

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SAMUEL JEREMIAH JETER,

APPELLANT

APPELLATE CASE NO 2019-000065

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 1 (911 CALL)**

1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF GENERAL SESSIONS
3 COUNTY OF SPARTANBURG)
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Samuel Jeremiah Jeter,) 2018-GS-42-419-421
7 Defendant.) January 7 - 9, 2019
8) Spartanburg, South Carolina
9
10
11

12 B E F O R E :

13 HONORABLE J. DERHAM COLE; and a jury
14

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

16 SPENSER HOLLORAN SMITH, ESQUIRE
17 SARA BOWSHER BOZARTH, ESQUIRE

18 PAUL KRESWELL NEELY, ESQUIRE
19 Attorney for the Defendant
20
21
22

23 Linda Moffit
24 Circuit Court Reporter
25 (Edited by Michael Watkins)

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1 VOIR DIRE

2 (Proceedings January 7, 2019)

3 THE COURT: All right. State vs. Samuel Jeremiah
4 Jeter. Mr. Jeter is here represented by Mr. Neely, Mr.
5 Smith and Mrs. Bozarth are here on behalf of the State. Do
6 we have any matters we need to address before the jury
7 panel is brought around for the selection?

8 MR. SMITH: None from the State, Your Honor.

9 MR. NEELY: None from the defense, Your Honor.

10 THE COURT: Okay. Bring them around.

11 (The jury venire entered the courtroom.)

12 THE COURT: Good afternoon, ladies and gentlemen. We
13 are ready to begin with the jury selection in the first
14 case that's going to require some of your participation,
15 and the title of the case is the State vs. Samuel Jeremiah
16 Jeter. Mr. Jeter has been accused by way of these
17 indictments. Indictments are documents that serve as a
18 charging paper, it's like an arrest warrant except an
19 indictment comes from a grand jury. The indictments charge
20 Samuel Jeremiah Jeter with the crimes of burglary in the
21 first degree, assault and battery in the first degree and
22 attempted common law robbery. The State alleges by way of
23 these indictments that Mr. Jeter did here in Spartanburg
24 County on or about October the 25th of 2017 enter a
25 dwelling that belonged to Katrina Walker on Gentry Street

1 here in Spartanburg, that's in the Beaumont Community of
2 Spartanburg County, without her consent and with intent to
3 commit a crime therein, and that the burglary occurred in
4 the nighttime and/or physical injury was caused to a person
5 who was not a participant in the crime of burglary. The
6 second indictment charges assault and battery in the first
7 degree. The State is alleging on the same date and time
8 that the defendant did commit an assault and battery to
9 Katrina Walker by injuring her, and that the act did occur
10 during the commission of a robbery or burglary or theft, or
11 the act was accomplished during the commission of a
12 robbery, burglary or theft. And the remaining indictment
13 charges Mr. Jeter with the crime of common -- attempted
14 common law robbery occurring on the same date and time.
15 The State alleges by the indictment that Mr. Jeter did
16 attempt to take from the person or presence of Katrina
17 Walker by the use of force and/or intimidation personal
18 property belonging to her with the intent to steal it.
19 Now, as to those allegations and as to each of the charges
20 contained in those indictments the defendant has entered a
21 plea of not guilty. A plea of not guilty places upon the
22 State the burden of proving the allegations that they have
23 made by way of these indictments. The State has the burden
24 of proving each of the essential elements of the crimes
25 alleged against the defendant, and therefore the burden is

1 upon the State to establish the defendant's guilt to the
2 satisfaction of 12 jurors beyond a reasonable doubt before
3 any verdict of guilty could be returned as to any of the
4 separate indictments, and therefore we are going to be
5 selecting probably 13 of you, 12 primary jurors, one
6 alternate juror. The function of the jury is to listen to
7 the testimony and to consider the evidence presented during
8 the trial. At the trial's conclusion you'll be called upon
9 to examine that evidence to decide the facts if you can as
10 they relate to the allegations made by way of the
11 indictments. Upon deciding the facts the jury will be
12 called upon to apply the law that I'll provide and the jury
13 will decide whether or not the defendant has been proven
14 guilty of a crime beyond a reasonable doubt, and if he has
15 the verdict would be guilty as to that charge, and if he
16 has not then the verdict would be not guilty as to that
17 particular charge. Now, before we begin with jury
18 selection I have some folks to introduce to you. The
19 purpose of the introductions is to find out if any juror
20 has any connection by blood, marriage or personal, social,
21 professional relationship with anybody involved in the
22 case, in other words, are you connected to them by family,
23 do you socialize with them, do you go to school with them,
24 do you go to work with them, do you attend church with
25 them, do you know them, have you met them, any connection

1 whatsoever. If you do as that person's name is announced
2 or that person is introduced I'll ask that you please stand
3 so that we can determine what that connection is, and then
4 determine whether or not it would have any impact upon your
5 decision or your ability to be fair and impartial if called
6 upon to serve as a juror in the case. And after those
7 introductions I'll have some additional questions to ask
8 you, again, the purpose being to determine your ability to
9 be fair and impartial. Now, first of all as I told you,
10 the person who is accused of the crimes is Samuel Jeremiah
11 Jeter. Mr. Jeter, if you'll please stand and face the jury
12 panel.

13 (The defendant stood.)

14 THE COURT: Mr. Jeter is the gentleman to your left.
15 The gentleman to your right is Paul Neely, he's a lawyer in
16 the 7th Judicial Circuit Public Defender's Office and he's
17 representing Mr. Jeter in the trial of this case. Thank
18 you, you may be seated. Is Ms. Walker here?

19 MR. SMITH: She decided not to come, Your Honor.

20 THE COURT: Sir?

21 MR. SMITH: She's not here, no.

22 THE COURT: Okay. The person who is alleged to be the
23 victim, as I've indicated earlier, is Katrina Walker, she
24 was the resident at [REDACTED] Gentry Street in Spartanburg in the
25 Beaumont Community and she's alleged to be the victim of

1 each of these offenses. Presenting the case on behalf of
2 the State are Spenser Smith and Sara Bozarth, they are each
3 assistant circuit solicitors for the 7th Judicial Circuit.
4 What's the matter?

5 THE BAILIFF: Excuse me, Your Honor, he was saying
6 that he knew the gentleman --

7 THE COURT: Oh, I'm sorry, okay. Y'all can sit down.
8 Tell me your name and number, please sir.

9 THE DEFENDANT: Justin Barber, number 5.

10 THE COURT: Number 5? And you know Mr. Jeter or you
11 know Mr. Neely?

12 THE DEFENDANT: I know Mr. Neely.

13 THE COURT: All right. And how do you know Mr. Neely?

14 THE DEFENDANT: We go to the same gym.

15 THE COURT: Okay. Would that have any bearing in your
16 decision in this case if you were selected?

17 THE DEFENDANT: I don't think so.

18 THE COURT: Well, do you foresee any reasonable
19 probability that it could?

20 THE DEFENDANT: That's really hard to say, but I don't
21 see why it would. We don't normally interact apart from
22 the gym, but we are friends at our gym, work out together.

23 THE COURT: That's fine. What I'm saying is, you
24 know, now Mr. Neely is not a witness to anything and he's
25 representing Mr. Jeter, but would you side with Mr. Jeter

1 just because you know Mr. Neely?

2 THE DEFENDANT: No.

3 THE COURT: Okay. Thank you, you may be seated. Let
4 me ask if any juror knows -- any other jurors know either
5 the defendant or Ms. Walker who's alleged to be the victim
6 or any of the lawyers involved in this case, as well as any
7 other lawyers or employees of the 7th Judicial Circuit
8 Solicitor's Office, or the 7th Judicial Circuit Public
9 Defender's Office. Do you know these or any other
10 employees of those two offices? If so, please stand. All
11 right. Now, during the trial as you can imagine there will
12 be a number of witnesses which might be called to provide
13 information to the jury, so I'm going recite a list of
14 those witnesses. Again, the purpose of the recitation is
15 to find out if you have any connection with any of the
16 potential witnesses, again, by family, personal,
17 professional, social or the like. Potential witnesses
18 would include Sonya McCullough with the police department,
19 Spartanburg Police Department. Shanetta Thompson with the
20 police department. Sean Cloran with the police department.
21 Christy Norkett with the police department. Jeff Kirby
22 with the police department. Joseph Eggleston with the
23 police department. Jesse Braswell with the police
24 department. Bill Mabry with the police department. Sean
25 Coats with the police department. Officer Hancock with the

1 police department. Mark Narungalo with the police
2 department. Ed Guthro with the police department.
3 Samantha Hayes, a resident of Spartanburg. Alexis Walker,
4 a resident of Spartanburg. Sharaia Walker, a resident of
5 Spartanburg. And the following three witnesses are
6 employed by the State Law Enforcement Division, they
7 include Sara Goodman, Amy Black and Doris Yarborough, as
8 well as Donald Stepp, employed in the public defender's
9 office. So does any juror know any of the potential
10 witnesses, have any connection with them whatsoever? If
11 so, please stand. Tell me your name and number please,
12 ma'am.

13 THE JUROR: Narcissia Lewis, 105.

14 THE COURT: And who is it that you know?

15 THE JUROR: Officer McCullough.

16 THE COURT: And how do you know Officer McCullough?

17 THE JUROR: I've worked with Officer McCullough on
18 some cases.

19 THE COURT: Okay. And would that have any bearing in
20 your decision in this case?

21 THE DEFENDANT: No.

22 THE COURT: Thank you, be seated. Anybody else? Has
23 any member of the jury panel or any members of your
24 immediate family, and I'm going to define immediate family
25 member as a parent or a spouse or a child or a sibling, a

1 parent, a spouse, a child or sibling, have you or any
2 members of your immediate family as I just defined it ever
3 been the victim, or have you or that family member ever
4 been accused of having committed any type of criminal
5 offense that might be described or characterized as a
6 violent offense? Now, included in that definition would be
7 murder, manslaughter, armed robbery, domestic violence of a
8 high and aggravated nature, burglary, common law robbery,
9 criminal sexual conduct, or any type of crime that might be
10 described and classified as violent offense. I need to
11 know if you or that family member has been the victim of
12 such, or you or that family member has ever been accused of
13 having committed such? If so, please stand. All right.
14 Is that everybody that needs to respond? I've got six.
15 Now, what I'll do is I'll ask for your names and your
16 number, I'll ask if it was you or a family member, I'll ask
17 if that person, you or that person was a victim or if you
18 or that person was accused, and what was the nature of the
19 offense. If you prefer not to respond to the question from
20 where you're standing, that's fine, you can step down here
21 and I'll try to discuss it with you privately, otherwise
22 I'll just ask that you respond to it there where you are.
23 All right. So your name and number, please, ma'am?

24 THE JUROR: Sabrina Henderson, and my number is 72. I
25 was a victim.

1 THE COURT: And your number was what?

2 THE JUROR: Seventy-two.

3 THE COURT: Seventy-two. And it was you and you were
4 a victim?

5 THE JUROR: Yes.

6 THE COURT: And the nature of the offense was what?

7 THE JUROR: It was just criminal domestic violence.

8 THE COURT: Okay. And is there anything about that
9 experience that you've had that would have any bearing upon
10 your decision in this case?

11 THE JUROR: No, because I mean, every --

12 THE COURT: Well, it's just -- don't give me too much
13 information, just yes or no.

14 THE JUROR: I'm sorry. No.

15 THE COURT: Do you think it would or would not affect
16 your judgment in the case, your personal experience?

17 THE JUROR: No.

18 THE COURT: It would not? It would not?

19 THE JUROR: No. I'm sorry, I didn't --

20 THE COURT: Okay. Thank you, you may be seated. Yes,
21 sir, your name and number?

22 THE JUROR: Number 62, Ira Greenfield.

23 THE COURT: You or a family member?

24 THE JUROR: It was a family member.

25 THE COURT: Victim or accused?

1 THE JUROR: Victim.

2 THE COURT: The nature of the offense?

3 THE JUROR: My four month old daughter was killed in
4 the care of a babysitter.

5 THE COURT: All right. Is there anything about that
6 event that would affect your judgment in this particular
7 case?

8 THE JUROR: In any particular criminal case, sir.

9 THE COURT: It what?

10 THE JUROR: Yes, sir, any criminal case.

11 THE COURT: Okay. We'll excuse juror 62 from service
12 in this case. All right. Next, yes, ma'am?

13 THE JUROR: Michelle Raffo, number 145. I was the
14 victim of a criminal domestic violence.

15 THE COURT: Is there anything about that experience
16 that would affect your judgment in this case?

17 THE JUROR: Yes, sir.

18 THE COURT: All right. We'll excuse juror 145 from
19 service in this case. Next?

20 THE JUROR: My name is Harriet Bastarache, number 8.
21 My brother was accused and convicted of a --

22 THE COURT: Of what?

23 THE JUROR: Armed robbery.

24 THE COURT: All right. Would that have any bearing on
25 your decision in this case?

1 THE JUROR: No.

2 THE COURT: Thank you, be seated. Yes, ma'am?

3 THE JUROR: Tonya Royal, 153. I have fostered and
4 adopted children through DSS, so I guess victim.

5 THE COURT: You have fostered --

6 THE JUROR: Uh-huh, and adopted children.

7 THE COURT: Okay. Well, were they victims?

8 THE JUROR: Of domestic violence.

9 THE COURT: Oh, they were victims of domestic
10 violence.

11 THE JUROR: Yes.

12 THE COURT: Okay. Is there anything about that fact
13 that would affect your judgment in this case?

14 THE JUROR: No.

15 THE COURT: All right. Thank you, be seated. Yes,
16 sir?

17 THE JUROR: Justin Barber, number 5. My brother,
18 armed robbery attempted on him.

19 THE COURT: He was a victim or accused?

20 THE JUROR: He was the victim.

21 THE COURT: All right. Is there anything about that
22 fact that would affect your judgment in this case?

23 THE JUROR: No, sir.

24 THE COURT: All right. Thank you, be seated. Yes?

25 THE JUROR: Kira Kern, number 96. Victim of CDV,

1 criminal domestic violence.

2 THE COURT: And would that have bearing in your
3 decision in this case?

4 THE JUROR: It might depending on what happened, I
5 think it might.

6 THE COURT: Okay. We'll excuse juror 96 from service
7 in this case. Next?

8 THE JUROR: 186, Hugh Todd Webber. I was a victim at
9 my small business, burglary.

10 THE COURT: And would that have any bearing in your
11 decision?

12 THE JUROR: I don't think so.

13 THE COURT: You're pretty sure it wouldn't, or do you
14 think there's a reasonable probability that it could?

15 THE DEFENDANT: It might.

16 THE COURT: Well, do you think that's a reasonable
17 probability?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. We'll excuse juror 186 from
20 service in this case, but don't leave yet, don't get too
21 anxious. Has any member of the jury panel or any members
22 of your immediate family as I've already described it or
23 defined it ever been employed as any type of law
24 enforcement officer? Have you or that family member ever
25 been employed by any type of law enforcement agency? If

1 so, please stand. Just got two. All right. Your name and
2 number?

3 THE JUROR: Mindy Brown, 115 -- or, sorry, 15.

4 THE COURT: And how does that relate to you?

5 THE JUROR: My uncle was a police officer.

6 THE COURT: Where?

7 THE JUROR: Upstate New York.

8 THE COURT: Would that have any bearing in your
9 decision?

10 THE JUROR: No.

11 THE COURT: Thank you, be seated. Yes, ma'am?

12 THE JUROR: Angela Wofford, 193. My cousin is retired
13 FBI.

14 THE COURT: Would that have any bearing in your
15 decision?

16 THE JUROR: No.

17 THE COURT: Thank you, be seated. Yes, ma'am?

18 THE DEFENDANT: Lucretia Hendrix, 73. Ex-husband and
19 two brother-in-laws and two nieces and nephews.

20 THE COURT: Was that here or somewhere else?

21 THE JUROR: All around here, yes.

22 THE COURT: In Spartanburg County?

23 THE JUROR: SLED, Spartanburg County, Charleston,
24 Easley.

25 THE COURT: Okay. Would those connections have any

1 bearing in your decision?

2 THE JUROR: I don't think so.

3 THE COURT: All right. Thank you, ma'am, you may be
4 seated. All right. I've told you just the basic facts
5 about what the case is about and what the allegations are
6 and who the folks are involved in the trial and the nature
7 of the offenses themselves. Does any juror -- or has any
8 juror already made up your mind or formed an opinion as to
9 what you think the ultimate outcome ought to be based upon
10 what you've heard up to this point or based upon any other
11 consideration? Have you already made up your mind in the
12 case? If so, please stand. Does any juror know of any
13 reason whatsoever why you feel that you could not be fair
14 and impartial if called upon to serve as a juror in this
15 particular case? If you have any reason whatsoever why you
16 think you could not be fair and impartial I would ask that
17 you please stand. All right, none responding. Any other
18 questions requested by the State?

19 MR. SMITH: None from the State, Your Honor.

20 THE COURT: From the defendant?

21 MR. NEELY: None from the defendant.

22 THE COURT: All right. The way a jury is selected is
23 the computer draws your names randomly, as your name is
24 called you will be asked to come forward, the bailiff is
25 going to be standing out there in the floor in a minute,

1 you just come towards me about two or three paces past the
2 desk where the lawyers are seated, each side has an
3 opportunity to have you seated for service in the case or
4 to have you excused from serving in the case. If either
5 side asks that you be excused from serving simply go back
6 and have a seat where you are now. If both agree to have
7 you seated for service in the case you'll be having a seat
8 in that jury box to my left and to your right. So please
9 come forward as your name is called and you'll be
10 instructed if you are to be seated for service in the case
11 or excused from serving in the case.

12 (Whereupon, a jury was impaneled.)

13 THE COURT: All right. Those selected please go with
14 a bailiff to the jury room and I'll bring you back shortly.

15 (The jury left the courtroom.)

16 THE COURT: Are there any matters to be addressed
17 regarding jury selection by the State?

18 MR. SMITH: None from the State, Your Honor.

19 THE COURT: By the defendant?

20 MR. NEELY: None, Your Honor.

21 (The remaining jury panel was excused.)

22 THE COURT: All right. Bring the jury in, please.

23 (The jury returned to the courtroom.)

24 THE COURT: Ladies and gentlemen, we're going start
25 the actual trial this morning beginning at 10:00 so you're

1 going to be excused now for the balance of the afternoon.
2 I know that you haven't heard anything about the case other
3 than what I mentioned earlier, but you still can't talk
4 about the case with anybody in any fashion whatsoever. You
5 can't conduct any research. You can't do your own
6 investigation. You can't go on the internet to search any
7 information about the case should there be any or anybody
8 involved in the case. You have to base your decision upon
9 what you see and hear during the trial of the case, and you
10 can't supplement your wealth of knowledge by conducting
11 research or discussing the matter with people outside of
12 the case. So no research, no investigation, no internet
13 searching. Also you can't be exposed to any type of media
14 coverage. I don't know if there will be any but you have
15 to avoid television, radio or newspapers as it relates to
16 the case. Aside from that, have a good evening and please
17 report to -- they'll tell you to report to the jury
18 assembly room, and from there you'll be taken to the jury
19 room, but be there by 10:00 in the morning. Have a good
20 afternoon.

21 (The jury left the courtroom.)

22 THE COURT: Court is in recess until 10:00 in the
23 morning.

24 (Court recessed for the day and resumed at 10:00 a.m.

25 On Tuesday, January 8th, 2019)

1 THE COURT: Any matters to address before the jury is
2 brought in?

3 MR. SMITH: Your Honor, I've never had a life without
4 parole case with you before, what we do is we have served
5 the defendant and the defense attorney with the life
6 notice. I don't know if you want copies of that or wait
7 until the conclusion of the trial.

8 THE COURT: You have the notice, Mr. Neely?

9 MR. NEELY: Yes, sir.

10 THE COURT: And your client has been served also?

11 MR. NEELY: Yes, sir.

12 THE COURT: Any other matters to address?

13 MR. SMITH: None from the State, Your Honor.

14 MR. NEELY: Judge, we would move to sequester the
15 witnesses in this case. The State has named one victim in
16 each of the three indictments. With this being a life
17 without parole case and the chance that on cross
18 examination some of the questions to the different
19 potential State's witnesses would be the same I would like
20 to afford my client the opportunity to not have the
21 witnesses think about their answers before they are
22 confronted, so I would move to sequester.

23 THE COURT: What's the State's position?

24 MR. SMITH: I don't have a problem with that.

25 THE COURT: All right. Well, I don't know who all

OPENING STATEMENTS

1 after her nightmare. For the last 441 days Samuel has been
2 living a nightmare. He went to go see his friend and he
3 wound up getting shot in the back four times, and for the
4 last 441 days he hasn't been able to wake up from that
5 nightmare. Because not only has he been shot, now he's on
6 trial for burglary, for something that he didn't do and
7 he's not able to just go back to sleep and wake up and
8 everything is okay. Ladies and gentlemen, the 12 of you
9 are the only ones who can wake him up from that nightmare.
10 At the end of this trail you will see that the State cannot
11 meet their burden of proof and you're going to have no
12 choice but to go back there and find him not guilty.

13 THE COURT: Mr. Smith?

14 MR. SMITH: The State is going to call Sharaia Walker.
15 The witness, SHARAIA WALKER, was first duly sworn and
16 Testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SMITH

19 Q Good morning. Will you state your name for the jury?

20 A Sharaia Walker.

21 THE COURT: Let me ask you to pull your chair up
22 closer to that black microphone, you can adjust it if you
23 need to, just be sure you speak into it so everybody can
24 hear you.

25 A Sharaia Walker.

SHARAIA WALKER - DIRECT

1 Q Do you know go by Shay?

2 A I do, yes, sir.

3 Q Shay, where do you live?

4 A [REDACTED] Gentry Street. Well, that's my mother's address.

5 THE COURT: Let's ask you, you're going to have to
6 adjust that microphone, I can't hear you and I'm sure they
7 can't either.

8 THE WITNESS: Is this better?

9 THE COURT: If you speak up louder it will be.

10 THE WITNESS: Yes, sir.

11 Q Where do you live currently?

12 A I live at [REDACTED] Bryant Road myself.

13 Q Where did you live, or where were you staying on
14 October 25th/26th of 2017?

15 A [REDACTED] Gentry Street.

16 Q Is that the city and county of Spartanburg?

17 A Yes, sir.

18 Q And whose house is that?

19 A That's my mother's.

20 Q Who is your mom?

21 A Katrina Walker.

22 Q Who all was staying in the house at that time?

23 A My sister, myself, my mother, and my two kids and my
24 sister's son.

25 Q Okay. So it's a pretty full house.

SHARAIA WALKER - DIRECT

1 A Yes, sir.

2 Q All right. What did you do on October 25th of 2017?

3 A I had just came from outside, I had locked the door
4 behind me and --

5 Q Is that the front door?

6 A The front door, yes, sir, and I went -- I was on the
7 phone. My son was in the bed with me, my daughter was on
8 the couch and I was just on the phone talking, and I seen a
9 dark figure poke its head into the door. And I was like
10 that's kind of weird. My mom would have told me good night
11 or something. So I was like hold on and let me see. So I
12 went and I got up, the inside of my door, it was just the
13 knob, it wasn't the handle so I'm going to have a hard time
14 opening it either way, so I had a struggle kind of opening
15 the door. And when I got finally got the door opened I
16 looked to my left and I seen a black figure put his hand up
17 to his mouth and say, "Shh, be quiet." So then that's when
18 I started yelling saying, "I'm not going to be quiet, who
19 are you?" And my mom and my sister then came out into the
20 hallway.

21 Q All right. Let me show you a couple of pictures. I
22 show you what's been marked as State's Exhibits 2, 3, 4 and
23 5, and ask if you can tell me what these are.

24 A This is the front of my mom's house. That's the living
25 room. That's the hallway. And that's toward more into the

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1 hallway.

2 Q Okay. Are those fair and accurate representations of
3 what the house looked like on the night of -- the evening of
4 October 25th going into the early morning hours of
5 October 26th?

6 A Yes, sir.

7 MR. SMITH: At this time we move State's Exhibits 2
8 through 5 into evidence.

9 MR. NEELY: No objection.

10 THE COURT: They are admitted.

11 MR. SMITH: Permission to publish to the jury.

12 THE COURT: You may.

13 (The photos were received as State's 2-5.)

14 Q This is State's Exhibit 2. What is that?

15 A That is the front of my mom's house.

16 Q All right. Was the porch light on that night?

17 A I want to say it was not.

18 Q Okay.

19 A But the rest of the house was lit up, like the living
20 room, the hallway and my mom's room.

21 Q The window on the right, would that be to the living
22 room, behind that window on the right?

23 A That one right there?

24 Q Yes.

25 A Yes, sir.

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1 Q What would the one on the left be?

2 A That's my mother's bedroom, and that light was on.

3 Q That light is on, and the living room was on as well?

4 A Yes, sir.

5 Q What's that blue thing on the left there?

6 A Looks like a ball.

7 Q Okay. Is it customary for you to have toys and stuff
8 out in yard?

9 A Yes, sir.

10 Q Okay. You described closing the front door and locking
11 it. Can you explain, was that a sturdy door or anything --

12 A The door at the time was not sturdy. When that
13 happened she did get the lock replaced, but you could jimmy
14 through the door so it wasn't not possible that you couldn't
15 get through the door, so you could have.

16 Q Without kicking the door in or something.

17 A Right.

18 Q This is State's Exhibit 3. Can you explain what that
19 is?

20 A My mom's living room.

21 Q All right. So that would be if we looked in through
22 that window to the right, is that the window we'd be looking
23 into?

