?

15 THE COURT: Yes.

16 [Whereupon, an off the record bench conference is

17 held]

18 THE COURT: Thank you very much. Go ahead.

19 Q. [Mr. Osborne] So you just said that being strapped

20 means you've got a gun.

21 A. Correct. Yes, sir.

22 Q. Isn't it true that on the night of the murder at

23 about 11 o'clock you made a text we strapped?

24 A. No, sir. That was not at 11 o'clock, sir.

25 Q. I didn't say 11. I said 8 pm; an hour and a half

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- 1 before the murder the text went we strapped so don't
2 think it's easy.
- 3 A. Yes, sir.
- 4 Q. Okay.
- 5 A. I said that but that had nothing to do with Derrick
6 or Deangelo, sir.
- 7 Q. Of course it didn't.
- 8 A. Yes, sir.
- 9 Q. But you did have a gun.
- 10 A. No, I did not have a gun on me at the time, sir.
- 11 Q. We had a gun.
- 12 A. No, there is no we, sir.
- 13 Q. Strapped means you have a gun.
- 14 A. I was coming from work at the time, sir.
- 15 Q. Okay. Let's talk about Demetrius Young a little
16 bit. You're 24?
- 17 A. Correct, sir.
- 18 Q. Demetrius was 18 or 19 at the time, right?
- 19 A. Correct, sir.
- 20 Q. You've known him for a while.
- 21 A. Yes, sir.
- 22 Q. And you know his name. You know his name is
23 Demetrius Young.
- 24 A. Correct. Yes, sir.
- 25 Q. Okay. But he's like a young boy to you, isn't he?

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K'Sone Campbell-Cross-Examination by Mr. Osborne

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- 1 A. He's young but he has his own mind, yes sir.
- 2 Q. Okay. And when you tell him to shut up he shuts up.
- 3 A. Correct. Right.
- 4 Q. You're the one calling the shots.
- 5 A. No, I don't call the shots all the time, sir.
- 6 Q. You tell him to shut up, he shuts up.
- 7 A. I tell him to shut up for defusing the situation yes
- 8 sir, he does listen.
- 9 Q. He'll do what you tell him to do.
- 10 A. In a mature positive way, sir, yes sir.
- 11 Q. In a mature positive way.
- 12 A. Yes, sir.
- 13 Q. Now, you said that when you went in and spoke to the
- 14 detectives two days after you watched your friend get
- 15 gunned down and left to die in the roadway that you were
- 16 nervous, that you were scared of the police.
- 17 A. Yes, sir.
- 18 Q. And that's why you lied to them, right? I mean
- 19 that's what you said.
- 20 A. Yes, sir. I also said I didn't think they would
- 21 believe me either, sir.
- 22 Q. Okay. Do you think that your family would believe
- 23 you like your wife Kimberly Dwight; do you think she
- 24 would believe you?
- 25 A. She would believe me, yes sir.

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K'Sone Campbell-Cross-Examination by Mr. Osborne

March 5, 2020

- 1 Q. She would believe you?
- 2 A. She would believe me what? What are you asking me?
- 3 Q. Well, I'm asking were you afraid of her?
- 4 A. Afraid of my wife?
- 5 Q. Yes?
- 6 A. I am afraid of my wife. Yes, I can be.
- 7 Q. I get that. But when it comes to telling the truth
- 8 I mean you would have no reason to lie to her.
- 9 A. No, I wouldn't.
- 10 Q. You'd want to tell the truth to her.
- 11 A. I would tell her the truth, yes sir.
- 12 Q. Okay. But on the night of the murder you told her
- 13 that you didn't know anything about Skinny's murder
- 14 didn't you?
- 15 A. No, I didn't tell her that?
- 16 Q. You didn't tell her that?
- 17 A. No, sir.
- 18 Q. You didn't tell her that Deangelo was picking on you
- 19 that night?
- 20 A. No, sir.
- 21 Q. You didn't tell her that you tried to get away from
- 22 him but Deangelo just kept following you and picking on
- 23 you? You didn't tell her that?
- 24 A. The night of Skinny's murder sir I was stressed out,
- 25 sir. At that time I didn't know I barely even talked.

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- 1 Q. Right. So she ---
- 2 A. -- she just wanted to comfort me at the time, sir.
- 3 That's it, sir.
- 4 Q. I understand. But I'm asking about what you told
- 5 her about your friend ---
- 6 A. --- no, I told her what happened. I told her who
- 7 did it.
- 8 Q. Oh, so you never told her that then we went to hang
- 9 out with Kris and I had a beer. You probably told her
- 10 that, right?
- 11 A. I told her about that; I did.
- 12 Q. And went back into ---
- 13 A. --- I told her that before I even before the fight
- 14 even occurred with Deangelo. That's where I going and
- 15 heading to Kris to have a drink.
- 16 Q. And you told her that you found out about the murder
- 17 on the way home.
- 18 A. I told her it happened and once I got home I told
- 19 her exactly what happened.
- 20 Q. You do realize that Kimberly Dwight spoke to the
- 21 police don't you?
- 22 A. Yes, sir.
- 23 Q. And that she provided a statement don't you?
- 24 A. No sir, not aware of this.
- 25 Q. You're not aware of that either?

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1 A. No, sir.

2 Q. So she's your wife and she never told you that she
3 talked to the police?

4 A. She told me that they brought her down for
5 questioning but she had nothing to do with what happened
6 that night.

7 Q. Okay. So you never lied to her.

8 A. No, I don't lie to her sir.

9 Q. Okay. And so when you posted on Facebook for all
10 the world to see that I had nothing to do with Skinny's
11 murder. I wasn't there; I don't know anything about it.
12 That was the truth I suppose?

13 A. At the time, no it wasn't.

14 Q. Okay. That was a lie.

15 A. I was there, sir. But I didn't kill Skinny.

16 Q. Okay. You put on quite a show for the detectives
17 didn't you? You were crying then too right and you said
18 something like I don't know how Derrick got killed,
19 right?

20 A. Right.

21 Q. And you said but boy, if I find out, and you told
22 that man right over there [indicates], if I find out I'll
23 come tell you for real man. Do you remember saying that?

24 A. Yeah.

25 Q. But that was a lie too.

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1 A. It wasn't a lie because I told them who did it.

2 Q. Well, I understand you're saying that. All right.

3 Now once you got to jail you made some phone calls from
4 the jail didn't you?

5 A. I did, yes sir.

6 Q. After your arrest.

7 A. Yes, sir.

8 Q. And you were still trying to convince Kimberly that
9 you had nothing to do with it, right?

10 A. I was convincing Kimberly I didn't but I didn't have
11 or initiate for no one getting hurt that night, yeah.

12 Q. Now you told Kimberly that you had your arrest
13 warrant with you and you were looking at your papers,
14 right?

15 A. Okay.

16 Q. Do you remember saying that?

17 A. I believe so. It was a long time ---

18 Q. --- long time -- I'm sorry.

19 A. It was a long time ago but I probably did, yes sir.

20 Q. Okay. And do you remember telling her that you know
21 in this arrest warrant it was only a couple of pages,
22 right?

23 A. I believe so.

24 Q. It was like a summary; is that fair to say?

25 A. I believe so.

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1 Q. It didn't have a lot of the information that we've
2 heard here over this week, did it?

3 A. No. No, sir.

4 Q. And you told Kimberly you know I was looking at my
5 papers and they say it's a white car. It could be any
6 white car. Do you remember telling her that?

7 A. No sir, I don't.

8 Q. You don't remember telling her that?

9 A. No, sir.

10 Q. And then you said they falsely accusing me of
11 turning on that street like I been right there. You know
12 they say it's a white sedan. You told her again; that
13 could be any car. Do you remember telling her that?

14 A. No, sir.

15 Q. You don't remember trying to convince Kimberly that
16 you had nothing to do with it, you weren't there; you
17 don't know anything?

18 A. No sir, I don't recall that.

19 Q. And then you started asking Kimberly, because you
20 didn't know, do they have any witnesses?

21 A. Something like ---

22 Q. --- do you remember asking her that?

23 A. I was asking her about that, yes sir.

24 Q. Do you remember asking her do they have surveillance
25 cameras? You were worried about that, right?

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- 1 A. No, I was not.
- 2 Q. Did you ask her?
- 3 A. No, I don't recall.
- 4 Q. Do you remember telling her they got my car on
- 5 Moultrie? That's where my mom lives, but not on
- 6 Maverick, not on Maverick. Do you remember that?
- 7 A. No, sir.
- 8 Q. You never said that?
- 9 A. No, sir.
- 10 Q. Do you remember Kimberly saying baby, they do have
- 11 it. They showed me a picture.
- 12 A. No, sir.
- 13 Q. She never said that?
- 14 A. She said they showed her a picture of a car. That's
- 15 all she said. She never said what street and y'all never
- 16 put up and told her what street. Y'all just showed her a
- 17 picture of her car.
- 18 Q. Oh, so you do know that she spoke to the police?
- 19 A. I told you that already, sir.
- 20 Q. Okay. And do you remember when Kimberly said baby,
- 21 they got your car; they got it on Maverick. Do you
- 22 remember what your response was?
- 23 A. What was my response?
- 24 Q. Oh, followed by about 30 seconds of complete
- 25 silence. Do you remember that?

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- 1 A. No, I don't.
- 2 Q. At that point on May the 14th you realized you had a
3 problem, didn't you?
- 4 A. No, sir.
- 5 Q. You needed to change your story again, right?
- 6 A. No sir. That was not the plan, sir.
- 7 Q. But you did change your story.
- 8 A. I told him exactly the truth, yes sir.
- 9 Q. You told exactly the truth, okay.
- 10 A. This is why ---
- 11 Q. --- all right. So let's talk about the night of the
12 incident.
- 13 A. Okay.
- 14 Q. I'm showing you 259.
- 15 [Whereupon, the photograph is published]
- 16 Q. You said when you pulled up you parked in the drive
17 through.
- 18 A. I parked in front of the gate the front of 943 King
19 Street.
- 20 Q. Well, let's you call it what you call it, right?
21 It's the drive through, right?
- 22 A. I said we were hanging out by the drive through.
- 23 Q. Hanging out by the drive through, all right. And
24 where did you park?
- 25 A. In front of the gate.

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1 Q. Can you mark it on that so we can all see where you
2 parked?

3 A. In front of this area [indicates].

4 Q. Okay. And you were drinking, right?

5 A. Yes, sir. I had two beers.

6 Q. Two beers or a few beers?

7 A. Probably a few too, yes sir.

8 Q. Okay. Now, let's talk a second about this argument
9 with Deangelo. Now you originally said that it was about
10 the Bloods. That's what you told the detectives, right?

11 A. Correct.

12 Q. And then you do remember giving a statement on May
13 the 19th of 2017, right?

14 A. Correct.

15 Q. And on that statement you changed it up.

16 A. To what?

17 Q. I'm about to tell you.

18 A. Okay.

19 Q. On that statement you changed it up to the argument
20 was about a handshake and Deangelo having female
21 tendencies.

22 A. Yes, sir.

23 Q. And then today you told Mr. Mulbry and you've
24 testified that you don't really remember what the
25 argument was about; it was issues, right?

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1 A. Yeah, sir. That was about three years ago, sir.

2 Q. I understand. The argument that was the catalyst
3 that led to a fight that ended up leading to a murder of
4 your good friend, your brother, you just can't seem to
5 remember what that argument was about today, correct?

6 A. Correct.

7 Q. Now today you testified that you saw Deangelo go
8 into the store and you went to go talk to him to see if
9 y'all could work that out, correct?

10 A. Yes, sir.

11 Q. On May the 19th during that statement isn't it true
12 you said I went in the store but I didn't realize he was
13 in there.

14 A. I don't remember saying the words like that, sir. I
15 remember saying I cooled off and I went in the store and
16 I realized he was in the store.

17 Q. You don't recall?

18 A. No, I just told you.

19 Q. You do recall saying that?

20 A. Not saying it like that, sir.

21 Q. Okay. So not like that.

22 A. No, sir. I said when I went in the store I realized
23 he was in the store.

24 Q. I understand. I'm talking about why you went to the
25 store.

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1 A. I was already headed towards the store. Deangelo
2 came from across the street and I went towards the store
3 me and my friend Kris. At the midst of that you saw on
4 the video Kris went ahead of us.

5 And me and Deangelo was walking towards the store as
6 well even in our verbal altercation. That wasn't that
7 tense at the moment. It just was a conversation of
8 disagreement.

9 Q. Okay. Now, we've all seen the fight.

10 A. Okay.

11 Q. Then when you walked outside you said that you were
12 yelling at Demetrius.

13 A. Correct. Walking from the store as we were outside
14 the store, yes I did.

15 Q. Okay. Now during that meeting on May the 19th you
16 said that you were angry over the fight with Deangelo.

17 A. That as well, correct.

18 Q. You never mentioned anything about being angry with
19 Demetrius for pulling out a gun or yelling at him.

20 A. Yes, I did. I mentioned that too as well.

21 Q. All right. Then you went back and got your shirt.

22 A. Uh Huh.

23 Q. Inside the store. You have to say yes or no.

24 A. Oh, sorry yes; yes sir.

25 Q. And then you came back out.

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1 A. Yes, sir.

2 Q. Okay. And when you came back out you drank another
3 beer, right?

4 A. Not a whole beer. I drank a half of a beer, yes
5 sir.

6 Q. You were trying to calm down, right?

7 A. Yes, sir.

8 Q. Because you were still angry.

9 A. I wasn't angry. I was upset.

10 Q. Okay. You were upset. But you were so upset that
11 Kris told you you needed to go home because you were
12 angry.

13 A. He told me you just need to chill out and go home,
14 yeah.

15 Q. In fact Kris said you look pissed off. You need to
16 go home.

17 A. He said you look pissed but I wasn't angry at all.
18 I was upset.

19 Q. And you were there for ten or fifteen minutes?

20 A. That's what I recall but probably not that long. I
21 wasn't there that long.

22 Q. Okay. Do you remember during that subsequent
23 interview you said that you were there cooling off for
24 about ten or fifteen minutes ---

25 A. --- that's what I constantly thought of, yes sir.

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1 Q. Now Kris never told Demetrius to calm down did he?

2 A. No, he didn't have to. Demetrius was calm. He was
3 calm.

4 Q. You had said earlier in that interview that when
5 Demetrius went in there into the yard that he threw you
6 off; he fooled you.

7 A. Uh Huh.

8 THE COURT REPORTER: Is that yes?

9 Q. [Mr. Osborne] Does that sound right?

10 A. That was my first interview on May 19?

11 Q. Well, I know it gets confusing. This one is
12 actually going to be the second interview.

13 A. Okay.

14 Q. Does that sound about right that he threw you off?

15 A. It sounds right.

16 Q. And after leaving there, after cooling off for about
17 ten or fifteen that's when you went to grandma's house on
18 Moultrie.

19 A. I got in the car and Kris asked me before I left off
20 if I could take Demetrius home.

21 Q. Okay. And we saw you on the video, right? That was
22 you getting out of the car?

23 A. What car? Oh, the one on Moultrie Street?

24 Q. The one on James Simmons?

25 A. Correct. Yes, sir.

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- 1 Q. Okay. So that was you parking?
- 2 A. Yes, sir.
- 3 Q. You got out of the car.
- 4 A. Yes, sir.
- 5 Q. And walked across the street.
- 6 A. Yes, sir.
- 7 Q. And then came back.
- 8 A. Yes, sir.
- 9 Q. Did you call anyone after that?
- 10 A. My mom.
- 11 Q. You called your mom.
- 12 A. Yeah.
- 13 Q. You told her that you had lost the key, right?
- 14 A. Correct.
- 15 Q. And then she -- y'all talked a little bit, right?
- 16 A. Yeah, for a second. Not too long.
- 17 Q. Okay. And then just like we saw on the video you
- 18 went up to Moultrie and then took a right.
- 19 A. Yes, sir.
- 20 Q. And before on your second statement, not your first
- 21 or not your testimony but on your second statement you
- 22 said when you took that right on Moultrie you saw Derrick
- 23 Barber.
- 24 A. On my first statement?
- 25 Q. No.

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1 A. On my second statement?

2 Q. I know it gets confusing. On your second statement.

3 A. Yes, sir. Yes, sir.

4 Q. That was a lie, wasn't it?

5 A. Yes, sir.

6 Q. Okay.

7 MR. OSBORNE: Your Honor, I think we have a matter
8 of law.

9 THE COURT: Okay. All right ladies and gentlemen
10 we'll take a short break. I'll excuse you from the
11 courtroom for a few minutes and we'll call you back in
12 here momentarily. Please do not discuss the case.

13 [Whereupon, the jury exits at 10:46 a.m.]

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1 THE COURT: Yes, sir?

2 MR. OSBORNE: Your Honor, at this time I'm going to
3 ask for a ruling that we go ahead and terminate his
4 proffer. Part of his proffer agreement on that date was
5 that he be completely truthful and honest and he just
6 admitted to lying to a very material fact when he first
7 saw the murder victim. On that date, we knew this was
8 going to be a lie but we wanted to hear him say it.

9 And now that he has said it in Court under oath that
10 he lied during that proffer agreement I would ask that we
11 go ahead and terminate the agreement. Its Ollie Ollie
12 oxen free. I can then call rebuttal Detective Jarrell
13 and we can get into everything that he said during that
14 proffer agreement.

15 MR. MULBRY: Your Honor, the proffer agreement says
16 they can cross-examine him as to any material
17 inconsistent statement that he makes. I don't think ---

18 THE COURT: --- why would that not be a material
19 inconsistent statement?

20 MR. MULBRY: I would be. They just cross-examined
21 him on it. But that's what the agreement says. It
22 didn't say or if he takes a polygraph beforehand and the
23 polygraph finds him lying they can terminate the
24 agreement. I guess I would need to be refreshed on the
25 specific provision the Solicitor is talking about where

1 if he comes into Court and he says something inconsistent
2 that it's terminated.

3 THE COURT: I think it's held within the agreement
4 itself, is that correct Mr. Osborne?

5 MR. OSBORNE: Yes, the agreement is pretty clear
6 and I ---

7 THE COURT: --- I'll let Mr. Mulbry review it if he
8 needs a moment to review it.

9 [Whereupon, Mr. Mulbry reviews documents]

10 MR. MULBRY: That's what --

11 THE COURT REPORTER: I'm sorry. I didn't hear you
12 Mr. Mulbry.

13 MR. MULBRY: That's what the agreement says. There
14 is no basis for an objection.

15 THE COURT: All right. We'll mark the agreement as
16 a Court's exhibit. What exhibit number would this be?

17 THE COURT REPORTER: It will be number 1 ---

18 THE COURT: --- Court's exhibit 1. This will be
19 marked Court's exhibit 1 for purposes of the record.
20 I'll have the reporter label it as such.

21 [Whereupon, Court's exhibit number 1 is marked by
22 the court reporter]

23 THE COURT: All right. Mr. Osborne, this is the
24 original clearly. Is this the only copy you have?

25 MR. OSBORNE: I've got ---

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1 THE COURT: --- this will now be Court's exhibit so
2 if you need to make a copy you're welcome to do so. You
3 can use it obviously for today's purposes but after today
4 we'll retain that. Anything else before -- we'll all
5 take a minute. We'll be at ease for about four or five
6 minutes. Thank you very much.

7 Mr. Campbell, you can step down. You're free to
8 step down. Just don't discuss this case with your
9 attorneys, okay. Thank you very much.

10 [Whereupon, the witness exits the witness stand]

11 [Whereupon, Court is in recess from 10:51 a.m. to
12 11:00 a.m.]

13 THE COURT: Thank you. Please be seated.

14 [Whereupon, the witness retakes the stand]

15 THE COURT: Are you ready to proceed?

16 MR. OSBORNE: Yes, Your Honor.

17 THE COURT: The defense ready to proceed?

18 MR. MULBRY: I'm waiting on my client, Your Honor.

19 THE COURT: He's already on the witness stand.

20 MR. MULBRY: Sorry. There he is. We are ready.

21 THE COURT: You can bring the jury back in.

22 [Whereupon, the jury enters at 11:01 a.m.]

23 THE COURT: Thank you so much. All right Mr.
24 Osborne, you can resume whenever you're ready.

25 MR. OSBORNE: Thank you, Your Honor. Court's

1 indulgence.

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

3 MR. OSBORNE: I'm sorry Your Honor. We had a
4 little bit of technical difficulties.

5 THE COURT: That's okay.

6 MR. OSBORNE: It seems to be working now. Your
7 Honor, at this time I would seek to impeach the witness
8 regarding a jail call that was made. I think --

9 THE COURT REPORTER: Repeat again, please.

10 MR. OSBORNE: At this time I would seek to impeach
11 the defendant regarding a jail call that he made. I
12 believe I've already laid the foundation to impeach him
13 on that. He has denied that he made any of the comments.

14 THE COURT: Okay. You'll still have to lay a
15 foundation to the extent that he would say it's his voice
16 on the phone call if you don't have someone from the jail
17 to match his PIN.

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State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 CROSS-EXAMINATION (resumes)

2 BY MR. OSBORNE:

3 Q. [Mr. Osborne] All right Mr. Campbell, I'm going to
4 play some of this jail call here and tell me when you
5 recognize the voice.

6 THE COURT: Let him -- he needs to do it first on
7 his own if you're doing to do it that way otherwise --
8 are you getting ready to do it out loud?

9 MR. OSBORNE: I was going to play the beginning
10 part of it.

11 THE COURT: Okay. Well, let's give him some
12 headphones and let him do it independently first in order
13 to establish that foundation before it's published.

14 MR. OSBORNE: Okay.

15 CLERK OF COURT: At the stand you mean?

16 THE COURT: However; whichever is the easiest way
17 to do it.

18 CLERK OF COURT: I'll have to get headphones.

19 THE COURT: Okay.

20 CLERK OF COURT: We're going to need to connect it
21 to him.

22 [Whereupon, the Court confers with the Clerk of
23 Court]

24 MR. OSBORNE: Judge, I could do this through
25 another witness.

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K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 THE COURT: You could? Okay.

2 Q. [Mr. Osborne] Okay. So now we can talk a little
3 more freely about this statement, this second statement
4 that you made.

5 [Whereupon, the witness is shown document]

6 Q. Do you recognize Court's exhibit number 1? Turn to
7 the last page. I think you'll find your signature on the
8 last page.

9 A. Yes, sir.

10 Q. All right. Court's exhibit number 1 is what is
11 referred to as a proffer agreement, correct?

12 A. Yes, sir.

13 Q. And your attorney explained to you what this
14 agreement was, correct?

15 A. Yes, sir.

16 Q. And the agreement basically says that -- let's face
17 it; it's a pretty one-sided agreement, right?

18 A. I believe so.

19 Q. The State is not promising anything, right?

20 A. [No response]

21 Q. Correct?

22 A. Yes, sir.

23 Q. Correct?

24 A. Correct. I believe so.

25 Q. Well, we can go through it if you'd like. The State

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K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 is making no promises.

2 A. Other than just short summarized to me so we just
3 tell me everything is going to be okay.

4 Q. And you agree to tell us what happened.

5 A. Yes, sir.

6 Q. And in doing so you promised that you'd tell the
7 truth.

8 A. Yes, sir.

9 Q. That you wouldn't lie.

10 A. Yes, sir.

11 Q. And whatever you said in that statement could not be
12 used against you so long as you told the truth.

13 A. Yes, sir.

14 Q. But you didn't. You lied.

15 A. I lied about the part of meeting Mr. Milligan, yes
16 sir.

17 Q. Well, we'll get to some more; but you lied about
18 that. You lied about when you saw the victim.

19 A. Yes, that too. Yes, sir.

20 Q. Okay, so you lied about that too. And once you lie
21 it terminates the agreement and now we can use it against
22 you.

23 A. Yes, sir.

24 Q. Okay. Let me show you State's exhibit 4.

25 [Whereupon, the photograph is published]

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K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

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1 Q. To make sure we're tracking on this story. Your
2 first statement was that you left Rawan Market took a
3 right on Huger.
4 A. Yes, sir.
5 Q. And then a left on Rutledge.
6 A. Yes, sir.
7 Q. Correct?
8 A. Yes, sir.
9 Q. Okay. Your second statement you left Rawan Market,
10 you came up to Rutledge.
11 A. Yes, sir.
12 Q. And then you turned right, correct?
13 A. Yes, sir.
14 Q. And on that second statement you said that you saw
15 Derrick's car.
16 A. Yes, sir.
17 Q. Right about there [indicates].
18 A. Yes, sir.
19 Q. Right?
20 A. Yes, sir.
21 Q. And then you said I saw Derrick turn down here
22 [indicates], right?
23 A. Yes, sir.
24 Q. Right?
25 A. Yes, sir.

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K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

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1 Q. And that's when you had that epiphany. I can go
2 talk to Derrick and then he can be a mediator, right?

3 A. Yes, sir.

4 Q. So in that second statement you told them, and you
5 promised you'd be telling the truth, that you drove all
6 the way down, the epiphany happened somewhere around here
7 [indicates] and you came down Grove.

8 A. Yes, sir.

9 Q. And then you came up Oswego.

10 A. Yes, sir.

11 Q. And that's what you said.

12 A. Yes, sir.

13 Q. Complete lie.

14 A. Yes, sir.

15 Q. Okay.

16 A. Call it telling the truth or not they still would
17 accuse me of murder. That's how I felt at the time.

18 Q. Well, you're being accused of murder now, Mr.
19 Campbell so you're going to lie now too then, right ---

20 A. --- and y'all -- what I said it seemed like still
21 would charge me for murder.

22 Q. I understand. The truth ---

23 A. --- for you ---

24 Q. --- I'm going to ask a question and then you can
25 answer.

State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 A. Okay.

2 Q. You're being accused of murder now.

3 A. Exactly.

4 Q. Okay.

5 A. And if I told you that I wanted to talk to Deangelo
6 would that make it better or would you have accused me of
7 going to attack the person that I got in an altercation
8 with?

9 THE COURT: The attorney will ask the questions.
10 Thank you very much.

11 THE WITNESS: Okay, sorry.

12 THE COURT: That's okay.

13 Q. [Mr. Osborne] All right. So now you pull up and
14 you're driver's side door to driver's side door.

15 A. Yes, sir.

16 Q. With Derrick.

17 A. Yes, sir.

18 Q. The car, your car is still running.

19 A. Yes, sir.

20 Q. And Derrick gets out the car.

21 A. Yes sir, he does.

22 Q. Okay. Nobody gets out of your car.

23 A. No, nobody get out.

24 Q. And let me just walk through some of this
25 conversation. Derrick gets out the car and then he says

State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 what the F is going on.

2 A. Yes, sir.

3 Q. And then you said you need to talk to him, right?

4 A. Right.

5 Q. And Derrick said no, I'm not, right?

6 A. No, he didn't say that.

7 Q. Okay. Well, you said he said that on May the 19th
8 on that second statement, do you see that?

9 A. No, he didn't say -- no I didn't say that sir. I
10 don't remember saying that sir.

11 Q. Okay. And then Derrick followed that up with saying
12 I'm not getting involved in y'all's conflict. I'm not a
13 gangbanger.

14 A. He said I'm not getting involved in that gangbanger
15 shit or whatever y'all bullshit y'all got going on today.
16 Forgive me for cursing.

17 Q. Derrick said we don't want no trouble.

18 A. He didn't say that.

19 Q. Oh, he didn't say that?

20 A. No, he did not speak that.

21 Q. Okay. And just so we're all clear you never saw a
22 gun on Derrick?

23 A. No, I never saw a gun on him.

24 Q. And never saw a gun on Deangelo.

25 A. No, I never did.

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K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

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1 Q. The only person that had a gun according to you is
2 the guy that was in your car.

3 A. According to me he was not supposed to have the gun
4 in the car.

5 Q. Not exactly what I asked. The only person that had
6 a gun out there was the person that was in your car
7 according to your testimony.

8 A. Oh yes, sir. Apparently yes, sir.

9 Q. Apparently. Now you're having that conversation
10 with Derrick.

11 A. Yeah.

12 Q. And Deangelo starts to walk up.

13 A. Yes, sir.

14 Q. And then you said you see him reach down to tie his
15 shoes?

16 A. He reached down and I believe he was tying his shoe,
17 yes sir.

18 Q. Okay. And it was at that point that you started to
19 roll up your window.

20 A. Yes, sir.

21 Q. Electric window, I guess --

22 A. Electric ---

23 Q. --- or a crank ---

24 A. --- electric, electric.

25 Q. And you get it what half, three quarters of the way

State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 up?

2 A. Just a little bit; not too much of it.

3 Q. Because you were scared, right?

4 A. Correct.

5 Q. You didn't know what was going to happen.

6 A. Correct.

7 Q. So you got to roll that window up, right?

8 A. Correct.

9 Q. Right about your nose, right?

10 A. Just about.

11 Q. And then out of nowhere Demetrius who had never said
12 a word, never said a word during the fight, never said a
13 word in the car all of a sudden starts shooting.

14 A. Correct.

15 Q. And you're sitting in the driver's seat of the
16 Avenger. He's sitting in the passenger seat of the
17 Avenger, right?

18 A. Correct.

19 Q. And he put the barrel of that pistol right by your
20 nose, didn't he? In fact he even glanced your face with
21 it, didn't he?

22 A. Yes, sir.

23 Q. And then he went all the way over and put the barrel
24 of that gun outside that crack that you left in the
25 window, right?