24 A Yes, sir.

25 Q This is State's Exhibit 4. Can you explain what this

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1 picture is?

2 A That's the entryway into the house, so that's going
3 down towards the hallway.

4 Q Would the person who is taking this picture essentially
5 be standing at the front door or right inside the house?

6 A Yes, sir.

7 Q And what would be immediately to the left of this
8 picture?

9 A Right here would be my mother's room, and that's the
10 window you were looking at from the front.

11 Q And what about -- what happens in that hallway there?
12 I've got a better picture, State's Exhibit 5. What is that
13 room with the person standing there?

14 A That is my sister's room.

15 THE COURT: Excuse me just a minute. Let me remind
16 you now, you've got to use that microphone. I know you're
17 looking at this photograph, but when you look at it you've
18 got to turn back, because if you don't use the microphone
19 we can't hear you and this lady is taking down everything
20 you're saying, or trying to.

21 A That is my sister's room.

22 Q All right. And what about the rest of the -- can you
23 just describe the layout of the rest of the picture?

24 A That would be my room and that's the bathroom.

25 Q And what's the door to the right?

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1 A That is the living room, or the kitchen, excuse me.

2 Q All right. So you were inside your bedroom when you
3 first saw the man that was inside your house.

4 A Yes, sir.

5 Q All right. Did you end up calling 911 as a result of
6 what happened this night?

7 A Yes, sir.

8 Q All right. Is that after you had shot the person
9 inside of the house?

10 A Yes, sir.

11 Q Let me show you what's been premarked as State's
12 Exhibit 1 and ask if you can identify what that is.

13 A 911 call, Samuel Jeter.

14 Q All right. Is this a copy of the call that you made to
15 911 that night?

16 A Yes, sir.

17 MR. SMITH: At this time we would move State's Exhibit
18 1 into evidence with permission to publish.

19 MR. NEELY: Judge, I do have an objection, if we can
20 take that up outside the presence of the jury.

21 THE COURT: Okay. Let me ask the jury to please go to
22 your jury room, I've got some matter I'll need to address.
23 You can't talk about the case, of course, as I've said
24 until you're involved in jury deliberations, so when you go
25 back during a break, or if I take a break or send you back,

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1 just remember you still can't talk about the case until the
2 end, okay? I'll bring you back shortly.

3 (The following takes place outside the presence of the
4 Jury.)

5 THE COURT: Okay.

6 MR. SMITH: Your Honor, I have an objection to the
7 entrance of the 911 tape on a couple of different grounds.
8 Number one, I don't believe that this witness is the proper
9 witness for this call to come in through. She made a 911
10 call that night but that disc is just labeled 911 but they
11 don't have the records custodian here from EMS
12 communications to actually identify that that is the 911
13 call, that it is just a 911 tape that says Sharaia Walker's
14 911 tape. My other objection, Your Honor, which I think
15 might carry the weight here, is that this is cumulative
16 under 403. Everything that's on that 911 tape is what
17 she's testifying to here today, the fact that a man in a
18 ski mask came into her house, she shot him in the back, so
19 that's everything that she's about to tell the jury. The
20 jury is just going to hear it again on the 911 tape, so I
21 think it's improper bolstering, it's cumulative, it's
22 incredibly prejudicial, and as a matter of fact on the 911
23 tape, Your Honor, what you hear for a significant portion
24 of it in the background is Ms. Katrina Walker screaming
25 because she's in fear or the traumatic experience, whatever

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1 it is, but that goes on for a large portion of the tape.
2 So this 911 tape, which again is the exact same information
3 that's already being testified to, is just likely to
4 inflame the passion of the jury and lead to unfair
5 prejudice, so I would ask that this tape not be admitted.

6 THE COURT: All right. Mr. Smith?

7 MR. SMITH: Your Honor, she said that this is the call
8 that she placed --

9 THE COURT: Well, if she hears it she can state that
10 that's her talking but she can't identify that disc. Y'all
11 haven't discussed this before now?

12 MR. SMITH: We discussed it with her prior to the --

13 THE COURT: No, you and Mr. Neely, y'all didn't
14 discuss the authentication of the disc?

15 MR. SMITH: No.

16 THE COURT: Why not?

17 MR. SMITH: I didn't think it would be an issue. I
18 thought she could --

19 THE COURT: Well, there you go. All right. Ms.
20 Walker, you can step down from the stand right now but
21 don't talk about your testimony with anybody because you're
22 still on the witness stand, you can step down. I'm going
23 to take ten minutes and I need to see Mr. Neely and Mr.
24 Smith in chambers.

25 (A recess was taken.)

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1 THE COURT: All right. Mr. Neely?

2 MR. NEELY: Thank you, Your Honor. After speaking
3 with Mr. Smith, Judge, he informs me that if need be
4 somebody from EMS communications can be here this afternoon
5 to lay the proper foundation for that 911 tape so I will
6 withdraw my objection to the authentication of the 911
7 call. I've had a chance to review it when discovery was
8 previously turned over by the State and I don't actually
9 have a question that that is Sharaia Walker, I'll withdraw
10 on that ground, Your Honor. I will maintain my objection
11 as to the prejudicial nature of this 911 tape being played
12 under 403. Exactly what she's about to testify to the
13 jury, all of the events of that night as she remembers them
14 today are what's going to be testified with her being on
15 the witness stand, this is the State's best evidence is her
16 testifying today. What's on the 911 tape will be
17 cumulative. As I said previously, Mrs. Katrina Walker is
18 heard constantly in the background screaming multiple
19 times. The 911 operator has to ask Mrs. Walker to ask
20 Mrs. Katrina Walker to be quiet because they're having
21 trouble hearing, and I believe that that's likely to
22 inflame the passion of the jury and subject my client to a
23 trial that's not necessarily fair. So at this time I would
24 ask that you not admit the 911 tape on those grounds.

25 THE COURT: All right, sir. Anything further on that

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1 ground, Mr. Smith?

2 MR. SMITH: No, Your Honor.

3 THE COURT: All right. That motion is denied and the
4 objection overruled.

5 MR. SMITH: Do you want me to move it into evidence
6 when the jury comes in?

7 THE COURT: Yeah. All right. Bring the jury in,
8 please.

9 (The jury returned to the courtroom.)

10 THE COURT: All right.

11 MR. SMITH: Your Honor, at this time we move State's
12 Exhibit 1 into evidence.

13 THE COURT: It is admitted over objection.

14 MR. SMITH: With permission to publish to the jury.

15 THE COURT: You may.

16 (The 911 disc was received as State's 1.)

17 (The disc was played for the jury.)

18 Q Did the police arrive at the end of that phone call?

19 A Not like even two minutes after that phone call.

20 Q The reason you hung up, I don't know if you could hear
21 it then --

22 A Yeah. She said they were pulling around the corner,
23 so --

24 Q Okay. So before we played the 911 tape you had
25 described the man shushing you and then you started

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1 screaming. What were you screaming to the person that was
2 inside the house?

3 A "No, I'm not going to be quiet, who are you and why are
4 you in my house? Get out."

5 Q Things that would indicate that he's in the improper
6 place.

7 A Yes, sir.

8 Q What was his reaction to your screaming?

9 A He told me to be quiet, and that's when I told him to
10 be quiet -- or I'm not going to be quiet. And my mom and my
11 sister then came out of their room. But I don't know, he
12 was kind of cornered at that time so he ran down the hallway
13 and had my mom on the floor. And then at that time I had
14 went and got my gun and came back and he had looked up at
15 me, that's when I cocked it and told him to get the hell out
16 of my house, so that's when I started shooting when he was
17 taking off.

18 Q Do you know how long it was between when you told him
19 "I'm not going to be quite, you're in the wrong place," to
20 ultimately shooting him?

21 A Not even a minute, like it was happening so fast. When
22 he shushed me, that's when my mom cut on the light to that
23 hallway, because all of those pictures are not up there, but
24 that main hallway light was not on at the time but the
25 living room light and my mother's light and the kitchen

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1 light was on. So she cut the light on and that's when she
2 seen him and like, "Oh my God." And my sister, when she was
3 coming down the hallway, her and my sister met at the same
4 time. My sister had shut the door, and when she was like
5 what the hell, like what's going on, he comes running down
6 the hallway. And when he did that I went back into my room
7 because I was still standing in my hallway having the
8 conversation with him, I went back into my bedroom, got into
9 my closet and that's when I got my gun and went out there,
10 so it wasn't even more than a minute.

11 Q Okay. Would there have been enough time to react to
12 not being in the right house?

13 A Yes. Yes.

14 Q I know you're soft-spoken today and the 911 tape is
15 getting louder.

16 A I'm getting over a cold, I apologize.

17 Q Were you screaming at him?

18 A Yeah.

19 Q Was it apparent that --

20 A Yes, sir. I woke my whole house up besides the kids,
21 they were out, but my mom and my sister heard me, so --

22 Q Describe what you saw -- you said ultimately your mom
23 came out and ended up on the ground. Can you describe that?

24 A He kind of had her by her arms like "Where is the
25 money," like he was standing over her. And I remember so

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1 vividly, like he turned and like just looked at me, and so
2 that's when I just like cocked the gun and he took off,
3 so --

4 Q You just said where is the money, is that what you're
5 saying --

6 A He was saying to my mom, "Where's the money, where's
7 the money?"

8 Q And did you -- is it the sound of the gun that makes
9 him react or did he --

10 A Yeah. When he heard me cock the gun back he looked up
11 at me, he was like, "Oh, she got a gun," so he took off.

12 Q Okay. And then I guess what happens at that point?

13 A He's running. My sister came out of the bedroom at
14 that time as everybody is running down the hallway. He is
15 in front me. Me and my mom were kind of side by side but
16 I'm a couple of steps ahead of her, and he's running and I'm
17 shooting and he gets the door open and I shot him one more
18 time. And he tripped over the stairs coming down from
19 the -- in the front of the house, and he took that right and
20 jumped over the fence to my neighbor's and the police were
21 there.

22 Q Did you see him jump over the fence to the neighbors?

23 A I did not. I didn't even know where he went.

24 Q Did you see which right or left?

25 A I seen that he went right, so coming out of the house

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1 down the stairs he ran right.

2 Q You had described him having a ski mask on. Was it
3 pulled down, was it up?

4 A At the time -- when he told me to "shh" it was down.
5 But when everything was going on I remember seeing it right
6 here, like he had lifted it up at some point in the house.

7 Q All right. What about the hoodie, was that down or was
8 that up?

9 A Yes, sir, it was down at the time.

10 Q Down?

11 A Uh-huh.

12 Q And do you remember what clothing he was wearing?

13 A He had on a gray hoodie. I didn't see the jeans until
14 like he was down and I shot him one more time, I seen that
15 he had blue jeans on because his butt was hanging out, so I
16 do remember that. I didn't know what type of shoes he had
17 on until the officer said, "Does this belong to you guys?"
18 And I said, "No, that was apparently his shoe."

19 Q Where was that at?

20 A That was in the front yard.

21 Q Of your house?

22 A Yes, sir.

23 Q How do you know that you shot him in the butt?

24 A I seen blood. I didn't know until I was outside. I
25 didn't know I was even shooting him until like there's no

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1 bullet holes, there's nothing, so --

2 Q It's not quite like the movies?

3 A Right.

4 Q Do you know this man?

5 A I do not.

6 Q Have you ever seen him before or anything like that?

7 A No, sir.

8 Q Any reason you would know why he would be at your
9 house, inside your house? Was it nighttime when all of this
10 occurred?

11 A It was.

12 Q Do you have a guess around what time it was?

13 A It was 12:00. Like I remember coming in the house at
14 12:00, so it was around that time.

15 Q Right at the fringe of the 25th and the 26th? What was
16 the -- what were your emotions like during this? I mean,
17 put this into the state of mind when you first see that
18 picture, what are you thinking?

19 MR. NEELY: Objection, Your Honor, relevance.

20 THE COURT: Let me see y'all just a minute.

21 (A bench conference held.)

22 THE COURT: Sustained.

23 Q Did you see the defendant making visible contact with
24 your mom?

25 A Yes, sir, I did.

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1 Q Did you see any sort of weapons or anything else he had
2 on him?

3 A No, sir.

4 Q So just the clothing that you've described.

5 A Yes, sir.

6 Q Did you end up seeing somebody get arrested as a result
7 of this?

8 A I did.

9 Q Where did that happen?

10 A It was right next door, so --

11 Q Is that the house to the right, the direction that you
12 said he ran?

13 A If you're looking at the house it would be the house to
14 the left, so that house.

15 Q If you run out of the house it would be the house to
16 your right.

17 A Yes.

18 Q Who lives there?

19 A Joe. My neighbor, Joe.

20 Q I'm going to show you what's been marked as State's
21 Exhibits 6 and 17 and ask if you can identify -- 17 is the
22 top one. Can you identify?

23 A This is Joe's house, and that's our property but that's
24 like the walkway between our -- mine and Joe's house.

25 Q Are those fair and accurate representations of the

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1 night of this incidents?

2 A Yes, sir.

3 Q Can you see what the address for Joe's house is on it?

4 A It's 410.

5 Q 410?

6 A Is it 410? Or 470.

7 MR. SMITH: Your Honor, at this time we move State's
8 Exhibits 6 and 17 into evidence with permission to publish.

9 MR. NEELY: No objection.

10 THE COURT: They are admitted.

11 (The photos were received as State's 6 and 17.)

12 Q This is State's Exhibit 6. Can you explain what that
13 is?

14 A That is our walkway between Joe's and the house.

15 Q And are those your children's -- you and your sister's
16 children's toys?

17 A Yes, sir.

18 Q And would that be -- that's -- Joe's house would be
19 further to the left in this picture?

20 A Yes, sir.

21 Q State's Exhibit 17. Joe's house?

22 A Yes, sir.

23 Q Do you remember how long after it was when they ended
24 up finding him in Joe's back yard?

25 A Maybe ten minutes. Because I know they were walking

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1 through the house and asking questions and stuff, and then
2 the other officers outside said that they had found him. So
3 they were still asking questions and seeing what was going
4 on when they found him, so it wasn't too long after, but it
5 was a few minutes.

6 MR. SMITH: Please answer any questions Mr. Neely has.

7 CROSS EXAMINATION

8 BY MR. NEELY

9 Q Ms. Walker, at the time of October of last year, or I
10 guess 2017, you were working at Goodwill?

11 A Yes, I was.

12 Q And you worked first or second shift.

13 A Yes, sir.

14 Q Okay. On the 25th of October your shift ended about
15 4:30? Maybe a little bit earlier but that's about the time
16 you got home?

17 A Forgive me, I don't really remember too well if I even
18 worked that day. I know I worked the day after because I
19 had to get a work excuse from city hall, so I know the day
20 after I did work but that day I am not too sure.

21 Q That's quite all right. What I'm going to show you is
22 the statement that you gave the next day on the 26th at city
23 hall with Investigator Hayes.

24 A Okay.

25 Q And see if -- where it starts right here, see if that

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1 refreshes your memory a little bit.

2 A Do you want me to read it out loud?

3 Q No. Just look at it and if it helps you remember.

4 A Yes, thank you.

5 Q So on the 25th you worked that day.

6 A Yes, sir.

7 Q And you got home about 4:30.

8 A Yes, sir.

9 Q Okay. When you got home it was you and your two kids,
10 right?

11 A It was.

12 Q All right. And at that time they were nine and six?

13 A Yes.

14 Q Okay. Your mom and your sister and your sister's son
15 had all gone off to a birthday party, and they were gone for
16 awhile, four or five hours.

17 A Uh-huh.

18 Q You worked a what, eight hour shift that day?

19 A Right.

20 Q Okay. So your shift ended probably about 4:00, so you
21 got there about 8:00, so you had been up since what, like at
22 least 6:00 or 7:00 in the morning?

23 A Uh-huh.

24 Q They all get home about 9:30 that night.

25 A Right.

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1 Q And then all the kids kind at the McDonald's that
2 grandma has brought back and they kind of played and the
3 kids take baths and get settled down for the night, and
4 that's 10:30. And then you're in your bedroom and you're on
5 the phone with your boyfriend.

6 A Right.

7 Q Correct?

8 A Right.

9 Q Okay. At about 11:20 that night you step outside still
10 on the phone with your boyfriend.

11 A Uh-huh.

12 Q And you step outside to go smoke a cigarette.

13 THE COURT: Please answer out loud and say yes or no
14 rather than uh-huh or nuh-uh.

15 THE DEFENDANT: Yes, sir.

16 Q I'm sorry. You finished smoking your cigarette,
17 correct?

18 A Yes, sir.

19 Q And you go back inside.

20 A Yes, sir.

21 Q And then you think about midnight is when somebody
22 peaked their head into your room. You have to answer the
23 question, I'm sorry.

24 A Yes, sir, I'm sorry.

25 Q All right. So about that time you've been up for maybe

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1 18 hours at least.

2 A Yes, sir.

3 Q And when you went and you talked to Investigator Hayes
4 the next day at city hall you told her that you hadn't slept
5 in awhile.

6 A Right.

7 Q That you were pretty tired when all of this happened.

8 A Right.

9 Q And what you remember is that all of this happened
10 pretty quick.

11 A Yes, sir.

12 Q You just told all of us that from the time you kind of
13 approached Samuel in the bathroom until the time he was out
14 the door you think it was about a minute.

15 A Yeah.

16 Q But again, you were tired at the moment, correct?

17 A Yes, sir.

18 Q And you were scared and you were frightened.

19 A Yes, sir.

20 Q And you were going to take action.

21 A Yes, sir.

22 Q So that minute probably could have felt like a minute.

23 A Right.

24 Q But it could have been shorter.

25 A Right.

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1 Q It could have been 45 seconds.

2 A Right.

3 Q It could have been 30 seconds.

4 A Right.

5 Q All you know is that this man was standing in your
6 doorway.

7 A Yes, sir.

8 Q All right. Now, you told us that you had some trouble
9 with your bedroom door.

10 A Right, yes, sir.

11 Q That's why you had to kind of take the fabric from your
12 pajamas and get the door handle.

13 A Yes, sir.

14 Q Okay. So you say ordinarily you kind of have a little
15 bit of trouble getting that door open anyway.

16 A Right.

17 Q So he may or may not have been on the other side
18 pulling that door closed.

19 A Right.

20 Q Now, all you know is when you finally got the door open
21 you look out and there is a strang man standing in your
22 house.

23 A Yes, sir.

24 Q That last door on the left, that's your bedroom.

25 A It is.

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1 Q Right? That's the door that you came out of.

2 A Yes, sir.

3 Q Okay. Now, when you come out of that bedroom and you
4 go left --

5 A Right.

6 Q -- you go left and you're in the bathroom.

7 A Yes, sir.

8 Q If you go right you go down that hallway towards the
9 front door.

10 A Yes, sir.

11 Q So depending on which way you go, you either get out of
12 the house or you get stuck in the bathroom with somebody
13 standing in front of you.

14 A Right.

15 Q So about midnight on the 25th, morning of the 26th a
16 strange man pokes his head in his room, excuse me, in your
17 room.

18 A Right.

19 Q You don't know who it is.

20 A Right.

21 Q You know that your six year old is in your bed, or in
22 his little tent in the ground.

23 A Uh-huh.

24 Q Your nine year old is asleep on the couch.

25 A Yes, sir.

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1 Q So your reaction is you want to protect those babies,
2 get up and see who this strange man is.

3 A Yes, sir.

4 Q So you get up right away right, and as soon as you get
5 up and you get that door open you confront the person and
6 he's standing kind of at the bathroom.

7 A Yes, sir.

8 Q Almost as if he'd gone the wrong way.

9 A Right.

10 Q And then when you confront him you asked him who the
11 hell is he.

12 A Right.

13 Q And he says "shh."

14 A Yes, sir.

15 Q And you start screaming.

16 A Yes.

17 Q And that wakes up Ms. Walker?

18 A Yes, sir.

19 Q And it wakes up your sister, Alexis.

20 A Yes, sir.

21 Q And they come out of their rooms.

22 A Yes.

23 Q This house that your mama lives in, in October of
24 2017 --

25 A Uh-huh.

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- 1 Q -- she had been living there for about seven years.
- 2 A Right.
- 3 Q Now this is over in Beaumont Mills, correct?
- 4 A Yes, sir.
- 5 Q So these are the old mill houses.
- 6 A Right.
- 7 Q So these houses have quite a bit of age on them.
- 8 A Yes.
- 9 Q So they do things that old houses typically do.
- 10 A Yes.
- 11 Q Doors creak?
- 12 A Yes.
- 13 Q Floors squeak?
- 14 A Yes.
- 15 Q You can pretty much hear everything.
- 16 A Right.
- 17 Q All right. On this night, October 25th, when your nine
- 18 year old went to sleep that living room light was on?
- 19 A It was.
- 20 Q That big TV was on?
- 21 A Yes, sir.
- 22 Q And in your mama's room her light was on?
- 23 A Yes, sir.
- 24 Q Her TV was on?
- 25 A Yes, sir.

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- 1 Q And your sister's room I believe the light was off.
- 2 A Yes.
- 3 Q But the TV was on.
- 4 A Yes, sir.
- 5 Q And you were talking on the phone in your bedroom.
- 6 A And my TV was on as well.
- 7 Q And your TV was on.
- 8 A Yes, sir.
- 9 Q So there was a lot of volume in the house.
- 10 A Right.
- 11 Q So you might not necessarily have heard if somebody was
- 12 walking through there, so it might not have been that
- 13 somebody was tip-towing, correct?
- 14 A Could have been.
- 15 Q It might just be that there was a lot of volume in the
- 16 house.
- 17 A Right.
- 18 Q As a matter of fact, there was so much volume that when
- 19 you shot your nine millimeter your nine year old stayed
- 20 asleep, correct?
- 21 A Yes, sir.
- 22 Q Your living room, when you open the front door --
- 23 A Right.
- 24 Q -- you walk right into that living room, correct?
- 25 A You do.

SHARAIA WALKER - CROSS

- 1 Q How big is that TV?
- 2 A Fifty, 55 inch.
- 3 Q Fifty or 55 inches? Flat screen?
- 4 A It is.
- 5 Q HD?
- 6 A Yeah.
- 7 Q Nobody tried to move it.
- 8 A No.
- 9 Q That's a purse, correct?
- 10 A Yeah.
- 11 Q That belongs to your mom?
- 12 A My sister.
- 13 Q That one belongs to your sister?
- 14 A Yes.
- 15 Q But your mom's purse was in the living room too,
- 16 correct? I don't believe it's shown in this picture.
- 17 A I'm not too sure, it might have been sitting on the --
- 18 Q But there is at least one purse --
- 19 A Right.
- 20 Q -- that's in the living room where all of the lights
- 21 are on.
- 22 A Right.
- 23 Q And that wasn't rummaged through, correct?
- 24 A Probably not. He could have. There probably wasn't no
- 25 money because we ain't have no money, but not to say that he

SHARAIA WALKER - CROSS

1 didn't rummage through it.

2 Q But you don't know that he rummaged through it.

3 A Exactly.

4 Q What we do know is that when he left at least two of
5 the shots were when he was outside of the house, correct?

6 A Yes.

7 Q And each and every single one of those shots that you
8 fired, they weren't at the front of him.

9 A Right.

10 Q They weren't on the side of him.

11 A Right.

12 Q He wasn't facing you.

13 A Right.

14 Q He wasn't facing your mom.

15 A Right.

16 Q He wasn't facing your sister.

17 A Right.

18 Q He wasn't facing your children.

19 A Right.

20 Q He was running away.

21 A Away. That's the whole key, away.

22 Q He was running away.

23 A Right.

24 Q And you shot him in his back.

25 A Right.

SHARAIA WALKER - CROSS

1 Q Outside of your house.

2 A He was still on my property on the stairs.

3 Q Sure. But he wasn't in your house, was he?

4 A To me, yes, he was. He thought -- there is not a grown
5 man has no business being on somebody's porch, somebody's
6 yard if that person does not want them on their porch, yard,
7 piece of grass so be it, that's just how I see it. So, yes,
8 he was still invading my privacy when he stepped foot on my
9 sidewalk. I did not give him permission, nor did my mother,
10 nor did my sister to let this man put his foot on the
11 sidewalk. If he wants to walk down the road all he wants
12 to, more be it. I did not give you permission to come up my
13 stairs, so yes, I did while he was running away.

14 Q Now, you told us that while he was in your house
15 standing over your mother that he was saying, "Where is the
16 money at? Where is the money at?" That's a traumatic thing
17 that you remembered, correct?

18 A Yes.

19 Q You remember that very good. That's one of the
20 important things that sticks out to you about this case,
21 that and the shooting, correct?

22 THE COURT: Excuse me. You're going to need to answer
23 out loud and please use the words yes or no if that's an
24 appropriate response.

25 A Yes.

SHARAIA WALKER - CROSS

1 Q When law enforcement responded they talked to you --

2 A Right.

3 Q -- correct? And they talked to your mom.

4 A Yes, sir.

5 Q And they talked to your sister.

6 A Right.

7 Q Law enforcement is very good about making you feel at
8 ease, right?

9 A Yes.

10 Q This is a scary situation.

11 A Yes.

12 Q You bought that gun for protection when you were living
13 in Seneca.

14 A Yes.

15 Q Because when you were living in Seneca it was just you
16 and your two kids.

17 A Right.

18 Q You never thought that you would have to actually fire
19 that gun.

20 A Right.

21 Q Especially once you moved back to the safety of your
22 mom's house.

23 A Exactly.

24 Q So law enforcement after you do have to fire this gun,
25 after there is a stranger in your house, calms you down as

SHARAIA WALKER - CROSS

1 best they can.