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K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 A. Yes, sir.

2 Q. And then started cranking them off.

3 A. Yes, sir.

4 Q. Okay. When you gave that statement on May the 19th
5 you didn't have all the information that you have now, do
6 you, regarding the investigation?

7 A. What information are you talking about?

8 Q. Well, I'm talking about witness statements. I'm
9 talking about surveillance footage. I'm talking about
10 evidence. I'm talking about crime scene photographs.
11 I'm talking about all of it.

12 A. What I was aware we do have surveillance in the
13 downtown areas.

14 Q. I understand.

15 A. And I didn't try to put anything together.

16 Q. You didn't try to put anything together.

17 A. Well, to try to make it seem like it did.

18 Q. I guess what I'm asking to you is your attorney at
19 this point had not reviewed any of the investigation that
20 the police had when you gave that second statement,
21 right?

22 A. No sir, I don't believe so.

23 Q. So you had no idea at that point whether Detective
24 Jarrell had obtained witnesses that saw a gun coming out
25 the driver's window, did you?

State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 A. I don't know anything about that, sir.

2 Q. Didn't know nothing about -- didn't know whether
3 Deangelo had given a statement against you at that point,
4 did you?

5 A. No, sir. No, sir.

6 Q. Now, you testified that after the shooting that you
7 told Demetrius you wrong for what you did.

8 A. Correct.

9 Q. And that he said according to your testimony here
10 today you with them or you with me.

11 A. Correct.

12 Q. Okay. You never said that in the second statement
13 did you?

14 A. I didn't say that I made everything in the second
15 statement.

16 Q. Okay.

17 A. But he said most of what I said. He said a lot.

18 Q. All right. Then you said that as you're leaving the
19 area Demetrius gets out of the car. Where does he get
20 out of the car?

21 A. Up further Rutledge.

22 Q. Try to show us.

23 A. Somewhere down around here [indicates]. Past --
24 maybe further down --

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

State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 THE WITNESS: I believe further down the street.
2 But this map probably a little bigger size -- bigger view
3 of the map.
4 Q. [Mr. Osborne] You're from Charleston, right?
5 A. Yes, sir.
6 Q. Well, where did he get out the car?
7 A. Somewhere down Rutledge, further down Rutledge
8 between Peachtree area and further down maybe like
9 Sunnyside or Bayside.
10 Q. Okay. Peachtree, Sunnyside; further up Rutledge?
11 A. Yes, sir.
12 Q. Why don't you just say where he got out the car?
13 A. At the time it was dark and the murder just happened
14 so my mind wasn't focused enough to remember the street.
15 Q. All right. When you went back -- well, let's just
16 keep going if you can remember, once he got out the car
17 where did you go from there?
18 A. Straight to the interstate.
19 Q. Which interstate?
20 A. I-26.
21 Q. I-26?
22 A. East.
23 Q. To 526?
24 A. Yes, sir.
25 Q. To Johns Island.

State v K'Sone M. Campbell

K'Sone Campbell-Cross-Examination by Mr. Osborne (resumes)

March 5, 2020

1 A. Yes, sir.

2 Q. Okay. And Demetrius got out of the car on Rutledge.

3 A. In that area, yes.

4 Q. Rutledge, Peach, Morningside; somewhere around
5 there.

6 A. Yes, sir.

7 MR. OSBORNE: Court's indulgence.

8 [Whereupon, Mr. Osborne confers with the case agent]

9 Q. [Mr. Osborne] Mr. Campbell, when you took off and
10 Demetrius got out of the car you're still downtown on
11 Rutledge around Peach you never doubled back to see if
12 your friend was still alive did you?

13 A. I didn't.

14 Q. When you left your friend, your brother, when you
15 last saw him was on the ground bleeding out, wasn't he?

16 A. Correct.

17 Q. With his children crying.

18 A. I didn't see his kids when me and him was talking.

19 Q. It didn't matter whether they were there or not, did
20 it?

21 A. It mattered. It mattered.

22 Q. It mattered so much that you didn't call 911 did
23 you?

24 A. I didn't.

25 Q. You didn't come back and make sure that EMS had

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1 arrived on scene, did you?

2 A. I didn't know if it was safe for me to go back.

3 Q. You're alive today, aren't you?

4 A. Excuse me?

5 MR. OSBORNE: No further questions.

6 THE COURT: All right. Redirect?

7 MR. MULBRY: Thank you, Your Honor. May it please
8 the Court?

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State v K'Sone M. Campbell
K'Sone Campbell-Redirect Examination by Mr. Mulbry
March 5, 2020

1 REDIRECT EXAMINATION

2 BY MR. MULBRY:

3 Q. K'Sone, the Solicitor mentioned the text message.

4 A. Correct.

5 Q. I'm showing you what has been marked for I.D.

6 purposes as State's exhibit 82.

7 [Whereupon, the witness is shown exhibit]

8 Q. Do you recognize that?

9 A. Yes, sir.

10 Q. What is that?

11 A. It's a message that is from an anonymous number at
12 the time that was sending threats between me and my
13 fiancée.

14 Q. Tell me about that. How did that chain of text
15 messages come?

16 A. Well, she had a situation where she got into a
17 verbal altercation with another female. And just
18 supposedly anonymous text messages was supposed to be
19 that female who was sending threats back and forth at the
20 time.

21 Q. Tell me what threat is she sending. Can you read
22 that?

23 A. She said tell her to watch her back cause I got a
24 bullet with her name on it. I don't give a fuck if they
25 all ---

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March 5, 2020

1 MR. OSBORNE: --- Judge, I'm going to object. I
2 don't have a problem introducing it but he's publishing
3 it now.

4 THE COURT: Right. So do you want to introduce it
5 at some time?

6 MR. MULBRY: No, Your Honor.

7 THE COURT: He can review it himself without
8 reading it out loud and see if ---

9 THE WITNESS: --- okay ---

10 THE COURT: --- and see if that might refresh his
11 recollection as to the gist of the conversation.

12 THE WITNESS: All right. It's like --

13 Q. [Mr. Mulbry] Before you said we strapped did you
14 receive a threat?

15 A. Before that?

16 Q. Yes?

17 A. Yes, sir.

18 Q. And when you said we strap who is the we you're
19 referring to?

20 A. I was referring to me and my fiancée.

21 Q. Did this text message have anything to do with
22 Demetrius Young?

23 A. Negative, no sir.

24 Q. Did we have anything to do with Demetrius Young?

25 A. No, sir. Demetrius wasn't even around me at the

State v K'Sone M. Campbell
K'Sone Campbell-Redirect Examination by Mr. Mulbry
March 5, 2020

1 time, sir. Nor had I talked to him at all that day,
2 didn't even know he was going to be downtown that day,
3 sir.

4 Q. Did that text message have anything to do with
5 Deangelo Milligan?

6 A. No, sir; nothing.

7 Q. Now the proffer. I want to move to the proffer. Do
8 you remember when that statement was made?

9 A. I remember a couple of weeks. I had been
10 incarcerated or something like that.

11 Q. Does May 19th of 2017 ring a bell?

12 A. Somewhat, yes sir.

13 Q. How many years ago is that?

14 A. Three years, three years ago.

15 Q. Is it difficult to recall what happened three years
16 ago?

17 A. In some ways it is, yes sir.

18 Q. Do you remember every single thing you said or heard
19 three years ago?

20 A. It's coming to me, yes sir.

21 Q. Every single thing you ever said or heard three
22 years ago you remember?

23 A. Somewhat, yes sir.

24 Q. Now at that point in time --

25 MR. MULBRY: Court's indulgence.

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K'Sone Campbell-Redirect Examination by Mr. Mulbry
March 5, 2020

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

2 Q. [Mr. Mulbry] The night of May 11th after you left
3 the market did you drive to Moultrie Street?

4 A. Yes, sir.

5 Q. And after Moultrie Street did you want to speak with
6 Deangelo Milligan?

7 A. Yes, sir.

8 Q. Did you want to defuse the situation?

9 A. Yes, sir.

10 Q. Now May 19th you said something different, right?

11 A. Yes, sir.

12 Q. And at that time when you said that on May 19th
13 explain how you were feeling and why that happened.

14 A. Because I know if I told them that I wanted to talk
15 to Deangelo they may not believe me.

16 Q. And after you turned on Maverick Street who did you
17 see?

18 A. When I turned on Maverick Street I didn't see no one
19 until I turned on Oswego and I saw Derrick's car coming
20 down Maverick Street.

21 Q. That's when you saw Derrick's car at the
22 intersection of Maverick and Oswego?

23 A. Yes, sir.

24 Q. And what did you do then?

25 A. I turned from off Oswego to Maverick towards

State v K'Sone M. Campbell
K'Sone Campbell-Redirect Examination by Mr. Mulbry
March 5, 2020

1 Derrick's car and we was side by side.

2 Q. So what happened next?

3 A. He got out the car. I downed the window and I
4 yelled at him that we need to talk to him. And he said
5 I'm not getting involved in y'all gangbanger or
6 foolishness. But I told him I don't gangbang for one.

7 Q. After that did Demetrius pull a gun?

8 A. No, he did not.

9 Q. When did Demetrius pull a gun?

10 A. He pulled a gun out after me and Derrick, well after
11 Derrick stopped Deangelo from walking towards the car and
12 he was like y'all need to kill that situation and I was
13 like all right. And I sat back and I accepted the
14 situation and Demetrius pulled out a gun.

15 Q. And then what happened?

16 A. He shot him.

17 Q. Did you know Demetrius had a gun?

18 A. No, I did not.

19 Q. Did those text messages that the Solicitor referred
20 to did that have anything to do with what happened that
21 night?

22 A. No sir, not at all, no.

23 Q. Now after you -- after the shooting when you left
24 were you paying attention to all the street signs you're
25 passing?

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K'Sone Campbell-Redirect Examination by Mr. Mulbry
March 5, 2020

1 A. No, sir.

2 Q. What was it like; I mean what was happening in that
3 car?

4 A. I had a lot on my mind; that's all. And a friend of
5 mine that I know become a killer and I saw another good
6 friend of mine got killed.

7 Q. Did you plan to hurt Deangelo Milligan?

8 A. No sir, I did not. I did not.

9 Q. Did you plan to hurt Derrick Barber?

10 A. No, not at all sir.

11 MR. MULBRY: Court's indulgence.

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

13 Q. [Mr. Mulbry] Is this the first time you've said what
14 happened in front of Derrick Barber's family?

15 A. It is.

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

17 THE COURT: Recross?
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Q. Is this the third or fourth different statement you've given?

THE COURT: I'm not sure he heard the question.

A. Have I got to answer?

A. Oh, I'm sorry. Probably third, yes, sir.

[Whereupon, the photograph is published]

A. Between Oswego Street?

A. Correct.

Q. Okay. And the next time we all saw in the courtroom your car was when you came up this way [indicates]. So I'd like you to tell us what you were doing once we last

State v K'Sone M. Campbell
K'Sone Campbell-Recross-Examination by Mr. Osborne
March 5, 2020

1 saw your car right about there [indicates].
2 A. I did a u-turn.
3 Q. A u-turn?
4 A. Yes, sir.
5 Q. Okay.
6 A. I already said that earlier.
7 Q. When you did that u-turn where did -- well, tell me
8 where did you u-turn?
9 A. I u-turned probably between Cleveland or either
10 Cleveland or Francis Street. I don't remember the exact
11 street but I u-turned from ---
12 Q. --- can you put an X on it?
13 A. Either here [indicates], here [indicates], or either
14 I u-turned here [indicates].
15 Q. Okay. So you were only a block or two away.
16 A. Exactly, yes.
17 Q. Okay. Now you testified, and I couldn't really
18 understand what you were saying but the messages
19 regarding where you said we strapped you said was between
20 an anonymous caller?
21 A. Yes, sir.
22 Q. Well, who was it?
23 A. It was supposed to be a female who my fiancée got
24 into with. I don't know her name. She called off a
25 Google map so when you tried to call the number it would

State v K'Sone M. Campbell
K'Sone Campbell-Recross-Examination by Mr. Osborne
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1 just say Google voice mail.

2 Q. Okay. So your wife was in an argument with another
3 female and it got so intense where you needed to tell her
4 you were strapped but you don't have any idea who the
5 female is?

6 A. Well, they got in a verbal altercation again before
7 that text.

8 Q. And then you told Mr. ---

9 A. --- well -- I'm sorry; like a couple of months
10 before that. I'm sorry.

11 Q. And then you told Mr. Mulbry that you were with a
12 friend when you said we strap it was a friend who was
13 strapped.

14 A. No, I didn't say I was with no one. I said I was
15 coming from work when I was texting that female.

16 Q. Well, who were you with then?

17 A. I was by myself sir coming from work when I headed
18 downtown I-26, sir.

19 Q. Okay.

20 A. I never said I was with nobody.

21 Q. So nobody was with you ---

22 A. --- nobody with me, sir, nobody.

23 Q. Let me just ask the question Mr. Campbell. So there
24 was no one with you when you said we strap?

25 A. No one was with me, that's correct.

State v K'Sone M. Campbell
K'Sone Campbell-Recross-Examination by Mr. Osborne
March 5, 2020

1 Q. Okay. Now you said that you lied in that May the
2 19th interview and you lied on your first interview with
3 detectives because you felt they wouldn't believe you,
4 correct?

5 A. I lied about how I saw Derrick yes sir, I did. And
6 I lied about also really turning onto that street to try
7 to find Deangelo, yes sir.

8 Q. And you lied because you felt they wouldn't believe
9 you, correct?

10 A. Correct.

11 Q. Okay. So when people -- when you believe that
12 people aren't going to believe you you lie?

13 A. At the time I did. No, I don't do that all the
14 time, sir.

15 Q. You pick and choose when to lie.

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

17 THE COURT: All right. You can step down from the
18 witness stand. Thank you very much.

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

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State v K'Sone M. Campbell
Proceedings
March 5, 2020

1 THE COURT: Does the defense have any other
2 witnesses they wish to call at this time?

3 MR. MULBRY: Court's indulgence.

4 THE COURT: Okay.

5 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer with
6 the Defendant]

7 MR. MULBRY: No, Your Honor.

8 THE COURT: All right. Does the defense rest?

9 MR. MULBRY: The defense rests.

10 THE COURT: All right. Thank you very much.

11 Ladies and gentlemen once again I have a legal matter I
12 need to take up with these attorneys outside of your
13 presence. It's a little early; I doubt your lunch is
14 here yet so we'll just take a few minutes as a break and
15 then we'll return. Thank you very much. Once again, do
16 not discuss the case yet.

17 [Whereupon, the jury exits at 11:33 a.m.]

18 THE COURT: I'm happy to entertain any motions at
19 this point in the trial from either side.
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State v K'Sone M. Campbell
Motion for Directed Verdict
March 5, 2020

1 MOTION FOR DIRECTED VERDICT

2 MR. MULBRY: Your Honor, we'd make a Directed
3 Verdict Motion.

4 THE COURT: Okay. You care to verbalize that?

5 MR. MULBRY: Taking the evidence in the light most
6 favorable to the State they have not made a case for
7 murder, Your Honor. Like I said earlier, no gun. My
8 client was not in possession of a gun. He's testified
9 and it's uncontradicted at this point that he did not
10 fire a gun, he did not know anything. For those reasons
11 we'd ask you to grant it.

12 THE COURT: All right. Mr. Osborne, you wish to be
13 heard?

14 MR. OSBORNE: I think there is more than enough
15 evidence to give it to the jury. We've seen the video
16 where he had anger, where he had malice. The shots came
17 out of his car, out of his window; he stopped in the
18 middle of the road. He confronted -- he argued by his
19 own admission that he was yelling at the victim.

20 Just because he said somebody else pulled the
21 trigger doesn't mean he didn't do it. I think that is
22 more than enough to get to the jury. And even if
23 Demetrius pulled the trigger he knew Demetrius had a gun,
24 he brought Demetrius there, he took Demetrius from the
25 place. Hand of one; either way he's guilty.

State v K'Sone M. Campbell
Motion for Directed Verdict
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1 THE COURT: For the same reasons I denied it at the
2 close of the State's case I will again deny it at the
3 close of the defense case. I think there is sufficient
4 evidence albeit somewhat circumstantial in nature to
5 submit this case to the jury. And respectfully your
6 motion is denied.

1 THE COURT: Any other -- does the State have any
2 rebuttal witnesses that they wish to call at this point
3 in time?

4 MR. OSBORNE: I do, Your Honor I have two. If we
5 can get -- I mentioned she is the custodian for the jail
6 call in before lunch, it's super quick, and then a case
7 agent ---

8 THE COURT: --- is she here already? Is she?

9 MR. OSBORNE: My investigator is trying to get her
10 right now.

11 THE COURT: Okay.

12 MR. OSBORNE: I assume she is since he told me he'd
13 text her if she needed to go before lunch.

14 THE COURT: Okay.

15 MR. OSBORNE: And then I'll follow that up by the
16 case agent just to ---

17 THE COURT: --- of course it's going to be limited
18 in nature only. ---

19 MR. OSBORNE: --- it's limited in nature. I've
20 only got about 10 questions and they all deal with
21 proving through extrinsic evidence the failure to admit
22 his prior statements during the second proffer statement.

23 THE COURT: Say that again.

24 MR. OSBORNE: Well, the impeachment rule envisions
25 that if the testifying witness does not admit to making a

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1 prior statement ---

2 THE COURT: --- okay ---

3 MR. OSBORNE: --- then I can prove it through
4 extrinsic evidence so I just plan on asking the case
5 agent -- I'm using that method instead of playing his
6 proffer to prove of the extrinsic evidence or the
7 inconsistent statement.

8 THE COURT: You're not going to offer the actual
9 statement itself?

10 MR. OSBORNE: I wasn't going to.

11 THE COURT: Otherwise wouldn't it be hearsay?

12 MR. OSBORNE: No, that's proving -- that's
13 extrinsic evidence proving the prior inconsistent
14 statement ---

15 THE COURT: --- right. The statement itself would
16 be that extrinsic evidence no doubt but I'm not sure that
17 you can just ask the detective what he said you know what
18 I'm saying?

19 MR. OSBORNE: Well, I would do that through any
20 witness. So if I asked the witness isn't it true that
21 you told someone else and then they said no, I never said
22 that then I could bring the someone else in to say yes,
23 they did tell me that. It doesn't have to be recorded.

24 THE COURT: Okay. Mr. Mulbry, you want to be heard
25 on that?

1 MR. MULBRY: Your Honor, my understanding of the
2 rule is he can impeach him with any inconsistent
3 statements he made. However, I think under the rule of
4 completeness I can put in any other -- if he's getting
5 into these statements I can put in anything -- the rest
6 of the statements.

7 MR. OSBORNE: That's conflating two issues. I'm
8 not trying to bring in that statement ---

9 THE COURT: --- he's not introducing them.

10 MR. OSBORNE: All I'm trying to do is specific
11 questions that he failed to answer proving that he did
12 answer in a prior inconsistent manner through extrinsic
13 evidence; not the entire statement.

14 THE COURT: Can I ask why you wouldn't just play
15 the prior inconsistent statement and enter it? I don't
16 understand why you're just going to ask the detective
17 what he told the detective before.

18 MR. OSBORNE: I mean I can clip down the specific
19 portions of that statement and then play those. I just
20 thought it would be much easier to just simply ask him
21 did the Defendant say that he saw Deangelo Milligan go
22 into the store. No, he said he went in there and he
23 didn't have any idea he was there.

24 THE COURT: I think in order to do it properly
25 you're going to have to use the statement itself. You

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1 can enter it obviously through the detective but
2 otherwise it's just eliciting hearsay testimony or else
3 you'll have to lead the detective again, which you can't
4 do. So I'm not sure how to do it any other way. Maybe
5 I'm not quite understanding what we're doing here but...

6 MR. OSBORNE: I guess then I would say I can still
7 impeach him with extrinsic evidence if it weren't
8 recorded. So the fact that it's recorded doesn't mean
9 that that's the method that I have to use to bring it in.

10 THE COURT: All right. I'll look into this. We'll
11 take a break for about five minutes while you look for
12 your next witness to make sure she's here and then we'll
13 resume, okay.

14 MR. OSBORNE: Okay.

15 THE COURT: All right. Thank you very much.
16 We'll be ease for a few minutes.

17 THE COURT REPORTER: Mr. Osborne, what did I hear
18 her name to be? She's not on the witness list, correct?

19 MR. OSBORNE: She's not.

20 THE COURT REPORTER: Okay. I just wanted her name.

21 MR. OSBORNE: Loretta Mitchum.

22 THE COURT: Mitchell?

23 MR. OSBORNE: Mitchum.

24 THE COURT: Mitchum?

25 MR. OSBORNE: Yes.

1 THE COURT: I'll have to -- any request from the
2 defense regarding a witness not previously listed on the
3 witness list?

4 MR. MULBRY: Your Honor, are we going to do voir
5 dire with the jury?

6 THE COURT: We can if you request it. Would you
7 like me to voir dire ---

8 MR. MULBRY: --- yes ---

9 THE COURT: --- the jury as to this new witness?

10 MR. MULBRY: Yes, Your Honor. Thank you.

11 THE COURT: I'll do that.

12 MR. OSBORNE: And she's parking right now.

13 THE COURT: Okay. She's parking right now. We'll
14 be at ease now. Thank you.

15 [Whereupon, Court is in recess from 11:39 a.m. to
16 11:45 a.m.]

17 THE COURT: All right. Are we ready to proceed?

18 MR. OSBORNE: Yes, Your Honor.

19 THE COURT: When we broke earlier we were
20 discussing the State was going to call I think two
21 rebuttal witnesses. Do you still intend to call these
22 two witnesses?

23 MR. OSBORNE: Yes, Your Honor.

24 THE COURT: Okay. And I think you had indicated
25 that you intended to elicit some testimony from the lead

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1 detective regarding some inconsistent statements made by
2 the Defendant during his previous interviews with the
3 Defendant.

4 MR. OSBORNE: I'll only ask ---

5 THE COURT: --- and I indicated that I did not know
6 that they would be admissible as hearsay however I was
7 wrong. I searched some case law State v Sowards 279 S.C.
8 554, 4th Circuit case U.S. verses Ince, I-N-C-E, 21 F.3d
9 576 indicate otherwise. Even inadmissible hearsay is
10 allowed for this limited purpose. So we will -- I'll
11 stand corrected and allow the State to call its rebuttal
12 witnesses if it's ready.

13 MR. OSBORNE: Thank you, Your Honor. Just so I'm
14 not misleading the Court the other question that I did
15 want to ask him there was some testimony from Mr. Mulbry
16 during the trial regarding decisions that was made
17 regarding processing evidence at SLED and things of that
18 nature.

19 He knew what the Defendant had said occurred so he
20 made decisions to not send that to SLED. And so I do
21 intend on asking him did you know that the Defendant had
22 said that the victim nor Deangelo, nor Funnie ever had a
23 gun and did that influence your decision to not have the
24 gun or gun box processed.

25 THE COURT: I don't know that that's -- your

1 rebuttal has to be limited to something that was brought
2 up during his exam -- during his time on the witness
3 stand. So tell me how that relates.

4 MR. OSBORNE: That didn't come up in our case in
5 chief. That came up during him calling his witness.

6 THE COURT: Oh, I see. You're referring to that
7 conversation about -- remind me again.

8 MR. OSBORNE: So we didn't -- the jury has not
9 heard anything, in our case in chief the jury heard
10 nothing regarding the Defendant's account of what
11 happened that night. We rested. Then they put up a case
12 and in their case they introduced new evidence, evidence
13 that the jury had never heard; the Defendant's version of
14 what happened.

15 The case agent as a rebuttal witness can now say I
16 knew that too and that's why I made decisions to not have
17 the gun processed for DNA, the gun box processed for DNA;
18 and that's why I'm going to give it back to Mr. Funnie
19 because I knew that.

20 Now he would have been free to argue in his closing
21 they didn't process anything; they just took Funnie's
22 word for it. And I'd have had to kind of eat that. But
23 now that he's presented evidence to establish why he did
24 what he did I can ask him because now the jury knows.

25 THE COURT: Okay. That makes sense. Thank you for

1 delineating that. Mr. Mulbry, you want to be heard on
2 that issue?

3 MR. MULBRY: Your Honor, there is no testimony
4 about the decisions, I did not put up any testimony about
5 the decision, I did not put up any testimony about the
6 decisions the detective made so he's not rebutting that.
7 He's rebutting what my client is saying and I think
8 rebuttal for that I mean he's putting in the jail calls
9 and I don't think I can argue with that.

10 THE COURT: I think what you're talking about Mr.
11 Osborne is really reserved best for your closing argument
12 versus calling him to the witness stand. So I don't
13 think it would be appropriate, I mean it's really, these
14 rebuttal witnesses are really limited in nature.

15 And I know that it's very discretionary on my part
16 but I think you'd be kind of introducing new issues in a
17 way that weren't exactly addressed during his testimony
18 on the stand so for that reason I'd just ask that you --
19 obviously in your closing you're free to address all of
20 that; that's fair. But I don't think we need to go into
21 a rebuttal witness topic for that purpose.

22 MR. OSBORNE: Well, just in an abundance of caution
23 then there were two questions that I wanted to ask him
24 regarding the testimony of this Defendant.

25 THE COURT: Okay.

1 MR. OSBORNE: Did you ever see the white Dodge
2 Avenger on I-526 on ALPR after he said that he took the
3 route that he took home. He looked at ALPR and never saw
4 the car.

5 THE COURT: Okay, I think that's fair.

6 MR. OSBORNE: Were you able to corroborate that he
7 in fact called him mom when he was going there to drop
8 off the key. I looked at the call logs; there is no
9 phone call.

10 THE COURT: I think that's fair. Okay. You want
11 to be heard on those two specific questions?

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

13 MR. MULBRY: Your Honor, if the detective gets on
14 the stand am I limited to what he is testifying to or am
15 I -- can I cross-examine him on more than that especially
16 with regard to the statement.

17 THE COURT: Which statement?

18 MR. MULBRY: The proffer.

19 MR. OSBORNE: I've seen this a lot in this trial.
20 He doesn't want me asking those questions but he wants to
21 ask them ---

22 THE COURT: --- it's difficult for me to answer
23 these questions in a vacuum. Please make contemporaneous
24 objections during the questioning and we'll handle it one
25 at a time. It's the only way I know how to handle it

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1 okay.

2 MR. MULBRY: Okay.

3 THE COURT: All right. So who do you intend to
4 call first?

5 MR. OSBORNE: I intend on calling Loretta Mitchum.

6 THE COURT: If that's the case I need to voir dire
7 this jury quickly before she comes in if you don't mind.
8 Otherwise are we ready?

9 [No response]

10 THE COURT: I guess so. Bring them in.

11 [Whereupon, the jury enters at 11:56 a.m.]

12 THE COURT: Thank you very much. Please be seated.
13 All right Mr. Osborne, does the State wish to call any
14 rebuttal witnesses at this time?

15 MR. OSBORNE: We do, Your Honor. The State wishes
16 to call Loretta Mitchum. She works at the Charleston
17 County Sheriff's Office.

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Voir Dire (as to rebuttal witness Loretta Mitchum)

March 5, 2020

1 VOIR DIRE (as to Loretta Mitchum)

2 THE COURT: All right. Ladies and gentlemen we
3 initially at the outset of this trial conducted a process
4 through which we named several witnesses and we asked
5 when you were all sitting out in the audience if you knew
6 any of these names. And this is a name that was not
7 previously disclosed to you. And this is the name of
8 Loretta Mitchum.

9 Do any of you have any business or social
10 relationship or related by blood or marriage or have any
11 knowledge of a Loretta Mitchum? If so, please indicate
12 by raising your hand.

13 [Whereupon, no jurors respond]

14 THE COURT: All right. The record will reflect no
15 one has raised their hand. You can call Ms. Mitchum to
16 the stand.

17 MR. OSBORNE: Thank you, Your Honor.

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Loretta Mitchum-Direct Examination by Mr. Osborne

March 5, 2020

1 MR. OSBORNE: The State calls Loretta Mitchum.

2 [Whereupon, Ms. Mitchum 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 and spell your last name for the record.

7 THE WITNESS: Loretta Mitchum, M-I-T-C-H-U-M.

8 - - - - -

9 LORETTA MITCHUM,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. OSBORNE:

14 Q. Ms. Mitchum thanks for coming in on short notice.

15 Where do you work?

16 A. Charleston County Sheriff's Office at the Al Cannon
17 Detention Center.

18 Q. Okay. And what do you do at the detention center?

19 A. I am the administrative assistant for the security
20 threat group. I handle the warrants and subpoena
21 requests for records.

22 Q. Okay. And so what are some of the subpoena and
23 warrant requests that you might receive?

24 A. Mug shots, phone calls, video visits, records.

25 Q. Okay. I asked you to come in here today because I'm

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Loretta Mitchum-Direct Examination by Mr. Osborne

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1 talking about phone calls. So just explain to the jury
2 when an inmate comes into the detention center they have
3 a right to make phone calls or they can make phone calls?

4 A. Yes. They are given a PIN number where they can
5 make calls.

6 Q. Okay. And so how does it work? When they make a
7 phone call is it stored in some particular way?

8 A. It's recorded.

9 Q. Oh, it's recorded. Okay. And is it stored by the
10 PIN number or is it stored by the inmate name? Like if
11 you were to ---

12 A. --- inmate name.

13 Q. Inmate name?

14 A. Number.

15 Q. Okay. So -- and are those calls kept during the
16 ordinary normal course of business for Al Cannon
17 Detention Center?