2 A Uh-huh.

3 Q And they say tell us everything about that night, tell
4 us everything that happened. And they actually had you give
5 a written statement, correct?

6 A Yes, sir.

7 Q They actually had you give a written statement that
8 night.

9 A Yes.

10 Q When they had you give this written statement on the
11 night of the 25th law enforcement told you to remember
12 everything about that night.

13 A Right.

14 Q They told you to remember as many details as you
15 possibly can. They told you to be as thorough as you can
16 be, correct?

17 A Yes.

18 Q They told you to be as accurate as you can be, correct?

19 A They just said try to remember all of the chain of
20 events that happened to your best ability.

21 Q Try to remember all of the chain of events to the best
22 of your ability, and that's what you did.

23 A Yes.

24 Q And you wrote all of that down for them, correct?

25 A To what I could remember at the time.

SHARAIA WALKER - CROSS

1 Q To what you could remember at the time right after it
2 happened.

3 A Right.

4 Q And memory doesn't get better with time, does it?

5 A I disagree.

6 Q Okay. When you wrote this statement down law
7 enforcement asked you to write down everything you could
8 remember at the time after it happened.

9 A Okay.

10 Q And they told you you could have as many sheets of
11 paper as you wanted, just write down everything that you
12 wanted, everything that you could remember about what
13 happened. Please look at that for me. Is that the
14 statement that you wrote right after this happened?

15 A That's in a nutshell, yeah, what happened.

16 Q Okay. Well, you just told us that law enforcement
17 didn't ask you for a nutshell --

18 A I was not looking to write a biography, no, I just shot
19 somebody. No. Yeah. "Here is what happened, y'all holler
20 at me tomorrow and we can take it" -- that's in a nutshell
21 that exactly what I wrote.

22 Q Okay. So in a nutshell after law enforcement asked you
23 to write down everything that you remember about the event,
24 where in there did you write that this man had asked anybody
25 for money?

SHARAIA WALKER - CROSS

1 A There I did not write it.

2 Q You didn't write that down.

3 A No, I did not.

4 Q And where in there did you write this man had pushed
5 your mom down?

6 A I didn't.

7 Q You didn't. Because again, after law enforcement asked
8 you to write everything you can remember about this event
9 right after it happened you wrote a nutshell.

10 A Yep, I did.

11 Q Okay. And in your words what you just told us you said
12 "Holler at me tomorrow."

13 A Because they said we'll be in contact with you a direct
14 more statement. Why would I write two statements if they
15 weren't going to get a another statement?

16 Q Sure, absolutely. So that's the statement that was
17 given the next day, correct?

18 A Right.

19 Q And that's actually a four page statement.

20 A Right.

21 Q All right. Now, you spent about an hour and a half
22 with Investigator Samantha Hayes, correct?

23 A Yes, sir.

24 Q Telling her everything that you remember about that
25 day.

SHARAIA WALKER - CROSS

- 1 A Yes, sir.
- 2 Q Okay. And at the end of it we got this statement.
- 3 A Right.
- 4 Q This four page statement.
- 5 A Right.
- 6 Q Okay. That's got your name on it, Sharaia Marie
- 7 Walker.
- 8 A It sure does.
- 9 Q Okay. And that's your signature --
- 10 A Yes.
- 11 Q -- on each and every page where you verified that this
- 12 is the full, complete, accurate version of events that
- 13 happened that night.
- 14 A Yes, sir.
- 15 Q All right. Now, please look at those four pages and
- 16 tell me where in there it says that you heard that man ask
- 17 you for money.
- 18 A It doesn't say.
- 19 Q Okay. Where in that four page statement does it say
- 20 that you saw that man push your mother down?
- 21 A It doesn't say. It doesn't say anything about what
- 22 happened in this hallway.
- 23 Q You reviewed this statement the day after this
- 24 happened, right, the day after you wrote that nutshell
- 25 conclusion. You signed both of these.

SHARAIA WALKER - REDIRECT

1 A I did.

2 MR. NEELY: Thank you.

3 THE WITNESS: You're welcome.

4 REDIRECT EXAMINATION

5 BY MR. SMITH

6 Q Were you able to hear the first line of the 911 call
7 when I played it for the jury?

8 A I mean, I heard it but to reiterate, no.

9 MR. SMITH: This is State's Exhibit 1.

10 (The 911 call was played for the jury.)

11 Q What did you just say there?

12 A Where's the money at.

13 Q Where's the money at. Why were you saying that?

14 A Because he had said that.

15 Q So you weren't just generally curious where the money
16 was at, that was something he'd said.

17 A Right.

18 Q Okay. Is it kind of a --

19 MR. NEELY: Objection, he's about to narrate.

20 Q Is it a burden when someone whether it was a burglary
21 or not --

22 MR. NEELY: Objection, Your Honor, he's leading the
23 witness here.

24 THE COURT: Overruled.

25 Q Was it a burden to go through this process even as far

SHARAIA WALKER - REDIRECT

1 as what the police demanded of you?

2 A Like in general, like the whole --

3 Q Like how many times that night did you tell the story
4 to how many different officers about what had happened?

5 A There was two that night. But the reason I had a four
6 page statement was because I was up all night talking to my
7 mom about what happened. I kind of gathered my thoughts
8 about being bombarded with a strange man in my house, so
9 yeah, of course I can recollect. Memory does get better
10 over time because you can actually sit and process things
11 that really happened, and that really happened. So me not
12 speaking of the money, he didn't get no money so I'm not
13 worried about the money. He had my mom on the ground, he
14 came for me -- I don't know, I'm not going to speak about
15 the money because he didn't get anything so I'm not worried
16 about the money. We were all broke in the house.

17 Q I believe you said you interviewed with Samantha Hayes
18 for like an hour and a half, right? And then they give you
19 the task of writing it all down, everything that you had
20 just said, right?

21 A And I really didn't want to be in the police station, I
22 wanted to get out of that environment. I left -- as soon as
23 I wrote that statement I left, I did not want to be around
24 there, I wanted to go -- no. I left -- after I wrote that
25 statement I left.

SHARAIA WALKER - REDIRECT

1 Q Okay.

2 A So I did not want to be around there, no. I apologize
3 I didn't write a whole statement, but yes.

4 Q But you did -- you told -- in the oral interview you
5 told everything --

6 A Right.

7 Q An hour and a half for what we're talking about sounds
8 like at most a couple of minutes of interaction --

9 A Right.

10 Q -- you talked about for an hour and a half with an
11 investigator.

12 A Yes, sir.

13 Q You have no idea what the person inside your house did
14 until walking past -- or peaking his head in your door.

15 A Correct.

16 Q You didn't know if he --

17 A I didn't even know there was anybody in the house, so
18 there is no telling what he went through or -- there's no
19 telling because I didn't know.

20 Q All right. And your mom and your sister are asleep.

21 A Right.

22 Q And they're able to -- or they are awoken, I guess, by
23 your screaming.

24 A Yes.

25 Q Okay. And they're able to get up and come down the

SHARAIA WALKER - REDIRECT

1 hallway. And what time did you get your gun?

2 A When he -- I think he probably figured he was trapped,
3 because my mom was in the hallway, I'm right here and
4 there's the bathroom, so I don't know if -- he just kind of
5 ran and charged at her, so when he did that I stepped back
6 into my room. So that's when that took place.

7 Q But when he charged at her did he continue on out of
8 the house?

9 A He did not.

10 Q Did he say anything like, "Oh my God, this is a
11 mistake," anything like that?

12 A No, sir. He had ample of time. If he would have
13 knocked my mama down and just ran out the house he would
14 have had time and probably would have not got shot. But he
15 knocked her down, was looking over her asking her where the
16 money was and that's when I had time, because he was still
17 over her when I came out of my bedroom.

18 Q And he had a ski mask on.

19 A It was up over his face at this time.

20 Q At that time.

21 A Yes.

22 Q But at no point did he tell you to stop or this is a
23 mistake or please don't shoot? You even said that he saw
24 the gun.

25 A Yes, sir.

SHARAIA WALKER - REDIRECT

1 Q No reaction at that point about putting his hands up or
2 anything to indicate --

3 A As soon as seen the gun he took off, he let up off my
4 mom and he took off.

5 Q But until he saw the gun he didn't leave.

6 A Right, yes, sir.

7 Q Mr. Neely made a big deal about you being tired. Could
8 something like this wake you up?

9 A If anybody knows I am the first one to go to sleep, so
10 I am typically not up. It is not normal for me to be up
11 past 9:30 or 10:00, so nothing -- I wouldn't have -- I would
12 have slept right through all of that if I wasn't up. None
13 of us would have known if I was asleep.

14 Q What I mean is if, I guess, it seemed like trying to
15 make it that you were sleepy and tired, I mean --

16 MR. NEELY: Objection, leading, Your Honor.

17 THE COURT: Sustained.

18 Q When you see a person in your house --

19 MR. NEELY: Objection, Your Honor.

20 THE COURT: I haven't heard the question yet.

21 MR. NEELY: I believe he's asking the same question.

22 THE COURT: Well, let me hear the question.

23 Q When you see a person in your house do you become alert
24 and excited?

25 MR. NEELY: Objection.

SHARAIA WALKER - REDIRECT

1 THE COURT: Overruled.

2 A Of course. It depends which person that is to have
3 that type of emotion.

4 Q An unknown person in your house.

5 A You're not going to get excited, you're going to feel
6 fearful. I was more fearful and confused when I didn't --

7 Q Alert?

8 A Right, right.

9 MR. SMITH: I don't have any more questions, thank
10 you.

11 MR. NEELY: Briefly, Your Honor.

12 RECROSS EXAMINATION

13 BY MR. NEELY

14 Q The bedroom door, it opens to the left, correct?

15 A Yes.

16 Q And then the closet is right there inside the door?

17 A Yeah. Right by the door, yeah.

18 Q Right. So when you went back to get your gun all you
19 had to do was reach up in the top of the closet --

20 A Right.

21 Q -- and it was sitting on top of a Christmas box?

22 A Yes.

23 Q But it was ready to go.

24 A I mean, yeah. She was unlocked and the safety, but
25 yeah, she was loaded up.

ALEXUS WALKER - DIRECT

1 Q She?

2 A Yeah.

3 Q You call her Barbara?

4 A Yeah.

5 Q But Barbara was sitting right there at the top of your
6 closet?

7 A Yes.

8 Q So all you had to do was go back to your room, reach in
9 the top of the closet and take the safety off.

10 A Right.

11 Q Matter of seconds.

12 A Right.

13 MR. NEELY: Thank you.

14 THE COURT: You may step down.

15 MS. BOZARTH: Next the State calls Alexis Walker.

16 The witness, ALEXUS WALKER, was first duly sworn and
17 Testified as follows:

18 DIRECT EXAMINATION

19 BY MS. BOZARTH

20 THE COURT: I don't think that microphone is working
21 very well, try to use it, but even so let's pretend like we
22 don't have one so you just speak up loudly so everybody can
23 hear, okay?

24 THE WITNESS: Okay.

25 Q Alexis, would you please state your name for the

ALEXUS WALKER - DIRECT

1 record?

2 A Alexis Walker.

3 Q And Alexis, how old are you?

4 A Twenty-three.

5 Q Where do you work?

6 A I work at the Spartanburg Marriott.

7 Q And do you live around the Spartanburg area?

8 A Yes, I do. I live in Spartanburg County.

9 Q And do you know this defendant?

10 A Yes.

11 Q Do you know --

12 A I don't know him, no. I thought you meant if I
13 recognized him.

14 Q Back in October of 2017, the day of this incident, were
15 you living at -- where were you living?

16 A [REDACTED] Gentry Street.

17 Q And who did you live with?

18 A My mom, my sister, my niece, my nephew and my son.

19 Q Okay. And could you just kind of describe the layout
20 of your house? Where is your bedroom?

21 A When you walk in it will be my mom's 's room on the
22 left-hand side, and then a hallway and my door is the first
23 one on the left.

24 Q Okay. And then where is everybody else's rooms?

25 A And then my sister, you have to walk down a little bit

ALEXUS WALKER - DIRECT

1 further, hers is on the left as well, and then straight down
2 the hallway is the restroom.

3 Q Okay. And on the incident day, October 25th, that day,
4 could you just describe, what did you do that day starting
5 from the beginning of the day?

6 A After the incident?

7 Q No, the beginning of the day before.

8 A Okay. We went to -- my mom and I went to my friend's
9 birthday party and we came home and we were just relaxing at
10 home.

11 Q What time did y'all come home?

12 A We probably came home around that evening, I would say
13 maybe around 5:00 or 6:00, and then we were just at home for
14 the rest of the night. The remainder of the night everybody
15 was in the house and then we all went to bed.

16 Q Do you remember about what time you went to bed?

17 A I had a headache that night so I went to bed fairly
18 early, I want to say around 10:00, 9:30 or 10:00 is when I
19 went to bed.

20 Q Do you know if it was dark outside by the time you went
21 to bed?

22 A It was dark outside.

23 Q Okay. And do you know who was in the house at that
24 point at the time you went to bed?

25 A At the time I went to bed everybody was in the house.

ALEXUS WALKER - DIRECT

1 Q Okay. And did you wake up at some point during the
2 middle of the night?

3 A No, not prior to that. I woke up once I heard my
4 sister screaming.

5 Q Okay. And what else did you hear, what else woke you
6 up?

7 A My sister screaming. I woke up, I came out the door
8 and that's when I saw the gentleman at the end of the
9 hallway by the bathroom, and then me and my mom met each
10 other at the door.

11 Q What did you see when you woke up and you saw that
12 gentleman? Could you describe him?

13 A Yeah. He was a tall black guy, he was standing -- I
14 came out the door where he was, my mom was on the floor and
15 he was standing over my mom while she was knocked on the
16 floor by the bathroom.

17 Q Okay. So you come out and you see him. What's he
18 wearing?

19 A He's wearing a -- I don't know what kind of pants he
20 was wearing, but he was wearing a gray hoodie with a ski
21 mask on, a black ski mask.

22 Q Was the ski mask on?

23 A Yes. It was pulled over his face, and then he had his
24 hood on as well.

25 Q This gray hoodie?

ALEXUS WALKER - DIRECT

1 A Yes. He had the hood pulled over his head.

2 Q So at the time you're woken up but your sister's scream
3 and you and your mother run out, you see him, is he on top
4 of your mom right then, or when is he on top of your mom?

5 A Me and my mom see him at the same time, so when I came
6 out my door I shut my door so I can go grab my bat. And
7 then when I finally came out of my room again that's when he
8 had already pushed my mom down onto the ground and he was
9 standing over her.

10 Q Okay. So what you -- did you see him push her?

11 A No.

12 Q Okay. And what did you see -- how was he positioned on
13 top of her? Could you describe that?

14 A She was on the floor in the corner and she -- he was
15 kind of just like hovering over her, just standing over her.

16 Q Okay. And where -- did you see -- was Shay there?

17 A Sharaia was there. I don't remember where she was at
18 that time.

19 Q And were you scared for yourself?

20 A Yes, terrified.

21 Q Were you scared for your family?

22 MR. NEELY: Objection, relevance.

23 THE COURT: Overruled.

24 Q And did you recognize that man?

25 A No, not at all.

ALEXUS WALKER - DIRECT

1 Q Did he hurt you?

2 A No. He didn't physically hurt me, no.

3 Q Did you think he might was going to hurt you?

4 A Yes.

5 Q Did he hurt anyone else?

6 A He hurt my mom. When he -- I guess when he pushed her
7 over he hurt her and she had bruises going up and down her
8 arms.

9 Q Her arms, both arms?

10 A I honestly can't remember if it was both. I remember
11 one specifically had a significant amount of bruises on it.

12 Q Okay. Thank you. Did you hear him say anything?

13 A No. I heard him -- I didn't hear him say anything, but
14 I seen when I came out is when my mom said, "Just follow
15 me." I guess she was going to take him to where some money
16 was to get him away from where he was, to try to get him
17 out.

18 Q And during that time you had gone to go get your
19 baseball bat?

20 A Yes.

21 Q Why?

22 A Because I was going to hit him with it.

23 MS. BOZARTH: Okay. Please answer any questions Mr.
24 Neely may have for you.

25 CROSS EXAMINATION

ALEXUS WALKER - CROSS

1 BY MR. NEELY

2 Q You purse was in the living room?

3 A I'm sorry?

4 Q Your purse was in the living room?

5 A My purse -- I did not have a purse, my mother did.

6 Q Okay. You spent the afternoon of October 26th talking
7 to Investigator Hayes, correct?

8 A Correct.

9 Q And when Investigator Hayes was going over this with
10 you you told her what you just told us, that you heard your
11 mom say, "Follow me, I'll take you to my purse."

12 A Correct.

13 Q And you thought it was pretty weird that he would be
14 asking for money because what you told Investigator Hayes
15 was your purse was right there in the living room.

16 A I'm sorry, let me rephrase that. My purse was in the
17 living room, it was between the couches, between the two
18 couches. I had just forgot that I had my purse in the
19 living room.

20 Q That's not your purse.

21 A Yes, it is.

22 Q That's your purse?

23 A Yes.

24 Q Okay. That's your purse that was in the living room.

25 A Correct.

ALEXUS WALKER - CROSS

1 Q And nothing was taken out of that purse.

2 A No.

3 Q You told us that you got home about 5:00 that night?

4 A Around. I don't remember exactly what time but that's
5 an estimate.

6 Q Sure, absolutely. This happened October 25th/26th of
7 2017?

8 A Correct.

9 Q 441 days ago.

10 A Right.

11 Q Memory doesn't get better with time, does it?

12 A Not at all.

13 Q That's why we give written statements, correct?

14 A Correct.

15 Q So as best you remember when you gave -- when you gave
16 your statement to Investigator Hayes the next day you told
17 her what time you thought you had gotten home, correct?

18 A Okay.

19 Q Today you think it was about 5:00.

20 A My memory is hazy, I have no clue.

21 Q Sure. But that's the statement you gave Investigator
22 Hayes on the 26th, correct?

23 A Okay.

24 Q And you said in that one you thought you'd got home
25 about 8:00.

ALEXUS WALKER - REDIRECT

1 A Okay.

2 Q So your memory of that event is pretty fuzzy at this
3 point.

4 A Yes, it is.

5 Q Sure. But as you just told us you never heard him ask
6 anybody for money.

7 A I did not hear him ask for money personally, no.

8 Q You never saw him shove your mom.

9 A No. But I was in my room getting my bat at that
10 moment.

11 Q Right. You never saw them shove your mom.

12 A No.

13 Q You never heard him ask for money.

14 A No sir.

15 MR. NEELY: Thank you.

16 REDIRECT EXAMINATION

17 BY MS. BOZARTH

18 Q Alexis, in regard to your statement you spoke with
19 Investigator Hayes the following day.

20 A Yes.

21 Q And before that you had written the statement.

22 A Yes, ma'am.

23 Q And in that statement -- you said memory doesn't get
24 better with time, however did you have time when talking to
25 Investigator Hayes, did you have more time to think about

ALEXUS WALKER - REDIRECT

1 the incident --

2 A Yes.

3 Q -- versus when you initially wrote it?

4 A Yes.

5 Q Did you give a more thorough account of events?

6 A Yes, ma'am.

7 Q And in regard to your memory also about specific times,
8 you -- you don't remember specific times --

9 A Not at all.

10 Q -- from then, but you remember generally those times.

11 A Correct.

12 Q So you're testifying to general times. So you remember
13 generally when you got home, that it was night by the time
14 you went to bed.

15 A Right.

16 Q And you know no one was in your house by the time you
17 went to bed. And in regard to not hearing anything, when
18 you woke up from the incident -- from hearing your sister
19 screaming you saw him, you run and go get your bat.

20 MR. NEELY: Your Honor, I'm going to object, she's not
21 asking a question.

22 THE COURT: Put in it the form of a question.

23 MS. BOZARTH: Thank you, Your Honor.

24 Q You and your mother both ran out at the same time when
25 you were woken up?

ALEXUS WALKER - REDIRECT

1 A Yes, ma'am.

2 Q Then you went to go get your bat?

3 A Yes.

4 Q And then the next thing you know your mom is on the
5 floor with the defendant standing over her?

6 A Correct.

7 Q And you saw that.

8 A Yes, I did.

9 Q Were you scared?

10 A Absolutely.

11 MS. BOZARTH: No further questions.

12 THE COURT: You may step down.

13 MS. BOZARTH: Next the State calls Katrina Walker.

14 The witness, KATRINA WALKER, was first duly sworn and
15 Testified as follows:

16 DIRECT EXAMINATION

17 BY MS. BOZARTH

18 Q Katrina, could you please state your name for the
19 record?

20 A Katrina Walker.

21 Q And how old are you?

22 A Forty-four.

23 Q And where do you work?

24 A Right now I'm employed with FedEx.

25 Q And do you live in the Spartanburg area?

KATRINA WALKER - DIRECT

1 A Yes, I do.

2 Q And where did you live on October 25th of 2017?

3 A [REDACTED] Gentry Street, where I still live today.

4 Q Who did you live with?

5 A Both of my daughters and their three children.

6 Q And do you know this defendant?

7 A No, I do not.

8 Q So back on the day of this incident, back on the
9 25th of 2017, what did you do that day?

10 A I really just remember going to Lexi's friend's
11 birthday party at a bowling alley. When we left the bowling
12 alley I called Sharaia and asked her if she wanted me to get
13 her and the kids some McDonald's on the way home, and we
14 stopped at McDonald's, we went home. I had a migraine so
15 when we got there I probably went to bed maybe within a half
16 hour, but I think it was a little bit later that 5:00 but I
17 could be wrong.

18 Q So were you going to sleep or were you just laying
19 down?

20 A I had a migraine, I was going to sleep.

21 Q Okay. And when you got home, around what time did you
22 get home again?

23 A I thought it was maybe around like -- I thought it was
24 maybe around like eight, between eight and nine, I could
25 being wrong, though. I think it was a little bit later in

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1 the evening.

2 Q And do you know who else was in your home at that time?

3 A Everybody was home. Once me and Lexi got home Sharaia
4 and her kids were there, we brought them food from
5 McDonald's, and Alexis and Nasir got home when I did.

6 Q And when you went to bed, did you wake up during the
7 middle of the night at anytime?

8 A Not prior to this, no.

9 Q So when did you wake up?

10 A When I heard Sharaia screaming.

11 Q What was she screaming, do you know?

12 A I don't know. It was just enough for me to -- it just
13 kind of jolted me out of bed, I was sleeping so I just heard
14 something, a mother, and I went running. And when I got to
15 the very beginning of my hallway by Alexis' door we met
16 simultaneously, and at the end of the hallway he was
17 standing at the end of my hallway.

18 Q And what did you see? What was this defendant wearing?

19 A Samuel was wearing a hoodie and a mask over his face.

20 Q Do you remember what color it was?

21 A Gray.

22 Q And at that point what did you do?

23 A I'm not too sure. I had to ask the girls, I'm like,
24 "Did I charge at him or did he charge at me?" Because all I
25 remember is just like looking up at the ceiling, so that was

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1 just kind of a gray area because I'm not too sure exactly
2 how I responded because I really wasn't awake, but I had an
3 intruder in my house as well. But really before I knew it
4 like I seen him standing in the bathroom in front of the
5 bathroom door, and the next thing I know I'm looking up at
6 the ceilings, so I'm really just trying to get my bearings
7 like, you know, what happened, what am I looking at. And so
8 as I'm down he straddles me and he points. And I remember,
9 you know, because like I said, we had just woke up and then
10 we see him, so everything is just kind of chaotic. And
11 pointed his hand, and at first I'm like, "Oh my gosh, is he
12 holding a gun," you know, I just wasn't too sure. And he
13 straddles over me and he's asking me, he says, "Where is
14 money? Where the money?" And so I'm just trying to calm it
15 down, I said, "Relax, let me go get my purse." And on that
16 instant is when we heard the gun cock. So he looked at me,
17 his eyes got big, and I looked at him and my eyes got big
18 because I didn't know -- he looked at like oh, you have a
19 gun, and I looked at him like oh my gosh, do you have a gun?
20 But then there's Ms. Shay back there and she told him to get
21 the hell out of our house. That's when he took off and I
22 told her shoot him, and she did.

23 Q And did you sustain any injuries from this incident?

24 A I did. I had bruises all down my left arm.

25 Q Okay.

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1 MR. NEELY: May we approach?

2 (A bench conference was held.)

3 Q Did anyone take any pictures of your injuries?

4 A Yes. We came down here to city hall I believe it was
5 the morning of -- well, I mean it wasn't the day after
6 because it was midnight around the time it happened so it
7 was that morning.

8 MS. BOZARTH: Permission to approach.

9 Q And did you take your own pictures of your injuries
10 later?

11 A I did.

12 Q And when was that?

13 A Probably, maybe the day after we came to city hall.

14 MS. BOZARTH: Permission to approach the witness.

15 Q I'm showing you what's been marked as State's Exhibits
16 38, 39 and 40. Can you tell me, do you recognize these?

17 A Yes, I do, that's me. I believe this was the one taken
18 at city hall.

19 THE COURT: Just look at them yourself and identify
20 them if you can.

21 THE WITNESS: Yes, sir.

22 A This is the one I took personally on my cell phone, and
23 that one personally with my cell phone.

24 Q And are these fair and accurate depictions of the
25 condition of your arm the day that you went to city hall?

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1 A I believe I took these like the day after city hall.

2 Q Right. So this is the city hall? Exhibit 38 is city
3 hall?

4 A Yes.

5 Q That's a fair and accurate depiction?

6 A Yes.

7 Q And Exhibits 38 and 39, those are -- 38 and 40, sorry,
8 are fair and accurate depictions?

9 A Yes, definitely.

10 MS. BOZARTH: Your Honor, the State would move State's
11 Exhibits 38, 39 and 40 into evidence.

12 MR. NEELY: No objection.

13 THE COURT: They are admitted.

14 MS. BOZARTH: Permission to publish to the jury?

15 THE COURT: You may.

16 (The photos were received as State's 38-40.)

17 Q And could you describe what this is?

18 A Those are bruises from after he knocked me down on my
19 left arm.

20 Q When were those taken?

21 A This one in particular was taken at city hall the
22 morning of, since it happened at midnight, so that
23 morning --

24 THE COURT: Try to use the microphone, please.

25 A The morning of the incident, so I guess you could say

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1 the 26th.

2 Q And do you know who took those pictures?

3 A I don't know the name in particular, but that's
4 definitely at city hall.

5 Q Okay. And did you have these bruises before the
6 incident?

7 A Absolutely not.

8 Q And how do you know that these are from the incident?

9 A Because he gave them to me from knocking me over.

10 Q Now, I'm showing you State's Exhibit 39. What is that?

11 A Bruises on my left arm.

12 Q And was -- when did you take these pictures?

13 A This was the day after we went to city hall. I just
14 wanted to document them, because I felt when we went to city
15 hall that they hadn't come into fruition I guess you could
16 say and so I just wanted to make sure it was documented, the
17 bruises.

18 Q And I'm showing you State's 40. Can you tell us what
19 this is?

20 A Those are the bruises on my left arm, I took those at
21 my home.

22 Q And when did you take those?

23 A The day after city hall in my home.

24 Q Okay.

25 A So maybe the 26th or 27th.

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1 Q Okay. Other than hearing the defendant say "Where's
2 the money at," did you hear the defendant say anything else?

3 A No.

4 Q Anything about, "I'm in the wrong house, where am I?"

5 A Absolutely not.

6 MS. BOZARTH: Okay. Thank you. Please answer any
7 questions Mr. Neely has.

8 CROSS EXAMINATION

9 BY MR. NEELY

10 Q Ms. Walker, this is your house, correct?

11 A Correct.

12 Q [REDACTED] Gentry Street?

13 A Correct.

14 Q And that's in --

15 A Spartanburg.

16 Q In Spartanburg in the Beaumont Mill Village.

17 A It is.

18 Q That recently got a name change, the historic Beaumont
19 Mill Village.

20 A I guess so.

21 Q You're probably familiar that in 2010 the Beaumont Mill
22 Villae was named a local historic district.

23 A I wasn't living there at that time but I have seen the
24 historic name put there.

25 Q Okay. And that's part of the charm of the

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1 neighborhood, right?

2 A Maybe so.

3 Q It's one of South Carolina's most historic mill

4 villages.

5 A Oh, is it? I didn't know that.

6 Q Because all of the houses that were built for the mill

7 way back in the day are still intact.

8 A Yes, they are.

9 Q They look pretty much just the same that they did when
10 the mill village was built.

11 A Oh, okay, I didn't know that.

12 Q And your house, you haven't made very many improvements
13 to the outside, correct?

14 A If she has it was prior to when I got there. I rent so
15 no, I did not.

16 Q I've heard you say this a couple of times, both in the
17 interviews that you gave to 26th and today --

18 A Uh-huh.

19 Q -- your mama bear instincts took over.

20 A Absolutely.

21 Q You've got two daughters.

22 A Yes, I do.

23 Q They've each got children.

24 A Yes, they do.

25 Q Just about three weeks prior to October 26th Shay had

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- 1 just moved back.
- 2 A Yes.
- 3 Q And she brought her nine year old, your granddaughter.
- 4 A Yes, Gianna.
- 5 Q And six year old grandson.
- 6 A Brandon, Jr.
- 7 Q And Alexis was already in the house with Nasir.
- 8 A With Nasir, yes, sir.
- 9 Q So you wake up in the middle of the night.
- 10 A I'm awoken just to be clear.
- 11 Q You're awakened.
- 12 A Uh-huh.
- 13 Q But in the middle of the night when you had gone to bed
- 14 your TV was on.
- 15 A Always.
- 16 Q Light was on.
- 17 A Yes.
- 18 Q Living room TV was on.
- 19 A Yes.
- 20 Q Light was on.
- 21 A Yes.
- 22 Q Alexis had her TV on.
- 23 A I'm sure.
- 24 Q Shay had her TV on.
- 25 A I'm sure.

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1 Q Everybody has got something on TV that they're falling
2 asleep to.

3 A Well, except for Sharaia, yes.

4 Q Volume is up on the TV so you can hear.

5 A Well, I mean, normal. It's not like it was blaring, it
6 was nighttime. Yeah, enough to hear, sure.

7 Q Well, we have four TV's on in the house.

8 A Yes.

9 Q And as we just talked about, this is that historic mill
10 village.

11 A Okay.

12 Q So it has got the problems or charm, however you want
13 to say, of old houses. Floors creak?

14 A No, they don't.

15 Q Floors don't creak.

16 A No, they don't, not in my house. Maybe somebody else's
17 house, but no, not -- I've really -- I don't know if she
18 replaced the wood floors in there but they're beautiful and
19 they do not squeak.

20 Q Okay. And the doors, do they creak?

21 A Maybe. Yeah, the front door does a little bit. No,
22 not so much, I can't say, no. I think she's kept up the
23 house pretty well. And I also WD40 doors too when they
24 start to squeak.

25 Q This probably is one of the more traumatic things that

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1 has ever happened in your life.

2 A That's a safe statement.

3 Q And there's no doubt in my mind when this happened the
4 fear that you were feeling was very real.

5 A You understand that.

6 Q Not personally --

7 A Okay.

8 Q -- it has never happened to me, I can only imagine.

9 A Uh-huh.

10 Q We heard the 911 tape.

11 A Yes.

12 Q That's you in the background.

13 A Sure is.

14 Q When you hear Shay screaming.

15 A That was me screaming.

16 Q When you awoken and you hear Shay screaming at somebody
17 you come out and there's just a man.

18 A It was a man in a mask, yes.

19 Q A man in a mask.

20 A Uh-huh, that doesn't belong there.

21 Q Doesn't belong there.

22 A Right.

23 Q So you come out of your bedroom.

24 A Yes, run.

25 Q And yours is the first one to the left.

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- 1 A When you first walk into my house --
- 2 Q When you come in your front door.
- 3 A Yes. My bedroom is the first to the left.
- 4 Q Okay. You run out to get to where Shay is.
- 5 A I run out to see what's going on. I did not know what
- 6 was going on until I got out there.
- 7 Q You run down the hallway.
- 8 A I run to the beginning of the hallway, sure.
- 9 Q Where Alexis bedroom is.
- 10 A Yes.
- 11 Q Kind of right where that table is.
- 12 A After the table. This is just a wall separating --
- 13 Q And -- excuse me, I'm sorry.
- 14 A This is a wall separating -- this is my bedroom right
- 15 here, this is the wall separating me and Alexis and this is
- 16 her bedroom right here to the left of this doorway exactly
- 17 right here.
- 18 Q And that's where you meet Alexis.
- 19 A Yes.
- 20 Q Okay. And the two of you are kind of standing in the
- 21 hallway.
- 22 A Well, by the time I got to her door is when she opened
- 23 her door and that's when I just kind of froze, because I see
- 24 Samuel there with a ski mask in my house.
- 25 Q Okay. And as you told us, you don't know if you went

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1 charging at him or if he came charging at you.

2 A I don't know.

3 Q Okay. Now, after all of this happened --

4 A After all -- after he knocked me down or after what?

5 Q After law enforcement arrives --

6 A Okay.

7 Q -- they spend some time with you and your family.

8 A They do.

9 Q And clearly you're hysterical on the 911 tape.

10 A Absolutely.

11 Q Absolutely. So law enforcement, they take their time
12 with you and they calm you down as best they can.

13 A Yeah. I mean, I wasn't looking for anybody to calm me
14 down, it happened when it was supposed to.

15 Q But eventually they were able to get you to write a
16 statement that night.

17 A Uh-huh.

18 Q And when they gave you that statement they told you
19 these statements are very important, correct?

20 A Yeah.

21 Q Because these statements are going help them find the
22 person that was in your house.

23 A Well, I mean in fairness he's bleeding out in the
24 neighbor's yard, so --

25 Q But this is going to help them solve the crime, right,

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1 these statements?

2 A I guess so, but I mean, he was right there.

3 Q But when they give you statements they want you to be
4 accurate. They don't want you to make things up.

5 A Well, no, I'm sure they don't.

6 Q They want you to give as much detail as possible.

7 A As you can for the situation. It was hectic and
8 chaotic.

9 Q Sure. So at 1:30 or 2:00 in the morning, the morning
10 of the 26th, you gave a statement, right?

11 A If that's what it says.

12 Q Sure. Take a look at it.

13 A I'm aware of what it says.

14 Q Okay. That says at 1:32 in morning this statement was
15 completed, correct?

16 A Okay.

17 Q And that's got your name it.

18 A Yes, it does.

19 Q That has got your signature on it.

20 A Uh-huh.

21 Q That's got your handwriting on it.

22 A Uh-huh.

23 Q That's your recollection of events from that night.

24 A This is my paper.

25 Q Okay. And in that paper where does it say that this

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1 man asked you for money?

2 A It doesn't. We were just focused on him getting shot.

3 Q Sure. But in that paper that you wrote for law
4 enforcement it doesn't say anything about him asking you for
5 money.

6 A No, it doesn't.

7 Q In that paper you say you're not sure if he pushed you
8 or if you fell.

9 A Well, I mean, I'm not going to just be standing upright
10 and then all the sudden fall. What I said was I don't know
11 if I charged him or if he charged me.

12 Q This is your handwriting.

13 A It is.

14 Q This is your signature.

15 A Again.

16 Q Okay. "Not sure if I fell or if he pushed me but I
17 fell."

18 A Well --

19 Q That's what that says, correct?

20 A It does in the heat of the moment, but I didn't just go
21 from upright to falling on my own, it makes no sense. But
22 it makes sense for a man that is not supposed to be in my
23 house to try to push past me to get out. I didn't just get
24 to the ground and decide to fall if that's what you're
25 trying to imply.

KATRINA WALKER - REDIRECT

1 Q Again this is written --

2 A I'm just saying, I understand what the paper says. But
3 if you're implying that I went from a standing position to
4 falling, no, that's not correct.

5 Q This is your statement, correct?

6 A But I did not just fall, I was pushed.

7 MR. NEELY: Okay. Thank you. Nothing further.

8 REDIRECT EXAMINATION

9 BY MS. BOZARTH

10 Q Katrina, could you please describe your neighborhood
11 and describe the area?

12 A It's quiet. We're on a cul-de-sac. I live across the
13 street from a church. Up until that point like I guess our
14 side of the street is the pretty full. There's maybe four
15 or five houses on my side. There's a vet home next to the
16 church, and then there is another house on the corner.

17 Q Can you see Isom Street from your front yard?

18 A Yes.

19 Q Are you kind of on a corner or are you --

20 A Yes. I'm on the corner at the beginning of the block.
21 Like if this was the block my house is third from this
22 corner, and then looking down the street you see Isom
23 Street.

24 Q Okay. And Mr. Neely informed us that you're in a
25 historic area, historic home, historic noises perhaps and

KATRINA WALKER - REDIRECT

1 there was a bunch of noise going on in your house. Did you
2 hear the defendant come in your house?

3 A No, I didn't. And I would like to say there was not a
4 whole bunch of noise. People were laying down sleeping so
5 it wasn't like a typical 4:00 in the afternoon maybe type of
6 noise, I don't know what he's implying. But yes, the TV is
7 on but they weren't blaring or anything.

8 Q So do you know how long the defendant had been inside
9 your house?

10 A I don't know how long. But we do have a long house and
11 just to see that he was able to get from our front door to
12 the very back of the house, he could have been anywhere. I
13 mean, you know, my daughter -- my granddaughter was sleeping
14 on the couch, I don't know if he looked at her, if he
15 touched this baby while she was sleeping. He could have
16 came and looking at me in my bed while I was sleeping. I
17 mean, you know, we didn't know this man was in our house
18 until he got to and opened Sharaia's bedroom door.

19 Q And when you issued your statement to police had they
20 already found the defendant when you issued your statement?
21 Do you remember?

22 A I don't remember, I don't remember if they had found
23 him. To me -- even though I know it was chaotic, to me it
24 seems like it took forever for them to find him, because I
25 was looking at it like oh my God -- because when we came

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1 outside after he got shot he was gone, so I'm flipping out
2 because I'm like he's going come back and get us, you know.
3 So to me, just to me, I'm not saying that that's accurate,
4 but to me it seems like it took forever for them to find
5 him, so I'm not -- I can't recall for sure to say that I had
6 made the statement before or after they had found him.

7 Q But when you're issuing your statement, do you remember
8 what was most important to you at that time?

9 A Well, I know we were just kind of like focusing on my
10 daughter shooting somebody, that was huge.

11 Q And in regards to your injuries, would you have
12 suffered those injuries if the defendant had not broken into
13 your home that night?

14 A Absolutely not, and I wouldn't have fallen either.

15 MS. BOZARTH: Thank you. No further questions.

16 THE COURT: You may step down.

17 MR. SMITH: Your Honor, can we approach?

18 THE COURT: Sure.

19 (A bench conference was held.)

20 THE COURT: We're going to break for lunch. Keep in
21 mind my caution, no discussion, no research, no
22 investigation, no media exposure. Please report to your
23 jury room this afternoon at 2:15, 2:15 this afternoon.
24 Have a good lunch.

25 (The jury left the courtroom.)

KATRINA WALKER - REDIRECT

1 THE COURT: Court is in recess until 2:15.

2 (A lunch break was taken.)

3 THE COURT: Any matters to address before the jury is
4 brought in?

5 MR. SMITH: Your Honor, I just have one kind of
6 housekeeping issue. There seems to be a discussion in the
7 case about when statements were made, I think generally it
8 wouldn't be proper to play the witnesses interview but in
9 this case I think the door has somewhat been opened that he
10 is challenging it seems that it was later fabricated that
11 there was a request for money or something like that. I
12 didn't know what Your Honor's position would be to calling
13 the people and attempting to put in their interviews where
14 they do mention the cash or to put in their oral statements
15 that were given before the written statements of the
16 victims.

17 THE COURT: Well, where was that? Where is that
18 statement?

19 MR. SMITH: There is recorded interviews from city
20 hall that are done.

21 THE COURT: Recorded interviews prior to the written
22 statements being taken?

23 MR. SMITH: Yes, Your Honor.

24 THE COURT: Where they did say that he said where's
25 the money?

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1 MR. SMITH: Yes, Your Honor.

2 THE COURT: Okay. Yeah, sure. I mean, that's
3 certainly responsive to the claim of failure to state it
4 until today. You've had those?

5 MR. NEELY: Judge, I've had them.

6 THE COURT: You have not?

7 MR. NEELY: No. I have had it and I've reviewed them
8 and I understand what Mr. Smith is saying, however two
9 things. Number one, his point in putting them in is to
10 show that this is not a recent fabrication, but the Court
11 allowed in the 911 tape where the first thing that she said
12 is where is the money, so that statement is already out
13 before the jury as being said immediately after. And then
14 there's not a prior inconsistent statement, it's just a --
15 when she was on the stand for cross examination I went over
16 her written statements that she reviewed and nowhere in
17 those statements was that comment made. But she was
18 redirected and at no point in time did the State ever
19 attempt to ask her did she say it, so for an investigator
20 to get on the stand and then show the statements that she
21 made at a different time I think would be bolstering to
22 somebody else that has already testified, and improper at
23 this point as extrinsic evidence as something that has
24 already been testified to.

25 THE COURT: Well, bolstering, as you know, is all

KATRINA WALKER - REDIRECT

1 right if the purpose of the evidence is to show that
2 previously a witness has made a consistent statement with
3 testimony provided in court where the witness has been
4 challenged by you as to not having told the police that.
5 In other words, you at length went through the written
6 statements suggesting that, well, if that was important and
7 if that had occurred and if he had said it then you would
8 have told that police that it's not in your statement, and
9 that's all true. But what I didn't know and apparently
10 what y'all do know is there were recorded interviews prior
11 to the written statements being reduced to writing where
12 the witnesses did tell the police that he made the
13 statement that where is the money. So, you know, why that
14 wasn't put in the written statement I don't know, but
15 obviously it wasn't the fault of the declarant, because if
16 you have recorded interviews where the witness does, in
17 fact, tell the police that he made that statement, I don't
18 know why it wasn't included. Like you, I don't know why it
19 wasn't in the statement, but it wasn't, but that wasn't the
20 fault of the witness, that was the fault of the police
21 apparently. Because what you're telling me is that it's a
22 recorded interview?

23 MR. SMITH: Yes, Your Honor.

24 THE COURT: And the witness told the police officer,
25 the investigator, that the defendant, or the person

KATRINA WALKER - REDIRECT

1 entering -- the burglar said where's the money.

2 MR. SMITH: At 38 minutes and 40 seconds into the time
3 remaining in it Sharaia Walker says that she's on the floor
4 and he's over her asking for money. Alexis Walker makes a
5 statement about her mom, as she said on the stand today she
6 said she did not hear the part about money. In her
7 interview with the police she said she heard her mom
8 saying, "If you want money I'll take you to my purse but I
9 did not hear him asking for money." That's, I believe,
10 exactly what she testified to on the stand about -- the
11 comment about taking him to I don't know if she said purse
12 or taking him to some sort of source of money.

13 THE COURT: Well, what is it that -- I misunderstood,
14 then. I thought you were wanting to introduce a recording
15 of the witness making the statement that he did say where
16 is the money.

17 MR. SMITH: That's what Sharaia Walker, her
18 interview --

19 THE COURT: All right. So she does say that.

20 MR. SMITH: She says she's on the floor and he's over
21 her asking for money.

22 THE COURT: Right. So that would corroborate and
23 bolster her testimony today that's has been challenged by
24 Mr. Neely because it was not included in the written
25 statement. But the other two is consistent?

KATRINA WALKER - REDIRECT

1 MR. SMITH: I believe that's exactly what Alexis
2 testified to, I think she said that --

3 THE COURT: Well, so you don't need to introduce that
4 then, do you?

5 MR. SMITH: No.

6 THE COURT: All right.

7 MR. SMITH: And Ms. Katrina Walker, she actually --
8 her second written statement she does mention the money.
9 Obviously that was not flushed out on redirect but there is
10 a written statement where she actually does --

11 THE COURT: Well, if that's the case then that's just
12 a failure to ask the question so we're not going to bolster
13 that, I mean, that could have been asked. The actual
14 recording I think is relevant and it's important in the
15 context that her recollection has been challenged by the
16 defense as to whether or not the burglar made that
17 statement, and it's not in her statement but she apparently
18 did tell the police so that's perfectly allowable as I see
19 it. But y'all can stipulate to that fact if you want to
20 unless you just want to put it in.

21 MR. SMITH: I just want the confusion cleared up.

22 THE COURT: Well, what I'm saying is y'all can
23 stipulate to the fact that there is a recorded interview
24 wherein Sharaia Walker did tell the investigator taking her
25 statement that the burglar did say where is the money.

KATRINA WALKER - REDIRECT

1 MR. NEELY: That will be fine with me, Your Honor.

2 THE COURT: I'll leave that up to y'all.

3 MR. SMITH: I mean, I'm fine with the stipulation. I
4 mean, the story is the same. I do believe playing the
5 entire interview would be very repetitive, one specific
6 line is all we're looking for.

7 THE COURT: Well, there's no purpose in playing the
8 whole interview. But if y'all would like to y'all can
9 stipulate as a fact that there was a recorded interview of
10 Sharaia Walker's statement, and that in that interview,
11 which was recorded, she did tell the investigator that the
12 burglar stated where is the money. Is that -- you've
13 listened to it, what does it say?

14 MR. NEELY: It says exactly what Spenser said.

15 THE COURT: Okay.

16 MR. NEELY: I am fine stipulating to that.

17 THE COURT: Do you want to write it down so y'all can
18 agree to what the stipulation is?

19 MR. NEELY: Are you stipulating to that?

20 MR. SMITH: Yeah, I'm fine.

21 MR. NEELY: You've got the lineup, don't you?

22 MR. SMITH: Yes. Of course, this is my notes. What
23 he's saying is that's fine -- that Sharaia Walker gave an
24 interview, it's the second interview she gave the police at
25 city hall where she did include the burglar.

KATRINA WALKER - REDIRECT

1 THE COURT: Well, do y'all need to play it so you'll
2 be sure?

3 MR. SMITH: Yeah, I can pop it in, I think it's on
4 this one.

5 MR. NEELY: While he is loading that, Your Honor, I
6 would ask the Court to take judicial notice of the weather
7 on that night, on October the 26th, that according to the
8 National Weather Service the high that day was 45 degrees
9 and the low was 37 degrees, so I would ask the Court to
10 take judicial notice of that fact.

11 THE COURT: And why would I take judicial notice of
12 that fact?

13 MR. NEELY: Because it is indeed a fact --

14 THE COURT: No, what's the relevance of it?

15 MR. NEELY: Well, they're making a big deal about a
16 ski mask.

17 THE COURT: Oh, okay. Well, do you know what the
18 temperature was at the time that this event is to have
19 occurred?

20 MR. NEELY: I believe around 37 degrees that night,
21 Your Honor.

22 THE COURT: All right. Well, you believe it was or
23 you know it was? What did the National Weather Service
24 say?

25 MR. NEELY: It said the low that night was 37 degrees.

KATRINA WALKER - REDIRECT

1 THE COURT: Well, the low is usually about 5:00 in the
2 morning.

3 MR. NEELY: I don't have an exact. The high was 45
4 and the low was 37, that's what I have, Your Honor, based
5 on what they're able to provide on the website.

6 THE COURT: I'm sure you can get the hourly temps if
7 you check it.

8 MR. NEELY: They have a special link for litigation
9 that you've got to pay and send something off to them.

10 THE COURT: How much does it cost?

11 MR. NEELY: I don't know, I didn't click the link.

12 THE COURT: Well, if y'all can agree to a stipulation
13 as to that we'll do that one, too.

14 MR. SMITH: I haven't seen anything. I don't know if
15 he's got a piece of paper or something showing. Do you
16 have the disc?

17 MR. NEELY: Yeah.

18 (Break in proceedings.)

19 MR. NEELY: "Threw himself on her, where's the money,
20 where's the money."

21 THE COURT: "He threw himself on her, he was over her
22 hollering where's the money, give me the money," that's
23 what she said he said.

24 (Break in proceedings.)

25 THE COURT: Okay. Mr. Smith, are you going to

KATRINA WALKER - REDIRECT

1 announce the stipulation? You're going to have to also
2 include telling the jury where the -- when the interview
3 took place and where it took place and who was involved.

4 MR. SMITH: Is the weather request a specific
5 timeframe? I'm looking at some stuff on the internet. Is
6 that the midnight frame? I'm seeing 45/37. Is that what
7 you said?

8 MR. NEELY: That's what I said.

9 THE COURT: Well, ordinarily it's colder at about
10 5:00 in the morning then it was at midnight, that's
11 ordinary, so I don't know what it was on October 25th of
12 2017. It could have been the low was midnight and it got
13 warmer, but that's usually not the case. That's why if
14 y'all are going to ask me to take judicial notice of a fact
15 I've got to see the fact from the report that you're
16 referencing.

17 MR. SMITH: Your Honor, that interview took place at
18 city hall on the 26th, it was around 2:00 p.m. And it was
19 done by Samantha Hayes from the city.

20 THE COURT: Are you going to announce the stipulation?

21 MR. SMITH: I didn't know when the appropriate time to
22 do it was, but -- I guess you can't do that during charge
23 or --

24 THE COURT: Oh, no. I mean, this is a fact in
25 evidence, y'all are introducing evidence. What I'm saying

KATRINA WALKER - REDIRECT

1 is when the jury comes back you can state to the jury that
2 you and Mr. Neely have agreed as to a stipulation of fact,
3 and that fact is that on -- well, on October 26th of 2017
4 around 2:00 p.m. at city hall in response to questioning by
5 Investigator Hayes the previous witness, Sharaia Walker,
6 told Ms. Hayes that the burglar threw himself on her,
7 meaning her mother, and that he was over her and said,
8 "Where is the money? Give me the money."

9 MR. SMITH: I'll do that.

10 THE COURT: Yeah. Do you want these notes?

11 MR. SMITH: Yes, Your Honor.

12 THE COURT: And then I'll ask Mr. Neely if he agrees
13 with that stipulation of fact. All right. Anything else?

14 (Break in proceedings.)

15 MR. NEELY: Judge, as far as the stipulation goes, I
16 objected entirely to it coming in at all. Now, my
17 understanding is that that objection is being overruled and
18 that it is coming in whether I agree and let Spenser
19 announce it or we play the tape, but as far as it coming in
20 at all -- because I previously objected to that and you
21 overruled that and admitted the stipulation. I would like
22 to reserve the objection while just allowing Mr. Smith --

23 THE COURT: Okay. Well, then if you can't stipulate
24 to the fact then you don't have to, but then he'll have to
25 play that tape. I mean, he'll have to play the relevant

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1 portion, not the whole thing.

2 MR. NEELY: I think the record preservation is better
3 just to play the tape.

4 MR. SMITH: Okay. We'll have her over, we've got
5 witnesses ready to go.

6 THE COURT: All right. Bring the jury in, please,
7 sir.

8 (The jury returned to the courtroom.)