18 A. Yes.

19 Q. And did you or someone at your office receive a
20 subpoena from my office for jail calls in this case?

21 A. Yes.

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

23 THE COURT: Yes.

24 [Whereupon, State's exhibit number 261 is marked by
25 the court reporter]

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Loretta Mitchum-Direct Examination by Mr. Osborne

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1 Q. [Mr. Osborne] I'm showing you State's exhibit 261.

2 [Whereupon, the witness is shown exhibit]

3 Q. Can you take a look at that and tell me if you
4 recognize that?

5 A. Yes.

6 Q. And what is that?

7 A. It is a recording of phone calls.

8 Q. And what is the Defendant's name or the inmate's
9 name?

10 A. Campbell.

11 Q. And what are the dates of the calls?

12 A. 6/13/2017 and 6/23/2013 -- oh '17.

13 Q. Is it 6 or 5?

14 A. Oh, it's 5.

15 THE COURT REPORTER: I'm sorry; repeat those dates
16 again.

17 THE WITNESS: 5/13/2017, 6/23/2017.

18 Q. [Mr. Osborne] And how is it that -- so once you
19 receive the subpoena how do y'all actually go about
20 retrieving those calls?

21 A. We go into the inmate's number. We can search by
22 inmate's number, name, PIN number or dates, telephone
23 numbers. So we would have went in and looked up his
24 inmate number and recorded whatever was on there showing
25 for him.

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1 Q. Okay.

2 MR. OSBORNE: Your Honor, at that time we'd seek to
3 publish one part of a clip from State's 261 for
4 impeachment purposes.

5 THE COURT: All right. Any objection to 261?

6 MR. MULBRY: Not being published, Your Honor. I
7 would object to it being admitted.

8 THE COURT: You just seek to publish it at this
9 time?

10 MR. OSBORNE: Yes, Your Honor.

11 THE COURT: All right. It will be published
12 without objection.

13 [Whereupon, State's exhibit 261, a clip from jail
14 call, plays]

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

16 THE COURT: All right. Any questions for this
17 witness?

18 MR. MULBRY: No questions, Your Honor.

19 THE COURT: All right. You may step down. Thank
20 you very much.

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

23 THE COURT: Does the State have any other witnesses
24 it wishes to call in rebuttal?

25 MR. OSBORNE: No, Your Honor. The State rests.

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1 THE COURT: All right. At any rate ladies and
2 gentlemen we have reached the stage in the trial
3 whereupon the State has rested in its rebuttal case. I
4 have some additional matters of law to take up with these
5 attorneys outside of your presence.

6 I'm going to excuse you from the courtroom. We are
7 still waiting on lunch to arrive. And I'm going to ask
8 you once again not to discuss the case until you are
9 instructed to do so. Thank you very much.

10 [Whereupon, the Court confers with the Clerk]

11 THE COURT: Lunch is here so there we go.

12 [Whereupon, the jury exits at 12:04 p.m.]

13 THE COURT: Thank you so much. Please be seated.
14 Any other motions to renew at this stage?

15 MR. OSBORNE: None from the State, Your Honor.

16 THE COURT: Okay.

17 MR. MULBRY: We would renew our pretrial motions
18 and motions made here, Your Honor.

19 THE COURT: All right. All motions noted as
20 timely made and renewed and denied as previously stated
21 for the record -- for the reasons previously stated by
22 the Court.

23 We will now move to the stage of the trial where we
24 will have closing arguments as well as a charge on the
25 law in the case. The order of close will be -- Mr.

1 Osborne, do you intend to open and close?

2 MR. OSBORNE: I will not sandbag. I will do my
3 opening and then I'll do reply.

4 THE COURT: All right. So Mr. Mulbry, you will be
5 giving the first closing arguments and then Mr. Osborne
6 will close after that. Is that your understanding as
7 well?

8 MR. OSBORNE: Well, I think I open, then he does
9 his and then I can come back with a reply.

10 MR. MULBRY: That's my understanding as well.

11 THE COURT: Yes. That's what I meant before. I
12 was not -- the sandbagging term is not allowed these
13 days. Okay. At any rate about how long do you
14 anticipate closing to last?

15 MR. OSBORNE: It's hot off the printer this
16 morning. I would say about 30 to 40 minutes.

17 THE COURT: About the same for you? Okay. Well,
18 this is what we'll do. We'll allow the jury to go ahead
19 and eat their lunches. Over the lunch period we've begun
20 crafting a charge but I'd like to have a charging
21 conference with the attorneys in chambers at some point
22 in time.

23 Obviously, I want y'all to go ahead and eat as well.
24 Do you think you could be back by 1 o'clock in an hour in
25 order to meet with me and then we'll ask the jury to come

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1 back at 1:30 or you need...

2 MR. OSBORNE: I would like to do it now so I know
3 what my closing looks like.

4 THE COURT: That's fine with me. Would you rather
5 just go ahead and do it now?

6 MR. MULBRY: Do the charging conference now and
7 then push back when we have to come back a little bit?

8 THE COURT: Oh yeah, yeah that's fine. I
9 anticipate -- we can go ahead and let the jury know they
10 can eat lunch and I don't need them back until 1:30.
11 Thank you, Mr. Ladson.

12 So if you want we'll go ahead and excuse ourselves
13 and have this charging conference off the record and then
14 I'll release you to eat lunch, okay. Thank you very
15 much. Ladies and gentlemen otherwise the courtroom will
16 be at ease until 1:30. Thank you.

17 [Whereupon, Court is in recess from 12:15 p.m. until
18 1:37 p.m.]

19 THE COURT: Thank you. Please be seated. Are the
20 attorneys ready to proceed?

21 MR. OSBORNE: Yes, Your Honor.

22 MR. MULBRY: Yes, Your Honor.

23 THE COURT: Okay. I think I had my clerk email
24 y'all a copy of the proposed charge at this point. Have
25 you had an opportunity to review that?

1 MR. OSBORNE: I have not, Your Honor. But I assume
2 it's just the standard jury charge for mere presence hand
3 of one?

4 THE COURT: Yep. How about you, Mr. Mulbry? Have
5 you had a chance to look at it?

6 MR. MULBRY: I have not, Your Honor. I'm just
7 looking at it right now.

8 THE COURT: Well, take a minute right now, both of
9 you, and look it over.

10 [Whereupon, Mr. Osborne and Mr. Mulbry review the
11 proposed jury charge]

12 [Off the record momentarily]

13 THE COURT: Obviously, there on the first page I
14 think there is, I see a typo I didn't catch. I'll change
15 the last name from Whaley to Campbell. All right. I am
16 going to replace the creditability of witnesses'
17 paragraph that I emailed to y'all with one that is
18 actually my standard. I think this is from Judge Dennis.

19 So mine will be the more standard creditability of
20 witnesses' paragraph that I think is a little bit
21 clearer. It doesn't ask quite so many rhetorical
22 questions. And at this time I will copy and paste the
23 paragraph on creditability of witnesses that I will read
24 to the jury and just send that paragraph alone to both of
25 you, okay, for your review. Mr. Osborne, what is your

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1 email?

2 MR. OSBORNE: Osborne d, O-S-B-O-R-N-E d at
3 scsolicitor9.org.

4 THE COURT: Sc solicitor 9?

5 MR. OSBORNE: Yes.

6 THE COURT: Dot org.

7 MR. OSBORNE: The number 9.

8 THE COURT: All right. Mr. Mulbry, what is your
9 email?

10 MR. MULBRY: RMulbry, M-U-L-B-R-Y at Charleston
11 County.org.

12 THE COURT: Are those the emails that I should send
13 this to right now?

14 MR. OSBORNE: Yes.

15 MR. MULBRY: Yes, ma'am.

16 THE COURT: All right. Apart from that and the
17 typo on the first page I am happy to entertain any other
18 objections or exceptions to the charge.

19 MR. OSBORNE: None from the State.

20 MR. MULBRY: None, Your Honor.

21 THE COURT: All right. Take a minute; have you
22 gotten that email yet?

23 MR. OSBORNE: I did.

24 THE COURT: Take a minute and look at it. It's
25 just a more concise review of creditability.

1 [Whereupon, Mr. Osborne and Mr. Mulbry review the
2 new proposed charge]

3 THE COURT: Is the State ready to proceed?

4 MR. OSBORNE: Yes, Your Honor.

5 THE COURT: Is the defense ready to proceed on
6 closing?

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: Okay. You can bring the jury back in.
9 Thank you very much.

10 [Whereupon, the jury enters at 1:50 p.m.]

11 THE COURT: Thank you so much. Please be seated.

12 Ladies and gentlemen the parties have presented their
13 evidence in this case and it's now time for these
14 attorneys to make their closing arguments to you. I'm
15 going to remind you that the arguments of these attorneys
16 are not evidence in this case.

17 Their statements and arguments are meant to help you
18 understand the evidence and apply the law to the evidence
19 but you should disregard any remark, statement, or
20 argument from these attorneys which is not supported by
21 the evidence presented during the trial or the law that I
22 will explain to you later on when their arguments are
23 finished. I will ask you now to direct your attention to
24 these attorneys. Yes, sir?

25 MR. OSBORNE: Thank you, Your Honor.

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CLOSING ARGUMENTS

BY MR. OSBORNE:

[Whereupon, throughout closing argument Mr. Osborne plays various video clips]

MR. OSBORNE: This Defendant told Deangelo that's my block. And when Deangelo responded that ain't your block; I can come anywhere I want, he made a declaration of war. This was not Derrick Barber's fight. This was not his war. And Derrick's attempt at peace by saying we don't want any trouble here was too late. This Defendant will fight for his block and he will kill for his block.

Now before I get into the evidence in this case I want to talk to you about something that is very important in this case and in all criminal cases. And this is something for you to decide, it's all yours, and that's creditability. You can believe some, none or all of what comes out of that witness stand. Look at what fits, look at what doesn't.

And corroboration, corroboration is key. You corroborate with what a witness tells you by the physical evidence and if there is a difference you can ask yourself why. Who is motivated to lie? And lastly and most importantly you are not required to check your common sense at the door. Bring it with you into the deliberation room. And when you ask yourself who is the

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1 liar, who has been caught in so many lies that they can't
2 even keep it straight today? Derrick's life was taken in
3 an instant. And the events that led up to his murder
4 happened very quickly as well. There has been a lot of
5 video in this case; there is a lot of evidence in this
6 case.

7 Mr. Mulbry, the detective and the State; we've all
8 been looking at this for a long time. Y'all have just
9 seen it over a few day so I'm going to go back and just
10 kind of summarize and show you how all of the pieces of
11 the puzzle fit together.

12 And I want to start by talking about Derrick and
13 what he was doing on the night that he was gunned down
14 prior to being murdered. And you heard from Mr. Funnie
15 that Derrick said that he was getting dinner. And in the
16 car you can see in the front floorboard the to-go box of
17 beef stew and in the back where D.J. sat a half-eaten
18 box. It looked like D.J. was getting started early with
19 dinner.

20 And Mr. Funnie told you that Derrick had to get
21 money orders to pay for his mom's rent. And in the car
22 there you see two money orders. If you look at the date
23 it's from that night. And Mr. Funnie told you that
24 Derrick was coming over later on that night to watch a
25 basketball game. It was the playoffs. When you watch

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1 this video you're seeing a father that's doing nothing
2 more than running errands. And take a look at the hat
3 that he's wearing and how he's wearing it. I'll talk
4 more about that in a minute.

5 Now you remember whenever he came out of the Food
6 Lion it was at 8:58 and he took a right on Grove Street.
7 While Derrick was out running errands being a dad having
8 his kids with him, let's look at what Deangelo is doing.
9 There is Deangelo walking into the Palace Apartments at 9
10 o'clock. You remember the Palace Apartments is just a
11 block from the Rawan Market. And we don't know where
12 Deangelo went. He went upstairs, he went into the
13 hallway; we're not sure what apartment he went into.

14 But what we do know is what he did whenever he came
15 back. There is Deangelo standing there steadfastly
16 looking out onto King Street. And then we see an older
17 gentleman come up a younger man. He hands him something
18 or takes something from him. And then the younger guy
19 goes over to Deangelo and hands something to him.

20 Now, you will have the videos back there. You can
21 watch them yourself. We know what was said. The
22 argument was about a block; whose block is it. I don't
23 think it's a leap to suggest that drugs are at the root
24 of all this. And about the videos you're going to have
25 them back there. We don't know what's going on in the

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1 deliberation room. If you put a C.D. in and it won't
2 play you just send a note to the Judge. I've tried to
3 copy them all into MP4 format so it should play.

4 All right. So there we have Deangelo. He walks
5 away from the Palace Apartments; it's at 9:16. Now, I
6 want you to watch from this clip. We can see Deangelo
7 coming up and if we were to adjust the time here for the
8 correct time it would be 9:18. And we can see Deangelo
9 coming from the direction of the Palace Apartments. Now
10 watch when he walks up.

11 Kris is the big guy with the reflective vest. The
12 Defendant is the guy wearing the tank top. He shakes
13 hands and hugs both of them. I want you to watch at the
14 42 second mark and you can see Demetrius hanging out in
15 front of his house right off to the right.

16 Now, just watch for the next few seconds while they
17 are sitting here talking. Deangelo says something to
18 this Defendant that makes him furious right there
19 [indicates]. And from that point on it doesn't matter
20 what Deangelo says he's having no part of it. Look at
21 the body language. Deangelo is trying to talk to him.

22 You'll have those videos. Look at Deangelo the
23 whole time. This Defendant just could not be reasoned
24 with. But you know after watching that whose conflict
25 this was not. It was not Demetrius'. He's not engaged

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1 in this at all. This conflict is between Deangelo and
2 this Defendant. And you know after watching this that
3 this is no stupid blood initiation conversation. That
4 wouldn't have set him off like that. That was a lie.
5 You don't need to hear the video to know that. You can
6 judge his creditability for yourself.

7 All right. And after this Deangelo goes into the
8 corner market. The Defendant then follows him. And take
9 a look at their reactions whenever they enter the store.
10 There [indicates] is Deangelo. He's almost got a smile
11 on his face that looks like he's listening to music; not
12 a care in the world. Contrast that to the Defendant. He
13 is hot. Flexed.

14 And now take a look at Demetrius. He's biting his
15 fingernails. He doesn't really care either. This is not
16 his fight. And now I'm going to play for you in slow
17 motion the fight again so that you can take a look at
18 Demetrius whenever he pulls the gun and how he strikes
19 Deangelo in the abdomen with it.

20 And he does, he does look like he gets it from his
21 middle waistband. If you look at right about the 07
22 mark, 20:07 it looks like is whenever he pulls it out.
23 You should look a little sooner than that; 07 is when he
24 starts to hit him. He took the pistol and he uppercut
25 him in his abdomen a couple of times. Now this Defendant

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1 wants you to believe that that is the first time that
2 night that he saw a gun; the first time at 9:22. We've
3 got to add two minutes to that. Then he forgot about his
4 text I guess at 7:30 where he said we strap so don't
5 think it's easy. We strap. And he wants you to believe
6 that he was alone then and he wasn't talking about a gun
7 even though he acknowledges what everyone knows when you
8 say you strapped that means you've got a gun.

9 Now after this Defendant left he doesn't go far.
10 He's angry; he's looking to finish this fight. So he
11 walks right around the corner to the liquor store and you
12 can see him off in the corner watching. He's waiting for
13 Deangelo to come out of the store. And watch Kris. Kris
14 is trying to calm him down.

15 And now remember Ms. Butler told you that about ten
16 minutes before the murder she heard some arguing and some
17 yelling. That's the lady that lived right there on
18 Maverick. And she said she heard some arguing and
19 yelling about ten minutes before coming from the
20 direction of the Rawan Market.

21 That would be ten minutes before. She hears that
22 man houses away arguing, yelling. He's furious. And by
23 his own admission he's the only one out there yelling.
24 Kris is not trying to calm down Demetrius. It's him.
25 And just so you can put it all in perspective there's

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1 [indicates] Ms. Butler's home, the Rawan Market, and
2 that's Shorty's Liquor store right next door. And this
3 is exactly why Cory Watson who worked at the store told
4 Deangelo don't go outside. Stay in the store. Deangelo
5 took Cory's warning. But watch how nervous he is. I'm
6 only going to play a clip here, look at where he's
7 looking. He knows where the danger is and he's not going
8 far from home base.

9 We don't have to guess who Deangelo is calling. We
10 know who he's calling. Remember Cory? Cory said he
11 heard him on the phone he said come get me. Come pick me
12 up. You know what Cory didn't hear him say? He didn't
13 hear him say bring a gun. There's a fight out here. We
14 need to teach these boys a lesson. Deangelo is trying to
15 get out of there. Come get me. Come pick me up. He's
16 not looking for a fight but he knew good and well he was
17 in danger.

18 Now luckily for Deangelo he walked off just in time
19 because this Defendant realized that he left something in
20 the store. And this video clip right here that I'm about
21 to show you shows you a person that wasn't just asked to
22 join the bloods. This is a guy that was looking for
23 blood. And remember what he tried to sell you up here on
24 this witness stand. That he waited for Deangelo to walk
25 off before he went in there. Watch it again.

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1 [Whereupon, the clip plays again]

2 MR. OSBORNE: He is looking for Deangelo. Scanning
3 the store. But Deangelo is gone and this Defendant knows
4 he can't be far. He's on foot, he must be somewhere. So
5 he walks off and there we have Demetrius following him.
6 And if you adjust the time here you're looking at 9:27
7 p.m.

8 Here's a big overview of what we have. Deangelo
9 calling Derrick at 9:24. The Defendant and Demetrius
10 walking off at 9:27. And then what else do we have at
11 9:27? Seconds later he's travelling up Moultrie; not ten
12 minutes. And after he parks his car he ends up getting
13 out.

14 He walks across the street and he comes back to his
15 car. And you can see those left signal lights
16 activating. He's thinking about it but he doesn't take a
17 left. If he had taken a left Daia and D.J. would still
18 have a dad. No, he was too angry and had unfinished
19 business.

20 This is at 9:29. And how do we know for sure that
21 it's the same car? 9:29 one block away. He is turning
22 onto Maverick from Rutledge. And just -- I realize that
23 he said he took a left on Oswego but let's just verify
24 that. And if you look right here [indicates] we're
25 looking at Maverick and if you look off to the right

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1 you'll see the headlights turn left on Oswego. Bringing
2 it back that's what we're looking at 9:29 he's taking a
3 left. Now, he didn't see Deangelo but you know he didn't
4 go far. 9:33, about four minutes later, we have the
5 victim pulling up on Maverick.

6 And here I know he said it but we can see for
7 ourselves you can see the victim parking. And then
8 coming up Oswego if you look at that reflection you can
9 see the headlights from his car taking that right
10 parking. And you know he knew that if Derrick was there
11 he was there to pick up Deangelo. He only had to wait.

12 Now Kaitlin tells you, Kaitlin Butler she tells you
13 that she see a guy wearing black standing outside of the
14 car. And that was Derrick. And she said I know the
15 Defendant said he didn't, but she said she heard him say
16 we don't want any trouble. That was the one thing that
17 she heard as clear as could be.

18 And I'll tell you this Derrick had no idea the
19 danger that he was putting himself in nor his kids
20 because if he did there was no way that he would park his
21 car. There is no way that he would have got out of his
22 car. There is no way he would have stood there
23 defenseless in front of the danger that was in that white
24 car. And Ms. Butler can't tell you who said that. She
25 doesn't know these guys but you know who said it. It was

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1 only one guy out there looking for trouble that night.
2 You've seen it on the video and it was him [indicates].

3 I want you to take a look at something here too.
4 Derrick parked because Derrick came there to pick someone
5 up, maybe talk to someone. Not him. He was not in a
6 talking mood and he was not about getting out of that
7 car. He stopped in the middle of the road. He left his
8 car running. He knew he was going to have to get out of
9 there fast.

10 He could have parked his car. Plenty of room to
11 park. He knew he wouldn't be there long. And he wasn't
12 because just seconds after Derrick parked Deangelo came
13 out. We don't know where Deangelo was for those two or
14 three minutes. We know he wasn't at Rawan Market. We
15 know we don't see him right here. I would submit to you
16 he was probably hiding.

17 When he saw Derrick pull up he came out. And you
18 know he's walking with a purpose. If Ms. Butler heard
19 him yelling at Derrick he heard it. He probably thinks
20 he's walking up for a fight or a talk. He didn't realize
21 he was walking up to an ambush.

22 As soon as the cab passes shots are fired. As soon
23 as that cab passed that's when he had the opportunity.
24 And he wasted no time after that. He took off getting
25 out of dodge taking a right on Rutledge making good his

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1 escape. So the question that I'm sure you've all been
2 wondering is why Derrick? Why would he shoot Derrick?
3 The Defendant says friends don't shoot friends. This
4 Defendant's fight was over a block and that block fight
5 was between him and Deangelo. Not Derrick; Derrick was
6 standing right there.

7 So why not shoot Deangelo? Well, there is really
8 three people potentially that could answer that question,
9 right? The Defendant and you've heard his story.
10 Deangelo, Deangelo is quite the friend. His phone call
11 led to his friend's murder. His fight led to his
12 friend's murder. But when the police tried to talk to
13 him that night he wouldn't help. When we tried to talk
14 to him I think you got an idea how that went.

15 And then there is Demetrius. You do not need to be
16 a lawyer to know that there is absolutely no method to
17 force a charged individual, a charged co-defendant to get
18 up here and talk. You have a right in this country to
19 remain silent.

20 And let's look at this. Deangelo walking up. I
21 want you to think about this for a second. When that gun
22 was pulled Deangelo could run. He had the luxury to run.
23 He could run for his life. You know who didn't have the
24 luxury to run? Derrick. Derrick's two children were
25 right there. He could not leave his kids. And remember

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1 what Ms. Butler told you five to six shots. Those first
2 two shots could very well have been meant for Deangelo.
3 Deangelo got out of there. You can see that with your
4 own eyes. Not Derrick. He couldn't.

5 All right. Doctor Batalis told you there is no way
6 to say definitely the order of the shots, okay. But what
7 you can do is you can draw some conclusions when you look
8 at the shots and you compare that to the crime scene and
9 the evidence in the case. So let's just go through this
10 for a second.

11 This [indicates] is Doctor Batalis' diagram. Let's
12 start with the hand shot. Now it is possible, y'all all
13 saw the white Avenger, it is possible that Deangelo was
14 walking up, Derrick sees the gun and Derrick goes like
15 this [indicates]. That's possible. It would then went
16 in here [indicates] and it came out here [indicates].
17 It's certainly possible. But either way he's putting
18 his hands up.

19 But Doctor Batalis told you there was something kind
20 of odd about that shot though. It almost looked like a
21 reentry wound. He said he couldn't be positive but it
22 looked like it. If it's a reentry then it corresponds
23 with gunshot wound number two, which again is Derrick
24 standing defenseless. And it makes sense that these two
25 shots would correspond with one another. But what you do

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1 know though is there is twisting, there is movement. You
2 can only imagine what Derrick was thinking. He's got to
3 get out of there. He's got to get his kids out of there.
4 And you kind of see that on the car. This is from that
5 night a Big Gulp, spilled water, milk. You can look at
6 it. Its going left to right. Derrick is spinning; he's
7 trying to get into the car.

8 And now we've got the fifth shot. Derrick is
9 falling back. He's up against the car. The gunshot goes
10 into his right upper chest, hits at the middle of his
11 back. He's not facing the danger, he's turned; he's
12 turning away from it. And why do we say he's up against
13 the car? Remember Doctor Batalis said that back wound
14 right square in his back was a shored wound.

15 Normally and I'm being too graphic bullets are meant
16 to open. They open and then it opens your skin when they
17 out unless your skin is pressed against something. That
18 keeps it in place. He said a heavy jacket would do it
19 but we know Derrick wasn't wearing a heavy jacket. He's
20 wearing light t-shirts.

21 If Derrick had been shot on the ground that would do
22 it, but there was no -- there was only jackets on the
23 ground. There was no smashed bullet on the ground.
24 There is only one thing that Derrick could have been up
25 against and that's up against his car. And you have two

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1 smashed windows there to prove it. Again, assuming
2 Derrick is wearing his hat he's murdered the same way he
3 is wearing it there [indicates] that is a very near
4 missed head shot.

5 Now Officer Calore told you that it took him one or
6 two minutes to get there. Mikel Funnie you can gather
7 from Calore's testimony as well as Funnie's it took him a
8 couple of minutes to get there. So when you add that up
9 that means that D.J. and Daia were there for about three
10 or four minutes if not more before Mr. Funnie could get
11 them out of there.

12 Daia is too young to know what happened or remember
13 what happened, but not poor D.J. He sat there that whole
14 time crying looking out the back door window at his dad
15 on the ground while that coward took off in his car.

16 And I say that because he was more than willing to
17 engage Deangelo in a fistfight when it was two on one but
18 not two on two. He knew Demetrius had a gun. That's why
19 he brought him. It's good to have an armed backup when
20 you're headed to a fight.

21 Now, you know the detectives had a lot of good
22 pictures of the surveillance and they were able to put it
23 together and they were able to find K'Sone pretty
24 quickly. And what did this good friend who had been like
25 a brother say about Derrick?

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1 [Whereupon, a video clip of the Defendant's
2 interview plays]

3 MR. OSBORNE: Other than that there's nothing I can
4 tell you. I left Rawan Market, took a right on Huger,
5 left on Rutledge and that's it. I went home. I don't
6 know anything else. Does he look scared there to you?

7 The next day, the jail call. He speaks to Kimberly
8 and now he wants to know what do they know. So he asks
9 Kimberly, and you heard it, he asked her well, that's a
10 white car that could be any car. I mean I was at my
11 mom's house or my grandma's house on Moultrie. They got
12 nothing. They got no case.

13 And she says oh baby, they got your car on Maverick.
14 They got your car on Maverick. They got any witnesses?
15 I mean what have they got? But when she hit him with
16 that it's on Maverick you heard his reaction. He knew he
17 had a problem then. And he knew he had to change his
18 story.

19 This was his new statement. That argument with
20 Deangelo was just over a handshake. That's it.
21 Deangelo's got female tendencies so that's why Derrick is
22 dead now. If he was drunk that sure explains a lot.
23 Maybe he's an angry drunk. Again, he didn't know
24 Deangelo was in the store. Maybe he did, maybe he
25 didn't. That's changed a number of times. Now this was

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1 something that he had to make sure that the detectives
2 knew, that he waited and calmed down because otherwise he
3 knows exactly what it looks like. It looks like that he
4 was leaving with a purpose and he was mad and he wanted
5 vengeance. But he said he cooled down but you know he
6 didn't cool down. At 9:29 he left Shorty's, at 9:29 he's
7 a block away.

8 Now he's telling you that he was leaving to take
9 Demetrius home.

10 [Whereupon, the photograph is published]

11 That's Demetrius' home. That's where he lives. He
12 wasn't leaving to take Demetrius home. Demetrius is
13 home. Demetrius went into his yard, the drive through,
14 to drop off the gun according to him. That is his home.
15 There is no reason to take him anywhere.

16 Let's talk about that for a second, the drive
17 through. That's a pretty interesting nickname isn't it?
18 I mean what do you do in the drive through? You serve
19 people. The Defendant stopped at the grandma's house.
20 Well, he says to drop off a key. Was he trying to drop
21 off a key or was he trying to get the key to another car.

22 He could not go back to that area in his car so he
23 was looking for his grandma's car. He knew that there
24 was surveillance video all over downtown Charleston. You
25 heard him say that on the stand. And that's why when he

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1 gets to Rutledge and he puts that left signal light on I
2 would submit to you it's probably thinking about calling
3 it off. I can't be seen in my car but he's just too
4 angry, too mad and he changes his mind.

5 Now, we got a big problem. He said on May the 19th
6 I think it was of 2017 that he saw Derrick on Rutledge
7 and then turn onto Maverick. Then he went up thinking
8 Derrick is a peacemaker so I'll turn onto Grove and then
9 I'll come back and talk to Derrick.

10 That was a complete lie. He did not know all of
11 this surveillance video that Detective Jarrell had
12 whenever he made that lie. So he tried to sell that to
13 them. And let me show you why that's significant.

14 Derrick was never on Rutledge. Derrick came up King
15 and then took a right onto Maverick. But he says that he
16 followed him. He says he went all the way up to Grove.
17 Well, this is really what he did. He took a right onto
18 Maverick, then a left onto Oswego. And remember when I
19 kept asking him what did you do then? Well, you know,
20 you know. Well, what did you do? Well, you know, I
21 parked. How did you do that? Three point turn. Okay.

22 And then he sat there for four minutes and waited.
23 That's a problem and that's why he lied. He knew
24 Deangelo would pop up eventually and he was sitting there
25 waiting for him. He wasn't trying to talk to him. And

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1 let's look when Derrick pulled up he knew he could get
2 there and Deangelo would be there soon. Look at the
3 conversation that takes place. Derrick he knew something
4 was going on because he said what the fuck is going on.
5 You need to talk to your boy. No, I'm not. I'm not
6 getting in y'all's conflict, y'all's conflict. He's not
7 into gangbanging shit.