9 THE COURT: Good afternoon, ladies and gentlemen. As
10 you know when we recessed the State was in the midst of
11 their presentation of evidence, so we will continue with
12 that presentation this afternoon.

13 MR. SMITH: The State calls officer Shanetta Thompson.
14 The witness, SHANETTA THOMPSON, was first duly sworn
15 And testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SMITH

18 Q Will you please state your name and rank for the jury?

19 A My name is Shanetta Thompson, a patrol officer at
20 Spartanburg City Police Department.

21 Q How long have you been a patrol officer?

22 A A little over four and a half years.

23 Q What do you do as a patrol officer generally?

24 A I patrol mainly the north side in the city limits of
25 Spartanburg, but I can patrol pretty much the jurisdiction

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1 of the City of Spartanburg.

2 Q What is patrolling?

3 A Yes. I respond to all types of calls for service,
4 whether it's traffic related, misdemeanor, felony calls,
5 calls to assist animals, people, anything of the nature I
6 can respond to.

7 Q If anyone calls 911 they're going to send you or
8 somebody else like you out there?

9 A Yes, sir.

10 Q Did you end up responding to an incident at [REDACTED] Gentry
11 Street on the late evening of October 25th, early morning
12 October 26th of 2017?

13 A Yes, sir.

14 Q What was the nature that call?

15 A It stated that a shooting had come out, that a female
16 had stated that someone invaded her home and she shot a male
17 and there was a male victim shot somewhere in the vicinity.

18 Q Can you tell when you responded to that call, when you
19 received the call?

20 A I got dispatched to the call at approximately 12:35 on
21 October 26th, 2017.

22 Q And you headed straight to Gentry Street?

23 A Yes, sir.

24 Q What did you see upon arrival?

25 A Upon my arrival I immediately spoke with the victims

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1 Ms. Katrina Walker, Sharaia and Alexis Walker, which are
2 present here in the courtroom today.

3 Q And did they -- I know we've already heard from them,
4 but did they give you a rundown of what had happened?

5 A Yes, sir.

6 Q What did you begin doing at that point?

7 A Being that I was the one mainly with the victims I
8 stayed with the victims throughout the duration until the
9 suspect was found. I mainly talked to Sharaia Walker, who
10 was the one that was calm at the time, Katrina was still
11 like a little worked up. I stayed with them, I asked them
12 what happened, I got the details of the case. I relayed
13 that information over to the officers that were in route and
14 that were on scene looking, and EMS as well relaying the
15 information to them being that they were on scene as well
16 looking to provide aid.

17 Q So y'all had EMS waiting, I guess, hoping that you
18 would find the person that was shot?

19 A Yes, sir.

20 Q Did you take pictures of the residence, or the
21 surrounding areas of [REDACTED] Gentry Street?

22 A Yes, sir. I took pictures inside and outside of the
23 residence.

24 Q All right. Did you ultimately end up collecting any
25 evidence in this case?

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1 A Yes, sir.

2 Q All right. I show you State's Exhibit 7 through 20 and
3 ask if you can identify where these pictures are taken or
4 what they are generally?

5 A Yes, sir.

6 Q You don't have to tell individually, but if you can
7 flip through them and ask if you recognize what they are.

8 A Yes. These are the pictures that I took that are of
9 the residence, [REDACTED] Gentry Street, the blood residue that I
10 captured on the house. If you look in front of the house
11 the picture is going to be on the left side of the house, so
12 that's if you're standing right in front of [REDACTED] Gentry
13 Street. And the blood residue that's in the grassy area
14 that's connected between [REDACTED] Gentry Street and [REDACTED] Gentry
15 Street is going to be that grassy area in between the two
16 houses. And the fence area, that fence area that's
17 connected to 470 Gentry Street, which there also is blood
18 residue on the fence area. The back yard of 470 Gentry
19 Street has blood residue in it. Yes.

20 Q All right. So all of those pictures are of the area
21 between [REDACTED] and [REDACTED] Gentry Street?

22 A Yes, sir.

23 Q Taken the night of this incident?

24 A Yes, sir.

25 MR. SMITH: Your Honor, at this time we would move

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1 State's Exhibits 7 through 20 into evidence with permission
2 to publish.

3 MR. NEELY: No objection.

4 THE COURT: They are admitted.

5 (The photos were received as State's 7-20.)

6 Q State's Exhibit 7 is a little bit hard to see, I might
7 have to show it to you. It's better up here. Can you see
8 that picture?

9 THE COURT: Let me caution the witness, you've got a
10 microphone there and got your back to it right now, but
11 when you respond -- you can look at the picture obviously,
12 but when you respond to it you've got to use that
13 microphone, otherwise we won't hear you back here.

14 THE WITNESS: Yes, sir.

15 Q Did you tell it is, what you're trying to take the
16 picture of?

17 A Yes. If you look right here at this spot, it's like a
18 dark spot, that was believed to be a handprint with blood
19 residue on it. But I have a closer picture of it, but
20 that's blood residue in that spot.

21 Q This is State's Exhibit 8, it looks like it was taken
22 from the left of where you took that from. What is that?
23 Is that the same spot?

24 A Yes. Right here is blood residue on the ground and
25 right here is that blood residue, what's again believed to

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1 be a handprint on the side of the house at [REDACTED] Gentry
2 Street.

3 Q And can you see what that is in the upper right hand
4 corner?

5 A Right here?

6 Q Upper right hand corner.

7 A Right here?

8 Q Do you know what those are?

9 A I can't see.

10 Q All right.

11 THE COURT: Do you want to hand her the picture? She
12 might be able to see it from the picture itself.

13 A Oh, the toys?

14 Q Yeah.

15 A Yes.

16 Q All right. State's Exhibit -- what is that?

17 A That is the picture that I took on the side of [REDACTED]
18 Gentry Street. That's what is believed to be a handprint
19 from the suspect bleeding.

20 Q Did you have information, or is there a reason you
21 went -- I guess if you're running out of the house it is to
22 your right, if you're facing it it is to the left, did you
23 have reason to believe that's where the suspect had fled?

24 A When we first got on scene the victim stated that -- I
25 asked them where the male suspect ran to, they stated that

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1 he left out the front door and he left running towards the
2 right, which is why a K-9, when they got on scene they
3 started immediately tracking towards the right. And at some
4 point during our investigation the K-9 hit on scent and
5 officers started looking towards the back of [REDACTED] Gentry
6 Street, which is where they saw the first spot of blood
7 residue on the side of the house at [REDACTED] Gentry and the blood
8 trail between the houses, which led them to go behind [REDACTED]
9 Gentry Street.

10 Q And State's Exhibit 10, can you tell what that is?

11 A Yes. Right here is the blood residue between the
12 grassy area of [REDACTED] and [REDACTED] Gentry Street.

13 Q State's Exhibit 11. Is this -- can you tell what
14 perspective this is taken at, which house this is on the
15 right here?

16 A This is going to be [REDACTED] Gentry Street, and the fence
17 area right here is [REDACTED] Gentry Street because the blood
18 residue is right here.

19 Q Do they essentially have like a joint fence between the
20 two properties?

21 A They do, yes.

22 Q State's Exhibit 12?

23 THE COURT: Don't forget about the microphone.

24 THE WITNESS: Sorry.

25 A Yes, here and here. The blood residue is found on the

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1 top of the fence connecting to 470 Gentry Street, and the
2 blood residue that's seen in the grassy area between the two
3 houses.

4 Q Okay. This is State's Exhibit 13. Can you tell me
5 what this is?

6 A Yes. If you're looking at the top of the fence it is
7 believed to be a handprint from the suspect where he jumped
8 over the fence, hence as to how he got -- believed to be how
9 he got behind 470 Gentry Street.

10 Q All right. State's Exhibit 14, do you see any blood in
11 this one or anything of note?

12 A Yes. Again there is blood residue on the top of the
13 fence and you see a little blood residue on the grassy area
14 near that same fence area.

15 Q Fifteen.

16 A That's a closer picture of the blood residue in the
17 grassy area.

18 Q Sixteen?

19 A That's a closer picture of the blood residue on the
20 fence.

21 Q And 18?

22 A Another close picture of the blood on the ground.

23 Q And 20 is just more blood; is that right?

24 A Yes, sir.

25 Q Okay. In your experience is this a pretty significant

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1 amount of blood?

2 A Yes, sir. Which is why we were grateful and assured
3 that EMS knew to follow us to the trail of the blood.

4 Q All right. So did you remain at [REDACTED] Gentry Street
5 around the area the entire time until the suspect was found?

6 A Upon my arrival on the scene I stayed with the victims
7 at [REDACTED] Gentry Street until I heard over the radio that
8 contact was made with suspect. Due to officers trying to
9 get their way over the fence at [REDACTED] Gentry Street, because
10 it was a locked fence we had to make sure that EMS was able
11 to get over inside as well. We made contact with the
12 residence owner of [REDACTED] Gentry Street so I walked in -- I
13 left [REDACTED] Gentry Street and I made contact with the owner of
14 [REDACTED] Gentry Street, walked in with him, walked through his
15 house to get to his back yard, which is when EMS and the
16 officers were already working on the suspect at the time.

17 Q Okay. So you were either at [REDACTED] or [REDACTED] until he was
18 found?

19 A Yes, sir. I went there to take pictures and I came
20 back.

21 Q Did you hear any shouts for help or anything like that
22 the entire time you were there?

23 A I did not.

24 Q It took, what you said earlier, a K-9 track in order to
25 find the suspect?

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1 A Yes, sir. Because we was going off the victims stating
2 that he ran to the right of the house outside and officers
3 immediately started tracking out front and immediately to
4 the right.

5 Q Did you look around the scene at [REDACTED] Gentry Street and
6 take pictures in there as well?

7 A Yes, sir.

8 Q What were you taking pictures of inside the house?

9 A Inside the house is any evidence. The victim stated
10 she shot off some gunshots, so I did locate several
11 rounds -- several shell casings and a round where she said
12 she shot off nine millimeter. Outside the house was small
13 trails of blood, I took pictures of that. There was a shoe,
14 a right shoe, a black in color right shoe that I took
15 pictures of and I did recover that shoe.

16 Q Okay. I'm going to show you State's Exhibits 21
17 through 27 and ask if you can identify what these are.

18 A Yes, sir. Yes. These are the pictures of the shell
19 casings that I took and the round. This first picture is
20 the first shell casing that I took is outside the front door
21 but on the porch of the house, the second one was inside a
22 vent that's inside the house near the mother's bedroom.
23 That's the one round that I took pictures of and recovered,
24 and I did recover all of these shell casings and the one
25 round. A shell casing was found on the carpet inside the

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1 home, another shell casing in the closer shot of that last
2 shell casing.

3 Q All right. Do those fairly and accurately represent
4 what it looked like the night you collected those items?

5 A Yes, sir. I took pictures of them before I collected
6 them.

7 MR. SMITH: Your Honor, at this time we would move
8 State's Exhibits 21 through 27 into evidence.

9 THE COURT: They are admitted.

10 MR. SMITH: With permission to publish to the jury.

11 THE COURT: You may.

12 (The photos were received as State's Exhibits 21-27.)

13 Q Do you collect evidence as a part of your job in
14 uniform patrol?

15 A Yes, sir.

16 Q Do you generally try to photograph the collection of
17 evidence?

18 A Yes, sir.

19 Q Do you take a picture of it in the location it was
20 prior to you collecting it, is that the general idea?

21 A Yes, sir. Assuming that it is tactically safe to do
22 so, yes, sir.

23 Q Okay. State's Exhibit 21, what's that?

24 A Right here, that is a shell casing that was located
25 outside of the house but on the porch right in front of the

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1 front door.

2 Q So that's like the doormat and the inside of the house?

3 A Yes, sir.

4 Q State's Exhibit 22?

5 A That's a secondary shell casing that I recovered. I
6 mean, if you're looking at the house it is at a vent area on
7 the left, inside the house at the mother's bedroom.

8 Q State's Exhibit 23. I might have to show you another
9 one for context, but can you tell where that was taken from?

10 A That one I believe was in the living room on the floor,
11 that's the one round that was not shot off.

12 Q Let me show you State's Exhibit 4.

13 A Yes. That's going to be a chair that was located in
14 the hallway inside the home, and that's that one round there
15 that was located next to it.

16 Q Okay. So that round in State's 23 you think is near
17 this table in State's Exhibit 4, I would call it the hallway
18 table?

19 A Yes, sir.

20 Q All right. This one is hard. Might have to -- State's
21 Exhibit 24, can you tell --

22 A It's right -- this is the shell casing that's right by
23 the door, just not certain if it's Ms. Katrina's door or Ms.
24 Alexis' door.

25 Q I think I can clear that up too.

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1 A Okay. That's a closer shot of the shell casing before
2 I retrieved it.

3 Q Let me get the -- this is State's Exhibit 5. Can you
4 see what the carpet looks like on that room right there?
5 That's the same --

6 A Yes, sir.

7 Q -- is that the room that you recovered that bullet
8 from, or that shell casing from? This room in State's
9 Exhibit 5, the first one?

10 A I believe so. I'm not exactly sure which room it came
11 out of.

12 Q But that's in close proximity to where you found the
13 other one.

14 A Yes. They all were in close proximity to include the
15 one on the front porch, yes.

16 Q Did it appear to you that there was maybe two different
17 bursts of two or something like that maybe that had been --

18 A No, sir. They all had the same shell casing and --

19 Q I mean that there was like one location where two shots
20 were made and then another location where two more shots
21 were made. There's distance between these, right?

22 A Yes, sir.

23 Q They're not all four shell casings found in the same
24 spot.

25 A No, sir.

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1 Q So the shooter could have been moving.

2 A Sir?

3 Q Could the shooter have been moving?

4 A Yes.

5 Q State's Exhibit 26. Can you identify what that is?

6 State's Exhibit 27 is a close-up of it.

7 A That's believed to be within the hallway, one of the
8 doors within the hallway and that's just a closer shot of
9 the shell casings.

10 Q And you collected all of these and put them into
11 evidence?

12 A Yes. I collected all the shell casings and the one
13 round and placed them in evidence.

14 Q I show you State's Exhibit 42 and ask if you can
15 identify what that is?

16 A Yes, sir. That's the evidence entry I made with the
17 shell casings stating that it's four shell casings and one
18 bullet.

19 Q How do you know what this is?

20 A I added that evidence.

21 Q Is there notations on the outside of it that say --

22 A Yes. I noted that it was a shooting, it was four shell
23 casings and one bullet.

24 Q Does it say where it was collected from on there?

25 A [REDACTED] Gentry Street, I notated it as a hallway inside the

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1 house.

2 MR. SMITH: Your Honor, at this time we'd move State's
3 Exhibit 42 into evidence.

4 MR. NEELY: No objection.

5 THE COURT: It's admitted.

6 (The shell casing was received as State's 42.)

7 Q Now, earlier you had mentioned finding a shoe. Will
8 you want to go back and explain what happened with that?

9 A Yes, sir. During my investigation on scene at [REDACTED]
10 Gentry Street as I was taking pictures of the outside I saw
11 there was a black in color shoe, one of the victims stated
12 that it's the male's shoe so I recovered it. I wasn't
13 exactly sure at the time, but later on through the
14 investigation it was found that it was a matching shoe that
15 was located near the suspect.

16 Q And you did the same thing, photograph this one as
17 well?

18 A Yes. When I located the second shoe, which is the left
19 shoe, I took photographs of that shoe and then it was
20 recovered for evidence.

21 Q I show you State's Exhibit 28 through 30 and ask if you
22 can identify what that is, what those are?

23 A Yes. This is the front yard of [REDACTED] Gentry Street.
24 This is the right shoe -- the black in color right shoe that
25 I found in front of the yard of [REDACTED] Gentry Street.

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1 MR. SMITH: Your Honor, at this time we would move
2 State's Exhibits 28 through 30 into evidence.

3 MR. NEELY: No objection.

4 THE COURT: Admitted.

5 MR. SMITH: With permission to publish.

6 THE COURT: You may.

7 (The photos were received as State's 28-30.)

8 Q This is State's Exhibit 28, what is that and where was
9 it taken?

10 A That's going to be the right shoe that I located in the
11 front yard of [REDACTED] Gentry Street.

12 Q And 29?

13 A That's going to be a closer picture of the right shoe
14 that I located in the front yard of [REDACTED] Gentry Street.

15 Q And 30?

16 A That's just a closer picture.

17 Q It's a right foot shoe?

18 A Yes, sir.

19 Q Okay. Saw a picture before you were here. State's
20 Exhibit 2, I think it's a picture you took but it shows the
21 same area as 28 but the shoe is gone, give you some context.
22 Do you know if forensics or anyone came by and took pictures
23 of the house later after you retrieved evidence?

24 A Later after I did, yes, sir.

25 Q And when you found out -- you said that when you found

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1 out that the person had been found in the back of 470 you
2 made your way over there and started taking pictures; is
3 that right?

4 A Yes, sir.

5 Q Okay. What did you notice when you saw him?

6 A When I went over to the backyard of 470 Gentry Street I
7 saw a black male laying down, he appeared to be unresponsive
8 at the time. I did see the second pair, the left shoe that
9 I had found earlier laying right next to him, it was off his
10 foot at that time, and at that time, of course, EMS was
11 working on him providing aid.

12 Q Okay. And you took pictures of that process as well?

13 A Yes, sir.

14 Q I show you State's -- well, one second. I show you
15 State's Exhibits 31 through 34.

16 (Break in proceedings.)

17 Q I made a slight redaction to 31, but I'm going to show
18 you State's Exhibits 31 through 34 and ask if you can tell
19 me what those are.

20 A Yes. These are pictures of Mr. Jeter who is present in
21 the courtroom today that I took of him with my city issued
22 camera. Mr. Jeter was responsive at this time. He has a
23 ski mask, a black in color ski mask located right up under
24 his head. I took a picture of the left shoe before
25 recovering it, and I took a picture of the ski mask before

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1 recovering it, and a closer picture of the left shoe that
2 had blood residue on it as well.

3 Q And do those fairly and accurately represent what you
4 saw when you got to the backyard of 470 Gentry Street?

5 A Yes, sir.

6 MR. SMITH: Your Honor, at this time we'd move State's
7 Exhibits 31 through 34 into evidence.

8 MR. NEELY: No objection.

9 THE COURT: They're admitted.

10 MR. SMITH: With permission to publish?

11 THE COURT: You may.

12 (The photos were received as State's 31-34.)

13 Q Is that the ski mask you collected underneath his head
14 there?

15 A Yes, sir.

16 Q Different shot?

17 A Yes, sir.

18 Q And State's Exhibits 31 and 32, State's Exhibit 33, is
19 that the companion shoe, the one that you had collected in
20 [REDACTED] Gentry?

21 A Yes, sir.

22 Q This being a left shoe?

23 A Yes, sir.

24 Q And what about this one?

25 A That's a different angle but the same position of the

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1 shoe before I collected it for evidence.

2 Q What's that above the shoe, do you know what that is?

3 A That is Mr. Jeter laying down on the ground receiving
4 aid from EMS.

5 (Break in proceedings.)

6 Q I'm going to show you State's Exhibit 43 and ask if you
7 can identify what that is?

8 A Yes. That's the black ski mask that I recovered that
9 was located under Mr. Jeter on scene.

10 MR. SMITH: Your Honor, at this time we move State's
11 Exhibit 43 into evidence.

12 MR. NEELY: No objection.

13 THE COURT: It's admitted.

14 (The photo was received as State's 43.)

15 Q Did you find anything else of evidentiary value on Mr.
16 Jeter?

17 A Not on his otherwise person. I didn't search Mr.
18 Jeter, I just located the shoe and the ski mask and other
19 items was located by officers.

20 Q What about any items out of his clothing?

21 A Yes. Some pepper spray was located, his clothing, of
22 course, was cut and recovered for evidence.

23 Q So you collected all of his clothing. I know we just
24 put in this, but you collected more than just the ski mask?

25 A Yeah. I collected all of his clothing.

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1 Q I show you State's Exhibit 44. Can you tell us what
2 that is?

3 A Yes. That's the pepper spray that was recovered from
4 his pants, Mr. Jeter's pants.

5 MR. SMITH: Your Honor, at this time we move State's
6 Exhibit 44 into evidence.

7 MR. NEELY: No objection.

8 THE COURT: It's admitted.

9 MR. SMITH: Permission publish to the jury, Your
10 Honor?

11 (The pepper spray was received as State's 44.)

12 Q Were you able to communicate with Mr. Jeter in any way?

13 A No, sir. Mainly EMS was working on Mr. Jeter.

14 Q Did you get a name for him?

15 A When officers near EMS asked him for a name he gave the
16 name Calvin Jeter.

17 Q At that time did you know if that was correct or you
18 just kind of took him at his word?

19 A Right. We did not find an ID on Mr. Jeter to confirm
20 his identity at the time.

21 Q The name was Calvin Jeter?

22 A That's the name Mr. Jeter gave us, Calvin Jeter.

23 Q I show you State's Exhibits 35 through 37 and ask if
24 you can identify what those are?

25 A Yes, sir. These are Mr. Jeter's pants, ski mask and

SHANETTA THOMPSON - DIRECT

1 both of his left and right shoe that I recovered. His pants
2 were cut, to include his shirt, by EMS to provide proper
3 aid.

4 MR. SMITH: Your Honor, at this time we would move
5 State's Exhibits 35 through 37 into evidence.

6 MR. NEELY: No objection, Your Honor.

7 THE COURT: Admitted.

8 MR. SMITH: With permission to publish to the jury.

9 THE COURT: You may.

10 (The photos were received as State's 35-37.)

11 Q What's that?

12 A That is a picture of Mr. Jeter's pants, the ski mask
13 and the two shoes I recovered.

14 Q State's Exhibit 35, State's Exhibit 36?

15 A That's just a picture of the ski mask.

16 Q Thirty-seven?

17 A That's Mr. Jeter's shirt that was cut, his boxers and
18 two socks -- his two pairs -- or a pair of socks.

19 Q It's difficult to see on that, I didn't point it out.
20 What type of coat is Mr. Jeter' wearing in State's
21 Exhibit 32?

22 A He was wearing a gray in color hoodie.

23 Q Hoodie. Do you know how long it was before they found
24 Mr. Jeter after you got there?

25 A Within an hour of us searching.

SHANETTA THOMPSON - DIRECT

1 Q Not immediate?

2 A No, sir, not immediate. We immediately started
3 tracking to the right -- outside and to the right of the
4 house down Gentry Street.

5 Q Do you know how many officers were out there?

6 A I don't, not exactly. Approximately five to eight, I
7 don't know the exact amount.

8 Q But a pretty significant effort was made to find him?

9 A Yes, sir.

10 Q But you think it was close to an hour. In all of that
11 time did any officer that you're aware of hear a shout for
12 help or anything like that?

13 A No, sir. The officers -- it was midnight so it was
14 rather quiet outside, we didn't hear anything so that's when
15 we made the K-9 track to right. We mainly went off the K-9
16 track and further down the street towards Gentry.

17 Q And all of these are in Spartanburg County, all of
18 these locations we talked about, [REDACTED] Gentry and [REDACTED]

19 A Yes, sir. In the city limits within the county, yes,
20 sir.

21 MR. SMITH: Please answer any questions Mr. Neely has.

22 CROSS EXAMINATION

23 BY MR. NEELY

24 Q Officer Thompson, you told us that you've been on
25 patrol you said for about four and a half years?

SHANETTA THOMPSON - CROSS

1 A Yes, sir.

2 Q Prior to that did you have any previous law enforcement
3 experience?

4 A Yes. I used to be employed at Spartanburg County
5 Detention Center, I was there for approximately two and a
6 half years prior to me becoming a police officer.

7 Q So you're a detention officer for two and a half years,
8 you've been here for four and half years?

9 A Yes, sir.

10 Q Any other law enforcement experience?

11 A No, sir.

12 Q So seven years total you've been a law enforcement
13 officer.

14 A Yes.

15 Q Now, before you can become a law enforcement officer
16 they just don't hand you a badge and a gun, correct?

17 A No, sir.

18 Q They make you actually go down and attend the South
19 Carolina Criminal Justice Academy.

20 A Yes. I attended the criminal justice academy for 12
21 weeks.

22 Q Your course is 12 weeks. I always get a different
23 answer, some people do eight weeks, some do nine, yours is
24 12.

25 A Yes, sir.

SHANETTA THOMPSON - CROSS

1 Q Okay. Now, during that 12 week course you had to take
2 courses in a lot of different areas of law enforcement,
3 correct?

4 A Yes, sir.

5 Q You had to take courses in the proper way to hold a
6 gun?

7 A Yes, sir.

8 Q And the proper way to shoot a gun?

9 A Yes, sir.

10 Q The proper way to drive a patrol vehicle?

11 A Yes, sir.

12 Q The proper way to investigate a case.

13 A Yes.

14 Q The proper way to write an incident report.

15 A Yes, sir.

16 Q In each of those things; writing incident reports,
17 investigating cases, responding to calls, they taught you
18 that the most important thing is for you to be thorough,
19 correct?

20 A Yes, they did.

21 Q And they taught you that the most important thing is to
22 be accurate, correct?

23 A Yes, sir.

24 Q And they taught you accurate and correct, right?

25 A Yes, sir.

SHANETTA THOMPSON - CROSS

1 Q Thorough, accurate, correct and complete, right?

2 A Yes.

3 Q For instance, with incidents reports, when you write an
4 incident report you want to put as much information in those
5 reports as possible, right?

6 A Yes, sir.

7 Q Because the purpose of those incident reports is so
8 that you or another law enforcement officer can rely on that
9 later.

10 A Yes, sir.

11 Q Correct? This case --

12 A Uh-huh.

13 Q -- this happened October 25th, 2017.

14 A I got the call on October 26th, 2017 at approximately
15 12:35 that morning.

16 Q Right. So about 440 days ago you got the call for this
17 case.

18 A Yes, sir. I didn't count the days, but yes, sir.

19 Q And in the last 440 days you've responded to ten more
20 calls?

21 A Within the last 400 days? No, sir. I've responded to
22 a tremendous amount of calls within those days.

23 Q A hundred calls?

24 A I can't give an approximate estimate.

25 Q A thousand calls?

SHANETTA THOMPSON - CROSS

1 A Between a thousand, less than, I can't count them.

2 Q Somewhere around a thousand calls in the last 400 days.

3 So if I were to ask you for the details of each of those
4 thousand calls it would be almost impossible for you to just
5 remember from memory, correct?

6 A Depending on the calls. A lot of calls give certain
7 details to where if you can remember a particular call you
8 can revert back and give certain details of a certain case.

9 Q If asked for all the details of any one of those
10 particular thousand calls you would probably have to look
11 back at your notes, correct?

12 A Yes.

13 Q Now, for this case when you wrote your incident report,
14 you did exactly what your training taught you to do,
15 correct? You were thorough, right?

16 A Yes, sir.

17 Q And you were accurate?

18 A As accurate as I can be, yes, sir.

19 Q And you were complete?

20 A Yes.

21 Q You wrote down all the information that you received
22 during your investigation.

23 A Yes, sir.

24 Q Do you have a copy of your incident report with you?

25 A Yes, sir, I do.

SHANETTA THOMPSON - CROSS

1 Q Okay. You did a thorough, accurate and complete
2 investigation, you wrote a thorough, accurate, complete
3 incident report. Mr. Smith just spent a little bit of time
4 showing all of us some pepper spray, showing that Samuel had
5 some pepper spray on him like it was a weapon.

6 A Yes, sir.

7 Q Anywhere at any point in time in your thorough,
8 complete, accurate incident report do you have any notes
9 about him pointing that pepper spray at any one of those
10 ladies?

11 A No, I do not.

12 Q At any point in your incident, your thorough, accurate
13 and complete incident report do you have him threatening
14 those ladies with that pepper spray?

15 A No, I do not.

16 Q It's just some pepper spray on a key chain, right?

17 A Yes, sir.

18 Q In his pocket.

19 A Yes, sir.

20 Q We just spent a long time, half an hour about, looking
21 at pictures of blood, pictures that you took, correct?

22 A Yes, sir.

23 Q All right. Now, those weren't pictures of any of the
24 Walker's blood, correct?

25 A Repeat.

SHANETTA THOMPSON - CROSS

1 Q Those weren't pictures of any of the Walker's blood,
2 right?

3 A No, sir.

4 Q Those were Samuel's blood.

5 A Yes, sir.

6 Q Okay. All of those pictures that we just looked at,
7 any of those blood droplets inside of the house?

8 A It was outside the front porch and so forth out.

9 Q Right. But was there any blood indicating that he'd
10 been hit inside of the house?

11 A No, sir, not that I can recall.

12 Q But you did tell us that that was a pretty significant
13 amount of blood.

14 A Yes, sir.

15 Q We saw a picture of the clothes that Samuel was wearing
16 that night and a garment that was white originally was
17 almost completely red.

18 A His boxers?

19 Q Sure.

20 A Yes, sir.

21 Q Covered in his blood.

22 A Yes, sir.

23 Q Mr. Smith made a big deal about the fact that there was
24 a large law enforcement effort made to locate Samuel but he
25 wasn't calling out for help, right?

SHANETTA THOMPSON - CROSS

1 A Yes, sir.

2 Q When you found him, when you got to the back yard of
3 470 he was just about unresponsive, correct?

4 A When I got to Mr. Jeter the paramedic, EMS, was
5 currently working on Mr. Jeter so he was alert when I got to
6 him.

7 Q You spent a great deal of time with the Walkers,
8 correct?

9 A Yes, sir.

10 Q You talked to them and you tried to understand what had
11 happened.

12 A Yes, sir.

13 Q And you noticed that they had a big TV in their living
14 room?

15 A I didn't focus on the TV.

16 Q You're investigating the case and you didn't notice
17 your surroundings?

18 A They had a TV but my attention wasn't drawn to the TV.

19 Q And did you happen to notice that Ms. Alexis' purse was
20 in the living room?

21 A No, sir, I didn't.

22 Q Did they tell you that any items were rummaged with?

23 A No, sir.

24 Q Any items were messed with?

25 A No, sir.

SHANETTA THOMPSON - CROSS

1 Q Anything was taken?

2 A No, sir.

3 Q Okay. And then when you went and you got over to 470
4 where Samuel was, you had said there were no items of
5 evidentiary value you in his pockets, right?

6 A I didn't search Mr. Jeter's pockets, he was searched by
7 another officer.

8 Q Okay. But you just told us, right, that no items of
9 evidentiary value were located on his person.

10 A Aside from his pepper spray.

11 Q Aside from his pepper spray. You testified just a
12 minute ago when Mr. Smith was asking you questions that no
13 items of evidentiary value were found on him, correct?

14 A Yes, correct.

15 Q Nothing that belonged to any of the Walkers.

16 A None of their items, no, sir.

17 Q Now, you were the one that spent at least initially
18 most of the time with the Walkers, correct?

19 A Yes, sir.

20 Q In your thorough, accurate, complete report that you
21 wrote about this incident you wrote that no harm came to
22 anybody in the house.

23 A Yes. I did notate after checking on all the victims to
24 include the small children in the house no harm came to no
25 one in the house.

SHANETTA THOMPSON - CROSS

1 Q When you responded to the 911 call it was to gunshots
2 because somebody was in the house, correct?

3 A It stated that a female shot a male, yes, sir.

4 Q Right. A male who wasn't supposed to be in the house,
5 correct?

6 A I didn't get the full details, yes, sir.

7 Q Now, because it's a possible burglary you went and you
8 looked at all points of entrance, correct?

9 A The front door was my main point of entry, yes.

10 Q The front door was the main point of entry. And in
11 your thorough, accurate, complete incident report you noted
12 that there were no signs of forced entry into this house,
13 correct?

14 A Correct.

15 Q It wasn't like somebody forced their way into this
16 house.

17 A Correct.

18 MR. NEELY: Thank you, Officer Thompson.

19 THE WITNESS: You're welcome.

20 MR. SMITH: I don't have any further questions, Your
21 Honor.

22 THE COURT: Okay. You may step down.

23 MS. BOZARTH: The State calls Joseph Eggleston.

24 The witness, JOSEPH EGGLESTON, was first duly sworn and
25 Testified as follows:

JOSEPH EGGLESTON - DIRECT

1 A He was on the ground behind 470 Gentry Street laying on
2 the ground in the back yard.

3 Q And was the back yard enclosed by anything?

4 A Yeah. There was a chain-link fence that actually had a
5 lock on it.

6 Q Was there a gate to the fence? Could you open the
7 gate?

8 A Yes, after the lock was cut.

9 Q So was it easy to get into the back yard?

10 A No.

11 Q What did y'all have to do to get into the back yard?

12 A Cut the chain.

13 Q How did y'all cut it?

14 A Somebody had some bolt cutters.

15 MS. BOZARTH: Please answer any questions Mr. Neely
16 may have.

17 MR. NEELY: Judge, I don't have any questions.

18 THE COURT: You may step down.

19 MR. SMITH: Your Honor, at this time the State calls
20 officer Sonya McCullough.

21 The witness, SONYA MCCULLOUGH, was first sworn and
22 Testified as follows:

23 MR. SMITH: Your Honor, can we approach before she
24 starts testifying?

25 (A bench conference held.)

SONYA MCCULLOUGH - DIRECT

1 THE COURT: Ladies and gentlemen, I've got one matter
2 I will need to address outside of your presence so I'll ask
3 you to please go to your jury room, don't discuss the case,
4 I'll bring you back after I finish.

5 (The jury left the courtroom.)

6 MR. SMITH: Your Honor, Investigator McCullough did
7 large work on identifying Mr. Jeter as not Calvin Jeter but
8 as Samuel Jeter, she used the combination of Spillman and
9 the Department of Motor Vehicles to do that. The DMV's is
10 not problematic but Spillman only has pictures of people
11 that have been arrested for prior offenses. She used
12 tattoo information and other information to determine that
13 he was not Calvin Jeter. I just wanted to address that
14 with the Court before we opened the door that he has a
15 prior record. I'm not trying to do that. We've got
16 pictures that we can cut down, one that she's got. I
17 obviously don't want to tell the witness how to testify but
18 I would be fine saying that it was the DMV database she
19 used rather than Spillman. If he doesn't have a problem
20 with us saying Spillman I certainly don't but I don't want
21 to taint the jury's mind with his prior record.

22 THE COURT: Well, let's do this, you and Mr. Neely
23 talk about it and you, Mr. Neely, talk about it with the
24 witness and y'all get it sorted out how you want to handle
25 that issue. If you can resolve it, resolve it, if you

SONYA MCCULLOUGH - DIRECT

1 can't I'll address it. You can step down and talk to the
2 lawyers together about the scope of your testimony as it
3 regards the identification of the defendant. We'll take 15
4 minutes.

5 (A recess was taken.)

6 THE COURT: All right. Did y'all get it figured out
7 what you want to do?

8 MR. SMITH: Yes, Your Honor. We had one thing to put
9 on the record. During the break we realized that there was
10 two State's Exhibit 44's, that was the pepper spray and
11 Officer Eggleston's body cam, we changed Officer
12 Eggleston's body cam to State's Exhibit 45. I informed
13 Mr. Neely of that, I think he's in agreement. We do have
14 an understanding of how Ms. McCullough is going to testify.
15 Officer McCullough, we're going to refer to the DMV
16 records.

17 THE COURT: All right. And Officer McCullough knows.

18 THE WITNESS: Yes, sir.

19 MR. NEELY: She was a part of the conversation.

20 THE COURT: I know, and everybody is understanding it.

21 THE WITNESS: Yes, sir.

22 THE COURT: All right. Bring the jury in, please.

23 (The jury returned to the courtroom.)

24 THE COURT: All right. Mr. Smith?

25 DIRECT EXAMINATION

SONYA MCCULLOUGH - DIRECT

1 BY MR. SMITH

2 Q Will you please state your name and rank for the jury?

3 A Sonya McCullough, master patrol officer/investigator
4 with the Spartanburg City Police Department.

5 Q How long have you been with the Spartanburg City
6 Police?

7 A Twenty-three and a half years.

8 Q Did you do any law enforcement before that?

9 A Worked in the county jail for three.

10 Q How long have you been doing investigations?

11 A Ten years.

12 Q What is your role as an investigator?

13 A Basically I investigate all crime that is reported,
14 well, not all crime, but serious crimes against persons that
15 is reported to the city police department. I respond after
16 patrol has already responded.

17 Q So these calls that generally need a little bit more
18 than what patrol is equipped to handling?

19 A Yes, sir.

20 Q Did you end up responding, or is there a process where
21 you're on call or anything like that?

22 A Yes, sir. Once a month, sometimes twice a month,
23 depending on the rotation, two investigators are paired up
24 and we are on call from Monday of one week to Monday of the
25 next week after 6:00 p.m.

SONYA MCCULLOUGH - DIRECT

1 Q Anything that comes in y'all run with it until the next
2 crew comes on?

3 A Yes, sir, until first shift starts at 8:00.

4 Q All right. Were you on call the week of October the
5 25th and 26th of 2017?

6 A I was.

7 Q Did you receive a call about an incident that occurred
8 on Gentry Street?

9 A I was.

10 Q What did you understand had happened?

11 A I received the call from the then supervisor, Sergeant
12 Kirby, advising that I needed to respond to [REDACTED] (sic) Gentry
13 Street regarding a home invasion and a shooting. As I
14 was --

15 Q Is it [REDACTED] or [REDACTED]

16 A I'm sorry, [REDACTED] As I was in route to that particular
17 location I then received another call from Sergeant Kirby
18 telling me to respond to the hospital instead, that the
19 gunshot victim had been transported to the hospital.

20 Q All right. Did you do as you were told?

21 A I did.

22 Q And what happened when you got to the hospital?

23 A Once I arrived to the scene at the hospital to
24 Spartanburg Regional to the trauma area I was advised -- I
25 met with Billy Mabry, which at that time was a lieutenant I

SONYA MCCULLOUGH - DIRECT

1 do believe, and Officer Shanetta Thompson. Officer Thompson
2 advised me or briefed me on what had taken place or what was
3 reported to her had taken place on Gentry Street, and
4 advised of the male being -- the gunshot victim being in
5 trauma bay one. She provided me a name of Calvin Jeter with
6 a date of birth of [REDACTED].

7 Q What did you do from that point?

8 A I proceeded into trauma bay number one. Once inside
9 there were a lot of medical personnel around the male that
10 was lying on the table. Once the personnel kind of cleared
11 out a little bit I was able to see a black male, the young
12 man sitting in the courtroom right now, lying on the table
13 completely -- he had no clothing on, he was covered with a
14 sheet. I saw his face. I saw he had a bald head, the
15 description of his face. Basically that was all I was able
16 to see at the time.

17 Q Were you able to speak with him at all in the trauma
18 bay?

19 A Once medical personnel allowed me to speak to him I
20 did.

21 Q How did that conversation go?

22 A Basically the male, he appeared alert once I got there.
23 I'm referring back to my notes.

24 Q Sure.

25 A He appeared alert once I got there. I introduced

SONYA MCCULLOUGH - DIRECT

1 myself to him and I asked his name in which he replied
2 Calvin Jeter. And at that point in time I did take a
3 photograph of his face only.

4 Q All right. Was he eventually moved?

5 A Eventually, yes, he was.

6 Q Is the trauma bay where they try to stabilize you, is
7 that right, when you go --

8 A Basically their traumas are serious injuries and they
9 go into a certain part of the ER. Once the person is
10 stabilized they move them to a different part of the
11 emergency room.

12 Q Is that a more private setting, I guess, or less
13 chaotic?

14 A It's less chaotic. By that time the doctors change,
15 because there are doctors that are assigned to traumas, they
16 have a trauma staff that are assigned to nothing but
17 traumas, and then they have just regular ER doctors that
18 take over once you are moved from a trauma bay into the
19 regular part of the ER.

20 Q All right. Were you able to have an additional
21 conversation with him at that point?

22 A I did.

23 Q What did you learn from that conversation?

24 A He was moved into ER room 55. I briefly spoke with him
25 again, Mr. Jeter again, and advised him who I was again and

SONYA MCCULLOUGH - DIRECT

1 we spoke briefly. He told me, you know, he had no address
2 and that he was homeless. He told me that he was 42 years
3 old and he stayed with relatives or wherever he could.

4 Q Okay. Were you able to observe his wounds or what --
5 why he was in the hospital?

6 A At that time, I didn't, you know. I asked him about,
7 you know, what happened to him, why was he shot or, you
8 know, what. And he did tell me that -- he asked me -- well,
9 he said, "You can see I've been shot." And then he made a
10 comment to me about ever being shot.

11 MR. NEELY: Your Honor, can we approach for a moment?

12 (A bench conference held off.)

13 Q Did you -- did Mr. Jeter have any identification on him
14 to prove he was Calvin Jeter?

15 A No, sir, not that I'm aware of.

16 Q So did you begin attempting to determine if he actually
17 was Calvin Jeter?

18 A A short time later I was, I did.

19 Q At that time you had the name Calvin Jeter and you said
20 you had a date of birth?

21 A Yes, [REDACTED].

22 Q What did you do with that information?

23 A At that time due to him not having an ID and being shot
24 upon my investigation I -- we have laptops that we're
25 allowed to take home and they link back into our computers

SONYA MCCULLOUGH - DIRECT

1 at city hall and I had it that night, I usually have it
2 anytime I go out to call. I was able to log into my
3 computer outside of his room, I was not inside, I was
4 outside of his room, log into my computer and go into our --
5 city hall's account and log into South Carolina DMV. And I
6 typed in the name and the date of birth that he'd given me,
7 which showed me a totally different picture of the person
8 that was lying -- or the Calvin Jeter that was inside 55.

9 Q But it came back to a real person?

10 A It came back to a real person, yes, sir.

11 Q And you were able to retrieve a picture of that person?

12 A Yes, sir.

13 Q I'm going to show you what's been marked as State's
14 Exhibit 46 and ask if you can identify that.

15 A Yes, sir.

16 Q What is it?

17 A This is Calvin with a C, Douglas Jeter with a J.

18 Q Is that the picture that you pulled up in the DMV of
19 Mr. Jeter?

20 A Yes, sir. This one actually -- if I can explain a
21 little bit further?

22 THE COURT: Well, is it or not? He just asked you if
23 that came from the DMV.

24 A Yes.

25 MR. SMITH: Your Honor, at this time I would move

SONYA MCCULLOUGH - DIRECT

1 State's Exhibit 46 into evidence with request to publish to
2 the jury.

3 MR. NEELY: No objection.

4 THE COURT: It's admitted.

5 (The photo was received as State's 46.)

6 Q How did you -- how were you able to tell right away
7 that wasn't the person that was in front of you?

8 A By the tip of the nose. This Calvin Jeter does not
9 have the mole or the distinct marking on the nose as the
10 Calvin -- the person that was saying that he was Calvin
11 Jeter that was in the ER.

12 Q Let me show you State's Exhibit 31. Is that what
13 you're talking about, the mole?

14 A Yes, sir, right there on the tip of the nose.

15 Q So what did you do at this point once you realized that
16 you did not have Calvin Jeter in front of you?

17 A I continued to do a little more searching through a
18 different system, and during the time that I was doing that
19 search through the other system that we can utilize there
20 was a young lady that worked for Spartanburg Regional in the
21 ER that had been doing documentation in and out of the room
22 and she provided me with a different date of birth for
23 Calvin Jeter.

24 Q All right. What was that date of birth?

25 A [REDACTED].

SONYA MCCULLOUGH - DIRECT

1 Q But still with the name Calvin Jeter?

2 A Yes.

3 Q All right. What did you do at that point?

4 A At that point in time I researched the other database
5 that we have access to with that date of birth and it came
6 back to a different person being Mr. Samuel Jeter.

7 Q Were you able to then use the DMV and do the same?

8 A I did. With Samuel Jeter and the date of birth I went
9 back into DMV and was able to pull another picture, which
10 was the same person that I had been talking to in the ER.

11 Q And were you able to pull a copy of that picture and
12 make it a part of the case file?

13 A Yes, I did.

14 Q Let me show you State's Exhibit 47 and ask if you can
15 identify what that is?

16 A It is a photo of Calvin Jeter -- excuse me, Samuel
17 Jeremiah Jeter.

18 Q And does that picture match the individual here and the
19 individual that was in the hospital?

20 A Yes, sir.

21 MR. SMITH: Your Honor, at this time I move State's
22 Exhibit 47 into evidence with request to publish.

23 MR. NEELY: No objection.

24 THE COURT: It's admitted.

25 (The photo was received as State's 47.)

SONYA MCCULLOUGH - DIRECT

1 Q Do you know how long it went on thinking that it was
2 Calvin Jeter in front of you?

3 A I arrived at the hospital 2:48 a.m., I was given the
4 name of Calvin Jeter once I arrived. I talked with the
5 person at 309 and he still provided the same name and date
6 of birth. At 4:00 is about the time that I realized or
7 found out that Calvin Jeter that was in the hospital was
8 actually Samuel Jeter.

9 Q All right. Did you end up actually talking to him
10 again after you had found this picture and kind of
11 discovered the truth?

12 A I did, that was at 5:10.

13 Q And what happened in that conversation?

14 A About -- it was at 5:10 according to my report, my
15 supplemental, and basically I went back into his room and I
16 asked him again his name and his date of birth with the --
17 providing the same name as Calvin Jeter. But at that time
18 he provided the birth of 12/19/74, which was different from
19 what he gave me the first time I spoke with him.

20 Q And that's the same one that the medical staff had
21 given you?

22 A Yes, sir.

23 Q Did you smell any alcohol on Mr. Jeter when you were
24 interacting with him?

25 A I didn't, no.

SONYA MCCULLOUGH - DIRECT

1 Q Would you describe him based off your experience and
2 interaction with him as being drunk?

3 A Well, he was lying down. When he was able to stand,
4 because they had him to stand up while he was in room 55 in
5 the ER, and he stood, he wasn't wobbling or anything, he was
6 unsteady on his feet. When I spoke with him he was very
7 talkative. I did inquire with medical staff when I was in
8 the trauma bay about him being under the influence of any
9 medical drugs and they said that he was not.

10 Q All right. But you wouldn't describe him as
11 belligerent or blackout drunk or anything like that.

12 A No, sir.

13 Q Seemed to have his senses about him and knew what he
14 was saying and the questions you were asking him?

15 A Yes, sir.

16 Q I mean, you were talking with a capable individual?

17 A Yes. It wasn't hostile or anything, he wasn't
18 argumentative. He did tell me that he wanted me to stop
19 asking him questions. He complained about his hands
20 hurting, he made the comment about, you know, being shot,
21 but --

22 Q Nothing about, you know, he wasn't repeating the same
23 thing or things you would typically associate with somebody
24 being highly intoxicated?

25 A No, sir.

SONYA MCCULLOUGH - CROSS

1 Q All total, almost two and a half hours he kept going
2 with Calvin Jeter, did he ever admit to you he was Samuel
3 Jeter?

4 A No, sir.

5 MR. SMITH: I don't have any further questions, Your
6 Honor.

7 CROSS EXAMINATION

8 BY MR. NEELY

9 Q Twenty-six and a half years you've been in law
10 enforcement?

11 A Yes, sir.

12 Q Prior to that just like every other law enforcement
13 officer in the State of South Carolina, criminal justice
14 academy?

15 A Yes, sir.

16 Q How long was your course?

17 A Which time?

18 Q How about the first time.

19 A First time it was six weeks, I do believe, that was
20 back in '93 for the jail. '96 when I went it was eight
21 weeks.

22 Q Okay. Fourteen weeks of training, wanted to learn how
23 to be a jailer, wanted to learn how to be, I guess, an on
24 the road officer.

25 A Yes, sir.

SONYA MCCULLOUGH - CROSS

1 Q And then over the last 26 and a half years between your
2 service at the jail and your time with the city you've taken
3 continuing education requirements as well.

4 A Years.

5 Q As a matter of fact in order to obtain your
6 certification you have to take continuing education
7 requirements every year.

8 A Yes.

9 Q Let's go all the way back to the criminal justice
10 academy, both times, all right? Before they would just hand
11 you a badge and a gun you had to take those classes, right?

12 A Yes.

13 Q Not just take those classes you had to take a test.

14 A Every week.

15 Q Every week. And you had to pass all of those classes.

16 A Yes.

17 Q Otherwise you couldn't become a law enforcement
18 officer.

19 A They send you home.

20 Q They send you home. So just like every other law
21 enforcement officer in the State of South Carolina you
22 learned how to drive a car?

23 A Yes.

24 Q You learned how to shoot a gun?

25 A Yes.

SONYA MCCULLOUGH - CROSS

1 Q You learned about legals?

2 A Yes, sir.

3 Q You learned how to write incident reports?

4 A Oh, yes.

5 Q Oh, yes. You learned how to investigate cases.

6 A Yes.

7 Q Just like Officer Thompson told us earlier, you learned
8 that when you do these things you're thorough?

9 A Yes.

10 Q You're accurate?

11 A Yes.

12 Q You're complete?

13 A Yes.

14 Q And for the last 26 and a half years you practiced
15 that.

16 A I've done my best.

17 Q Thorough, accurate, complete.

18 A Yes.

19 Q Twenty-six and a half years. Could retire but still
20 going strong.

21 A Still going, hadn't got enough.

22 Q Yes, ma'am. And every single time thorough, accurate,
23 complete.

24 A I do my best.

25 Q You laughed when we said incident reports, because in

SONYA MCCULLOUGH - CROSS

1 the last 26 and a half years you've probably written ten
2 thousand, maybe 50,000, could be up there?

3 A Thousands. I haven't counted.

4 Q But you've written a lot of them.

5 A Yes.

6 Q And each time you write them thorough, accurate,
7 complete.

8 A I do my best.

9 Q And like I talked about with Officer Thompson, the
10 reason for that is because especially over a 26 and a half
11 year career you've investigated who knows how many cases.

12 A Yes.

13 Q And when we were talking earlier, obviously in your
14 role now you have some cases that stick with you a little
15 more than others.

16 A Yes.

17 Q But in thousands of cases details get lost.

18 A Uh-huh.

19 Q And so the point of those incident reports is so that
20 you can go back and remember it.

21 A Yes, sir.

22 Q For instance we're all here in trial today, and we're
23 all just trying to figure out what happened on October 25th,
24 2017. The purpose of that incident report is so that you
25 can look at your notes and tell us.

SONYA MCCULLOUGH - CROSS

1 A Yes.

2 Q Or, God forbid, if something were to happen to you in
3 the line of duty or otherwise another officer could refer
4 back to your notes.

5 A Yes.

6 Q In the case on October 25th, 2017, October 26th of 2017
7 you wrote an incident report.

8 A Wrote a supplemental.

9 Q You wrote a supplement, excuse me. Officer Thompson
10 wrote the initial narrative.

11 A Yes, sir.

12 Q All right. So let's explain that for a jury a little
13 bit, okay? The responding officer is the one responsible
14 for writing the original narrative, correct?