8 And then we've got Demetrius. When Demetrius said
9 anything I told him to shut up. While talking to
10 Derrick, I'm being generous here he's probably yelling at
11 him, Deangelo walks up. Deangelo. This Defendant what's
12 he about to do? Nothing. Nothing. Then he rolled up
13 his window about half way.

14 If he was scared, if he was nervous he controlled
15 his own fate. All he had to do is put the car in park
16 [sic] and drive off. He wasn't nervous. He wasn't
17 scared. He was preparing. Roll that window up half way
18 and obstruct the view just a little bit and get ready.

19 And then look at what he tells you. He says that
20 Demetrius put the gun by his nose reaching over from the
21 passenger side all the way over to his side and out the
22 window. When he gave that statement he didn't have the
23 information in the investigation. He didn't know what
24 witnesses had come forward. He's covered his bets. If
25 there is a witness that saw that gun out of the driver's

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1 side window well, hey wait a second. He reached over me
2 and put the gun over the driver's side window or out the
3 driver's side window in that little opening that I put up
4 there. Demetrius had the gun, not me.

5 And then we have more of Demetrius bullying him. He
6 got bullied by Deangelo. He's getting bullied by
7 Demetrius. The story that he tried to tell you story
8 number three or story number four whichever one; he's
9 losing track, I think we all are, is nothing but another
10 lie.

11 All right I'm going to talk to you for a second
12 about the law. It's important to know that whatever I
13 tell you about the law if it differs from what Judge
14 McCoy tells you that's her job to instruct you on the
15 law. You are to follow her instructions. And that goes
16 for Mr. Mulbry too. We're just telling you, we're giving
17 you a brief synopsis of it.

18 All right. The Defendant has been charged with
19 murder. Murder has pretty simple elements; kill another
20 person with malice aforethought. I say simple but malice
21 aforethought is kind of like a weird term and we don't
22 really use that so much anymore so we break it down a
23 little bit.

24 Malice is hatred, an ill will, a hostility toward
25 another person. Malice is an intentional doing with the

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1 intent to inflict harm. You don't shoot a person three
2 or four times and say that you didn't mean any hostility
3 or ill will towards them; especially not in front of
4 their kids.

5 An intentional doing. This was no accident. One
6 shot maybe. Three, four, five, six? No. And you want
7 to see probably the best definition of malice? Firing
8 over and over again into the car with kids present.
9 Bullets ringing over their head. And if they got hit so
10 be it. I guess they were collateral damage.

11 Without just cause or excuse. We would be talking
12 more about that if this was a self-defense case. This is
13 not a self-defense case. If it were self-defense the
14 Judge would instruct you on what the law of self-defense
15 is and I'd be talking about it right now so it's not
16 self-defense. There is no excuse for what he did.

17 So now we get into aforethought. It's just thinking
18 about something. There is no time requirement to form
19 intent. Malice aforethought does not require malice
20 exist for any particular time before the act is
21 committed. The intent to kill can be formed in an
22 instant.

23 There is no requirement and we're certainly not
24 arguing that this Defendant woke up planning to kill on
25 May the 11th, 2017. The murder law requires malice

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1 aforethought. Malice aforethought can be formed in an
2 instant. Okay. So now I'll talk to you a second about
3 the other I guess sort of elephant in the room.

4 What if Demetrius fired? If two people are working
5 together in committing a crime they're both guilty. They
6 both own the results. You heard the police charged
7 Demetrius with murder as well. Demetrius will have his
8 day of reckoning. We're not here for Demetrius. We're
9 here for him [indicates].

10 Is it possible that Demetrius reached over the
11 Defendant and pointed the gun out of the driver's side
12 window and fired over and over and over and over and over
13 again while that Defendant just sat there helplessly
14 watching his brother, good friend, get gunned down in
15 cold blood but then immediately have the wherewithal to
16 take off? Anything is possible.

17 But even if that's true he's still guilty. And
18 here's how the law describes it. The hand of one is the
19 hand of all. If a crime is committed by two or more
20 people who are acting together in committing a crime the
21 act of one is the act of all.

22 And you will hear the Judge tell you you can't just
23 be there though. That's called mere presence. You have
24 to do something. You have to act. You have to
25 participate. You have to aid. Just being there makes

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1 you a witness. One thing is for sure; Derrick Barber
2 would be alive today raising his kids if not for that man
3 [indicates]. That was his fight. Don't let him try to
4 tell you like he tried to tell the police that Derrick
5 was his mentor that he cared for Derrick. He didn't care
6 for Derrick. The only thing he cared about was his
7 block. It was his fight, his battle, his war, his
8 murder.

9 It's not any doubt. It's reasonable doubt.
10 Anything is possible. Proof that leaves you firmly
11 convinced of the Defendant's guilt. The law does not
12 require proof that overcomes every possible doubt. There
13 are few things in life that we know to an absolute
14 certainty.

15 And don't get confused with hesitation. Sometimes
16 I've heard that said. There's a difference between
17 hesitation and deliberation. When you go back there
18 everyone wants you to deliberate, talk about it. That's
19 not hesitation, that's deliberation. Go through the
20 evidence. Take your time.

21 And I'll end it with this. People are killed every
22 day for senseless reasons. And this truly is a senseless
23 murder. You have two children who will grow up
24 fatherless and D.J.'s last memory will be of his dad will
25 be watching him on the pavement ---

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1 MR. MULBRY: --- objection. May we approach?

2 THE COURT: Sure.

3 [Whereupon, an off the record bench conference is
4 held]

5 THE COURT: Thank you very much. Go ahead.

6 MR. OSBORNE: Derrick Barber had a life. We are
7 asking you to hold this Defendant accountable for his
8 decision to take that life and find him guilty of murder.
9 Thank you.

10 THE COURT: Go ahead.

11 MR. MULBRY: May it please the Court?

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CLOSING ARGUMENTS

BY MR. MULBRY:

This case is just as much about what you did not hear as it is about what you heard. The beauty of surveillance video is that it can accurately record what time it is, what people do, and where they go. And the State's case is built on surveillance video.

And we're not going to dispute what is on the surveillance video. The surveillance video shows my client get into an argument with Deangelo Milligan. The surveillance video shows K'Sone and Milligan get into a fistfight. The surveillance video shows Demetrius joining the fistfight. The surveillance video shows Demetrius pulling a gun.

The surveillance video also shows my client's car driving down Moultrie Street taking a right on Rutledge, taking a right on Maverick Street and then taking a left on Oswego. And the surveillance video shows K'Sone's car going right back onto Maverick and leaving the scene and going down Rutledge. We are not disputing this.

But while surveillance video can accurately record time people's actions and whereabouts it has its limitations. And one of surveillance videos biggest limitations is that it cannot record what people intended, what people thought, and what they felt. And

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1 that is what this case is about. Let's start with
2 K'Sone's and Milligan's argument. We saw surveillance
3 video of K'Sone and Milligan arguing in the Rawan Market.
4 K'Sone and Milligan are in a fistfight. There is no
5 question about it.

6 And according to K'Sone's testimony this argument
7 stemmed from K'Sone's refusal to join Milligan's gang.
8 And it's easy to associate gang violence but ignores the
9 reality of how some people live, the neighborhoods they
10 grow up in and the people they grow up with.

11 You heard K'Sone's testimony that he and Milligan
12 grew up together. They went to school together. They
13 were friends growing up. They were friends before
14 Milligan were in a gang. And although Milligan's gang
15 affiliation put a strain on their relationship K'Sone
16 still thought of him as the friend he grew up with.

17 And while their argument turned into a fistfight
18 between K'Sone and Milligan that's what it remained; a
19 fistfight. You saw on surveillance video and heard
20 testimony that neither Milligan nor K'Sone had a gun.
21 But you did hear and see that Demetrius had a gun.

22 You saw Demetrius walk in the market after K'Sone
23 and Deangelo Milligan and you saw Demetrius join in after
24 Deangelo and K'Sone started fighting. And you saw
25 Demetrius decide to pull a gun. You heard from K'Sone in

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1 his first statement and on the stand that he did not want
2 Demetrius to pull a gun. You heard from K'Sone in his
3 first statement and on the stand that he did not plan on
4 Demetrius pulling a gun. This was not a coordinated
5 attack.

6 And you saw on surveillance video footage of K'Sone
7 leaving the store then returning to get his shirt. You
8 can see from his body language that he is upset and he's
9 probably upset at the fact that he just got in a fight
10 with the guy he grew up with. But being upset does not
11 mean you want to murder somebody.

12 You heard testimony from Cory Watson, the Rawan
13 Market store clerk. First you heard him say that my
14 client said this is my block, don't come back. You heard
15 my client regardless so this is simply an attempt by the
16 State to paint K'Sone, a black male in his 20's as a
17 gangster.

18 What is more important about what Cory said is what
19 happened afterwards. You heard Cory say that both K'Sone
20 and Milligan were at the market together and were
21 fighting. You heard Cory tell K'Sone and they're
22 referring to Deangelo Milligan as the guy in the Paris
23 shirt that they were talking, acting like friends.
24 K'Sone and Milligan came to the store together on
25 multiple occasions talking, joking, laughing; acting like

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1 friends. And with this in mind does it make sense that a
2 fistfight is going to cause a person to rise to the level
3 of shooting someone, your childhood friend? No. No, it
4 doesn't.

5 Now I want to address something the State mentioned.
6 Drugs. Have you heard about drugs this entire trial?
7 They put the lead investigator up on the stand and he not
8 once mentioned anything about drugs. This is the fourth
9 day we're here and this is the first time you're hearing
10 this. This is an attempt to paint these people as
11 gangsters.

12 K'Sone and Milligan are childhood friends. But does
13 it make more sense that Demetrius Young who was quick to
14 pull a gun in the store pulled a gun while K'Sone tried
15 to smooth things over by talking to Derrick? Does it
16 make more sense that Demetrius reacted in the same manner
17 when he saw Milligan approach the car from behind? You
18 saw the surveillance video. The shots occurred just as
19 Milligan arrives.

20 Now, I want to move to the crime scene. You heard
21 me ask several witnesses about the first responders who
22 arrived there. You heard an ambulance was driven through
23 the crime scene. You heard multiple firemen, medics and
24 police officers arrived and were walking through that
25 crime scene. And I don't want you to think for a second

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1 that I'm faulting them for doing so; for doing an
2 important job trying to save someone's life. However,
3 the side effect of all this activity was probably things
4 got moved around.

5 You heard that items of evidence and shell casings,
6 bullet fragments, projectiles were found at the scene.
7 You heard crime scene tech Charles testify that people
8 can step on shell casings. With all the people and foot
9 traffic it was difficult to draw conclusions from where
10 the evidence is placed.

11 I want to move to Mikel Funnie. But first I want to
12 commend him for getting those children off the scene. I
13 cannot imagine what it would be like as a young child to
14 see your father gunned down in front of you. I can
15 imagine the anger that someone might feel about seeing a
16 bullet enter the backseat.

17 But this case cannot be decided on emotion. It must
18 be decided on the facts. And while it is normal to feel
19 emotions when hearing things like this I would ask that
20 you not and consider the testimony you've heard the past
21 three or four days.

22 But Mikel Funnie is also the same person who arrived
23 at the crime scene just after the first police officer
24 arrived. You heard police found a gun, three separate
25 magazines and a gun box for a completely different gun in

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1 the backseat. But think about this for a second. A gun
2 is found in a car with someone speeding away from the
3 scene of the shooting. Now, I'm not going to argue the
4 gun was used to kill Barber. I'm not arguing that. But
5 that police and Detective Jarrell assumed that the gun
6 held zero evidentiary value.

7 Again, a gun and ammunition found in a car that fled
8 a shooting. No thought was given about whether or not
9 that weapon had been removed from the scene from
10 Milligan, from Barber. You heard Officer Calore say his
11 focus was saving Barber's life and getting those kids out
12 of there.

13 Was something else removed from that scene to help
14 protect him? Was one of them reaching for something when
15 Demetrius [sic] was shot? You heard from Investigator
16 Jolliff that Funnie was hesitant about coming forward.

17 While Funnie was adamant the gun was his he had no
18 explanation for how the gun box got in the back seat of
19 that car or who it belonged to; a gun box for a
20 completely different gun.

21 Detective Jarrell thought it was important enough to
22 search for gunshot residue on both Milligan and Barber
23 but he did not believe it was important enough to test
24 the gun, the gun box or magazines found in that car for
25 fingerprints or DNA.

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1 Now, I want to go back to what the Solicitor started
2 out with, testimony about this is my block. It is a
3 declaration of war. He talked about corroboration,
4 corroborating what people say.

5 But he didn't bring Milligan or Demetrius to
6 corroborate either of that. They're not here are they?
7 He mentioned that Demetrius could have evoked the Fifth
8 Amendment. Then why would he subpoena him? Why would he
9 put them under a court order if he knew they wouldn't
10 testify?

11 Now, you did hear K'Sone testify. You heard him
12 testify that he did not see a gun that night. I'm not
13 going to stand here and say he was wrong. But what did
14 Demetrius see? Why did Demetrius feel like he needed to
15 pull a gun? We'll never know because the State despite
16 having him under subpoena and available to testify did
17 not call him.

18 And while we're on the topic why did Detective
19 Jarrell search 943 King Street? One thing noticeably
20 absent from this trial is the gun. Where is it? Maybe
21 it's at 943 King Street.

22 We know that Demetrius is associated with that
23 address. We've heard that it's his grandmother's house.
24 Do people always stay at their grandmother's house? Can
25 they live somewhere else? We know Demetrius was there

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1 before he went to the market and pulled a gun. We know
2 Demetrius was there after he got back from the market.
3 We know Demetrius has family that lives there. But for
4 some reason detectives decided that 943 King Street was
5 not important enough to search.

6 Speaking of guns not one witness said K'Sone had a
7 gun in his hands this entire trial. Moreover K'Sone
8 never had a gun in all the surveillance videos the State
9 has put into evidence.

10 Now you've heard that K'Sone made inconsistent
11 statements. However, K'Sone gave those statements three
12 years ago. He did not read or refer to a transcript of
13 his testimony as in other State's witnesses. He went up
14 on the stand and he said what happened. And he subjected
15 himself to cross-examination to show you that he is not
16 the person the State is portraying him to be.

17 And think for a second. This is a black male in his
18 20's being questioned about a murder. He testified he
19 was nervous. He testifies he was scared. He testifies
20 he didn't think they would believe him if he told the
21 truth. Who wouldn't be nervous or scared when they are
22 being asked about the murder they were a witness to?

23 Consider Mikel Funnie for an example. The State is
24 adamant he did nothing. Well, but you heard testimony
25 that he got cold feet before coming in. If Funnie got

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1 cold feet before coming in how would K'Sone feel? What
2 are the potential repercussions for someone who
3 cooperates with the State?

4 You also heard testimony from the State that K'Sone
5 received no promise from the State when he entered into
6 that proffer agreement. He willingly came in and gave a
7 statement knowing that he was being guaranteed nothing.
8 Have you seen Deangelo Milligan come in and say what
9 happened? Have you seen Demetrius Young come in and say
10 what happened?

11 And when K'Sone testified he got up on the stand and
12 admitted he lied. The State showed that he broke his
13 proffer agreement. But if K'Sone was a liar why would he
14 stick to the story? Why wouldn't he just say he got the
15 streets wrong? He didn't keep lying. He said he came
16 here to say what happened.

17 Speaking of being scared the State emphasized in its
18 case in chief the fact that my client got a lawyer. Who
19 wouldn't immediately hire a lawyer if their front seat
20 passenger pulled out a gun and shot someone from the
21 front seat of their car while they were driving?

22 Now we heard from the crime scene tech who searched
23 K'Sone's car and house. We heard his car was a mess.
24 According to her testimony the car was cluttered. There
25 seemed to be no effort to clean it. If K'Sone wanted to

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1 cover up the crime scene it would have been spotless. He
2 would have cleaned up the gunshot residue.

3 And speaking of gunshot residue we heard the
4 testimony of Megan Fletcher. She confirmed exactly what
5 my client said, that a gun was fired in his car; that a
6 gun was fired in the direction of the driver's seat of
7 the vehicle. She couldn't say exactly where that gun was
8 fired but she testified that most of the characteristic
9 particles were on the driver's side door and the front
10 passenger seat.

11 We also heard the testimony of crime scene tech
12 Charles. He testified they only found one shell casing.
13 You heard K'Sone testify the barrel of the gun was almost
14 out the window. If he was wrong or he put that gun
15 outside the car there would probably be more shell
16 casings. The reason there is not more shell casings
17 found at the scene is because this gun was fired in the
18 car.

19 Now, we don't know where those shell casings went in
20 the car. K'Sone did not testify about what happened to
21 those shell casings. But he did testify that he was not
22 paying attention to what Demetrius was doing as he was
23 driving home after he had just witnessed his friend being
24 murdered. Is it inconceivable to think Demetrius took
25 the gun and the shell casings?

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1 I want to go back to the surveillance video that the
2 Solicitor was showing you of my client's demeanor;
3 furious, angry. This is an interpretation of the
4 conversation. It is not corroborated by any witnesses
5 like Deangelo, like Kris, like Demetrius.

6 He also mentioned that Kaitlin said she heard we
7 don't want any trouble here. He mentioned that this is
8 said by Derrick. This is a misrepresentation of her
9 testimony. She did not say where it came from whether it
10 came from my client or a person standing by. She did not
11 say that.

12 Now, I want to talk to you about the hand of one,
13 hand of all. This is otherwise known as accomplice
14 liability. And an accomplice is a person who is present
15 at the scene of a crime and intentionally through a
16 common plan aided, abetted, or assisted in the commission
17 of that crime through some overt act.

18 Watch the surveillance video. Demetrius is walking
19 behind K'Sone in almost every scene around Rawan Market.
20 This isn't how an accomplice acts. They aren't working
21 together. Demetrius is just following K'Sone.

22 And if they were partners why would Demetrius use
23 *67 to block his number so K'Sone would not answer it --
24 so would answer it. If you're partners you answer the
25 partner's call. Demetrius knew that K'Sone wouldn't

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1 answer that call if it came from his number so he blocked
2 it. Moreover, your partner in crime did not shoot and
3 kill your friend. You've heard it since the beginning of
4 this trial K'Sone, Deangelo Milligan, and Derrick Barber
5 grew up together. They were friends.

6 The younger guys Demetrius and K'Sone they're not
7 working together. K'Sone said in his first statement and
8 today that this fight was not a coordinated attack
9 against Deangelo. The surveillance video and the witness
10 testimony corroborates this. And K'Sone testified he did
11 not expect Demetrius to pull a gun in the store.

12 Moreover, K'Sone testified that he told Demetrius to
13 put the gun up before he took him home. K'Sone never
14 would have let Demetrius in his car to go smooth things
15 over if he knew Demetrius still had a gun. K'Sone and
16 Demetrius were not working together. Demetrius acted
17 alone. He acted alone in the market and he acted alone
18 at the intersection of Maverick and Oswego Street. There
19 is not a single State's witness that can dispute this.

20 And while it is a crime to intentionally help
21 someone commit a crime or engage in a common plan or
22 scheme to commit a crime it's not a crime to be present.
23 It's not a crime to be a witness. That's exactly what
24 happened here. You heard K'Sone's testimony. He
25 witnessed Demetrius Young shoot and kill Derrick Barber.

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1 He did not think Demetrius had a gun but when K'Sone saw
2 he had a gun he did what he had to do in order to get
3 Demetrius out of the car; Demetrius, the guy with a gun
4 in his hand, out of the car, the guy who just killed
5 somebody, out of the car as soon and safely as he could.

6 Again, there is no testimony that contradicts this.
7 We heard from Detective Jarrell and the State about how
8 massive their file was, about how much work went into
9 this case. But where is the payoff? Where are all of
10 those witnesses?

11 You heard from Mikel Funnie that there were people
12 surrounding the crime scene when he got there almost as
13 soon as Officer Calore arrived on the scene. You're
14 telling me that no one saw or heard what happened aside
15 from Kaitlin Butler.

16 And the State did call Kaitlin Butler and she's
17 unbiased. She doesn't work for police. She doesn't work
18 for the Solicitor. She's not associated with the
19 defense. And you heard her testify she never saw a gun.
20 She never saw him fire the gun and importantly she heard
21 we don't want any trouble.

22 She didn't testify who said this but we sounds more
23 like it came from a car that we know had two people who
24 were inside of it. And you heard from Detective Jarrell
25 that there were four people present at the intersection

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1 of Maverick and Oswego the night this happened; Derrick
2 Barber, Deangelo Milligan, Demetrius Young, and my
3 client.

4 Despite having Deangelo Milligan and Demetrius Young
5 under a court order to appear in court despite knowing
6 exactly where Deangelo Milligan and Demetrius Young were,
7 despite being able to force both Demetrius Young and
8 Deangelo Milligan to come in and testify the State
9 refused to do so. Why? Demetrius Young, the guy with
10 the gun in his hands, the guy who is accused of shooting
11 Derrick Barber, the guy who is charged with murder and
12 possession of a weapon during the commission of a violent
13 crime?

14 And Deangelo Milligan, the guy with blood on his
15 hands and the first person with Derrick Barber, one of
16 his good friends he gets a free pass from testifying
17 while under a court order. The State wanted you to know
18 how uncooperative Milligan was. It helps explain his
19 lack of interest in testifying.

20 They say uncooperative. I say what does he have to
21 hide? The police couldn't force him to talk. The
22 Solicitor has all the power to force him to come into
23 Court and tell you the truth ---

24 MR. OSBORNE: --- Your Honor, I just have to object
25 now. That's a mischaracterization of the law.

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1 THE COURT: Okay. Sustained. Just move on. Facts
2 not in evidence.

3 MR. MULBRY: I know I talk fast and I apologize
4 about that. If there is anything or any evidence you
5 missed presented by me or the State please listen to it
6 again. You're free to ask to listen to it again. And I
7 would invite you to do so if you're uncertain about
8 anything.

9 Today is an important day. It's important for the
10 State and it's important for my client K'Sone. It's the
11 first time my client did not have to explain himself to a
12 police officer, a detective, or the Solicitor as you
13 consider his testimony.

14 The State must prove its case beyond a reasonable
15 doubt. It was proof beyond a reasonable doubt that
16 K'Sone either committed this murder or intentional
17 through a common plan helped Demetrius commit this crime.
18 Beyond a reasonable doubt is the highest legal burden we
19 have in America.

20 It is a burden that requires more than what would be
21 required to sue someone for millions of dollars. It
22 requires more proof than what it would take to terminate
23 parental rights. It's proof beyond a reasonable doubt.

24 When you make your decision, it's final. There are
25 no re-dos, there are no take backs. You heard K'Sone

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1 testify he did not want or plan for Demetrius to get
2 involved in the fight with Milligan. You heard K'Sone
3 testify Demetrius, that he told Demetrius to leave the
4 gun at the house.

5 You heard K'Sone testify that Demetrius ran back
6 inside making him believe he had no gun. And you heard
7 K'Sone get up and explain he wanted to diffuse the
8 situation, to smooth things over with his childhood
9 friend.

10 And he told you that as he talked to Derrick to do
11 just that. And as he was talking to Derrick Demetrius
12 Young shot and killed Derrick Barber. K'Sone Campbell is
13 not a killer. K'Sone Campbell did not help or plan to
14 hurt Milligan or murder Derrick Barber.

15 He sat on the stand and he cried about the death of
16 one of his good friends. K'Sone Campbell is not guilty
17 of murdering Derrick Barber nor is he guilty of helping
18 Demetrius kill Derrick Barber. And for those reasons I'd
19 ask you to return a verdict of not guilty.

20 THE COURT: Any reply?

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CLOSING ARGUMENT REPLY

BY MR. OSBORNE:

That's what I'd like to hear from up here. I'm going to tell you why he used *67. You use *67 so your number doesn't appear in a killer's phone. That's why you use *67.

And they would have never known who made that phone call. They would have never known had he not told on Demetrius and they got the phone. That's how they were able to get to Demetrius. They would never have got it like it like that. He doesn't want his number in that guy's phone.

Forced to testify. I'm going to try to just hit them as I heard them. You heard me object. You heard the Judge sustain that objection. That is a mischaracterization of the law. There is absolutely no mechanism, and he knows it, that I can force someone to testify. I can't do it. That's why I objected and that's why she sustained it. He is misrepresenting the law to you.

All right. Now he said, Mr. Mulbry said, that K'Sone's argument was over Bloods. Well, if you remember when I asked him what was the argument about he said that he wasn't sure. He couldn't really remember what the catalyst of the argument was that led to his friend's

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1 murder. He couldn't remember. And I guess Mr. Mulbry
2 got confused too because you have K'Sone's first
3 statement and you can listen to it back there when he was
4 with the police. He never said Demetrius shot Derrick.
5 He never mentioned Demetrius' name.

6 And I'm not up here saying that he's a gangster.
7 Derrick Barber called him a gangster. Fistfight to
8 murder? Really? I mean we've heard of stories of people
9 getting killed for a lot less than a fistfight.

10 The drive through. If you want to listen to that
11 interview that we played, if you want to listen to that
12 interview that we played it's not very long. Listen to
13 it. Listen to how he describes the drive through. That
14 ties into drugs.

15 So he talked a lot about Funnie. So I'm going to
16 kind of hit them as I heard them; they were a little bit
17 out of going back and forth. He said that Funnie had a
18 gun and this guy [indicates] found zero evidentiary value
19 in it so he didn't have it tested.

20 Well, that's right but you didn't get to hear that
21 until he testified. Why didn't he test the gun? Because
22 it's not relevant to the case. Mr. Mulbry has told you
23 how many people were out there. There were three okay
24 that we can hear from. His own client is telling you
25 that the gun and the gun box aren't relevant to the case.

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1 His own client is telling you Derrick Barber never had a
2 gun. Deangelo Milligan never had a gun. He knew that
3 too. He knew that on May the 19th. You heard them say
4 they don't just test things for just because it's fun to
5 test them. They test them when there is a reason to test
6 them.

7 One of the men that were out there says he got
8 gunned down but the victim never had a gun. No reason to
9 do that. And if you use your common sense you can kind
10 of see that there really isn't any reason to do it. Let
11 me show you what I mean.

12 [Whereupon, Mr. Osborne reviews photos]

13 MR. OSBORNE: Well, I think we remember. The gun
14 that was in Funnie's car was sitting on the driver's
15 seat, right? Where did Funnie tell you that he got it
16 from? He said he put it in the center console, okay.

17 I guess what Mr. Mulbry is trying to tell you and
18 what he is trying to sell to you is that Funnie being in
19 that frantic state that he was in went there and took
20 those children. But then had the wherewithal to grab a
21 gun and to grab a gun box and then throw the gun box in
22 the trunk while putting the kids into the car and then
23 taking the kids while talking to LeShay who is the
24 babies' mother and then telling her -- well, I think we
25 can imagine what that conversation was, then getting to

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1 the house all the while a North Charleston police officer
2 is behind him who testified I didn't see him thrown
3 anything out the window or anything, gets there gets out
4 shaking like a leaf. Frantic. He commends Funnie and
5 then he says Funnie is involved in covering up a murder.

6 Yes, they did GSR that night because they didn't
7 know anything. They didn't know what had happened. It
8 was still an ongoing investigation. And Megan Fletcher
9 told you there is a time limit on that. If they don't
10 get it right away they don't get it at all so they had to
11 take that GSR that night. Then they put it all together
12 and they figured out that Funnie had nothing to do with
13 it.

14 And in fact if you remember Ms. Fletcher told you if
15 you handle a gun that's one of three ways that you can
16 GSR on your hand. Funnie didn't have GSR on his hand and
17 neither did Deangelo Milligan. So maybe Demetrius saw a
18 gun?

19 This, his client is sitting right here talking to
20 Derrick and then this individual walks up behind him that
21 he says he sees, Milligan, in the rear view mirror. And
22 maybe Demetrius saw a gun. Maybe he was threatened in
23 some way. He was looking at them and he's telling you
24 they did not have a gun. That's nothing more than a red
25 herring. That's all that is. Then he wants that house

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1 search so bad at 943 King Street, Demetrius' house. They
2 did not get to Demetrius until he came in on the 19th.
3 He never said Demetrius' name on May the 14th otherwise
4 -- if there had been time to get like if you had got
5 there pretty quickly you'd need a search warrant.

6 And to get a search warrant you have to say well, I
7 think there is something in there and I think it's in
8 there now and I need to go get it for this crime. Eight
9 days later is when they got Demetrius. You can't get a
10 search warrant eight days after. I think it's there now.

11 If he had come right in after he dropped Demetrius
12 off and circled right back around to the police and told
13 them what happened and said here's what happened. This
14 guy shot him right in front of me. He might be back at
15 his house right now. Then you can get a search warrant.
16 That's what a witness says.

17 You know what a Defendant does? A Defendant gets
18 out of there. A Defendant covers up. A Defendant lies.
19 A Defendant takes, drives to the scene does the shooting
20 and then drives from the scene and then lies and tries to
21 cover it up afterwards. A witness is merely present; not
22 a co-defendant. That's aiding and abetting.

23 Who wouldn't hire a lawyer? Well, Mr. Mulbry
24 elicited testimony that they sat down with Mr. Young. I
25 would submit to you that if Mr. Young had gotten a lawyer

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1 you would have heard about that. But you didn't. If the
2 fired shell casings are in the car where are they? Why
3 didn't he ask him? Maybe he didn't want to know the
4 answer. There is no corroboration that he was angry? He
5 testified himself that he was angry. He told you that
6 Kris told him to calm down. There's your evidence.