15 A They are.

16 Q And then every other officer that responded after that
17 should, it doesn't always happen, officers don't always
18 follow their training, but should write a supplemental --

19 A They should.

20 Q -- incident report.

21 A Yes.

22 Q Okay. You over a 26 and a half year career, you do
23 what you're supposed to do.

24 A Yes.

25 Q And so you wrote a supplemental report in this case.

SONYA MCCULLOUGH - CROSS

1 A I did.

2 Q And the reason you wrote it, and the reason that it's
3 really important that you wrote yours is because your role
4 in this case was as the lead investigator.

5 A I later found out it was.

6 Q After responding out to the call Lieutenant Kirby --
7 did I get that wrong? I probably got that wrong.

8 A He was a sergeant at that time.

9 Q Sergeant at the time, assigned you as the lead
10 investigator to this case.

11 A Yes.

12 Q So you're the lead investigator in this case. So your
13 role as lead investigator, putting all of your 26 and a half
14 years of training to work is to thoroughly, accurately and
15 completely investigate this case.

16 A It is.

17 Q So at the end of the day you're the one that's
18 responsible for this.

19 A Pretty much.

20 Q You're the one that at the end of the day goes and gets
21 the warrants for the arrest.

22 A Yes.

23 Q Before we talk about those warrants I want to go back
24 to your incident report and something Mr. Smith just went
25 over with you. He spent a little bit of time with you

SONYA MCCULLOUGH - CROSS

1 talking about alcohol specifically as it pertains to Samuel.
2 You didn't know, or at least you don't remember, smelling
3 any alcohol on him.

4 A Referring back to my supplemental. It is documented in
5 my supplemental of only having a high alcohol level. That
6 is not what I noticed, that came from medical staff, it says
7 per medical staff.

8 Q Per medical staff when Samuel was in the hospital he
9 had a high alcohol level.

10 A In trauma bay one.

11 Q So he had a high alcohol level. What he didn't have
12 was an address, right?

13 A No, he didn't.

14 Q He was homeless.

15 A That's what he told me.

16 Q So end of October going into November as the weather is
17 turning cold he's homeless.

18 A That's what he told me.

19 Q Doesn't have a place to stay.

20 A That's what he told me.

21 Q Doesn't have a car.

22 A Didn't ask him about a car.

23 Q You mentioned to us that you met Officer Mabry at the
24 hospital.

25 A He was there, yes.

SONYA MCCULLOUGH - CROSS

1 Q Okay. And let me back up a second before we talk about
2 Officer Mabry. One of your jobs as a lead investigator, and
3 you told us your job is to go get the warrants, because when
4 you're putting it altogether solving the case is to review
5 all of the evidence, correct?

6 A It is, what's there at the time.

7 Q What's there at the time. If something new comes in
8 you're responsible for reviewing that too, right?

9 A Yes.

10 Q I mean, you don't go get a warrant for somebody's
11 arrest and then new evidence turns up and you just ignore
12 it, do you?

13 A No.

14 Q So as the investigator you review all of the evidence
15 in the case.

16 A Yes.

17 Q That includes all of the incident reports and
18 supplements that officers write, correct?

19 A Yes.

20 Q Now, one of those incident reports that you happened to
21 review was officer Billy Mabry's, correct?

22 A Yes.

23 Q And in his report he noted --

24 MR. SMITH: Your Honor, I object, he can call Officer
25 Mabry if he wants to.

SONYA MCCULLOUGH - CROSS

1 MR. NEELY: Judge, she's the lead --

2 (A bench conference was held.)

3 THE COURT: Sustained.

4 Q All right. So your job at the conclusion of the case
5 once it's solved is to go get the warrants, correct?

6 A Yes.

7 Q And those warrants are for arrest, correct?

8 A Yes.

9 Q To take somebody into custody.

10 A Uh-huh.

11 Q All right. Now, when you do that you've learned
12 through 26 and a half years that what you do is you take the
13 evidence in the case and you present to it a magistrate
14 judge.

15 A Yes.

16 Q And that magistrate judge decides if there is enough
17 evidence y'all have collected enough to know sign off on
18 that warrant, correct?

19 A Enough probable cause.

20 Q Enough probable cause. Enough evidence, that's the
21 lowest legal standard, right? Probable cause.

22 A Yes, sir.

23 Q So in this case your name is the one that's on the
24 warrants as the affiant.

25 A It is.

SONYA MCCULLOUGH - CROSS

1 Q Okay. October 26th, 2017 at 5:29 in the morning you
2 went to city hall, correct?

3 A I did.

4 Q And you printed out all of the information provided
5 that far up to that point, correct?

6 A I did.

7 Q All right. And that included printed information,
8 right? Photos?

9 A Included the main report.

10 Q The main report.

11 A Yes.

12 Q And any other supplements that have been provided up to
13 that point.

14 A I didn't present -- I don't take those. We don't take
15 the supplementals of the investigators to the magistrate, we
16 present it verbally.

17 Q Okay. But you reviewed all of that evidence prior to
18 going to the magistrate.

19 A All that I had.

20 Q Okay. So you took all of that evidence, and when you
21 went at 6:50 in the morning to the magistrate you got a
22 warrant for Samuel Jeter's arrest.

23 A Yes.

24 Q But you only got one warrant, correct?

25 A Yes.

SONYA MCCULLOUGH - REDIRECT

1 Q The only warrant you got was for burglary.

2 A Yes.

3 Q You did not at that point get a warrant for assault and
4 battery.

5 A No.

6 Q You at that point did not get a warrant for attempted
7 strong armed robbery.

8 A No.

9 Q The only warrant you got was for burglary.

10 A Yes.

11 Q You didn't get a warrant for any crime that he
12 committed when he went in the house.

13 A No, I didn't.

14 Q You didn't get a warrant for any crime that he was
15 attempting to commit when he went in the house.

16 A No, I didn't.

17 Q The only warrant you got was for burglary, for being in
18 the house.

19 A Yes.

20 Q You didn't actually get the warrants for the strong
21 armed robbery and the assault and battery until five days
22 later, correct?

23 A Once the interview of the victims -- once we
24 interviewed the victims, or the other investigator
25 interviewed the victims then that's when we went for the

SONYA MCCULLOUGH - REDIRECT

1 others.

2 Q The second interview with the victims, right?

3 A Yes.

4 Q Not the one they gave right after it happened.

5 A No.

6 MR. NEELY: I believe that's all, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. SMITH

9 Q Do you know what the high alcohol level was?

10 A No, sir, I do not.

11 Q That's just -- they told you high, so it could be
12 whoever told you's interpretation of a high alcohol level?

13 A Yes, that came from medical staff.

14 Q About getting a warrant, had you talked to the victims
15 at the time that you got the warrant?

16 A No, sir, I had not.

17 Q But Officer Thompson had, I believe?

18 A I believe she had.

19 Q Had Officer Thompson shared with you the clothing items
20 that were found on Mr. Jeter? Did you at the time you got
21 the warrant, did you know what had been found on him?

22 A Basically she -- during the brief -- the briefing that
23 we had, the short briefing we had she did tell me about the
24 clothing, which included -- well, the items she collected
25 included clothing, a cell phone and pepper spray, no

SONYA MCCULLOUGH - REDIRECT

1 identification information.

2 Q Do you remember anything about the clothing
3 specifically?

4 A I didn't see the clothing.

5 Q Okay. Were you aware if a ski mask was found.

6 A It was mentioned.

7 Q Okay. Did that factor into your decision to get a
8 burglary warrant?

9 A Based on the information that I received at the time,
10 yes.

11 Q So when you were just talking with Mr. Neely, you
12 mentioned that you brought the victims back in really almost
13 the same day, kind of the same day that this happened. It
14 happened in the late hours of the 25th, early the 26th, but
15 that you had all three of the Walkers come down to city
16 hall?

17 A I sat in with Investigator Samantha Hayes with the
18 first young lady, I think her name was Shay.

19 Q But do you know if the other two came in for
20 statements?

21 A We transported two, we left the mother, I do believe,
22 at home with the small children, and we transported two to
23 city hall.

24 Q And when did that incident happened roughly?

25 A It's on the 26th at 1:20.

SONYA MCCULLOUGH - REDIRECT

1 Q The middle of the night?

2 A Middle of the day. Oh, you mean --

3 Q When did the crime happen?

4 A It happened after midnight on the 26th, 25th/26th.

5 Q What I'm saying is it's not normal operating hours.

6 A No, it's not.

7 Q It's not time for women with young children to be up
8 writing statements with the police.

9 A No, sir.

10 Q Was the purpose to bring them in because it was normal
11 working hours, they would have time to think, process and
12 give --

13 MR. NEELY: Objection, Your Honor.

14 Q What was the purpose?

15 A Follow-up investigation, to give them a chance to, as
16 we mentioned, to rest, to calm down, not to keep bombarding
17 them with questions. They had small children, children
18 needed to rest, to just give them time to calm down
19 basically, and to think about things.

20 Q All right. And once you had gathered -- you and
21 Investigator Hayes had gathered that you made the decision
22 to charge him with attempted common law robbery and assault.

23 A Yes.

24 Q Based off of those statements.

25 A Yes.

SONYA MCCULLOUGH - RECROSS

1 Q The night that you decided the burglary you knew that
2 he had been found inside another person's residence. Did
3 you know that?

4 A Yes.

5 Q Did you know those people claimed to not know him, he
6 was a stranger?

7 A Yes.

8 Q You knew he was wearing the ski mask.

9 A Yes.

10 Q Did you know that he had been shot by those people who
11 said he wasn't supposed to be there?

12 A That's what I was told, yes.

13 Q And you know that he had fled out of that house.

14 A Yes.

15 Q And that he was wearing a ski mask when he went inside
16 another person's home.

17 A Yes.

18 Q Did you believe that was probable cause to believe that
19 he entered that house with an intent to commit a crime?

20 A Yes.

21 Q What do people generally use ski masks for in your
22 experience as an investigator?

23 A In my experience as an investigator a ski mask is not
24 worn just to walk around town or just to go to McDonald's to
25 the drive-thru. Normally ski masks are used when you are

SONYA MCCULLOUGH - RECROSS

1 committing a crime unless you're somewhere in the snow, or
2 it's really, really cold outside.

3 Q We've seen a video, there was not snow on the ground.

4 A No.

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

6 RECROSS EXAMINATION

7 BY MR. NEELY

8 Q You've been employed for the last 26 and a half years,
9 correct?

10 A Yes.

11 Q Okay. Prior to that you had a house you lived in.

12 A Uh-huh.

13 Q And you've had a house to live in for the last 26 and a
14 half years.

15 A I have.

16 Q At any point, at any point in your life have you been
17 homeless?

18 A No.

19 Q So you don't know what it's like to live in the woods.

20 A Not personally, no.

21 Q To be exposed to the elements all night.

22 A There has been times I've been called out and had to be
23 exposed to the elements of the night.

24 Q But on a sustained basis you didn't know what that's
25 like.

SONYA MCCULLOUGH - RECROSS

1 A No, I don't, not personally.

2 MR. NEELY: Thank you.

3 THE COURT: Okay. You may step down.

4 MR. SMITH: Your Honor, do you want to approach for --

5 (A bench conference was held.)

6 THE COURT: All right. We're going to recess for the
7 evening. Keep in mind the cautions I have previously
8 given, no discussions, no search, no investigation, no
9 media exposure of any type. Have a good lunch -- excuse
10 me, have a good evening and we'll see you at 9:30 in the
11 morning. 9:30 in the morning.

12 (The jury left the courtroom.)

13 THE COURT: Court is in recess until 9:30 in the
14 morning.

15 (Court recessed for the day and resumed at 9:30 a.m.,
16 On Wednesday, January 9, 2019.)

17 THE COURT: Any matters to address before the jury is
18 brought in?

19 MR. SMITH: Your Honor, we submitted a redacted video
20 of State's Exhibit 45 that was played yesterday, Officer
21 Eggleston's body cam, we edited out everything but that
22 wasn't shown to the jury, and the video was stopped seven
23 minutes and 27 seconds, we've shared that with Mr. Neely
24 before.

25 THE COURT: Mr. Neely?

DONALD STEPP - CROSS

1 [REDACTED] to the left of the house.

2 THE COURT: State's exhibit or a defense exhibit?

3 MR. SMITH: Defense Exhibit 2, I apologize, Your
4 Honor.

5 Q Could have been bicycles there?

6 A It may be. It looks like it appears to be on maybe the
7 property line laid out in the yard, it's not leaning up
8 against any of the houses.

9 Q And you're saying when you went out there you didn't
10 notice toys in the front yard?

11 A I was looking more at the house than what was laying in
12 the yard.

13 Q Okay. I show you one other picture that was taken the
14 night of. Did you see anything like that, State's
15 Exhibit 6?

16 A No, sir.

17 MR. SMITH: I don't have any further questions, Your
18 Honor.

19 MR. NEELY: No redirect.

20 THE COURT: You may step down.

21 MR. NEELY: May he be excused from the subpoena, Your
22 Honor?

23 THE COURT: He may be.

24 MR. NEELY: Call Samuel Jeter.

25 The witness, SAMUEL JETER, was first duly sworn and

SAMUEL JETER - DIRECT

1 Testified as follows:

2 DIRECT EXAMINATION

3 BY MR. NEELY

4 Q All right. You're pretty soft-spoken, okay? You're
5 going to need to speak up so we can all hear you.

6 A Okay.

7 Q What's your name?

8 A Samuel Jeremiah Jeter.

9 Q How old are you?

10 A Forty-four.

11 Q Where are you from?

12 A Spartanburg.

13 Q Your whole life?

14 A Yes, sir.

15 Q On October 25th of 2016 (sic), did you burglarize
16 anywhere?

17 A No, sir.

18 Q Did you assault anybody?

19 A No, sir.

20 Q Were you attempting to rob anybody?

21 A No, sir.

22 Q Samuel, let's talk about October 25th, okay? Let's
23 talk about earlier in the evening. What you were you doing?

24 A Drinking.

25 Q What were you drinking?

SAMUEL JETER - DIRECT

1 A Hurricanes.

2 Q I don't know what a hurricane is.

3 A Beer.

4 Q What kind of beer?

5 A Got 8.0 alcohol in it.

6 Q How many of them did you have?

7 A Probably about 12, 12 pack, whatever you want to call
8 it.

9 Q Right. By about midnight on the 25th how were you
10 feeling?

11 A I was still on it, you know, still.

12 Q What do you mean still on it?

13 A Drunk.

14 Q Okay. Do you remember what the weather was like that
15 night?

16 A It was cold.

17 Q All right. So what were you wearing?

18 A I was wearing a mask.

19 Q Why?

20 A Because it was cold.

21 Q Okay. Do you drive anywhere?

22 A No.

23 Q How do you get around?

24 A I walk.

25 Q So where were you walking to on the morning of

SAMUEL JETER - DIRECT

1 October 25th and October 26th?

2 A I was walking to my home -- well, I thought I was
3 walking to my homeboy's house on Gentry Street.

4 Q So what happened?

5 A I messed around, and when I got to Gentry Street he got
6 like a green Crown Vic., so -- well a Crown Victoria, you
7 know what I'm saying, and I thought there was this car in
8 front of the house I went in, so I knocked. But before I
9 knocked I made sure that, you know what I'm saying, somebody
10 was in there, but ain't nobody answered the door. But at
11 the same time when I turned the knob the door already
12 unlocked, so when I went in there I see like ain't nobody in
13 the living room, you know what I'm saying, I didn't see, you
14 know what I'm saying. I seen the TV on, you know, it was
15 loud, ain't nobody -- so when I went to the back room I
16 heard somebody talking and I'm thinking this is him talking
17 the one of his fiances. So when I opened the door it wasn't
18 him talking to her so he was just -- the one shot me, she
19 was on the phone so I closed the door back.

20 Q Okay. So what did you -- what happened at that point
21 once you saw that it wasn't --

22 A I realize I'm in the wrong place at the wrong time.

23 Q So what did you do?

24 A I panicked to be honest, I panicked. I'm drunk so I
25 panicked. I'm like, "How I end up in the wrong house?" So

SAMUEL JETER - DIRECT

1 as I closed the door she came to the door and, "Get out of
2 my house," or whatever. I said, "All right, my bad, I
3 didn't mean nothing." I'm drunk, I didn't know it was their
4 house. I was trying to leave. As I was leaving she was
5 shooting at me, so that's how I ended up running out of
6 there. Her mom came out of the room and fell on her own, I
7 didn't touch her or nothing, she just fell. So as I was
8 stepping down my shoe came off, my shoe came off in the
9 house because she pulled my leg and made my shoe came off.
10 That's why I kept on trying to run. I didn't approach
11 nobody, I didn't ask for no money, no nothing. Like you
12 said, the two pocketbooks was in the living room. I wasn't
13 even focused on taking nothing, you feel me, I just made the
14 mistake looking for somebody that wasn't there. And I was
15 going out, she chased me with the gun shooting at me.

16 Q Were you inside or outside when she shot you?

17 A I was outside when she shot me. She shot at me in the
18 house but I was running outside, she was chasing me outside.

19 Q When you actually got hit, were you inside or outside
20 of the house?

21 A I was outside when I got hit.

22 Q Running away.

23 A Running away.

24 Q Shot in the back.

25 A In the back.

SAMUEL JETER - DIRECT

1 Q Did you go in that house with the intent to burglarize
2 it?

3 A No.

4 Q Did you go in that house with the intent to take
5 anything?

6 A No, sir.

7 Q Did you go in that house with the intent to assault
8 anybody?

9 A No, sir.

10 Q You trespassed.

11 A Trespassed.

12 Q Not --

13 A Not even display a weapon, no nothing.

14 Q Did you have a weapon?

15 A I didn't have no weapon. I had my key chain with the
16 pepper spray still in the case.

17 Q But that was in your pocket?

18 A It was in my pocket. I never displayed it. I never
19 said, "Give it up," or "I'm going to spray you if you don't
20 give it to me," or whatever. I never did that.

21 Q Just drunk in the wrong house.

22 A Just drunk in the wrong house.

23 MR. NEELY: Thank you, Samuel.

24 CROSS EXAMINATION

25 BY MR. SMITH

SAMUEL JETER - CROSS

1 Q So you're wearing that ski mask when you were inside
2 the house?

3 A When I went in the house?

4 Q Yeah.

5 A It was cold, yeah.

6 Q It was cold in the house?

7 A No, it was cold outside.

8 Q So you made it to the third bedroom in the house with
9 this pulled down over your face.

10 A Uh-huh.

11 Q It was on the whole time.

12 A Well, when I took off -- I took it off -- I brought it
13 up when I took off.

14 Q You make it to the friend's house and you're like,
15 "Man, I'm at my friend's house, I'm going to keep my ski
16 mask on until I see him?"

17 A I thought I was at that time my friend's house.

18 Q Right. You went into your friend's house with a ski
19 mask on. You didn't like take it off on the porch before
20 you walked in?

21 A No.

22 Q Okay. Do you normally wear ski masks in the
23 wintertime?

24 A I mean, if it's cold, yeah.

25 Q Where were you drinking your 12 hurricane high drafts?

SAMUEL JETER - CROSS

- 1 A [REDACTED] Spruce Street.
- 2 Q Where is that?
- 3 A That's over there by Ice Grill, it ain't too far from
- 4 Ice Grill.
- 5 Q Okay. So it is the same general neighborhood?
- 6 A Yeah.
- 7 Q Who lives there?
- 8 A A friend.
- 9 Q Who?
- 10 A Kendra Williams.
- 11 Q Who were you going to see?
- 12 A I was going to see my cousin.
- 13 Q Who?
- 14 A Anthony Hollis.
- 15 Q What's his address?
- 16 A He stays on [REDACTED] Gentry Street.
- 17 Q [REDACTED]
- 18 A Uh-huh.
- 19 Q The pictures we saw were on the 400s?
- 20 A Oh, well.
- 21 Q Right? So you're I guess two blocks off?
- 22 A Yeah.
- 23 Q Had you ever been to his house before?
- 24 A Yeah.
- 25 Q How many times?

SAMUEL JETER - CROSS

1 A About three times.

2 Q Okay. So you'd been to that house three times before.

3 You knew what was across from it or anything like that?

4 A No.

5 Q You just always saw the green Crown Vic. and that was
6 it.

7 A Yeah. That's what I was looking for, the car.

8 Q Do you know what color his house was?

9 A White.

10 Q Okay. And I assume it looks like this if I'm just
11 guessing, right?

12 A All of them made about the same.

13 Q Yeah. But some of them are different colors.

14 A I mean at night --

15 Q Right. What about this house, it's got a -- what's
16 across the street from the [REDACTED] whatever address you just
17 gave, what's across the street from that?

18 A More houses.

19 Q Not a church like this that you broke into.

20 A I didn't break in it, I walked in. I didn't break in
21 it.

22 Q Sure. This one has a church across from it, right?

23 A Yeah, I guess.

24 Q And it's near the cul-de-sac, you can see Isom Street,
25 right?

SAMUEL JETER - CROSS

1 A I guess.

2 Q Did you know the address that you were going to on that
3 night, or is that something you've learned since then?

4 A No.

5 Q You didn't know.

6 A Nuh-uh.

7 Q So since this event you've made it a point to learn
8 what his address was.

9 A I just seen the green Crown Vic. and I assumed that's
10 where he was at.

11 Q Right. Oh, so you're saying you don't know it was his
12 house, you just thought he was there maybe?

13 A Yeah.

14 Q So you were just going in because you saw a green Crown
15 Vic., a very unique car and thought, "Well, I'll just walk
16 in here with a ski mask on because I think my buddy is at
17 this house?"

18 A I guess.

19 Q I want to make sure, did you think you were walking
20 into his house or you think you were walking into a house
21 that he was in but not his house. Which one?

22 A Well, the house I thought he was in.

23 Q But not where he lives.

24 A Yeah.

25 Q So you knew you were walking into some other person's

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1 house that you knocked on the door, they didn't answer, but
2 because your friend is there at midnight you feel that it's
3 okay to walk in with a ski mask on.

4 A I mean, the door was unlocked, that's why -- I
5 knocked --

6 Q I leave my door unlocked, I hope that strange men don't
7 walk in with ski masks.

8 A Yeah, but I knocked before I went in.

9 Q Okay. But you didn't think you were going to your
10 friend's house, you thought you were going to a house that
11 your friend was at.

12 A He said meet him on Gentry Street.

13 Q Okay. Had you communicated with him?

14 A Yeah, he called my phone.

15 Q Okay. And he said "I'm over at the [REDACTED] Gentry Street,"
16 or what --

17 A He said at Gentry Street.

18 Q He said just find my car and walk on in?

19 A Yeah. He said, "My car should be outside."

20 Q Leave your ski mask on. All right. You said you
21 didn't see anyone in the living room.

22 A No. I wasn't paying attention for nobody in the living
23 room.

24 Q And, of course, I know you said you'd been into the 200
25 Gentry Street several times, had you ever been into this

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1 house?

2 A No.

3 Q So you wouldn't even know -- when you see pictures of
4 strange people that wouldn't be an alarm to you because you
5 don't even know whose house you're walking into.

6 A No.

7 Q Right. Does your friend on 200 Gentry Street have
8 children?

9 A Got grown kids.

10 Q Does he have that in his yard, toys like that?

11 A No.

12 Q How did your shoe get outside if they took it off
13 inside the house?

14 A How it got -- I mean, she probably throwed it out.

15 Q So you're saying what drew you back to that bedroom is
16 a voice; is that right?

17 A Yeah. She was on the phone, talking on the phone.

18 Q You said she, I thought you were looking for a man.

19 A Yeah. I thought she was talking to my homeboy.

20 Q Oh, so you heard a woman's voice, no male voice in
21 response and thought that was him?

22 A Yeah. I thought he was back there with her.

23 Q Okay. I'm curious, you said one of his finances, how
24 does that work?

25 A I mean, he got -- he ain't no married man or nothing.

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1 Q That's a first for me, I didn't know that. Okay. So
2 you're saying that you peer into that door --

3 A Yeah.

4 Q -- and you see at that point it's just a female,
5 there's no man at that point.

6 A That's what you --

7 Q You are immediately aware that --

8 A I'm in the wrong house.

9 Q Okay. Why did you not immediately run out?

10 A I mean, I was lost, I was in fear, like I made a
11 mistake and I was drinking.

12 Q Did you say, "Oh my God," -- did you immediately go,
13 "Oh my God, I'm in the wrong house," and take your ski mask
14 off?

15 A I mean, I did that as I was going out the door.

16 Q Okay. So when she opens the door again -- I guess you
17 peer in, you close it and then she ends up coming to the
18 door and y'all are standing right there in the hallway?

19 A Yeah.

20 Q And you're saying --

21 A My bad --

22 Q -- my bad, my bad.

23 A My mistake, and that's when I took off.

24 Q And then she runs and goes and gets the gun and shoots
25 you.

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1 A Shot at me, yeah.

2 Q And then you end up running -- it sounds like the mom
3 is coming towards you, you say she fell?

4 A Yeah.

5 Q And did you get on top of her?

6 A No. I was trying to get on through, I kept on going,
7 that's when she grabbed my shoe and my shoe came off.

8 Q The mom grabbed it?

9 A Yeah.

10 Q Okay. You ended up in the nextdoor neighbor's back
11 yard, right?

12 A Yeah.

13 Q Why did you end up there?

14 A Because I thought she was going to kill me because I
15 started crawling. That's why when they came to the door and
16 said where I was at I started crawling, because she kept
17 shooting. So the only way she probably was going to stop is
18 I get out of her eyesight because she kept shooting.