7 I never said that Kaitlin said that Derrick is the
8 one that said we don't want any trouble. What I ask you
9 to do is just use your common sense and say that Derrick
10 is the individual that is not involved in the fight.

11 He said K'Sone and Demetrius are not working
12 together. Well, you can certainly watch the video for
13 yourself. It sure appears to me like they are working
14 together.

15 Another thing that Mr. Mulbry said regarding that
16 gun if you remember. He made a lot to Mr. Spratt, Luke
17 Spratt that was the CPD crime scene investigator who
18 recovered the gun. If you remember him making a lot of
19 insinuation that no one knows how that gun got there. No
20 one knows.

21 Well, that's why we called North Charleston police
22 officer Martha Lohnes here because she put it in her
23 report. I took it from the center console and put it on
24 the seat. We knew it, everyone knew it. He knew it too.

25 The bottom line is this. Derrick Barber did

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1 nothing. Don't get distracted by that. Derrick Barber
2 did nothing to deserve to die on the asphalt that night.
3 Nothing. And this Defendant does not deserve to get away
4 with it. Come back with the only just verdict in this
5 case and find him guilty of murder. Thank you.

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Jury Charge

March 5, 2020

JURY CHARGE

THE COURT: All right thank you very much. Ladies and gentlemen at this point in time I will now charge you on the law that applies to this case. This charge that I will read to you to ensure its accuracy may take approximately 25 to 30 minutes to do so. Does anybody need a break before that? If so, just give me a quick wave.

[Whereupon, no one responds]

THE COURT: If not, we'll go right into it. It now becomes my duty as trial Judge under the Constitution of this state to charge and instruct you in the law which is applicable to this case. It is your duty as jurors to accept and apply the law as I will now state it to you and your exclusive duty to determine the effect, the value, the weight, and the creditability of the evidence.

Both the State and Mr. Campbell have a right to expect that you will conscientiously consider and evaluate the evidence and apply the law of the case thereto. And to that end both parties will receive and obtain a fair and impartial trial in this case.

When I use the word Defendant I refer to Mr. K'Sone Campbell. The Defendant here has been accused in what we call an indictment. It's just a piece of paper on which accusations against Defendants are placed. It's not an

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1 exhibit. You'll have a number of exhibits in this case
2 and those are part of the evidence in this case. Now to
3 this indictment the Defendant has rendered a plea of not
4 guilty which then places upon the State the burden of
5 proving beyond a reasonable doubt that the Defendant is
6 guilty.

7 In this State and in this country a person who is
8 accused with the commission of a criminal offense is
9 never required to come in and prove himself innocent.
10 This principle of law is called the presumption of
11 innocence.

12 Each of you is required under our law and by your
13 oath to actively presume that the Defendant is not
14 guilty. The presumption of innocence is maintained at
15 all times throughout the trial of this case. It is
16 removed only when the State brings in enough evidence to
17 persuade you beyond all reasonable doubt that the
18 Defendant is guilty.

19 So what is reasonable doubt? A reasonable doubt is
20 a doubt which makes an honest sincere conscientious juror
21 hesitate to act. Proof beyond a reasonable doubt is
22 proof that leaves you firmly convinced of the Defendant's
23 guilt. There are very few things in this world that we
24 know with absolute certainty. In criminal cases the law
25 does not require proof that overcomes every possible

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1 doubt. If, based on your consideration of the evidence,
2 you are firmly convinced that the Defendant is guilty of
3 the crime charged you must find him guilty. If on the
4 other hand you think there is a real possibility that he
5 is not guilty you must give him the benefit of the doubt
6 and find him not guilty.

7 Reasonable doubt may arise from evidence which is in
8 the case or from the lack or absence of evidence in the
9 case. It's up to you ladies and gentlemen to determine
10 whether a reasonable doubt exists as to the guilt of this
11 Defendant.

12 I charge you that the Defendant is entitled to every
13 reasonable doubt arising in the whole case. If upon any
14 issue of fact essential to conviction and a verdict of
15 guilty you have a reasonable doubt as to how that issue
16 should be resolved it would be your duty to resolve that
17 reasonable doubt in favor of the Defendant.

18 As the sole fact finders you should have listened
19 closely to all the evidence presented. Weighing the
20 evidence is entirely a mental process and you must weigh
21 the evidence using your good judgment and your common
22 sense.

23 Ladies and gentlemen, cases can be presented or
24 evidence can be presented in one of two ways; direct
25 evidence or indirect evidence which is also known as

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1 circumstantial evidence. Direct evidence is when someone
2 comes in and testifies to the commission of a crime that
3 they perceive through their own senses. For example, if
4 a witness saw someone commit a crime.

5 Indirect or circumstantial evidence is when someone
6 testifies as to different events that occur and when you
7 link all of them they point to the commission of a crime.
8 One or both methods can be used to present a case.
9 Crimes may be proven by circumstantial evidence.

10 The law makes absolutely no distinction between the
11 weight or value to be given to either direct or
12 circumstantial evidence. Nor, is a greater degree of
13 certainty required of circumstantial evidence than of
14 direct evidence. You should weigh all the evidence in
15 the case.

16 To the extent that the State relies on
17 circumstantial evidence the law says it has to meet a
18 certain test. First, the State has to prove each event
19 or circumstance it relies on beyond a reasonable doubt.
20 Additionally, these facts must point conclusively to the
21 guilt of the accused beyond a reasonable doubt and they
22 must be wholly, perfectly consistent with each other in
23 every particular respect. The mere fact that the
24 circumstances brought out in a case are strongly
25 suspicious of guilt or the circumstances are such that a

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1 Defendant's guilt is probable is not enough. If these
2 circumstances merely portray a Defendant's behavior as
3 suspicious the proof has failed. That is not sufficient
4 to sustain a conviction because the proof offered by the
5 State has to be more than suspicion. It has to be more
6 that someone being probably guilty. It has to be proof
7 that satisfies you beyond a reasonable doubt.

8 The State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt. And this burden rests
10 with the State regardless of whether the State relies on
11 direct evidence, circumstantial evidence, or some
12 combination of the two.

13 The evidence you are to consider consists of the
14 testimony of the witnesses and the exhibits that have
15 been offered and received during the trial. Objections
16 and rulings and matters that may have been excluded from
17 the record are not to be considered by you in any
18 fashion. If it appears to you that I have so commented
19 during either the trial or the giving of these
20 instructions you must disregard such comments entirely.

21 Also, the remarks of these attorneys are not
22 evidence. Their statements and their arguments are
23 intended to help you understand the evidence and apply
24 the law. You should disregard any remark, statement, or
25 argument which is not supported by the evidence or the

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1 law as given to you by the Court. You must also
2 determine the creditability of witnesses who have
3 testified in this case. Creditability simply means
4 believability. It becomes your duty as jurors to analyze
5 and evaluate the evidence and determine which evidence
6 convinces you of its truth.

7 In determining the believability of witnesses who
8 have testified in this case you may believe one witness
9 over several or several witnesses over one. You may
10 believe a part of the testimony of a witness and reject
11 the remaining part of the testimony of that same witness.
12 You may believe the testimony of a witness in its
13 entirety or reject the testimony of a witness in its
14 entirety.

15 You may consider whether any witness has exhibited
16 to you any interest, bias, prejudice or other motive in
17 this case. You may also consider the appearance and
18 manner of a witness while on the witness stand. A
19 statement alleged to have been made by the Defendant has
20 been admitted into evidence in this case.

21 While the Court has determined that the statement is
22 admissible I instruct you that you make the ultimate
23 decision of whether or not the Defendant made the
24 statement. If the Defendant did make the statement you
25 must determine whether the statement was made by the

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1 Defendant voluntarily and of his own free will. This
2 means that the statement was not caused by pressure,
3 force, fear, threats, coercion, or intimidation or by
4 hope or promise of a leniency or a reward of any kind.

5 In determining whether the statement was voluntary
6 you should consider both the characteristics of the
7 Defendant and the details of the questioning. Some of
8 the factors that you could consider are the age of the
9 Defendant, the Defendant's education or lack thereof, the
10 Defendant's mental ability or capacity, the Defendant's
11 I.Q. or intelligence, the Defendant's background and
12 environment, the place and length of the detention, the
13 nature of the questioning and the advice or lack thereof
14 to the Defendant of his Constitutional rights including
15 but not limited to the right to remain silent, that any
16 statement could have been used against him in a court of
17 law, the right to have a lawyer present, that if he could
18 not afford a lawyer a lawyer would be appointed to
19 represent him without any cost, and that he could stop
20 making a statement at any time.

21 You must carefully consider all the surrounding
22 circumstances before you give any weight to an alleged
23 statement. The State has the burden of proving beyond a
24 reasonable doubt that the alleged statement was
25 voluntary. If you determine it was you may give the

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1 statement any further consideration that you deem proper.
2 You must decide what weight, if any, should be given to
3 the alleged statement. If you determine the alleged
4 statement was not the free and voluntary statement of the
5 Defendant you should not consider the statement at all.

6 If you believe there has been evidence presented
7 that witnesses have made prior statements which are not
8 consistent with the witness's present testimony you may
9 use this evidence to decide whether to believe the
10 witness. You may also use evidence of the earlier
11 contradictory statements to determine the truth of those
12 statements.

13 It is up to you to decide whether to believe the
14 earlier statements or the testimony given at trial. If a
15 witness has shown to have knowingly testified
16 untruthfully concerning any material matter you may
17 consider this in determining whether to trust the
18 witness's testimony as to other matters. You may reject
19 all testimony of that witness or give all or part of the
20 testimony the weight you think it deserves.

21 As I've stated during this trial the rules of
22 evidence ordinarily do not permit witnesses to testify to
23 opinions or conclusions from the witness stand. An
24 exception to this rule exists for witnesses we call
25 expert witnesses. A witness who by education and

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1 experience has become an expert in some art, science,
2 profession or calling may state an opinion as to the
3 relevant and material matter in which the witness claims
4 to be an expert. It may also state the reasons for that
5 opinion.

6 You should consider any expert opinion received in
7 evidence in this case and like any other evidence give it
8 the weight that you think it deserves. If you decide
9 that the opinion of an expert witness is not based on
10 sufficient education or experience or if you conclude
11 that the reasons given in support of the opinion are not
12 sound or that the opinion is outweighed by other evidence
13 you may disregard the opinion entirely.

14 And expert witness's testimony is to be given no
15 greater weight than that of any other witnesses simply
16 because the witness is an expert. Furthermore, you are
17 not required to accept an expert's opinion even if it is
18 uncontradicted.

19 Now, I have the additional duty to charge you the
20 law applicable to this case. As the presiding Judge I am
21 the sole judge of the law of this case. And it is your
22 duty as jurors to accept and apply the law as I will now
23 state it to you.

24 As I've already told you, you are given a great wide
25 latitude in regard to determining believability and

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1 determining the facts as we call them in the case. When
2 it comes to the law though you have to accept the
3 following legal principles as I will give them to you.
4 You obviously can't change the law. You just take the
5 law as I give it to you. You find the facts as you see
6 them and then you apply the law to those facts. That's
7 the way that you reach your verdict.

8 Section 16-3-10 of the South Carolina Code defines
9 murder as the killing of any person with malice
10 aforethought either expressed or implied. The State must
11 prove beyond a reasonable doubt the Defendant killed
12 another person with malice aforethought.

13 Malice is hatred, ill will or hostility towards
14 another person. It is the intentional doing of a
15 wrongful act without just cause or excuse and with an
16 intent to inflict an injury or under circumstances that
17 the law will infer an evil intent. Malice indicates a
18 formed purpose and design to do a wrongful act under
19 circumstances that exclude any legal right to do it.

20 Further, there must be malice aforethought which
21 means that the malice must have been conceived in the
22 mind of the Defendant prior to the act producing the
23 fatal result. The word aforethought is usually
24 understood to refer to the time when the evil is
25 conceived. The law does not require that the malice must

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1 exist for any appreciable length of time before the
2 commission of the act. It may be conceived at the very
3 moment the action is taken which results in the death of
4 another. Therefore, there must be a combination of the
5 previous evil intent and the act.

6 Malice aforethought may be express or inferred.
7 These terms express and inferred do not mean different
8 kinds of malice but merely the manner in which malice may
9 be shown to exist that is either by direct evidence or by
10 inference from the facts and circumstances which are
11 proved.

12 Express malice is shown when a person speaks words
13 which express hatred or ill will for another or when the
14 person prepared beforehand to do the act which was later
15 accomplished. For example, lying in wait for a person or
16 any other act of preparation going to show that the deed
17 was within the Defendant's mind would be express malice.

18 Malice may be inferred from conduct showing a total
19 disregard for human life. If facts are proved beyond a
20 reasonable doubt sufficient to raise an inference of
21 malice to your satisfaction, this inference would be
22 simply an evidentiary fact to be considered by you, the
23 jury, along with other evidence in the case and you may
24 give it such weight as you find it should receive. If
25 malice is present in the mind of the one doing the

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1 killing any length of time before the act then its
2 presence would be sufficient to render the killing
3 murder. As I previously stated criminal intent is a
4 necessary element of the crime of murder and that must be
5 proved by the State beyond a reasonable doubt.

6 Criminal intent is always a matter that must be
7 determined by the jury from the circumstances surrounding
8 the situation. So the law states that criminal intent
9 may be inferred from the circumstances shown to have
10 existed.

11 This is how the jury makes a determination of
12 whether or not the element requiring an intent was
13 present. The State is not required to prove motive
14 although the presence or absence of this evidence of
15 motive may be considered in making your determinations in
16 this case.

17 Criminal intent is a state of mind that operates
18 jointly with an act in the commission of a crime. Intent
19 includes those consequences which represent the very
20 purpose for which an act is done or are known to be
21 substantially certain to result regardless of desire.

22 Criminal intent is a mental state, a conscious
23 wrongdoing. So it is up to you, the jury, to determine
24 what the Defendant intended to do based on the
25 circumstances shown to have existed. I tell you that the

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1 State must prove criminal intent as it must prove every
2 other element beyond a reasonable doubt. An issue in
3 this case is the identification of the Defendant as the
4 person who committed the crime charged. The State has
5 the burden of proving identity beyond a reasonable doubt.

6 You must be satisfied beyond a reasonable doubt of
7 the accuracy of the identification of the Defendant
8 before you may convict the Defendant. Identification
9 testimony is an expression, a belief, or impression by a
10 witness.

11 You must determine the accuracy of the
12 identification of the Defendant. You must consider the
13 believability of each identification witness in the same
14 way as any other witness. You may consider whether the
15 witness had an adequate opportunity to observe the
16 offender at the time of the offense.

17 This will be affected by things like how long or
18 short a time was available. How far or close the witness
19 was. The lighting conditions and whether the witness had
20 the chance to see or know the person in the past. Once
21 again, I instruct you the burden of proof from the State
22 extends to every element of the crime charged.

23 And this specifically includes the burden of proving
24 beyond a reasonable doubt the identity of the Defendant
25 as the person who committed the crime. If after

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1 examining the testimony you have a reasonable doubt as to
2 the accuracy of the identification, you must find the
3 Defendant not guilty.

4 If a crime is committed by two or more people who
5 are acting together in committing the crime the act of
6 one is the act of all. A person who joins with another
7 to commit an unlawful act is criminally responsible for
8 everything done by the other person which happens as a
9 probable or a natural consequence of the acts done in
10 carrying out the common plan and purpose.

11 If two or more people are together acting together
12 assisting each other in committing the offense the act of
13 one is the act of all or as it is sometimes said the hand
14 of one is the hand of all.

15 Prior knowledge that a crime is going to be
16 committed without more is not sufficient to make a person
17 guilty of that crime. Mere knowledge that another person
18 is going to commit a crime even if the Defendant is
19 present when the crime is committed is not sufficient to
20 convict the Defendant as a principal.

21 Guilt as a principal is shown by actual or
22 constructive presence at the scene as a result or of
23 prior arrangement. Therefore, a finding of a prior
24 arranged plan or common scheme is necessary for the
25 finding of guilt as a principal. The State must prove

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1 beyond a reasonable doubt by competent evidence the
2 theory of the hand of one is the hand of all. A
3 principal in a crime is one who either actually commits
4 the crime or who is present aiding, abetting, or
5 assisting in committing the crime.

6 When a person does an act in the presence of and
7 with the assistance of another the act is done by both.
8 Where two or more acting with a common plan or intent are
9 present at the commission of a crime it does not matter
10 who actually commits the crime; all are guilty. The hand
11 of one is the hand of all.

12 Present at the commission of a crime means to be
13 sufficiently near to aid and abet and assist in the
14 commission of the crime. However, mere presence at the
15 scene of a crime is not sufficient to convict one as the
16 principal on the theory of aiding and abetting.

17 Intent is also a necessary element for there must
18 have been a common design or intent to commit the crime
19 and the crime must have been committed pursuant thereto
20 with the person aiding and abetting by some overt act.

21 Intent means intending the result which actually
22 occurs, not accidentally or involuntarily. Intent may be
23 shown by acts and conduct of the Defendant and other
24 circumstances from which you may naturally and reasonably
25 infer intent. The State must prove these elements beyond

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1 a reasonable doubt. Mere presence at the scene is not
2 sufficient to prove someone guilty of a crime. A
3 Defendant's presence where a crime is being committed or
4 mere association with a person who commits a crime does
5 not make a Defendant an accomplice or an aider and
6 abettor of the person committing the crime. The burden
7 is on the State to prove every element of the crime
8 charged.

9 If you find after reviewing all the evidence that
10 the State has proved that the Defendant was only present
11 at the scene of the crime and that they have not proved
12 beyond a reasonable doubt any other participation in the
13 crime then you must find the Defendant not guilty. The
14 law is that proof of being at the scene of the crime is
15 not sufficient to find someone guilty.

16 Ladies and gentlemen you are not partisans or
17 advocates for the state of South Carolina or for this
18 Defendant. You do not serve as jurors to reward friends
19 or to punish enemies. You have been selected by both the
20 State and this Defendant as fair and impartial jurors.

21 It is your duty then by your joint deliberations to
22 determine the facts in this case giving to the Defendant
23 the benefit of every reasonable doubt. Then to the facts
24 which you determine you take and apply the law which has
25 been given to you by this Court and thus arrive at a

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1 verdict. When you have accomplished this and written
2 your verdict you will have satisfied your oath as jurors
3 and you will have discharged your duty to the State, to
4 Mr. Campbell, and to the Court.

5 Now there are two possible verdicts which you may
6 find in this case. There is absolutely no significance
7 whatsoever in the order in which I will state these
8 possible verdicts it's simply that one must be stated
9 first.

10 This [indicates] is the verdict form which you will
11 have with you in your room. We, the jury, by unanimous
12 consent find the Defendant K'Sone Campbell on the charge
13 of murder either guilty or not guilty. Ladies and
14 gentlemen your verdict must be a unanimous one; meaning
15 all 12 of you must agree on the verdict.

16 Mr. Foreperson, when the jury agrees on the verdict
17 you will indicate by checking the line next to the
18 verdict and signing your name as the Foreperson. Please
19 then knock on the jury room door and inform the bailiff
20 that you have reached a verdict. In the meantime or
21 excuse me, at that time we will receive you back into the
22 courtroom.

23 In the meantime I now ask that you return to your
24 jury room but do not begin deliberations until you are
25 told to do so by the Clerk or the bailiff. There are

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1 some matters of law which again I must discuss with these
2 attorneys before you begin your deliberations. Thank you
3 very much. You can take your notebooks with you.

4 [Whereupon, the jury exits at 3:47 p.m.]

5 THE COURT: Any exceptions or objections to the
6 charge as read by the Court from the State?

7 MR. OSBORNE: None, Your Honor.

8 THE COURT: Any from the defense?

9 MR. MULBRY: No, Your Honor.

10 THE COURT: All right. If you all can take this
11 time now to review the evidence that will be going back
12 to the jury with the bailiff. I will also hand the
13 verdict form up here. And we'll be at ease until the
14 jury has a question or reaches a verdict.

15 [Whereupon, counsel reviews all exhibits with the
16 court reporter]

17 [Whereupon, evidence out to the jury at 3:47 p.m.]

18 [Whereupon, Court is in recess awaiting word from
19 the jury]

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1 [Whereupon, two notes from the jury are received at
2 3:55 p.m.]

3 [Whereupon, Court's exhibit numbers 2 and 3 are
4 marked by the court reporter]

5 THE COURT: We have received two notes from the
6 jury. They have been marked Court's exhibit 2 and 3 in
7 order in which they were received.

8 The first note, Court's exhibit 2 states: Can we
9 have a copy of 16-3-10? Would like to see in writing
10 dash full details. Signed Joe Blake. I'll handle these
11 in turn. Obviously, I cannot hand him a copy of the
12 statute. My plan would be to offer, if necessary, a
13 recharge on that portion of my Jury Charge.

14 Of course, if I have to recharge them on that I'll
15 have to recharge them on reasonable doubt as well as mere
16 presence and hand of one is the hand of all; all of the
17 above. Pretty much everything between reasonable doubt
18 up until the conclusion of my charge will have to be
19 recharged. Or I can -- and I can give them that option
20 of whether or not they want to be recharged on that and
21 they can tell me if they do or not.

22 Or if both sides consent I can give them a copy of
23 the charge itself. Obviously, it would be an unmarked
24 copy; no notes or anything on it. But you both would
25 have to consent.

1 MR. OSBORNE: I don't remember if the case, I was
2 talking about with the last trial I had and this might be
3 where Mr. King had brought up the case and said that if
4 we send back the charges they all have to go back; all of
5 the charges.

6 THE COURT: Oh yes, it would be the entire charge.

7 MR. OSBORNE: And I'm certainly ---

8 THE COURT: --- the entire thing that I read; first
9 word to last word.

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

11 MR. MULBRY: Your Honor, we're okay with sending
12 the whole jury charge back.

13 THE COURT: The entire charge, okay. I can do
14 that. I just want to make sure we get a clean copy.

15 [Whereupon, the Court confers with the Clerk]

16 THE COURT: The next note which has been marked
17 Court's 3 says: Is there a stopping point today? Do we
18 plan on leaving at 5 o'clock p.m.?

19 I'm not quite sure how to answer that without being
20 suggestive or forceful but I'm open to suggestions from
21 the attorneys on how they would like me to handle that
22 request. I could write a note back on that saying we are
23 willing to accommodate your schedules if need be and just
24 leave it at that. But I don't know. I don't want to say
25 yes or no because that might make them, I don't want to

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1 make them rush to a decision but at the same time I think
2 they need to get a response. Obviously, they have some
3 personal matters after 5 o'clock or they wouldn't be
4 asking.

5 So my suggestion would be simply write a note back
6 on that one that says we can make accommodations to do so
7 if need be. Let us know. Is that acceptable with you
8 all?

9 MR. OSBORNE: Yes, Your Honor.

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

11 MR. OSBORNE: Could I maybe adjust it a little bit
12 to say we will stay as late as you would like or we can
13 accommodate your schedule and leave if you would like at
14 5?

15 THE COURT: Sure.

16 MR. MULBRY: I think that's -- we'll stay as late
17 as they'd like to or we can accommodate your schedule.

18 THE COURT: Okay. I'll let y'all look at these
19 before they go back again.

20 [Whereupon, the Court reviews notes]

21 THE COURT: All right. On the -- I've written that
22 response on Court's 3. On Court's 2 in response to the
23 question of can we have a copy of 16-3-10? Would like to
24 see in writing full details. I will write on here that
25 we will provide a copy of the charge. I will say no

1 period. We will provide a copy of the charge period. I
2 think they want their question answered and an
3 affirmative no they cannot have the statute. I don't
4 want them to keep asking me for the statute. So I'm
5 going to write these responses and I'm going to give you
6 an opportunity to come and look at what I've written.

7 [Whereupon, the Court writes a response to the
8 jury's notes]

9 THE COURT: While she's printing that y'all can
10 come and look at these responses and let me know if you
11 have an objection. And then the charge which we are
12 printing now will be marked as Court's 5.

13 THE COURT REPORTER: Four.

14 THE COURT: I'm sorry; 4. Thank you.

15 [Whereupon, Court's exhibit number 4 is marked by
16 the court reporter]

17 THE COURT: All right. You want to come and look
18 at this?

19 [Whereupon, all counsel review the Court's response
20 to the two notes from the jury]

21 THE COURT: Any objection to the charge going back
22 at this point in time along with the responses?

23 MR. OSBORNE: No objection from the State.

24 MR. MULBRY: No objection, Your Honor.

25 THE COURT: Okay. Thank you very much. I'll have

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1 the bailiff give these to the jury. And we will be back
2 at ease.

3 [Whereupon, jury deliberations resume at 4:16 p.m.]

4 [Whereupon, Court is in recess from 4:16 p.m. until
5 4:56 p.m.]

6 [Whereupon, note from the jury received at 4:56
7 p.m.]

8 [Whereupon, Court's exhibit number 5 is marked by
9 the court reporter]

10 THE COURT: All right. We received another note
11 from the jury, which has been marked Court's Exhibit
12 number 5 and it reads: Can we please leave and return
13 tomorrow morning. We are all exhausted and have not
14 reached a verdict. Thank you. Signed and dated by the
15 Foreperson.

16 So my initial thought would be to ask them to take a
17 vote and decide if they want to stay or leave but I'm
18 happy to entertain other suggestions at this point in
19 time.

20 MR. OSBORNE: That's fine with the State.

21 THE COURT: It indicates we are all exhausted so I
22 assume I know what the vote is going to be but I think
23 it's okay to make them just see if they're, make sure
24 that they are all in agreement.

25 MR. MULBRY: Your Honor, we're okay with that.

1 THE COURT: Okay. All right. What I'm going to do
2 is bring them in here for this portion and ask them if
3 they want to be excused to take the vote and make them
4 understand that if they were to -- I'll let them take the
5 vote, come back in and then we'll just hear what they
6 have to say all right? So go ahead and bring them back
7 in here. At least they can stretch their legs and walk
8 around a little bit.

9 [Whereupon, the jury enters at 5:03 p.m.]

10 THE COURT: All right Mr. Foreman, we received your
11 note indicating that the jury wishes to leave and return
12 tomorrow morning. Is that the -- your understanding that
13 it is everyone's wish to leave or do we need to take a
14 vote on that?

15 THE FOREPERSON: Say it again, Your Honor.

16 THE COURT: Would everybody like to leave and come
17 back in the morning or should we take a vote ---

18 THE FOREPERSON: --- yes, ma'am.

19 THE COURT: Everybody feels the same way?

20 THE FOREPERSON: Yes.

21 THE COURT: Does anybody not feel that way?

22 [Whereupon, no response from jurors]

23 THE COURT: All right. No one is indicating as
24 such. All right ladies and gentlemen I will allow you to
25 be excused for the day. We'll come back in the morning.

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1 I'm going to ask that you return once again at 9:30 in
2 the morning. I am going to instruct you strongly once
3 again to not discuss this case with anyone else. I do
4 not want you to conduct any independent research
5 overnight whatsoever on any of the topics that have been
6 presented.

7 I don't want you trying to look up any laws. I
8 don't want you doing any independent research whatsoever
9 in any manner or have any discussions with each other or
10 anyone else until you're all back together tomorrow
11 morning in the jury deliberation room. Does anybody have
12 any problem following that instruction from the Court?

13 THE FOREPERSON: No, Your Honor.

14 THE COURT: Thank you very much. I appreciate it.
15 You will be excused for the rest of the evening and we'll
16 see you back tomorrow morning at 9:30. Thank you very
17 much.

18 [Whereupon, the jury exits at 5:05 p.m.]

19 THE COURT: Thank you so much. We'll be at ease.
20 What I will do in the morning is bring them in first
21 thing. I will ask them to disclose if anyone has
22 violated my admonition and we will do that on the record
23 and then I'll release them back to resume their
24 deliberations, okay. See y'all in the morning.

25 [Whereupon, Court is adjourned at 5:06 p.m.]

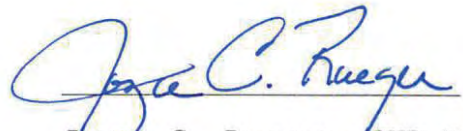
State v K'Sone M. Campbell
Certificate of the Court Reporter
March 5, 2020

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 5th 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 6, 2020
Charleston, South Carolina

Volume 5 (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]

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

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
6	Note from jury	841

1 PROCEEDINGS

2 THE COURT: I understand our jury is all back. So
3 we can -- is everybody ready to proceed? I'll bring them
4 in and make sure they were able to live up to their
5 admonition yesterday afternoon.

6 So the jury is all back. I will bring them in and
7 make sure they were all able to follow the admonition I
8 gave them yesterday afternoon late when I told them not
9 to conduct any independent research overnight. Then I
10 will release them back into their deliberation room.
11 Anything else from the State before this occurs?

12 MR. OSBORNE: No, Your Honor.

13 THE COURT: Anything else from the defense?

14 MR. MULBRY: No, Your Honor.

15 THE COURT: Okay. You can bring them all in.

16 [Whereupon, the jury enters at 9:36 p.m.]

17 THE COURT: Thank you so much. Please be seated.
18 Ladies and gentlemen we broke yesterday afternoon late
19 and I gave you all an admonition not to do any
20 independent research or look anything up on your own
21 overnight. If anyone was not able to fulfill that please
22 let me know by raising your hand right now.

23 [Whereupon, no jurors respond]

24 THE COURT: For the record no one is raising their
25 hand. So ladies and gentlemen we will now release you

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1 back to your jury deliberation room where you can resume
2 your deliberations. And once again please knock on the
3 door to let the bailiff know once you have reached a
4 verdict. Thank you very much.

5 [Whereupon, the jury exits at 9:37 a.m.]

6 THE COURT: We'll be at ease. Thank you very much.

7 [Whereupon, deliberations resumed at 9:38 a.m.]

8 [Whereupon, Court is in recess awaiting further word
9 from the jury]

10 [Whereupon, 9:42 a.m. a note is received from the
11 jury]

12 THE COURT: Thank you very much. Please be seated.
13 All right, we've got another question marked as Court's
14 exhibit 6.

15 [Whereupon, Court's exhibit number 6 is marked by
16 the court reporter]

17 THE COURT: Court's exhibit 6 reads: Can we please
18 have a copy of statute 16-3-10. Pursuant to our case law
19 it would be improper for me to give them a copy of this
20 statute. We didn't charge them the statute during the
21 charge.

22 I believe that requiring or giving them a copy would
23 subject them to interpreting the statute and applying it
24 in ways that would not be appropriate. So they have been
25 charged obviously to the applicable law already. I can

1 either write a response on here or I can have them come
2 back in and tell them this. It's up to you all. Mr.
3 Mulbry, what do you want me to do?

4 MR. MULBRY: It's the second time they've asked for
5 that specific statute?

6 THE COURT: I believe so. Was the note yesterday
7 the same statute? I think it's the only one referenced
8 in the charge so yes.

9 MR. MULBRY: It might be better just to tell them.

10 THE COURT: Might bring them in? Yeah. Sounds
11 good if that's what you want me to do. Bring them in
12 please?

13 MR. OSBORNE: That is the murder statute, right?
14 Doesn't it just say malice aforethought; the killing with
15 malice aforethought? That's all it says.

16 THE COURT: I think there are subsections is it
17 not? I don't know.

18 MR. OSBORNE: That's what I'm trying to look at. I
19 think they have the statute; it's in the charge.

20 THE COURT: Exactly. They have the law in the
21 charge.

22 MR. OSBORNE: It's literally like six words --

23 THE COURT REPORTER: I'm sorry; I couldn't hear you
24 Mr. Osborne.

25 MR. OSBORNE: Its six words and they have it.

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1 THE COURT: Okay. Subsections don't come --

2 MR. OSBORNE: There are none, no.

3 THE COURT: I think it says it in the statute,
4 sections of...

5 [Whereupon, the jury enters at 9:57 a.m.]

6 THE COURT: Thank you so much ladies and gentlemen
7 we received your note which we've marked for the record
8 as Court's 6. Can we please have the copy of statute 16-
9 3-10? My answer is no. You have the law in the charge
10 that you received a copy of in the room with you.

11 UNIDENTIFIED JUROR: It was taken back ---

12 UNIDENTIFIED JUROR: --- it was taken back.

13 THE COURT: You don't have the charge back there
14 with you anymore?

15 THE FOREPERSON: Not anymore.

16 THE COURT: Okay. Why don't they have the charge?

17 CLERK OF COURT: It should be in the box.

18 THE COURT: It should be in the box. You want to
19 double check? We'll all double check that with you. All
20 right. At any rate we'll release you back to your jury
21 room and we'll provide a copy of the charge. I thought
22 we did that first thing yesterday. Thank you very much.

23 [Whereupon, the jury exits at 9:58]

24 THE COURT: April, before you do anything bring it
25 to me.

1 [Whereupon, the charge is provided to the jury]

2 THE COURT: Thank you very much. Anything else
3 from the defense?

4 MR. OSBORNE: Thank you, Judge.

5 THE COURT: Anything else from the State? Thank
6 you very much. We will remain back at ease.

7 [Whereupon, deliberations resumed at 10 a.m.]

8 [Whereupon, Court is in recess awaiting further word
9 from the jury]

10 [Whereupon, a verdict is reached at 2:34 p.m.]

11 THE COURT: Okay. I understand the jury has
12 reached a verdict, is that correct Mr. Ladson?

13 THE BAILIFF: Yes.

14 THE COURT: All right. We'll receive the jury back
15 in the room then.

16 [Whereupon, the jury enters at 2:43 p.m.]

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State v K'Sone M. Campbell
Verdict
March 6, 2020

1 VERDICT

2 THE COURT: Thank you very much. Please be seated.

3 All right Mr. Forman, I understand the jury has come to a

4 verdict, is that correct?

5 THE FOREPERSON: Yes, Your Honor.

6 THE COURT: Thank you. If you could pass that

7 verdict form over to Mr. Ladson and he'll then pass it

8 over to me.

9 [Whereupon, the verdict is provided to the Court]

10 [Whereupon, the Court reviews the verdict form]

11 THE COURT: All right. I'll hand it to the Clerk

12 for publication.

13 [Whereupon, the verdict is provided to the Clerk]

14 CLERK OF COURT: The state of South Carolina county

15 of Charleston in the Court of General Sessions indictment

16 number 2019-GS-10-01423, the state of South Carolina

17 verses K'Sone Campbell. We, the jury, by unanimous

18 consent find the Defendant, K'Sone Campbell, on the

19 charge of murder guilty. Signed Foreperson, March 6th,

20 2020.

21 THE COURT: All right. Mr. Foreman, is that your

22 verdict?

23 THE FOREPERSON: Yes.

24 THE COURT: All right. Is that still your verdict?

25 THE FOREPERSON: Yes.

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1 THE COURT: All right. Any request from the
2 defense at this point in time regarding the verdict?

3 MR. MULBRY: Your Honor, we move to poll the jury.

4 THE COURT: Okay. Madame Clerk, if you will
5 conduct a quick jury poll.

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State v K'Sone M. Campbell
Polling of the Jury
March 6, 2020

1 POLLING OF THE JURY
2 CLERK OF COURT: Ladies and gentlemen of the jury
3 I'm going to ask you two questions. The first question
4 is, is this verdict. The second question is, is this
5 still your verdict. I'll call you by your juror numbers.
6 Juror number 85, is this your verdict? Just raise
7 your hand.
8 [Whereupon, no one responds]
9 CLERK OF COURT: Juror number 85?
10 JUROR NUMBER 85: Yes.
11 CLERK OF COURT: Is this still your verdict?
12 JUROR NUMBER 85: Yes.
13 CLERK OF COURT: Juror number 317, is this your
14 verdict?
15 [Whereupon, no one responds]
16 CLERK OF COURT: Juror number 317?
17 JUROR NUMBER 317: Oh, yes.
18 CLERK OF COURT: Is this still your verdict?
19 JUROR NUMBER 317: Yes.
20 CLERK OF COURT: Juror number 107, is this your
21 verdict?
22 JUROR NUMBER 107: Yes.
23 CLERK OF COURT: Is this still your verdict?
24 JUROR NUMBER 107: Yes.
25 CLERK OF COURT: Juror number 111, is this your

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1 verdict?
2 JUROR NUMBER 111: Yes.
3 CLERK OF COURT: Is this still your verdict?
4 JUROR NUMBER 111: Yes.
5 CLERK OF COURT: Juror number 32, is this your
6 verdict?
7 JUROR NUMBER 32: Yes.
8 CLERK OF COURT: Is this still your verdict?
9 JUROR NUMBER 32: Yes.
10 CLERK OF COURT: Juror number 294, is this your
11 verdict?
12 JUROR NUMBER 294: Yes.
13 CLERK OF COURT: Is this still your verdict?
14 JUROR NUMBER 294: Yes.
15 CLERK OF COURT: Juror number 75, is this your
16 verdict?
17 JUROR NUMBER 75: Yes.
18 CLERK OF COURT: Is this still your verdict?
19 JUROR NUMBER 75: Yes.
20 CLERK OF COURT: Juror number 11, is this your
21 verdict?
22 JUROR NUMBER 11: Yes.
23 CLERK OF COURT: Is this still your verdict?
24 JUROR NUMBER 11: Yes.
25 CLERK OF COURT: Juror number 380, is this your

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Polling of the Jury
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1 verdict?

2 JUROR NUMBER 380: Yes, it is.

3 CLERK OF COURT: Is this still your verdict?

4 JUROR NUMBER 380: Yes.

5 CLERK OF COURT: Juror number 365, is this your
6 verdict?

7 JUROR NUMBER 365: Yes.

8 CLERK OF COURT: Is this still your verdict?

9 JUROR NUMBER 365: Yes.

10 CLERK OF COURT: Juror number 327, is this your
11 verdict?

12 JUROR NUMBER 327: Yes.

13 CLERK OF COURT: Is this still your verdict?

14 JUROR NUMBER 327: Yes.

15 CLERK OF COURT: Thank you.

16 THE COURT: All right. The jury has been polled.
17 All jurors have indicated that this is still their
18 verdict. Any other motions at this point that require
19 the jury's presence from the defense or the State?

20 MR. OSBORNE: None from the State, Your Honor.

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

22 THE COURT: Any questions as to the poll?

23 MS. EHRLICH: I was just conferring with him to
24 make sure that everybody was polled.

25 THE COURT: Okay. Any other motions with regards

1 to the poll or any other post verdict motions that would
2 require the jury's presence at this time?

3 MR. MULBRY: No, Your Honor.

4 THE COURT: Okay. Ladies and gentlemen, we thank
5 you for your service this week. I make it a comment
6 never, I make it a point never to comment on a jury's
7 verdict but I do appreciate your attention. You have all
8 been very conscientious this week in terms of showing up
9 on time which we certainly appreciate and we do
10 appreciate your efforts in that regard this week.

11 We will move on to the next portion of this case now
12 which will be the sentencing of this Defendant. You are
13 released now of your jury service so you are free to
14 leave at any point you wish to. If you would like to
15 stay for this portion you are welcome to but by no means
16 are you required to do so.

17 So if you would like to stay that's fine; you can
18 simply stay where you are seated. Or if you want to go
19 ahead and leave you will not offend anybody and we
20 understand and you're welcome to leave right out that
21 door [indicates] any time you'd like, okay.

22 [Whereupon, 6 jurors exit the courtroom]
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State v K'Sone M. Campbell
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1 SENTENCING

2 THE COURT: All right. Does the State have a
3 sentencing sheet prepared?

4 MR. OSBORNE: I do, Your Honor.

5 [Whereupon, Mr. Osborne proffers document to the
6 Court]

7 THE COURT: All right. Anything else from the
8 State or the defense before we move on to the sentencing
9 portion?

10 MR. OSBORNE: Nothing from the State, Your Honor.

11 MR. MULBRY: Your Honor, I'd just renew my trial
12 motions and my objections and move for a new trial.

13 THE COURT: All right. Thank you very much. Your
14 trial objections are renewed at this point in the trial
15 timely for the record. My previous rulings all stand for
16 the reasons previously stated on the record. Motion for
17 a new trial based on what grounds; just your previous
18 objections?

19 MR. MULBRY: Previous objections, Your Honor.

20 THE COURT: Thank you. They are respectfully
21 denied at this time. Are you prepared to go forward in
22 this phase as well right now, Mr. Mulbry?

23 MR. MULBRY: Yes, Your Honor.

24 THE COURT: All right. Well, obviously I've heard
25 the facts of the case this week but I'm happy to hear

1 from the Solicitor's office first and then we'll of
2 course allow Mr. Mulbry we'll allow you to respond. I'll
3 hear from a representative of the victim's family as well
4 if they are prepared to give a statement.

5 MR. OSBORNE: Beg the court's indulgence.

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

7 MR. OSBORNE: All right. So Judge I'll just
8 publish his prior arrest record. The father of the
9 deceased -- would like to address the Court.

10 THE COURT REPORTER: I didn't hear the name ---

11 MR. OSBORNE: --- the father of the deceased Mr.
12 Legare would like to address the Court.

13 THE COURT: Okay. Does he have prior convictions?

14 MR. OSBORNE: He does. In 2011 he had an armed
15 robbery arrest. That pled down to a strong arm robbery.
16 In 2012 he had driving under suspension. In 2016 he had
17 an attempted murder arrest which pled down to accessory
18 after the fact.

19 THE COURT: What was the sentence on that charge?

20 [Whereupon, Mr. Osborne reviews documents]

21 THE COURT: If you have that information ---

22 MR. OSBORNE: --- seven years with payment of 750
23 dollars with the balance suspended to two years of
24 probation.

25 THE COURT: So was he on probation at the time of

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1 this arrest?

2 MR. OSBORNE: It does appear that -- yes, yes.

3 THE COURT: Okay.

4 MR. OSBORNE: Yes, because that conviction it looks
5 like occurred in April; almost exactly one month prior to
6 this murder.

7 THE COURT: A month and a year then if that's 2016.

8 MR. OSBORNE: No, he actually -- I'm sorry; he
9 actually pled on April the 12th of 2017.

10 THE COURT: Oh, '17 I see. I'm happy to hear from
11 the victim's family at this time. And sir if you don't
12 mind just state your name for the record.

13 MR. LEGARE: My name is Kenneth Legare and I'm
14 Derrick's father. And I just want to thank this Court
15 for the proceedings this week and to the Campbell family.
16 There's no winners here you know. Both families are
17 affected and we're all hurting. But I want them to
18 understand that we lost a child. And we want justice.

19 And I have heard a guilty verdict and I want him to
20 be penalized. Derrick has two small children that when
21 this crime was perpetrated the kids were in that car.
22 And this is just despicable what was done and we're hurt.
23 And we want justice. Thank you.

24 THE COURT: Thank you for being here. I'm so sorry
25 you had to be here under these circumstances. Anything

1 else from the State?

2 MR. OSBORNE: No, Your Honor. I'd just like to
3 thank the jury. I realize this was a difficult case, it
4 was a complicated case and obviously they were paying
5 attention. There was a lot of evidence they had to go
6 through so I just want to thank them.

7 THE COURT: All right. Mr. Mulbry, I'll be glad to
8 hear you.

9 MR. MULBRY: Thank you, Your Honor. K'Sone is 26
10 years old. He has lived in Charleston his entire life.
11 He is married to Kimberly Campbell who has been with him,
12 I think she's outside right now, but he's married to
13 Kimberly Campbell. They started dating before this
14 happened and they got married recently after this
15 happened. He lives with her and his four children that
16 he takes care of. He has his GED, Your Honor.

17 Your Honor, as you've seen K'Sone has some strong
18 family support. His mother, grandmother and wife have
19 been in consistent contact with me since I got in this
20 case. They support him dearly.

21 While K'Sone has had that strong support of his
22 grandparents and his mother and his wife my understanding
23 he did not have strong support of his father growing up.
24 His father is not around often. And when K'Sone was
25 growing up his father made decisions to try to move back

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1 and rekindle that relationship but unfortunately before
2 he was able to he was killed. And I think that, the loss
3 of his father, really took an impact on K'Sone.

4 But I believe, my understanding is when he got
5 married he really turned his life around. They moved in
6 together on Johns Island and from my understanding based
7 on my conversations with his family he just became much
8 more family oriented, much more responsible.

9 According to his family he stepped up to the plate
10 as a father and a husband. When I looked at this case
11 the person I saw, the person I heard about is not the
12 person I see on those surveillance videos. Every
13 interaction I've had with K'Sone he has been extremely
14 respectful, nice. I can't say enough good things about
15 him.

16 You've heard testimony in this case about that
17 proffer agreement, Your Honor. K'Sone entered that
18 proffer agreement six days after he was arrested. And I
19 don't think that was an easy decision for him to do. He
20 was labeled as a snitch from the get go. Obviously,
21 we're worried about him.

22 And I don't condone that he misled the detectives;
23 not at all regarding a key detail. But his proffer did
24 lead to the arrest and the guilty plea of Demetrius
25 Young. And Demetrius received a 22 year sentence on an

1 offer of 20 to 25 negotiated. Your Honor, I have a
2 packet here, a folder, of letters written by various
3 members of the community as well as some of his family
4 members. Can I give it to you?

5 THE COURT: Sure.

6 MR. MULBRY: Some are in envelopes.

7 THE COURT: Okay.

8 [Whereupon, Mr. Mulbry proffers documents to the
9 Court]

10 THE COURT: It's going to take me a minute. You've
11 handed me up quite a stack of information here so just
12 bear with me everybody.

13 [Whereupon, the Court reviews documents]

14 THE COURT: All right. Well, I've reviewed a
15 litany of letters on the Defendant's behalf. He had
16 letters from people from his Sunday school teacher
17 growing up to his own children, the elected officials in
18 our community. So obviously, you've got quite a few
19 people who have been impressed with you at some point in
20 your life, Mr. Campbell. And I appreciate your attorney
21 handing those up. I'll return those at this time.

22 [Whereupon, the Court returns documents to Mr.
23 Mulbry]

24 THE COURT: Anything else, Mr. Mulbry, at this
25 time?

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1 MR. MULBRY: Your Honor, he did do 64 days in jail.
2 I would like to bring up we are asking for a 30 year
3 sentence. If he does that he will be 56 when he gets
4 out. I'm of the opinion that people who have hope do not
5 act out behaviorally as much at SCDC. People with no
6 hope are more prone to act out. I just want hope for
7 K'Sone.

8 THE COURT: Okay.

9 MR. OSBORNE: Your Honor, if I may just say one
10 last thing in response to Mr. Mulbry's comment that
11 Demetrius Young pled. This was said in open Court.
12 Demetrius Young's attorney said that Demetrius' position
13 was that he handed the gun to K'Sone. Obviously, I'm not
14 asking you to consider that in your sentence. I'm saying
15 it more for the jury's edification.

16 THE COURT: They're just here as observers right
17 now but I appreciate you saying that. Anything else from
18 the defense? I'll let you have the last word if anyone
19 would like to speak. Would he like to speak?

20 MR. MULBRY: I don't think my client wants to
21 speak.

22 THE COURT: I understand.

23 MR. MULBRY: His family would like ---

24 THE COURT: --- I'm happy to hear from anybody else
25 that would.

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1 [Whereupon, an individual stands]

2 THE COURT: Yes ma'am? Tell me your name?

3 MS. CAMPBELL BENNETT: Barbara Campbell --

4 THE COURT REPORTER: I'm sorry Judge; ask her to
5 repeat it again?

6 THE COURT: Can you repeat it one more time for her
7 [indicates]?

8 MS. CAMPBELL BENNETT: Yes, ma'am. Barbara Campbell
9 Bennett.

10 THE COURT: Yes, ma'am.

11 MS. CAMPBELL BENNETT: Good evening, Your Honor. To
12 the defense team and to the prosecutor, Mr. Osborne and
13 especially to the family Mr. Cain [phonetic] and his wife
14 and the Bishop who I've had the pleasure of meeting a
15 while back. And please stop me because I don't want to
16 say the wrong thing so.

17 Anyway, apparently we got -- I feel like we got
18 bombarded. I feel like there are a lot of things, I mean
19 the decision has already been made but I feel like we got
20 bombarded somewhere down the line from when K'Sone's
21 original attorney died and the former Solicitor, Mr. Chad
22 Simpson, and K'Sone willingly came down on I think that
23 third day or fourth day but he already had, K'Sone had
24 already told what happened the very next day to his
25 attorney.

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1 By that time his attorney called the city police
2 department detective division I believe and K'Sone, I
3 think Mr. Thrower and I think Mr. Thrower had a felony
4 case; he had a felony case so he couldn't bring K'Sone in
5 that day but he assured him that he would bring him in on
6 Monday morning.

7 Then on that Saturday they came and picked him up.
8 Now after that we went to whatever, whatever we had to go
9 through to get K'Sone down and apparently there was some
10 sort of agreement that I know that it's a lot of missing
11 pieces on this agreement that was made with Mr. Thrower
12 and Mr. Chad who was the Solicitor then.

13 But when K'Sone came down he didn't come down to
14 make a deal. He came down because he wanted to tell
15 exactly what happened and who actually shot Derrick whom
16 I also took in as like a son of mine because they call me
17 Granny. But I didn't see Derrick a lot but he did have a
18 lot of respect for me and I had respect for him.

19 However, during the course after Mr. Thrower died
20 this is where everything got confusing. No one knew
21 where K'Sone's records were or anything at all. Then we
22 -- they, not me; I'm sorry, K'Sone and his wife called
23 down to the Solicitor's office to let them know that the
24 attorney passed away and that K'Sone, that they didn't
25 know; they needed to know what to do from here. Then

1 apparently someone in the Solicitor's; I'm sorry yes, the
2 Solicitor's office transferred down to the back to
3 whomever. Now, I wasn't the one that made the phone call
4 ---

5 THE COURT: --- I don't want to stop you. I
6 appreciate what you're telling me.

7 MS. CAMPBELL BENNETT: Okay. That's what happened
8 ---

9 THE COURT: --- and I don't want to ---

10 MS. CAMPBELL BENNETT: --- sure ---

11 THE COURT: --- jeopardize any future proceedings
12 that ---

13 MS. CAMPBELL BENNETT: --- okay, sure ---

14 THE COURT: --- might happen on your son's ---

15 MS. CAMPBELL BENNETT: --- okay ---

16 THE COURT: --- behalf. Is it your son or your?

17 MS. CAMPBELL BENNETT: That's my grandson.

18 THE COURT: Grandson. So I'm going to ---

19 MS. CAMPBELL BENNETT: --- I understand ---

20 THE COURT: --- stop you right there respectfully.

21 MS. CAMPBELL BENNETT: Sure.

22 THE COURT: At this point in time a verdict has
23 come back finding him guilty ---

24 MS. CAMPBELL BENNETT: --- okay.

25 THE COURT: I'm happy to hear from you if you just

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1 want to speak to his character right now. You don't have
2 to; I've read several letters. But this would be the
3 time for that type of comments ---

4 MS. CAMPBELL BENNETT: --- I understand ---

5 THE COURT: --- yes, but I'm happy to hear from you
6 on that regard ---

7 MS. CAMPBELL BENNETT: --- yes, ma'am I understand.
8 He came -- just recently he rejoined the church on last
9 Sunday. But he's been coming to church every Sunday for
10 the past few months. K'Sone has been working. He has
11 been staying from downtown. He hasn't been coming in the
12 city. He's been just taking care of his kids, being
13 engaged in the community with sports with young people
14 and being mentors to them.

15 And I'm proud of him and I just wanted to say this,
16 because it's already done, but I am so proud because
17 there are so many young people folks out here that has
18 this snitching law.

19 And I'm so glad that K'Sone stood up, man enough to
20 want to say what he did not do and who did what. But at
21 this time I'll just leave it alone in God's hands and
22 we'll continue. But thank y'all for listening.

23 THE COURT: Yes, ma'am. This is a hard thing to do
24 always. This is always the hardest part of this job.
25 And I always tell people that I don't judge the person, I

1 don't judge their souls. That's not my job. I'm
2 certainly not qualified to do anything of that nature and
3 I don't pretend to be doing that when I have to give a
4 sentence, okay.

5 But I'm judging the crime that was committed and the
6 crime that has been described to the Court throughout the
7 course of this week. And that's what I look at. Of
8 course I look at things like somebody's prior record and
9 things of that nature as well.

10 And I'm so sorry to both sides and I'm so sorry to
11 the victim's family that you have to be here under these
12 circumstances. I really -- I've not personally
13 experienced the loss that you all have experienced in
14 losing a son or a brother or a nephew or a cousin or
15 anything like that to this type of a death. And really
16 my heart goes out to you on behalf of the state of South
17 Carolina.

18 Of course nothing I do, no sentence will bring him
19 back and we all understand that. But given the prior
20 record, given the circumstances surrounding this
21 situation; all the circumstances and the sentence of the
22 Court on 2019-GS-10-01423 will be that you are committed
23 to the State Department of Corrections for a term of 37
24 years. You'll get credit for 64 days you've already
25 served. Thank you very much.

State v K'Sone M. Campbell
Sentencing
March 6, 2020

1 MR. OSBORNE: Thank you, Judge.

2 THE COURT: I don't want any comments by anybody in
3 the audience. I have to remind everybody that we are all
4 to remain civil and to show decorum all the way upon your
5 exit of the courthouse. Thank you. All right. Court
6 is adjourned.

7 [Whereupon, jury trial concludes at 3:15 p.m.]

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DOCKET NO. 2019-GS-10-01423

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER

2017-08295

ARREST WARRANT NUMBER

2017A1010202821

DATE OF ARREST

05/13/2017

ACTION OF GRAND JURY

TRUE BILL

James L. Carr

Foreperson of Grand Jury Date: MAR 11 2019

VERDICT

Foreperson of Petit Jury Date:

FILED

3/19/2019 2:23:50 PM
JULIE J. ARMSTRONG
CLERK OF COURT

COURT OF GENERAL SESSIONS

MARCH TERM 2019

THE STATE

VS.

K'SONE MARQUAIL CAMPBELL
B/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened March 2019, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about May 11, 2017, the defendant, K'sone Marquail Campbell with malice aforethought did, himself or in concert with others, kill and murder DERRICK BARBER by means of shooting with a firearm, and DERRICK BARBER did die in Charleston County as a proximate result thereof on or about May 11, 2017 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

COUNTY OF CHARLESTON

STATE VS.

K'SONE MARQUAIL CAMPBELL

AKA: K'sone Marquail Dion Campbell, K'sone Campbell

Race: Black/African American

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: 18 Moultrie Street

City, State, Zip: Charleston, SC 29403-4104

DL# [REDACTED]

SID# SC01993709

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

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

TO: **Murder**

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ Mandatory GPS

☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,

☐ Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor 101325 SC Bar #

Defendant

Attorney for Defendant 103239 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 31 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 64 days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:

☐ Deferred

☐ Def. Waives Hearing

☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: April Dickerson

Court Reporter: Joyce Ruge

Presiding Judge: J. McLaughlin

Judge Code: 2764

Sentence Date: 3/4/2020

Date: May 16th, 2017

Benjamin Chad Simpson, Esq.

Re: **State v. Ksone Marquail Campbell**

Dear Counsel:

The following constitutes the proffer agreement between the Attorneys for the State and Ksone M. Campbell, hereinafter referred to as "Client."

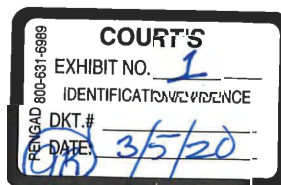
PROFFER AGREEMENT

The purpose of Client making a Proffer is to provide the State with an opportunity to assess the value, extent, and truthfulness of Client's information about the criminal liability of Client and others.

Client has agreed to provide the State with statements and information, and to respond to questions so that the State may evaluate Client's statements and other information in making prosecutorial decisions. By receiving Client's Proffer, the State does not agree to make any prosecutorial decisions on the Client's behalf or to enter into a plea agreement, immunity or non-prosecutive agreement. The State makes no representation about the likelihood that any such agreement will be reached in connection with this Proffer.

By signing this "Proffer Agreement," Client agrees to be fully truthful and forthright with the Ninth Circuit Solicitor's Office and State and/or federal law enforcement agents in their investigation of all unlawful activities, to include, but not limited to, truthful and complete debriefings with no misstatements or material omissions of fact of Client's knowledge concerning violations of State or Federal laws, violent or non-violent. Also, Client understands that Client must fully disclose and provide truthful information to the State including any books, papers, documents or any other items of evidentiary value to the investigation. Client must also testify fully and truthfully at any trials or other proceedings if called upon to do so by the State, subject to prosecution for perjury for not testifying truthfully. Client's failure to be fully truthful and forthright at any stage will, at the sole election to the State, cause the obligations of the State within this Agreement to become null and void. **Further, it is expressly agreed that if the obligations of the State within this Agreement become null and void due to the lack of truthfulness on Client's part:**

- (1) **the State will file any and all charges known to the State; and**
- (2) **the State may use for any purpose any and all statements made and other information provided by Client in the Prosecution of Client on any charges, including perjury.** Client accepts this provision being fully advised that, under SCRE. 410, statements made by Client pursuant to this Agreement would not ordinarily be admissible in any criminal proceedings including perjury and making false statements unless the statements were made under oath, on the record, and in the presence of counsel.



Client Initials:

K.C.

Client agrees to submit to polygraph examination(s) by any qualified polygraph examiner should Client be requested to do so. **Failure to pass to the satisfaction of the State any polygraph examination administered pursuant to this Agreement constitutes a breach of the Agreement, and the State may use for any purpose any statements made and other information provided by Client in the prosecution of Client on any charges.**

Provided Client is truthful as described above, remaining terms of the Agreement are as follows:

1. No statements made or other information provided by Client during this Proffer or discussion will be used against Client in any State Court criminal case except as provided herein.
2. The State may make derivative use of and may pursue any investigation leads suggested by any statements made or other information provided by Client for the purpose of obtaining other evidence, which may be used in a prosecution of Client. This is necessary to prevent the State from having to prove that evidence it would introduce at any future trial is not tainted by any statements made or other information provided by Client during this Proffer.
3. In the event that Client is a witness at a trial or other proceeding concerning any matter discussed in this Proffer and testifies materially different from any statements made or other information provided during this Proffer, the State may cross-examine Client concerning any statements made or other information provided during this Proffer or use such to rebut any evidence or arguments offered by or on behalf of Client (including arguments made or issues raised sua sponte by the Court) at any stage of the criminal prosecution (including bail, trial, and sentencing) should any prosecution of Client be undertaken.
4. The State agrees that any self-incriminating statements made and other information provided by Client during this Proffer will not be used in determining the applicable sentencing recommendation should Client be convicted or enter a guilty plea unless there is a breach of this Agreement. The provisions of this paragraph shall not be applied to restrict the use of any such statements or information:
 - (A) known to the State prior to the date Client makes this Proffer;
 - (B) concerning the existence of prior convictions and sentences;
 - (C) in a prosecution for perjury or giving false statement; or
 - (D) in the event there is a breach of the terms of this Agreement or subsequent plea agreement.

The obligations of and restrictions on the State within this Agreement are expressly contingent upon Client's abiding by federal, state, and local laws and complying with terms and conditions of any bond executed in this case.

Client Initials:

K.C.

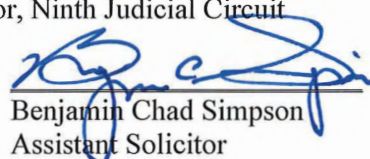
Therefore, Client's violation of federal, state, or local law or of the provisions of any bond executed in this case constitutes a breach of this agreement, and upon such violation, the State may use for any purpose any and all statements made and other information provided by Client in the prosecution of Client on any charges.

To the extent the Government is entitled under this Agreement to offer in evidence any statements made or other information provided by Client or leads obtained there from, Client shall assert no claim under the United States Constitution, any Statute, Rule 410 of the South Carolina Rules of Evidence, or any other rule that such statements made or other information provided or any leads there from should be suppressed. It is the intent of this Agreement to waive all rights in the foregoing respects.

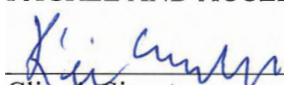
The parties hereby agree that this Agreement contains the entire agreement of the parties; that this Agreement supersedes all prior promises, representations and statements of the parties; that this Agreement may be modified only in writing signed by all parties; and that any and all other promises, representations and statements made prior to this Agreement are null and void.

Scarlett A. Wilson
Solicitor, Ninth Judicial Circuit

By:


Benjamin Chad Simpson
Assistant Solicitor

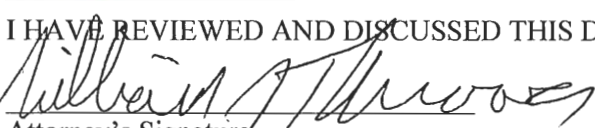
I AGREE AND ACCEPT THE TERMS OF THIS AGREEMENT:


Client's Signature

Date

May 19, 2017.

I HAVE REVIEWED AND DISCUSSED THIS DOCUMENT WITH MY CLIENT:


Attorney's Signature

Date

May 19, 2017.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

**IN THE COURT OF GENERAL SESSIONS
MOTION COVERSHEET**

) WARRANT/TICKET/

INDICTMENT #'s 2017A1010202821

STATE OF SOUTH CAROLINA

-VS-

K'Sone Marquail Campbell

DEFENDANT

Solicitor: David L. Osborne, Bar No. _____	Defendant's Attorney: Reed W. Mulbry, Bar No. 103239
Address: _____	Address: 101 Meeting Street 5th Floor, Charleston SC 29401
Phone: _____	Phone: (843) 958-1850
E-mail: _____	E-mail: RMulbry@charlestoncounty.org
☒ MOTION HEARING REQUESTED ☐ FORM MOTION, NO HEARING REQUESTED ☐ PROPOSED ORDER/CONSENT ORDER	
SECTION I: Hearing Information	
Nature of Motion: <u>Motion To Reconsider Sentence</u>	
Estimated Time Needed: <u>10min</u>	Court Reporter Needed: ☒ YES / ☐ NO
SECTION II: Motion/Order Type	
☒ Written motion attached ☐ Form Motion/Order	
I hereby move for relief or action by the court as set forth in the attached proposed order.	
Signature of ☐ Solicitor ☒ Attorney for Defendant <u>Reed W. Mulbry</u>	Date submitted <u>3/12/20</u>

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

817

Warrant No.: 2017A1010202821

Charge: Murder

STATE OF SOUTH CAROLINA

v.

K'SONE MARQUAIL CAMPBELL

Defendant.

MOTION TO RECONSIDER SENTENCE

FILED
2020 MAR 12 AM 11:12
CLERK OF COURT
J. R. LONG

TO: David Osborne, Assistant Solicitor for the Ninth Judicial Circuit:

PLEASE TAKE NOTICE that the above-captioned defendant, by and through the undersigned attorney, moves this Honorable Court for a reconsideration of the sentence imposed upon the defendant on March 6, 2020, by the Honorable Jennifer McCoy, pursuant to the above-captioned charge.

The motion will be made upon the ground that Mr. Campbell received a sentence disproportionate to his co-Defendant's, Demetrius Young, and any further grounds mentioned in this Motion or at a future hearing:

1. On May 13, 2017, Mr. Campbell was arrested for Murder and Possession of a Weapon during the Commission of a Violent Crime.
2. On May 19, 2017, Mr. Campbell entered into a proffer agreement with the State whereby he provided details about the shooting not previously known to law enforcement.
3. On May 23, 2017, the co-Defendant – Demetrius Young – was arrested for Murder and Possession of a Weapon during the Commission of a Violent Crime as a result of Mr. Campbell's cooperation. When Mr. Young was arrested, he was on bond for unrelated Attempted Murder and Possession of a Weapon during the Commission of a Violent Crime charges.
4. Several months later, on November 15, 2017, a jury found Mr. Young guilty of Attempted Murder and Possession of a Weapon during the Commission of a Violent Crime. Mr. Young was sentenced by the Honorable D. Jefferson to ten (10) years imprisonment on the Attempted

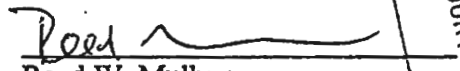
Murder charge and five (5) years on the Possession of a Weapon during the Commission of a Violent Crime charge, to run concurrent. (Exhibit 1 & 2)

5. After Mr. Young was convicted of Attempted Murder, the State served Mr. Young with notice of its intent to seek life without parole on February 28, 2019. (Exhibit 3)
6. During the pendency of the above-captioned charge, Mr. Campbell complied with the conditions of his bond and remained a cooperating witness for the State.
7. In February 2020, despite serving Mr. Young with notice of intention to seek life without parole, the State offered Mr. Young a deal whereby he could plea to Voluntary Manslaughter for a negotiated range of twenty (20) to twenty-five (25) year to run concurrent with the sentences he was already serving for Attempted Murder and Possession of a Weapon during the Commission of a Violent Crime.
8. On February 14, 2020, Mr. Young pled guilty in front of the Honorable Bentley Price and received a twenty-two (22) year sentence to run concurrent with the ten (10) year sentence he received for Attempted Murder and five (5) years sentence he received for Possession of a Weapon during the Commission of a Violent Crime. (Exhibit 4)
9. On February 14, 2020, the State offered Mr. Campbell a deal to plea to Voluntary Manslaughter for a negotiated range of fifteen (15) to twenty (20) years. On February 24, 2020, Mr. Campbell rejected the offer and proceeded to trial the week of March 2, 2020. On March 6, 2020, Mr. Campbell was found guilty of Murder and received a thirty-seven (37) year sentence; fifteen (15) years longer than Mr. Young's. (Exhibit 5) Moreover, Mr. Young effectively only added twelve (12) years onto his sentence in light of the fact his sentence ran concurrent to the ten (10) year sentence he was already serving.
10. At Mr. Campbell's sentencing hearing, the State provided the Court with Mr. Campbell's criminal history. (Exhibit 6) During this stage of the hearing, the State informed the Court that Mr. Campbell was sentenced to seven (7) years suspended to two (2) years' probation for a 2017 conviction for Accessory after the Fact to a Felony A, B, or C. At the hearing, the Court asked whether Mr. Campbell was serving a probationary sentence when he was arrested on May 13, 2017. The State answered in the affirmative.
11. In comparison to Mr. Campbell being on probation, Mr. Young was out on bond for unrelated Attempted Murder and Possession of a Weapon during the Commission of a Violent Crime charges when he was arrested on May 23, 2017 for charges related to the present incident.
12. The Court sentenced Mr. Campbell to thirty-seven (37) years on the above-captioned charge; fifteen (15) years longer than Mr. Young's sentence. Surveillance video from the Rawan Market clearly shows a firearm in Mr. Young's hand. Furthermore, Mr. Campbell – in his May 19, 2017 statement and while on the stand – stated that Mr. Young shot the Victim. Since evidence tends to point to Mr. Young as the shooter, he arguably bears more culpability for the death of the Victim. However, Mr. Young will receive the benefit of a concurrent sentence and serve a substantially shorter sentence than Mr. Campbell

13. During Mr. Campbell's sentencing hearing, the Solicitor indicated Mr. Young and his attorney said he gave the gun to Mr. Campbell before the shooting. However, Mr. Young did not say this when he was sentenced by the Honorable Bentley Price on February 14, 2020. Mr. Young's attorney did state: "if we went to trial, we would be arguing two things...we'd be offering self-defense, and...that the person, K'Sone Campbell, was the one who pulled the trigger...." Transcript of Record at 9, State v. Demetrius Young (Feb. 14, 2020) (Exhibit 7). Mr. Young's attorney offered what could be a possible defense at trial; in fact, they are contradictory. Mr. Young's attorney did not offer this as a statement of fact. Additionally, Mr. Young did not say he gave the gun to Mr. Campbell during the hearing.
14. Mr. Campbell will serve fifteen (15) more years than Mr. Young despite his cooperation with the State. Mr. Campbell's cooperation helped secure Mr. Young's guilty plea. Mr. Young did not cooperate with police or the State during the pendency of this case.
15. Pursuant to S.C. Code Ann. § 16-3-20, Mr. Campbell is not eligible for work credits, good time credits, or any other credits that would reduce his sentence. Here, the Court may have been taking Mr. Campbell's probation into consideration when it sentenced him to thirty-seven (37) years. However, Mr. Campbell was on probation for Accessory After the Fact to a Felony A, B, or C pursuant to S.C. Code Ann. § 16-1-55. For that conviction, he received a sentence of seven (7) years suspended to two (2) years' probation. (Exhibit 8) If a Judge revoked Mr. Campbell's probation in full, he would likely not serve the full seven (7) years in light of the good time credits and work credits he could receive pursuant to S.C. Code Ann. § 24-13-210.
16. Defense counsel failed to inform the Court that Mr. Campbell recently started a residential and commercial cleaning business. This is indicative of Mr. Campbell's work ethic, initiative, and the positive impact he could potentially have on the community later in life; qualities corroborated by multiple character letters submitted to the Court on Mr. Campbell's behalf.

For the reasons outlined in this motion and any such further grounds as may be offered at a hearing in this matter, the Defendant respectfully requests that the Court reconsider his sentence and impose a thirty (30) year term of incarceration.

Respectfully Submitted,


 Reed W. Mulbry
 Attorney for K'Sone M. Campbell

FILED
 2020 MAR 12 AM 11:12
 CLERK OF COURT
 BY

Charleston, South Carolina

Dated: MARCH 11, 2020

Exhibit 1

COUNTY OF CHARLESTON
STATE VS.

DEMETRIUS JAMICK YOUNG

AKA: Demetrius Jamick Young, Demetrius Jamick Young

Race: Black/African American

Sex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____

SID# SC02177652

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

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

☒ CONVICTED OF or☐ PLEADS

TO: Attempted Murder

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:


Benjamin Chad Simpson, Assistant Solicitor SC Bar # 71257

Defendant


Attorney for Defendant66312
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and or payment
of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2016-GS-10-3466☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

RECEIVED

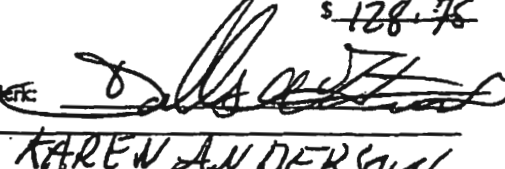
MAR 19 2020

SC Court of Appeals

☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/Deputy Clerk: 
Court Reporter: KAREN ANDERSONPresiding Judge: Judge Code: 2125Sentence Date: 11/15/17

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
OF THE NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

VERDICT FORM

vs.)

DEMETRIUS JAMICK YOUNG,)

Defendant.)

AS TO INDICTMENT NO. 2016-GS-10-03465:

We, the jury, unanimously find the Defendant:

☒ Guilty of Attempted Murder

OR:

AS TO THE LESSER INCLUDED OFFENSE:

☐ Guilty of Assault and Battery- First Degree

OR:

☐ Not Guilty.

RECEIVED

MAR 19 2020

SC Court of Appeals

Please sign and date.


Foreperson
11-15, 2017

Please let the bailiffs know when you have finished your deliberations.

Exhibit 2

DEMETRIUS JAMICK YOUNG

AKA: Demetrius Jamick Young, Demetrius Jamick Young

Race: Black/African American Sex: M

DOB: SS#:

Address:

City, State, Zip:

DL# SID# SC02177652

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

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Possession Of A Weapon During The Commission Of A Violent Crime

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)

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

ATTEST:

Benjamin Chad Simpson, Assistant Solicitor SC Bar # 71257

Defendant

Attorney for Defendant

66312 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2016-GS-10-3465

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED ☐

☐ Set by SCDPPPS Attend Voc. Rehab. Or Job Corp.

Recipient: May serve W/E beginning

*Fine: \$ Substance Abuse Counseling ☐

§14-1-206 (Assessments 107.5%) \$ Random Drug/Alcohol Testing ☐

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ pmts. of \$ Beginning

§56-5-2995 (DUI Assessment) \$12 \$ \$ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ Other:

Proviso 61.6 (Public Def/Prob) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk:

Court Reporter:

KAREN ANDERSON

Presiding Judge:

Judge Code:

Sentence Date:

2/28/17

11/5/17

RECEIVED

MAR 19 2017

☐ Appointed PD or appointed other counsel. \$47.12 requires \$500 be paid to Clerk during probation.

SC Court of Appeals

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUITCOUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA,)**VERDICT FORM**

Plaintiff)

vs.)

DEMETRIUS JAMICK YOUNG,)

Defendant.)
_____)

AS TO INDICTMENT NO.: 2016-GS-10-03466:

We, the jury, by unanimous consent find the Defendant:

☒ Guilty of Possession of A Weapon During the Commission of a Violent Crime

OR

☐ Not Guilty

Please sign and date.

Foreperson11-15, 2017

Please let the bailiffs know when you have finished your deliberations.

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MAR 19 2020

SC Court of Appeals

Exhibit 3

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
)

) Warrant No(s): 2017A1010203020,
) 2017A1010203021
)

) Indictment No(s): 2019-GS-10-01415, 2019-GS-10-
) 01419-
)

STATE OF SOUTH CAROLINA

v.

DEMETRIUS JAMICK YOUNG

Defendant.

) NOTICE OF INTENTION TO SEEK A
) SENTENCE LIFE WITHOUT PAROLE
)
)
)
)

SERVICE OF THE Notice of Intention to Seek a Sentence of Imprisonment for Life without the
Possibility of Parole acknowledged, and copies retained this 28 day of Feb., 2019.


DEMETRIUS JAMICK YOUNG
DEFENDANT

Charleston, South Carolina

Dated 28 Feb., 2019.

FILED
2019 FEB 28 AM 10:05
JULIE L. McSTRONG
CLERK OF COURT
BY MA

RECEIVED

MAR 19 2020

SC Court of Appeals

Exhibit 4

COUNTY OF CHARLESTON
STATE VS.

DEMETRIUS JAMICK YOUNG

AKA: Demetrius Jamick Young, Demetrius Jamick Young

Race: Black/African American

Sex:

M Age: 22

DOB: SS#:

Address:

City, State, Zip:

DL# SID# SC02177652

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

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

TO: Voluntary Manslaughter

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

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted, ☒ Lesser Included Offense,

☐ Defendant Waives Presentation to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,

☒ Negotiated Sentence (20-25) ☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor 101325 SC Bar #

Defendant

Attorney for Defendant 66312 SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☒ County Detention Center, for a determinate term of 22 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: X 2016-GS-10-3465

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 973 days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk:

Court Reporter: DCRP

INDICTMENT/CASE#: 2019-GS-10-01415

A/W: 2017A1010203020

Date of Offense: 05/11/2017

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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MAR 19 2020

SC Court of Appeals

☐ Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge:

Judge Code:

Sentence Date:

2/14/20

EXHIBIT 5

COUNTY OF CHARLESTON

STATE VS.

K'SONE MARQUAIL CAMPBELLAKA: K'sone Marquail Dion Campbell, K'sone CampbellRace: Black/African AmericanSex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# SC01993709*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentation to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

101325

David L. Osborne, Assistant Solicitor

SC Bar # _____

Defendant

103239

Attorney for Defendant

SC Bar # _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 31 days/months/years/or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 64 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

RECEIVED

MAR 19 2020

SC Court of Appeals

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Paul DekersonCourt Reporter: Joyce RugePresiding Judge: McClayJudge Code: 27640Sentence Date: 3/4/2020

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT NO.:2019-GS-10-01423

STATE OF SOUTH CAROLINA)

vs.)

VERDICT FORM

K'SONE CAMPBELL)

Defendant.)

We, the Jury, by unanimous consent, find the Defendant,

K'SONE CAMPBELL on the charge of MURDER:

☒ GUILTY

☐ NOT GUILTY

Joe Blake
 Foreperson

3-6-20
 Date

RECEIVED

MAR 19 2020

SC Court of Appeals

Charleston City Police Department

The State of South Carolina

County of Charleston

AGENCY CASE NUMBER

2017-08295

ARREST WARRANT NUMBER

2017A1010202821

DATE OF ARREST

05/13/2017

ACTION OF GRAND JURY

TRUE BILL*James L. Pae*
Foreperson of Grand Jury Date: MAR 11 2019

VERDICT

*Guilty**Joe Blake*
Foreperson of Petit Jury

Date: 3-6-20

COURT OF GENERAL SESSIONS

MARCH TERM 2019

THE STATE

VS.

K'SONE MARQUAIL CAMPBELL
B/M DOB: [REDACTED]

Indictment for

MURDERSC Code: § 16-03-0010
CDR Code: 0116**RECEIVED**

MAR 19 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened March 2019, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about May 11, 2017, the defendant, K'sone Marquail Campbell with malice aforethought did, himself or in concert with others, kill and murder DERRICK BARBER by means of shooting with a firearm, and DERRICK BARBER did die in Charleston County as a proximate result thereof on or about May 11, 2017 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

EXHIBIT 6



ICHR 003FE3AD41 from SCCH

CHSSL418

.ICHR.003FE3AD41.SCCH.20200123 10:46:57

TO: CHSSL418-1490 20200123 10:46:57 003FE3AD41
 FROM: SCCH-14921025 20200123 10:33:47

ICHR REQUEST FOR RAP SHEET

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-01/23/2020 TIME-10:33:47

REQ ORI-SC010015A CHAS SOLICITOR OFF

SID-SC01993709 FBI-351874LD0

NAME-CAMPBELL, KSONE MARQUIL DION SEX-M RACE-B

HEIGHT-509 WEIGHT-170 EYES-BRO HAIR-BLK SKIN- BORN-SC

FPC- HENRY-

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--04/04/2011

DATE OF LAST UPDATE--05/14/2017

ADDITIONAL IDENTIFIERS

BIRTH

NAME

DATES

MARKS

SOC SEC

MISC NUM

CAMPBELL, KSONE MARQUAIL

CAMPBELL, KSON

CAMPBELL, KSONE MARQUIL

CAMPBELL, KSONE MARQUAIL DION

CRIP R HND

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

CAMPBELL, KSONE MARQUIL DION 04/02/2011

SC0100800 NORTH CHARLESTON PD

CASE-2011011419

ATN-10D100642191

WARR-M610519

CIT-16-11-330(A)-FELONY

ARREST CHARGE 1-ARMED ROBBERY

ARMED WITH DEADLY WEAPON

OFFENSE DATE-04/02/2011

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

WARR-M610521

CIT-16-23-490-FELONY

ARREST CHARGE 2-POSS OF A

WEAPON DURING VIOLENT

CRIME

OFFENSE DATE-04/02/2011

CIT-16-23-490-FELONY

DOC-11GS1004125
WARR-M610521

COURT CHARGE 01-POSS OF A
WEAPON DURING VIOLENT
CRIME
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-01/24/2012
ATN-10D100642191

CIT-16-11-325-FELONY
DOC-11GS1004124
WARR-M610519

COURT CHARGE 02-COMMON LAW
ROBBERY, STRONG ARM ROBBER
Y
COURT DISP-CONVICTED; YOA NTE
2 YEARS/BAL SUSP W/2Y
PROB 1,000 FINE 40

COURT DATE-01/23/2012

CAMPBELL, KSONE MARQUAIL
SC0100100 CHARLESTON POLICE DE
CASE-2012000477
ATN-10D100671056
WARR-41015FU
CIT-56-7-80(F)-MISDEMEANOR

01/10/2012

ARREST CHARGE 1-TRAFFIC/FAIL TO
RE TO APPEAR
OFFENSE DATE-01/10/2012
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT--MISDEMEANOR
DOC-10
WARR-41015FU

COURT CHARGE 01-DRIVING UNDER
SUSPENSION
COURT DISP-CONVICTED; Jail
COURT DATE-12/22/2011
ATN-10D100671056

SC010015G CHARLESTON PPP
CASE-SC0100
CIT-16-11-325-FELONY

01/23/2012 CUSTODY STATUS-PROBATION

COURT CHARGE 01-COMMON LAW
ROBBERY, STRONG ARM ROBBER
Y
COURT DISP-CONVICTED; YOA
1-6YRS W 2YRS PROB
ATN-10P000504585

CAMPBELL, KSONE MARQUAIL
SC0100100 CHARLESTON POLICE DE
CASE-2012016924
ATN-10D100699238
WARR-24502FM
CIT-56-5-750(B)(1)-MISDEMEANOR

10/18/2012

ARREST CHARGE 1-FAIL TO STOP
FOR BLUE LIGHT
OFFENSE DATE-10/18/2012
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

838 CAMPBELL, KSONE MARQUAIL
SC0100100 CHARLESTON POLICE DE
CASE-2016004669
ATN-10D100827620
WARR-K740482
CIT-16-3-29-FELONY

03/21/2016

ARREST CHARGE 1-ATTEMPTED
MURDER
OFFENSE DATE-03/21/2016
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-K740483
CIT-16-23-490-FELONY

ARREST CHARGE 2-POSS OF A
WEAPON DURING VIOLENT
CRIME
OFFENSE DATE-03/21/2016

CIT-16-1-55-FELONY
DOC-16GS1003353
WARR-K740482

COURT CHARGE 01-ACC AFTER
THE FACT TO FELONY A, B, C
COURT DISP-CONVICTED;7Y/PYMNT
\$750/BAL SUSPND W/ PRBTN
2Y
COURT DATE-04/12/2017
ATN-10D100827620

CIT-16-23-490-FELONY
DOC-16GS1003354
WARR-K740483

COURT CHARGE 02-POSS OF A
WEAPON DURING VIOLENT
CRIME
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-04/12/2017

SC010015G CHARLESTON PPP
CASE-SC0100
CIT-16-1-55-FELONY

04/17/2017 CUSTODY STATUS-PROBATION

COURT CHARGE 01-ACC AFTER
THE FACT TO FELONY A, B, C
COURT DISP-CONVICTED;7YRS SS
UPON SVC OF 2YRS PROBATION
ATN-10P000508285

CAMPBELL, KSONE MARQUAIL
SC0100100 CHARLESTON POLICE DE
CASE-2017008295
ATN-10D100856965
WARR-2017A1010202821
CIT-16-3-10-FELONY

05/13/2017

ARREST CHARGE 1-MURDER
OFFENSE DATE-05/13/2017
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-2017A1010202822
CIT-16-23-490-FELONY

ARREST CHARGE 2-POSS OF A
WEAPON DURING VIOLENT
CRIME
OFFENSE DATE-05/13/2017

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/351874LDO
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

EXHIBIT 7

1 STATE OF SOUTH CAROLINA

2 COUNTY OF CHARLESTON

COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,

5 PLAINTIFF,

6 VS.

7 DEMETRIUS YOUNG,

8 DEFENDANT.

TRANSCRIPT

OF

RECORD

2019-GS-10-1415

9
10 February 14th, 2020
11 Charleston, South Carolina.
12

13 B E F O R E:

14 THE HONORABLE BENTLEY PRICE, Judge.

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

16 DAVID L. OSBORNE
17 ASSISTANT SOLICITOR
18 Attorney for the State

19 JAMES W. SMILEY, IV
20 ESQ.
Attorney for the Defendant

21
22
23 Transcribed by Pamela E. Green, from
24 DCRP, Digital Courtroom Recorder Project
25

I N D E X

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(WHEREUPON, there were no exhibits marked during this hearing.)

P R O C E E D I N G S

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THE COURT: All right. Good morning.

Are you Mr. Young?

THE DEFENDANT: Yes, sir.

THE COURT: And you're here today to plead guilty to voluntary manslaughter.

Is that your understanding of what you're doing here today?

THE DEFENDANT: Yes, sir.

THE COURT: All right. And you understand, by pleading guilty, you're giving up your Constitutional right to a jury trial, right to confront witnesses at that trial, right to remain silent.

Have you discussed those rights with your attorney?

THE DEFENDANT: Yes, sir.

THE COURT: And are you satisfied with your attorney's representation?

THE DEFENDANT: Yes, sir.

THE COURT: You need more time with your attorney?

THE DEFENDANT: No, sir.

THE COURT: All right. And you understand this is a, a violent and most serious offense.

You understand that?

THE DEFENDANT: Yes, sir.

1 THE COURT: And you understand this is gonna be a
2 negotiated sentence, somewhere between 20 and 25 years,
3 which means that I can't go any lower, and I can't go any
4 higher. I must stay in that range, and that's all I'm
5 allowed to do, or I can just reject the plea altogether.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Yes, sir.

9 SOLICITOR OSBORNE: Thank you, Your Honor.

10 The facts of the case are, on May the 11th of 2017 at
11 about 9:30PM, CPD responded to shots fired call for service
12 near the area of Oswego and Maverick, and that's located in
13 the City and County of Charleston.

14 Upon arrival, officers observed the victim, who was
15 later identified as Derrick Barber, lying on the ground next
16 to his car. He had been shot multiple times. Derrick's
17 11-month old child, Daia, and his seven year old boy, D.J.,
18 were in the car at the time that Derrick was gunned down.
19 Derrick was pronounced deceased later that night. After the
20 autopsy, it was shown that he was shot three to four times.

21 Witnesses reported seeing a -- the shooter firing from
22 a white vehicle. That vehicle then fled the scene after the
23 shooting. Investigators located that vehicle. It was a
24 Dodge Avender (sic), Avenger, and they identified the driver
25 as being K'Sone Campbell. K'Sone is a codefendant in this

1 case. He's also been charged with murder, and, just for
2 your edification, both of these cases are set on the March
3 the 2nd trial docket.

4 All right. So, CPD found some surveillance video in
5 the area. The video showed, showed an altercation that
6 occurred about 10 minutes prior to the murder, and it was a
7 couple blocks away at a corner store located at 949 King
8 Street.

9 There were basically two groups involved in the fight.
10 This Defendant, Demetrius, was with K'Sone, they were
11 together, and they were fighting an individual by the name
12 of Derrick Milligan. Derrick is friends with the victim,
13 Derrick Barber.

14 During the fight, the video clearly shows the
15 Defendant, Demetrius, in possession of a large handgun.
16 When the fight was over, both the Defendant and K'Sone left
17 and Milligan left. A search of Milligan's phone records
18 showed that, right after that fight, he made contact with
19 the victim, Derrick, and he told Derrick to meet him in the
20 spot. After this message, Derrick's vehicle can be seen
21 pulling up to the location in which he would be murdered.

22 K'Sone was charged with murder, and, after his arrest,
23 he entered into a proffer agreement with the State. He came
24 in. He told us that he was the driver of the white car, and
25 that Demetrius, the Defendant, was sitting next to him in

1 the passenger seat. He said that -- K'Sone said that, when
2 he saw the victim, Derrick, he wanted to go talk to him
3 about the argument that he had with Milligan asking him to
4 tell Milligan to calm down. He said, during that
5 conversation, it got kind of heated, and then, unprovoked,
6 the Defendant then pulled out a gun, and, from the passenger
7 seat, shot Derrick multiple times.

8 The victim's family is here. I have spoken to them.
9 Lashay Smith, she is the mother of Derrick's children.
10 Kenneth Legare is Derrick's dad. Patricia Clark is
11 Derrick's mom. They, obviously and understandably, aren't
12 pleased with this plea. You know, they would like to see
13 more, but I think -- I hope that they understand the
14 challenges of the case, and, and based on what we have, I
15 think it's a fair resolution.

16 I will point out that the Defendant was out on bond for
17 attempted murder. He was later convicted of that, of that
18 crime, and was sentenced to 10 years. So, as part of this
19 agreement, whatever you sentence him to, we'd like to run
20 together, you know, to that sentence, and he's already doing
21 that in SCDC.

22 I haven't spoken to the victim's family. I'm not sure
23 if they want to address the Court.

24 THE COURT: Is he in SC -- he's in SCDC now?

25 SOLICITOR OSBORNE: He---

1 MR. SMILEY: That is correct.

2 SOLICITOR OSBORNE: He is.

3 THE COURT: Okay. Okay. I'd be happy to hear from
4 anybody like to say anything.

5 MR. LEGARE: Good morning.

6 THE COURT: Good morning, sir. How are you?

7 MR. LEGARE: I'm, I'm Kenneth Legare, and I'm Derrick's
8 father, and we're hurt. And, Your Honor, we don't
9 understand why Demetrius did what he done, and I want to
10 hear him tell us why he shot him.

11 THE COURT: I can't make him do that. I'm sorry.

12 MR. LEGARE: Okay. I have no other comments.

13 THE COURT: All right. Anyone else like to say
14 anything?

15 Yes, ma'am.

16 MS. CLARK: I'm Derrick's mother. It's been so hard
17 for me. He was my son. I just want them to get the message
18 before he -- when he would come out here and kill somebody
19 else. I mean, as we've gone through, killed my son in front
20 of his children. That is crazy. It don't make no sense.
21 And as to why he done that to my child always like -- once
22 he -- he's -- he ain't never gonna -- no child, no child
23 will be out there having trouble with nobody or nothing that
24 day. All he just wanted peace, and for him to get called
25 down there, and have his children in that car. That didn't

1 make no sense for him to do -- shot him four times like that
2 with a .45, and it don't make no sense. We can't see him.

3 THE COURT: All right. Anything further from the
4 State?

5 SOLICITOR OSBORNE: Your Honor, based on the facts and,
6 and the fact that he was out on bond, we'd ask you to go
7 ahead and impose the maximum 25 year sentence under the
8 agreement.

9 THE COURT: All right.

10 All right. Yes, sir, Mr. Smiley, be happy to hear from
11 you.

12 MR. SMILEY: Yes, sirs.

13 Demetrius is 22 years old. He is here with his mother,
14 and his grandmother, Mrs. Robinson, as he was raised in the
15 household with Mrs. Robinson on King Street.

16 The young man made straight As in school, and things
17 were going well in his life, and he saw his grandfather,
18 who's a father to him, murdered in front of him and his
19 grandmother in the home invasion. And there was nothing he
20 could do about it.

21 And that had traumatic impact on his life. That
22 happened when he was a sophomore, was it?

23 Sophomore in high school.

24 Shortly after that, he got a -- falsely accused and
25 arrested for an armed robbery, and I think he got extremely

1 frustrated with the system, that he was being arrested for
2 something that he didn't do, and they never arrested anybody
3 that killed his grandfather. And, I believe, at this point,
4 and this partly runs back to the other case I represented
5 him on, he thought he had to defend his homestead for his
6 grandmother and family.

7 The attempted murder that he's doing 10 years on, no
8 one was hit. That was shots fired in the direction of
9 somebody when he was under a sidewalk in front of his house.

10 This charge, Your Honor, if, if we went to trial, we
11 would be arguing two things different from the facts that
12 Mr. Osborne, if we were at trial, cause we would be
13 offering -- we'd be offering self-defense, and I've told him
14 he waives that today. His -- without going into more
15 details, and then the fact that he was not the one that
16 pulled the trigger, that the person, K'Sone Campbell, was
17 the one who pulled the trigger, if we went to trial. He
18 certainly was there, and involved, hand of one, hand of all.

19 Your Honor, his -- this was not Demetrius' fight is the
20 problem cause this started at the corner store, and K'Sone
21 got in a vehicle with someone. Demetrius, at the time, was
22 friends with K'Sone, and was there to back him up. That
23 ended and everybody left.

24 At trial, we'd be arguing that Mr. -- that the
25 deceased's motive for coming downtown was different.

1 However, he came downtown with his children, and certainly
2 got killed, and Mr. Demetrius Young was right in the middle
3 of it cause he certainly was seen with a gun. It's a
4 terrible thing.

5 He was served Life without Parole Notice in this case,
6 and Demetrius, in weighing his options of going to trial,
7 maintaining self-defense, or what have you, does not want to
8 risk a life sentence cause he is a young man. He's
9 extremely intelligent. He has a smile that will light up
10 blocks.

11 His grandmother, Mrs. Robinson, is got a heart of gold
12 cause she can't understand things that go on in the city
13 anymore. His mom, Pam, is sitting beside him. Just wants
14 to be able -- hopes that her son can grow up and survive the
15 event that he's gonna have in prison.

16 He still will have some kind of future this way, and
17 we're gonna ask you to impose a 20 year sentence, Your
18 Honor. He's been in on this charge since the date of
19 this -- of his arrest, and that he will -- and that will be
20 concurrent with what he's doing.

21 We're going -- we were -- we're ready to go to trial on
22 March 2nd. I think this is a better resolution. Instead
23 of creating more tension between codefendants and families,
24 I, I would like for the families to understand that young
25 men do things that we can't change, and it -- but they can

1 grow up and live through it.

2 Demetrius is a young man that's gonna have to live
3 through this with all -- the rest of his life. He extends
4 his, his sincere condolences to the family. He wishes that
5 he had not have been involved in the event that led to the
6 victim's death, Your Honor. I'd ask you to impose a 20 year
7 sentence, run it concurrent.

8 THE COURT: All right. Mr. Young, were the facts that
9 Mr. Osborne just stated previously, are those facts
10 accurate?

11 You understand those?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. How much credit does he have?

14 MR. SMILEY: Since the date of his arrest, and I did
15 not calculate days, Your Honor, his -- he was arrested the
16 same night, right?

17 The 11th of 2017.

18 SOLICITOR OSBORNE: He, he was actually arrested a
19 couple days -- I don't have the exact date.

20 MR. SMILEY: All right.

21 SOLICITOR OSBORNE: It was, it was a couple days later.

22 MR. SMILEY: May 11th, 2017, Your Honor. Like I
23 said, a, a day or two either side.

24 THE COURT: All right. Mr. Young, you understand your
25 attorney has essentially saved you from spending the rest of

1 your life in prison?

2 You understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. And you understand the
5 Solicitor's Office has done all they can do. So, I mean
6 it's up to me.

7 You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Y'all are gonna have to get me
10 the charge that it runs concurrent with. You'll have to get
11 me that information so I'll have to put it on the sentencing
12 sheet---

13 MR. SMILEY: I will---

14 THE COURT: ---or the -- SCDC won't do it?

15 SOLICITOR OSBORNE: The warrant number?

16 THE COURT: No.

17 SOLICITOR OSBORNE: Okay.

18 MR. SMILEY: I believe I---

19 THE COURT: We have to have the---

20 SOLICITOR OSBORNE: Okay.

21 THE COURT: ---the indictment number.

22 MR. SMILEY: I believe I can look it up while you're
23 doing that, Your Honor, and thank you for getting this
24 scheduled in such short notice, Your Honor.

25 THE COURT: Sure.

1 MR. SMILEY: Your Honor, is -- I can't -- pardon me. I
2 apologize, Your Honor. I had it right in front of me. Let
3 me look in another folder.

4 All right. It's -- I can give you the original warrant
5 numbers, Your Honor.

6 THE COURT: Well, we'll get the indictment numbers.
7 It's okay. We'll have to just go to the Clerk's office
8 cause we have to have---

9 MR. SMILEY: There's, there's two charges, Your Honor.
10 He was convicted of attempted murder and the attended gun.
11 He was given, by Deadra Jefferson, he was given a 10 year
12 sentence---

13 THE COURT: Okay.

14 MR. SMILEY: ---and a five year sentence concurrent.

15 THE COURT: We'll find it.

16 All right.

17 MR. SMILEY: Yes, sir.

18 THE COURT: All right. Mr. Young, I'm gonna give you
19 some credit for not putting this family through a trial, but
20 you got to understand that you got to pay for what you did.
21 I'm gonna submit you to the State Department of Corrections
22 to run concurrent with your previous charges for a term of
23 22 years.

24 Good luck to you.

25 MR. SMILEY: Thank you, Your Honor.

1 THE COURT: Let's take a five minute break.

2 SOLICITOR OSBORNE: Thank you so much, Judge, for
3 hearing that.

4 THE COURT: Yes, sir.

5

6

7 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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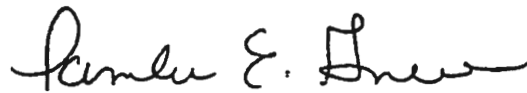
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for 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 14th day of February, 2020.

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

February 28th, 2020



PAMELA E. GREEN, Court Reporter

EXHIBIT 8

COUNTY OF CHARLESTON
STATE VS.K'SONE MARQUAIL DION CAMPBELLAKA: K'sone CampbellRace: Black/African AmericanSex: M

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____

SID# SC01993709*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Accessory After The Fact (0-15)In violation of § 16-01-0055 of the S.C. Code of Laws, bearing CDR Code # 2413☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☐ As indicted,☐ Lesser Included Offense,☒ Defendant Waives Presentment to Grand Jury.KL (def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Stephanie B. Binder 72656
Stephanie B. Binder, Assistant Solicitor SC Bar #Defendant
DefendantWilliam J. Moore 25091
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 2 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ 750.00; provided that upon the service of _____ days/months/years and or payment of \$ 750.00; plus costs and assessments as applicable*; the balance is suspended with probation for 2 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: _____ \$ _____

60 days/hours Public Service Employment

Payment Terms: _____

Obtain GED: ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☒Random Drug/Alcohol Testing ☒

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

RECEIVED

MAR 19 2020

SC Court of Appeals

☐ Appointed PD or appointed bail counselor

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: _____

Judge Code: 2060Sentence Date: 4-12-17

Recipient: _____

*Fine: _____

\$ 750.00

§14-I-206 (Assessments 107.5%)

\$ 806.25

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$ 100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$ _____

§56-5-2995 (DUI Assessment)

\$12

\$ _____

§56-1-286 (DUI Breath Test)

\$25

\$ _____

Proviso 61.6 (Public Def/Prob)

\$500

\$ _____

§14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$ _____

§50-21-114 (BUI Breath Test Fee)

\$50

\$ _____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$ _____

3% to County (if paid in installments)

\$

\$ 50.44

TOTAL

\$ 1731.69

Clerk of Court/Deputy Clerk: _____

Court Reporter: _____

858

STATE OF SOUTH CAROLINA
County/ Municipality ofTHE STATE
against

K'Sone Marquail Campbell

Address:

Phone: SSN:
Sex: M Race: B Height: 5 Weight: 180

DL State: SC DL #: Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Jarrell - 0850

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Personally appeared before me the affiant Officer Jarrell
being duly sworn deposes and says that defendant K'Sone Marquail Campbell
did within this county and state on or about 5/11/2017 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.
Charleston, SC 29403-

Affiant's Telephone (843)577-7434

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/11/2017 defendant K'Sone Marquail Campbell

did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 5/14/2017

(L.S.)

Signature of Issuing Judge
Kelley Flynn Young
Judge Code: 7319Judge's Address 3831 Leeds Avenue (Suite 200)
North Charleston, SC 29405-

Judge's Telephone (843)746-9288

Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

RECEIVED

MAR 19 2020

SC Court of Appeals

Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____

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Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

2017 MAY 18 AM 11:37
JULIE A. STRONG
CLERK OF COURT
BY _____

FILED

Personally appear before me, a magistrate of this county one, Sgt Steven Hood
who first being duly sworn deposed and says that, K'Sone Marquail Campbell,
did within this county and state on the 11 May 2017 violate the criminal laws of the State of South
Carolina in the following particular:

DESCRIPTION OF OFFENSE

Murder
16-3-10

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth
and that such probable cause is based on the following facts:

That on May 11, 2017 at approximately 2135 hrs, while at Maverick Street and Oswego Street, which is in the
City and County of Charleston, in the State of South Carolina, the above named defendant, K'Sone Marquail
Campbell, did knowingly, willingly and unlawfully violate South Carolina State Statute, 16-3-10 (Murder), in
the following particulars:

On the above date, time and location the Charleston Police Department responded to the area of Maverick
Street and Oswego Street in reference to a shooting. Officers arrived and observed the victim, Derrick Barber,
on the ground suffering from multiple gunshot wounds. Deangelo Milligan was standing next to him and
shouting for help. Mr. Barber was lying next to a green Lincoln Town Car (SC License Tag: MQK 92), which
was still running, wearing dark clothing. Officers observed that the vehicle had projectile damage and that
there were two young crying children in the vehicle. CCEMS arrived and transported Mr. Barber to MUSC
where he was pronounced deceased.

Detectives spoke with Mr. Milligan, who said that he called Mr. Barber this evening to meet at "The Spot,"
which he knew to be at the intersection of Maverick Street and Oswego Street. Mr. Milligan refused to provide
any further information.

Detectives canvassed the area and located video surveillance at Rawan Market (corner of Maverick Street and
King Street - which is about a block from the incident location). Video from within the store depicts Mr.
(Continued on page 2.....)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS

DAY OF

SIGNATURE OF JUDGE

(L.S.)

RECEIVED

MAR 19 2017

SC Court of Appeals

COMPLAINT #: 1708295

WARRANT#

INVESTIGATING OFFICER: J. Jarrell

CPD Form OT3

AFFIANT

180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

Page 2 of 3
 STATE OF SOUTH CAROLINA]
 COUNTY OF CHARLESTON]

AFFIDAVIT

Milligan engaged in a physical altercation with two black males about fifteen minutes prior to the murder. One of the individuals is observed brandishing a firearm before the fight is separated. The two individuals then leave the store.

Multiple witnesses (who will be named later in court) were located and interviewed. During these interviews, the two black males who engaged Deangelo in the altercation in the Rawan Market were positively identified as the defendant, K'sone Campbell, and Demetrius Young.

Video surveillance obtained during the investigation shows the following sequences of events:

- After the altercation at the Rawan Market, Campbell and Young leave and walk toward King St.
- Moments later, a white Dodge Avenger turns from King St. onto Moultrie St. and stops in the area of 18 Moultrie Street. One person exits the driver side of the vehicle and walks toward 18 Moultrie and then returns to the vehicle a moment later.
- The vehicle then drives away toward Rutledge Ave.
- A moment later, a white Dodge Avenger turns onto Maverick St. from Rutledge Ave. toward the intersection of Maverick St. and Oswego St. This vehicle then turns left onto Oswego St.
- A moment later, the victim arrives in his vehicle, performs a u-turn and parks in front of 17 Maverick St. (which is on the corner of Maverick St. and Oswego St.) facing toward King St.
- Deangelo Milligan is observed walking toward the victim's parked vehicle.
- The suspect vehicle then turns on its lights and turns onto Maverick St. facing Rutledge Ave. A moment later, multiple gunshots are heard.
- As the vehicle flees the scene of the shooting on Maverick St. toward Rutledge Ave., it is observed to be the white Dodge Avenger.

SWORN TO AND SUBSCRIBED before me
 this 14th day of May, 2017
 _____ (L.S.)
 Signature of Issuing Judge

COMPLAINT # 17-08295

Page 3 of 4

Steven Head
 Signature of Affiant
 Charleston, SC 29403
 843-577-7434

The white Dodge Avenger in the above mentioned surveillance video is observed with a distinctive dark wheel on the front, passenger side of the vehicle.

A witness (who will be named later in court) stated that while travelling through the area, he observed a white sedan in the middle of the roadway on Maverick St. in the vicinity of Oswego St. A person wearing dark clothing was standing in the road next to the victim's vehicle. The witness stated that the person in dark clothing was arguing with the driver of the white sedan. Immediately after he passed the white sedan, he heard gun shots and left the area.

After speaking with an additional witness (to be named later in court), Kimberly Dwight was identified as the girlfriend of K'sone Campbell. After a search of the Charleston Police Department's (CPD) records management system, it was found that Ms. Dwight had previous interactions with CPD while driving a 2014 Dodge Avenger (white in color, bearing Alabama tag 19BJ842). An automatic license plate reader (ALPR) image was obtained which showed that the aforementioned vehicle has a dark in color wheel on the front passenger side of the vehicle which is consistent with the suspect vehicle. Ms. Dwight's residence was located at 3258 Walter Dr., Charleston, SC. Detectives responded to this address and observed said vehicle parked in the parking lot in front of this location. Upon making contact with Ms. Dwight, she was in the company of Mr. Campbell at this residence.

Ms. Dwight stated that on Thursday, May 11th, 2017, Mr. Campbell had possession of her Dodge Avenger and had the vehicle the entire day. She stated that Mr. Campbell told her he was stopping at the store on Maverick St. for a beer. At approx. 9:30 PM, Mr. Campbell's mother called her and stated that Mr. Campbell was on his way home and that his friend, Derrick Barber, had just been killed. Mr. Campbell returned to her residence at approx. 10:00 PM with her vehicle. He appeared to be upset and stated that he had been in a fight with Deangelo Milligan at the Maverick store. Ms. Dwight observed surveillance images from the scene and

Sworn to and Subscribed before me]

this 14th day of May, 2017]

[Signature]
Signature of Judge]

[Signature]

Affiant

180 Lockwood Boulevard
Charleston, SC 29403
(843) 577-7434

CASE # 1708295

Page 4 of 4

STATE OF SOUTH CAROLINA]
COUNTY OF CHARLESTON]

AFFIDAVIT

positively identified her vehicle (2014 Dodge Avenger) as the vehicle in the images.

During a post Miranda statement given by the defendant he stated that he was in an altercation with Mr. Milligan in the Rawan Market. After the altercation he got into his girlfriend's white in color Dodge Avenger and was the sole occupant. He stated that he left the area immediately following the fight and went directly to Johns Island. His statements conflict with the with the video surveillance evidence obtained from the surrounding area.

The above is true and believable based upon statements of the defendant, Kimberly Dwight, and the investigation of the Charleston Police Department.

Sworn to and Subscribed before me

this 14th day of May, 2017

[Signature]
Signature of Judge

[Signature]
Affiant

180 Lockwood Boulevard
Charleston, SC 29403
(843) 577-7434

CASE # 1708295

864

STATE OF SOUTH CAROLINA

County/ ☐ Municipality of

Charleston

THE STATE
against

K'Sone Marquail Campbell

Address:

Phone: SSN:

Sex: M Race: B Height: 5'11" Weight: 180DL State: SC DL #: SC0100100DOB: Agency ORI #: SC0100100Prosecuting Agency: Charleston City Police DepartmentProsecuting Officer: Officer Jarrell - 0850Offense: Murder / MurderOffense Code: 0116Code/Ordinance Sec: 16-03-0010, 0020This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Court/Clerk/Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Charleston

Personally appeared before me the affiant Officer Jarrell / Hood who
being duly sworn deposes and says that defendant K'Sone Marquail Campbell
did within this county and state on or about 5/11/2017 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)
in the following particulars:DESCRIPTION OF OFFENSE: Murder / MurderI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.Charleston, SC 29403-Affiant's Telephone (843)577-7434

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/11/2017defendant K'Sone Marquail Campbell

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Charleston

) as set forth below:

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her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before meon 5/14/2017Kelley Flynn Young
Judge Code: 7319

(L.S.)

Judge's Address 3831 Leeds Avenue (Suite 200)North Charleston, SC 29405-Judge's Telephone (843)746-9288Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED

MAR 19 2017

SC Court of Appeals

on 5-14-17
Type and Amount: NO BOND
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, not, pros., etc.)
Disposition: _____
Sentence: _____

JURORS

Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
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Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

FILED

2017 MAY 18 AM 11:37

CLERK OF COURT

BY _____

Personally appear before me, a magistrate of this county one, Sgt Steven Hood
 who first being duly sworn deposed and says that, K'Sone Marquail Campbell,
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 16-3-10

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That on May 11, 2017 at approximately 2135 hrs, while at Maverick Street and Oswego Street, which is in the
 City and County of Charleston, in the State of South Carolina, the above named defendant, K'Sone Marquail
 Campbell, did knowingly, willingly and unlawfully violate South Carolina State Statute, 16-3-10 (Murder), in
 the following particulars:

On the above date, time and location the Charleston Police Department responded to the area of Maverick
 Street and Oswego Street in reference to a shooting. Officers arrived and observed the victim, Derrick Barber,
 on the ground suffering from multiple gunshot wounds. Deangelo Milligan was standing next to him and
 shouting for help. Mr. Barber was lying next to a green Lincoln Town Car (SC License Tag: MQK 92), which
 was still running, wearing dark clothing. Officers observed that the vehicle had projectile damage and that
 there were two young crying children in the vehicle. CCEMS arrived and transported Mr. Barber to MUSC
 where he was pronounced deceased.

Detectives spoke with Mr. Milligan, who said that he called Mr. Barber this evening to meet at "The Spot,"
 which he knew to be at the intersection of Maverick Street and Oswego Street. Mr. Milligan refused to provide
 any further information.

Detectives canvassed the area and located video surveillance at Rawan Market (corner of Maverick Street and
 King Street – which is about a block from the incident location). Video from within the store depicts Mr.
 (Continued on page 2.....)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS

DAY OF

RECEIVED

MAR 19 2017

SC Court of Appeals

Steven Hood

AFFIANT

180 Lockwood Blvd.
 Charleston, SC 29403
 843-577-7434

SIGNATURE OF JUDGE

COMPLAINT #: 1708295

WARRANT#

INVESTIGATING OFFICER: J. Jarrell

CPD Form OT3

Page 2 of 3STATE OF SOUTH CAROLINA]
COUNTY OF CHARLESTON]**AFFIDAVIT**

Milligan engaged in a physical altercation with two black males about fifteen minutes prior to the murder. One of the individuals is observed brandishing a firearm before the fight is separated. The two individuals then leave the store.

Multiple witnesses (who will be named later in court) were located and interviewed. During these interviews, the two black males who engaged Deangelo in the altercation in the Rawan Market were positively identified as the defendant, K'sone Campbell, and Demetrius Young.

Video surveillance obtained during the investigation shows the following sequences of events:

- After the altercation at the Rawan Market, Campbell and Young leave and walk toward King St.
- Moments later, a white Dodge Avenger turns from King St. onto Moultrie St. and stops in the area of 18 Moultrie Street. One person exits the driver side of the vehicle and walks toward 18 Moultrie and then returns to the vehicle a moment later.
- The vehicle then drives away toward Rutledge Ave.
- A moment later, a white Dodge Avenger turns onto Maverick St. from Rutledge Ave. toward the intersection of Maverick St. and Oswego St. This vehicle then turns left onto Oswego St.
- A moment later, the victim arrives in his vehicle, performs a u-turn and parks in front of 17 Maverick St. (which is on the corner of Maverick St. and Oswego St.) facing toward King St.
- Deangelo Milligan is observed walking toward the victim's parked vehicle.
- The suspect vehicle then turns on its lights and turns onto Maverick St. facing Rutledge Ave. A moment later, multiple gunshots are heard.
- As the vehicle flees the scene of the shooting on Maverick St. toward Rutledge Ave., it is observed to be the white Dodge Avenger.

SWORN TO AND SUBSCRIBED before me

this 14th day of May, 2017[Signature] (L.S.)
Signature of Issuing Judge

COMPLAINT # 17-08295

Page 3 of 4[Signature]
Signature of AffiantCharleston, SC 29403
843-577-7434

STATE OF SOUTH CAROLINA]
COUNTY OF CHARLESTON]

AFFIDAVIT

The white Dodge Avenger in the above mentioned surveillance video is observed with a distinctive dark wheel on the front, passenger side of the vehicle.

A witness (who will be named later in court) stated that while travelling through the area, he observed a white sedan in the middle of the roadway on Maverick St. in the vicinity of Oswego St. A person wearing dark clothing was standing in the road next to the victim's vehicle. The witness stated that the person in dark clothing was arguing with the driver of the white sedan. Immediately after he passed the white sedan, he heard gun shots and left the area.

After speaking with an additional witness (to be named later in court), Kimberly Dwight was identified as the girlfriend of K'sone Campbell. After a search of the Charleston Police Department's (CPD) records management system, it was found that Ms. Dwight had previous interactions with CPD while driving a 2014 Dodge Avenger (white in color, bearing Alabama tag 19BJ842). An automatic license plate reader (ALPR) image was obtained which showed that the aforementioned vehicle has a dark in color wheel on the front passenger side of the vehicle which is consistent with the suspect vehicle. Ms. Dwight's residence was located at 3258 Walter Dr., Charleston, SC. Detectives responded to this address and observed said vehicle parked in the parking lot in front of this location. Upon making contact with Ms. Dwight, she was in the company of Mr. Campbell at this residence.

Ms. Dwight stated that on Thursday, May 11th, 2017, Mr. Campbell had possession of her Dodge Avenger and had the vehicle the entire day. She stated that Mr. Campbell told her he was stopping at the store on Maverick St. for a beer. At approx. 9:30 PM, Mr. Campbell's mother called her and stated that Mr. Campbell was on his way home and that his friend, Derrick Barber, had just been killed. Mr. Campbell returned to her residence at approx. 10:00 PM with her vehicle. He appeared to be upset and stated that he had been in a fight with Deangelo Milligan at the Maverick store. Ms. Dwight observed surveillance images from the scene and

Sworn to and Subscribed before me]

this 14th day of May, 2017]

[Signature]
Signature of Judge]

[Signature]
Affiant

180 Lockwood Boulevard
Charleston, SC 29403
(843) 577-7434

CASE # 1708295

Page 4 of 4

STATE OF SOUTH CAROLINA]
COUNTY OF CHARLESTON]

AFFIDAVIT

positively identified her vehicle (2014 Dodge Avenger) as the vehicle in the images.

During a post Miranda statement given by the defendant he stated that he was in an altercation with Mr. Milligan in the Rawan Market. After the altercation he got into his girlfriend's white in color Dodge Avenger and was the sole occupant. He stated that he left the area immediately following the fight and went directly to Johns Island. His statements conflict with the with the video surveillance evidence obtained from the surrounding area.

The above is true and believable based upon statements of the defendant, Kimberly Dwight, and the investigation of the Charleston Police Department.

Sworn to and Subscribed before me]

this 14th day of May, 2017]

[Signature]
Signature of Judge]

[Signature]
Affiant

180 Lockwood Boulevard
Charleston, SC 29403
(843) 577-7434

CASE # 1708295

870

Charleston City Police Department

AGENCY CASE NUMBER

2017-08295

ARREST WARRANT NUMBER

2017A1010202821

DATE OF ARREST

05/13/2017

ACTION OF GRAND JURY

TRUE BILL

James D. Par
Foreperson of Grand Jury Date: MAR 11 2019

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

MARCH TERM 2019

THE STATE

VS.

K'SONE MARQUAIL CAMPBELL

B/M DOB

Indictment for

MURDER

SC Code: § 16-03-0010

CDR Code: 0116

FILED

3/19/2019 2:23:50 PM

JULIE J. ARMSTRONG

CLERK OF COURT

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MAR 19 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

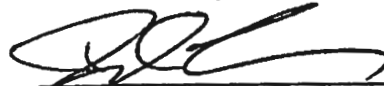
INDICTMENT

At a Court of General Sessions, convened March 2019, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about May 11, 2017, the defendant, K'sone Marquail Campbell with malice aforethought did, himself or in concert with others, kill and murder DERRICK BARBER by means of shooting with a firearm, and DERRICK BARBER did die in Charleston County as a proximate result thereof on or about May 11, 2017 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

COUNTY OF CHARLESTON
STATE VS.

K'SONE MARQUAIL CAMPBELL

AKA: K'sone Marquail Dion Campbell, K'sone Campbell
Race: Black/African American Sex: M
DOB: SS#
Address:
City, State, Zip:
DL# SID# SC01993709

INDICTMENT/CASE#: 2019-GS-10-01423
A/W: 2017A1010202821
Date of Offense: 05/11/2017
S.C. Code §: 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Murder

☒ CONVICTED OF or ☐ PLEADS

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,

☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

David L. Osborne, Assistant Solicitor SC Bar # 101325 Defendant Attorney for Defendant SC Bar # 103239

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 31 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 64 days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: April Dekerson

Court Reporter: Joyce R. Wages

Presiding Judge: Smiley
Judge Code: 2764
Sentence Date: 3/4/2020

during probation and shall be collected before any other fees.

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MAR 19 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

INDICTMENT NO.: 2017A1010202821

The State of South Carolina,

VS.

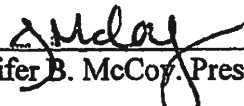
**ORDER DENYING DEFENDANT'S MOTION
FOR RECONSIDERATION**

K'SONE MARQUAIL CAMPBELL

Defendant.

Defendant filed a timely Motion for Reconsideration with this court on March 12, 2020. This court previously sentenced Defendant's on March 6, 2020. The court was aware of the length of the Co-Defendant's sentence at the time of the sentencing hearing, therefore the court does not find that this is a material fact that has been overlooked or disregarded during the sentencing hearing on March 6, 2020. After careful consideration and review of the record, this Court does not find any material fact or principal of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. This Court respectfully DENIES Defendant's Motion for Reconsideration without necessity of a hearing.

AND IT IS SO ORDERED!


Jennifer B. McCoy, Presiding Judge

March 16, 2020
Charleston, South Carolina

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MAR 19 2020
SC Court of Appeals

FILED
2020 MAR 16 PM 1:27
CLERK OF COURT

Feb 23 2021

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 23rd day of February, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Feb 23 2021

SC Court of Appeals

Appeal from Charleston County
Honorable Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

K'SONE MARQUAIL CAMPBELL,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case have been served upon Tommy Evans, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of February, 2021.



KATHRINE H. HUDGINS
Appellate Defender
ATTORNEY FOR APPELLANT