19 Q Did you climb over that locked fence?

20 A Yeah.

21 Q And then --

22 A And laid and collapsed.

23 Q And laid?

24 A And collapsed.

25 Q Did you go unconscious?

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1 A Yeah.

2 Q All right. Do you remember anything -- I mean, we
3 watched the body cam, do you remember that where they're
4 talking to you in the back of the house or whatever?

5 A Some.

6 Q Okay. Who is Calvin Jeter?

7 A My brother.

8 Q Your brother. Why would you have told, I don't know,
9 sounds like somewhere around 10 law officers --

10 A The only reason I said that because I was unconscious.
11 I don't know what they were asking me, you know what I am
12 saying. I was just saying names, I was talking out of my
13 head because I'm drunk, I'm under the influence of alcohol a
14 lot.

15 Q So while belligerently drunk even though you say just a
16 minute ago that you were consciously walking into that house
17 because you thought your friend was there, not actually it's
18 the wrong house, but while belligerently drunk you can
19 remember your brother's name and date of birth just off the
20 top of your head while you've also been shot four times and
21 you're bleeding out? Did you get your wits about you when
22 you made to it the hospital? Because Officer McCullough
23 talked to you almost three hours after this happened, were
24 you still --

25 A I was unconscious then when she came over and tried to

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1 question me.

2 Q You don't remember talking?

3 A Who, Ms. McCullough?

4 Q Yeah.

5 A I remember her asking me questions, and all I kept on
6 telling her, "Can you please go get the nurse to get these
7 bullets out of my --

8 Q Sure. But you told her you were Calvin Jeter?

9 A That's what she say.

10 Q So you claim you've got no recollection of that.

11 A I don't remember that.

12 Q So you remember drinking the hurricanes, walking to
13 Gentry Street, seeing the Crown Vic., walking inside,
14 exactly what happened inside, but then you don't remember
15 anything. So is it the intoxication or the shooting that's
16 causing this?

17 A Probably shooting, because I was bleeding like, you
18 know --

19 Q You've got a good memory before, but then the shooting
20 is kind of what tipped it off.

21 A Yeah.

22 Q Did you scream for help while you were over there?

23 A I was unconscious.

24 Q Immediately?

25 A Yeah, I was out.

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1 Q All right. And you didn't see a kid asleep on the
2 living room floor.

3 A No.

4 Q Or on the couch?

5 A No.

6 Q Did you ever tell law enforcement officers that you
7 were Samuel Jeter?

8 A Yeah, once I had woke up the next day.

9 Q Okay. But that night you were Calvin just because you
10 were so out of sorts that you --

11 A I guess that night it just came to my head.

12 Q Right. Not because you didn't want to get caught for
13 burglarizing a house?

14 A No, it wasn't that.

15 Q And you're saying you never asked anybody about where
16 money was at.

17 A No.

18 Q What do you carry pepper spray for?

19 A I mean for my protection. Dogs be running around off
20 the chain and all of that.

21 Q All right. I just want to make sure I'm clear, your
22 story is that you were very, very intoxicated, drinking on
23 Spruce Street, and then you had talked to your friend on
24 Gentry Street that lives in the 200 area and he told you to
25 come and hang. And then you know he drives a Crown Vic.,

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1 you come up to a house that has a green Crown Vic., in front
2 of it, you know it's not his house, right? You have to
3 answer.

4 A I mean, I thought it was his car though.

5 Q Right. But what I'm saying, you knew that the house
6 wasn't his but his car was there.

7 A Yeah.

8 Q And so you knocked and then you entered.

9 A Yeah.

10 Q With the ski mask on pulled down over your face.

11 A If that's what you want to say.

12 Q Okay. And you walk all the way to the back of the
13 house knowing it is not your friend's house because you
14 heard a voice and wanted to see if it was your friend.

15 A Yeah, talking to one of his fiances.

16 Q So it's really not that you walked into a similar
17 looking house, it's that you conscientiously walked into
18 this house thinking that your friend was there and that you
19 should walk in there and meet up with him.

20 A Yeah.

21 Q Okay.

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

23 MR. NEELY: No redirect.

24 THE COURT: You may step down.

25 MR. NEELY: We rest, Your Honor.

1 THE COURT: Any reply?

2 MR. SMITH: No, Your Honor.

3 THE COURT: All right. Ladies and gentlemen, that is
4 all of the testimony and evidence to be offered in the
5 trial of the case, and therefore what remains to be done
6 are the lawyers' final summations after which I'll instruct
7 you on the law and then after which you'll begin your
8 deliberations. I've got some legal matters I need to
9 address with the lawyers, it shouldn't take too long but
10 nevertheless I have to do it before we can conclude, so
11 right now I'm going to ask you to please go to the jury
12 room but do not yet begin any discussions of the case, I'll
13 bring you back shortly to conclude with the final
14 summations and the legal instruction.

15 (The jury left the courtroom.)

16 THE COURT: All right. Mr. Neely, do you want to
17 renew your motions?

18 MR. NEELY: Yes, sir, same grounds as previously
19 stated.

20 THE COURT: They are also denied. Instruction
21 requests?

22 MR. SMITH: Voluntary intoxication, Your Honor. And I
23 don't know about lessers, but -- I didn't have anything
24 other than involuntary intoxication.

25 THE COURT: Mr. Neely?

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1 MR. NEELY: I don't have any specific requests.

2 THE COURT: All right. I thought you wanted to
3 discuss the charges.

4 MR. NEELY: I would like to review the charges before
5 I give my closing.

6 THE COURT: All right. Well, we'll take ten minutes
7 and then we'll -- I'll let you know what I'm going to
8 charge.

9 (A recess was taken.)

10 THE COURT: Ready for the jury?

11 MR. SMITH: The State is ready, Your Honor.

12 MR. NEELY: The defense is ready.

13 THE COURT: All right. Bring them in.

14 (The jury returned to the courtroom.)

15 THE COURT: All right. As you know you're going to
16 hear the final summations accomplished by the lawyers,
17 after this I'll provide you the instruction as to the law
18 and then you'll go back and begin deliberations. Please
19 give the lawyers your attention now as they give you their
20 final summation.

21 MR. SMITH: Thank you, Your Honor. Good morning,
22 ladies and gentlemen. Spenser Smith. I'm going to start
23 by playing the 911 tape. I think it's the most critical
24 piece of evidence in this case because it puts exactly the
25 state of mind that happened right after this crime. The

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1 most critical part is actually the first line, and if you
2 notice it's before the 911 operator even picks up the
3 phone, they have not even talked, Ms. Sharaia has not even
4 spoken to a law enforcement officer or anybody that works
5 for the county whatsoever. In fact, what I think is she's
6 processing the crime right there on the phone, she's saying
7 where's the money at, that's what she's saying, that's not
8 some random thought that's coming to her minds, she's
9 processing what's happened. You can hear her processing
10 throughout the call.

11 (State's Exhibit 1 was played for the
12 Jury.)

13 MR. SMITH: Doesn't sound like an accident to me or a
14 mistake. You can hear Katrina in the background screaming
15 like something terrible has just happened. You can hear
16 the panic even in Sharaia's voice even though she's very
17 calm she's processing what just happened, and what happened
18 is Samuel Jeter with a ski mask on entered their house
19 right around midnight on October 25th of 2017, he had a ski
20 mask on, he just admitted that he had a ski mask on, and
21 that he made it all the way to the third bedroom of the
22 house of what originally started as what he thought was his
23 friend's house and then turned into another house that his
24 friend was staying at, and that he just thought he would
25 walk into where he had permission to be. He's lying. He

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1 couldn't keep his story straight on the stand for all of
2 five minutes basically. It's just a lot contradictory to
3 everything else that's in this case. I'll talk a little
4 bit about the law but I'm going to let the Judge do that
5 mostly. Burglary first requires entry into a dwelling,
6 that would be a house, they stated that they lived there,
7 with the intent to commit a crime therein, entry without
8 permission. He even admitted he would have had permission
9 to go into that house because he said his friend was just
10 staying there. Entry with the intent to commit a crime
11 therein. And then that either occurs at nighttime or the
12 physical injury occurred to somebody inside the house, I
13 believe both are present in this case, that make it a
14 burglary first. If it's nighttime or somebody got injured.
15 All of the testimony is about it being at night. Katrina
16 Walker testified about being attacked and she testified
17 about her injuries as you've seen them in three State's
18 exhibits, State's Exhibit 40, the days following. Assault
19 and battery in this case is going to require an injury to a
20 victim or an offer or attempt to injure a victim during the
21 commission of a robbery, burglary or theft. In this case
22 it's a robbery, burglary and a theft, all three. And we
23 think that he actually injured, but even the offer or
24 attempt to injure would make him guilty of assault and
25 battery first if you believe he was committing a robbery or

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1 a burglary at that time. Attempted strong armed robbery
2 would be basically the forceful taking from a person. The
3 statement of where's the money at would be the statement
4 about his intention. The common law robbery also gives you
5 the intent that he entered that house to commit a crime.
6 The Judge will talk to you about reasonable doubt, I'm
7 going to let him handle that. I'm not going to tell you
8 cheesy stories about my family and explain reasonable doubt
9 that way, I would just let the Judge do that, but I would
10 ask that you focus on reasonable, reasonable. Is it
11 reasonable. The two stories he told on the stand, are
12 those reasonable or is what all three of the these people
13 said happened in the middle of the night with the man in
14 the ski mask coming in, is that a more reasonable
15 probability of what happened? What I think the case comes
16 down to ultimately, and that's where I'm going to spend the
17 rest of my time talking about to you is the intent to
18 commit the crime. Mr. Neely essentially in his opening
19 admitted that everything would be proven as far as the
20 burglary, and I think it has and it hasn't controverted
21 other than what his intent was when he entered. Was he
22 going to the wrong house or a friend's house, or was he in
23 there to steal or do some other criminal activity. The
24 first point, the ski mask. I mean, I don't even know if
25 people wear ski masks to ski anymore. I went skiing last

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1 year and didn't see any. It's very unusual. This is
2 October 25th. We've got one officer that says it was cold,
3 one officer said it was all right. We have the EMS worker
4 who has apparently been standing out there for 45 minutes
5 in a t-shirt, he's got a short sleeve shirt on the body cam
6 video. I don't know. I don't see the breath off of
7 anybody on the body cam videos. I mean, is it ski mask
8 weather? Maybe, I don't know, I think not. But it is even
9 more unusual that when he gets to a house that he is
10 supposed to be -- well, maybe he is supposed to be going
11 into but he may have a reason, got a friend there, that he
12 would actually go into the house and go all the way back to
13 what's the third bedroom in the house if you remember the
14 pictures, with a ski mask on, and that when he was
15 confronted he still doesn't even pull his ski mask on.
16 Because if you remember he ends up found on the ground with
17 his ski mask on right underneath his head, and that's, you
18 know, at the back of 470 Gentry Street, the nextdoor
19 neighbor's house. The ski mask is a tool that somebody
20 uses to conceal their identity to commit crimes. It is
21 also something that could keep you warm, but look at the
22 entire circumstances of the case. Where's the money at.
23 You have two people testified that that was said, and
24 Alexis testified she didn't hear it, I think she was going
25 to get the baseball bat at that time, but she testified she

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1 heard her mom saying she would take Mr. Jeter to the money.
2 So you've got three people and the 911 call, and then
3 you've got Sonya McCullough who testified about when they
4 did the more thorough interview the next day when they made
5 the decision to charge the common law robbery and assault
6 and battery, that they had talked to all three of those and
7 used statements as a basis in order to get those warrants.
8 Pepper spray. I know there's an allegation that it's used
9 but it still factors into the entire totality of the
10 picture. He's going into a house that he doesn't know with
11 a ski mask on, pepper spray could be used in case he is
12 confronted by somebody to facilitate his escape. The
13 bruises on the victim. His story is that she falls and he
14 just runs past her. To me it's -- her bruises are totally
15 consistent with the story she tells, which is that he's
16 grabbing her, he's holding her. I believe when she
17 testified she used her left hand talking about him saying
18 where's the money at, the bruises are on her left arm which
19 you would presume would be being held by Mr. Jeter's right
20 arm which was free, the other one was demanding money. All
21 of the females inside the house testified about seeing
22 their mom with Mr. Jeter hovering over them. He doesn't
23 know the people. I didn't know exactly what he was going
24 to say on the stand, it's kind of unclear still even after
25 what exactly he thought he was doing. He was either drunk

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1 to the point that he didn't know where he was going and
2 walked to a house that looked similar, or he knew exactly
3 what he was doing, had talked with his friend and was going
4 to a house on Gentry Street and was just going to walk into
5 whatever house there was a green Crown Vic. parked in front
6 of. The inconsistencies, you should take those seriously,
7 that's because he's lying. He says on his -- he says in
8 his direct testimony that he is screaming you know,
9 "Don't," you know, "That's the wrong house, I'm sorry, I'm
10 sorry." None of our witnesses said that, nobody says that.
11 And I think it's important, because although there's
12 varying degrees of how quickly this happened, think of what
13 Sharaia's interaction with this person was. She's in her
14 bedroom talking with her boyfriend on the phone, a man
15 peers in with a ski mask on, she goes to inspect that.
16 This is time passing, she's assessing the situation, she's
17 able to get the door open and fully sees the man, starts to
18 begin screaming and telling him he's in the wrong place.
19 At that point he's got an opportunity to start diffusing
20 the situation, she says nothing about that. In fact, her
21 reaction is to close the door and go get a gun, hardly
22 seems like the reaction of somebody who is being told that
23 this is a mistake. When she gets back out there, that's
24 when he's on top of her mother, and if you remember Katrina
25 tells her to shoot him. All of the victims in this case;

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1 Alexus, Katrina and Sharaia are all assessing the situation
2 too, they're all hearing what Mr. Jeter says, and all of
3 them are under the impression that this a burglary, this is
4 anything but a mistake. This is a burglary that's caught
5 in the act. Doesn't scream for help after he's shot. He
6 says he's unconscious. I don't know, I can't answer that
7 question for you, but he is apparently able to climb over a
8 locked fence and get the back. They're able to awaken him
9 where he is able to give a fake name and date of birth to
10 law enforcement, saying that he's homeless, saying he lives
11 around Duncan Park. Seems to have a pretty good
12 conversation given the circumstances of being incredibly
13 intoxicated and shot four times. They had officers saying
14 that they were in the area for 45 minutes, nighttime, quiet
15 looking for this guy. They did not hear any pleas for
16 help. Presumably if this was an accident you would be
17 trying to be saved, you would want them to find you because
18 you're going to died otherwise. You saw the amount of
19 blood that he was losing. He runs to a locked fence in a
20 back yard, it's not somewhere easily seen, I know trying to
21 escape the shooter, but he consciously climbs over a fence
22 that law enforcement had to cut off with bolt cutters to
23 get there. It's hardly a place that you would readily be
24 found. He gives a fake name and date of birth, it's his
25 brother, I guess that's part of why he would have been able

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1 to remember that when he was in such a state. But I think
2 it's important to note that while he's supposedly
3 belligerently intoxicated, or maybe he's not because I
4 don't know based off of his testimony, he says he drank 12
5 eight percent beers. My knowledge of hurricanes, they come
6 in 24 ounces, so that's like 48 beers that he said he drank
7 on the stand, because it is eight percent, it's twice as
8 strong as a beer, it's twice as big as a normal beer. So
9 while he drank 48 beers and has lost all kinds of blood he
10 is able to give a fake name and a date of birth. Maybe
11 it's because he's confused, maybe it's because he doesn't
12 want to get caught and arrested for burglary. I think it's
13 easy to see which one it is. He maintains that fake name
14 for three hours. If you remember sergeant, or Officer
15 McCullough's testimony she talks about getting to the
16 hospital, and at that point he's already told them at the
17 scene that his name is Calvin Jeter. He continues telling
18 her his name is Calvin Jeter. He finally slips up and
19 gives a real date of birth, which she already knows that
20 he's Calvin Jeter (sic) at that point. You remember her
21 testimony -- excuse me, Samuel Jeter. In her testimony she
22 says that she was able to have a conversation with him, not
23 belligerently intoxicated, he was able to stand on his
24 feet, wasn't repeating things, wasn't having memory lapses
25 or anything that you associate with somebody belligerently

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1 intoxicated. He maintains that fake name for three hours.
2 The distance that he makes it into the house without
3 realizing this is the wrong house. Now, this kind of
4 depends on which version of the story that he told you
5 believe, because it's either he's going into house that
6 he's been to three times before and he should have seen
7 because he said he has adult children. He should have seen
8 this. He should have seen all of these pictures because
9 there's family pictures all over the place. He said his
10 friend has adult children. These are all babies. These
11 are all children's toys out in the front yard. But it also
12 could be that he did walk into a random person's house who
13 he believed his friend was at with a ski mask on. If
14 that's true we'll give him he wouldn't have known the
15 layout of the house, I just believe that that's very
16 unlikely to be true. There's also it's -- if you've had
17 children there's going to be child things all over the
18 house. Again, Sharaia makes the decision to shoot him, and
19 I don't think you'll get -- she was tough on the stand,
20 it's not a decision that is made lightly. When she goes
21 and gets that gun see tells him to get out of the house.
22 She's not wanting to shoot him. I don't think she woke up
23 that day wanting to shoot anybody, you know. She's
24 protecting her children and she's making a decision based
25 off of what she's seeing and hearing, and she's not seeing

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1 or hearing a person who is acting like somebody who is in
2 the wrong house and is trying to get out. She's seeing
3 somebody who is attacking her mother and has her on the
4 ground, and she makes the decision to protect her family,
5 her children, her mom and to shoot. Obviously you have
6 conflicting people, somebody is lying in this story. I
7 just ask that you look at the totality of the circumstances
8 and think about is it reasonable for a person with a ski
9 mask to go into somebody's house all the way to the back of
10 the house? Is that reasonable? It seems insane. In
11 Spartanburg County you can get killed doing that. I mean,
12 there a lot of guns. Also, finally, the defense's opening
13 referred to this as a nightmare that you can wake Samuel
14 Jeter up from. I thought that was interesting, because
15 I've always viewed this case as a nightmare for the
16 Walkers. They have small children, elementary school and
17 younger children inside the house. Katrina has her
18 children in the house. It's all women in the house. It's
19 midnight, two of them are asleep, one is in her bed, the
20 children are asleep. This is the worse case scenario. You
21 are in your house asleep and a strange man in a ski mask
22 comes inside your house. It is everyone's worst nightmare.
23 And the only reason it didn't become their worst nightmare
24 is because they're not victims, they're heros because
25 Sharaia solves the case. Sharaia shoots him and leaves a

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1 Hansel and Gretel blood trail right to where they would end
2 up finding Mr. Jeter. So the police didn't have a whole
3 lot of work to do on this because of the actions taken by
4 them to protect their family, and then they want to make it
5 out like he's a victim because he got shot in the back or
6 whatever because, you know, he made it out the front porch.
7 Honestly, just it bothers me. I think the nightmare has
8 been the Walkers, and if any nightmare that Samuel Jeter is
9 suffering from, it is a nightmare of his own creation by
10 walking into a stranger's house with a ski mask on and
11 demanding money. He got exactly what you get when you do
12 those type of actions. Co-counsel sent me a quote last
13 night from Teddy Roosevelt, it says that if you could kick
14 the person in the butt responsible for most of your
15 problems you probably wouldn't sit for a month. Mr. Jeter,
16 I don't know how long he couldn't sit for, but he's
17 responsible for all of his problems and we would ask that
18 you return a verdict of guilty on burglary first, attempted
19 common law robbery and assault and battery first. Thank
20 you.

21 THE COURT: Mr. Neely?

22 MR. NEELY: I've been thinking about this case a lot,
23 and I've been thinking about what this case is really,
24 really about, what it boils down to, and I don't remember
25 if I read this in a magazine, saw it online or saw it on a

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1 bumper sticker, but I saw that fear stands for false
2 evidence appearing real. False evidence appearing real,
3 fear. That's what this case is. It's a case all about
4 fear. It starts with Samuel's fear. He thinks he's going
5 to see his friend, and we know he opens the door to Ms.
6 Sharaia Walker's room, he realizes it's not her and then
7 he's afraid, he's fearful because he realizes he's in the
8 wrong house. Then there's Ms. Walker's fear, and no doubt
9 it is justified. I can't imagine what I would do honestly
10 in my bedroom or away from my bedroom on the phone, my
11 children are in the room with me, my children are in the
12 house and a person that I don't know that has no business
13 being in my house opens the door to my bedroom, I would be
14 fearful. I would be terrified. Quite frankly I would
15 respond the exact same way that she did. There's her fear.
16 And then Samuel tried to leave the house. As he's running
17 away Ms. Walker reaches inside of her closet and grabs her
18 nine millimeter and points at it Samuel. Now there's even
19 more fear. There's the fear that this lady that he doesn't
20 know because he's gone into the wrong house is going to use
21 that nine millimeter, and does she. She's a good shot,
22 four times all in the rear end. So much so that when you
23 watch the tape of Officer Eggleston's body camera you can
24 hear an officer on there say, or an EMS technician say, "We
25 think he nicked an artery." That's why when you look at

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1 the pictures of his clothes there's so much blood. That's
2 why he's unconscious. That's why he can't scream for help
3 because she's a good shot, she nicked an artery. So
4 there's fear for Samuel that he's going to die because he
5 made a mistake, he went into the wrong house and this lady
6 shot. Then there's Ms. Walker's fear and Mrs. Katrina
7 Walker's fear because this man was in her house. But then
8 he tried to run, he tried to get out, he tried to flee. He
9 didn't take that pepper spray, he didn't pull it out. The
10 solicitor just told you during his closing that the pepper
11 spray factors in because it could have been a weapon if he
12 was confronted by somebody. Well, all of the evidence says
13 that he was confronted by all three Walkers, none of the
14 evidence says that that pepper spray was pulled out or used
15 in any manner ever. So this man who didn't pull out a
16 weapon is running away, is outside of her house, outside in
17 the front yard, she shoots that man in the back as he's
18 fleeing. At that point he's not posing a threat, he's not
19 posing a harm, none of her children are in danger and she
20 shoots him in the back. When you look at the evidence --
21 Mr. Smith spent 45 minutes yesterday with Officer Thompson
22 showing you the blood trail and not a single bit of that
23 blood was in the Walkers' house, it was all outside, and it
24 was outside because when Sharaia Walker shot Samuel Jeter
25 he was outside. Now listen, this is Spartanburg, South

CLOSING ARGUMENTS

1 Carolina, and like I told you a little while ago if that
2 happened in my house I'm pretty sure I would react the
3 exact same way. I don't fault Sharaia Walker one bit for
4 what happened. I cannot imagine what I would do in this
5 situation. But here is the thing, that was 2017, and more
6 and more watching on the news, 2015, 2016, 2017 we're
7 watching on the news, and those shots where you shoot
8 somebody in the back, it's a gray area of whether that is
9 self-defense or whether that's attempted murder. Sometimes
10 people get self-defense, sometimes they get prosecuted, and
11 so there's fear. There's the Walkers' fear. What if what
12 I did was wrong? What if I made a mistake? What if I'm
13 the one that committed the crime? And so you heard from
14 the witness stand what Ms. Katrina Walker said, "We were
15 focused on what mattered, the fact that my daughter had
16 just shot somebody." And you heard what Officer McCullough
17 said, she said, "I did take those second statements after
18 we had got the warrant for burglary. We did get those
19 second statements to give them the opportunity to think
20 about what had happened." And you know what? A funny
21 thing happened. Once they started talking to each other
22 and they started thinking and they started realizing their
23 fears, all of a sudden some stuff gets added to their
24 statements. All three of the Walkers sat on this witness
25 stand, and all three of them told you that they gave a

CLOSING ARGUMENTS

1 statement when this incident was fresh in their mind right
2 after it happened, and not a single one of those statements
3 said that the man in their house pushed their mother down,
4 not a single one of those statements said the man in the
5 house asked for money, not a single one. And then
6 overnight that story changes, except for Sharaia's, the one
7 who did the shooting, she gave a four page statement. She
8 told you that the first one she gave where she left out the
9 part about the money and the part about the shooting, that
10 was just enough in bulk, that she knew she was going to the
11 police station the next day and that was when she was going
12 to tell her whole story. So she spent an hour and a half
13 with Investigators Hayes, gave a four page statement that
14 she signed and she read over every page and that was
15 exactly what happened, and again, she left out the part
16 about the money and she left out the part about her mom
17 being pushed.

18 MR. SMITH: Your Honor, can we approach?

19 THE COURT: Yes.

20 (A bench conference was held.)

21 MR. NEELY: We try a lot of cases in this courthouse,
22 a lot of them. And Mr. Smith didn't do it in this
23 particular case, but a lot of times when we're up here
24 giving closing arguments the solicitor will tell the jury,
25 just like y'all, to use your common sense, when you go back

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1 to the jury room and you're going through the evidence to
2 use your common sense. He didn't do it this time because I
3 believe if you use your common sense you'll see that the
4 burglary and the assault and the common law robbery didn't
5 happen, because it doesn't make sense for a person to go in
6 when the house is full and then still walk all of the way
7 through the house when all of those TV's are on and then
8 not touch anything. There's a big TV sitting right there
9 in the living room, it wasn't touched. A purse is sitting
10 right there in the living room, it wasn't touched. I told
11 you yesterday during the opening statements during this
12 trial that you will hear evidence that Samuel went into the
13 wrong house, no doubt about it, we don't contest that one
14 bit. But you won't hear evidence of an intent to commit a
15 crime, which is an essential element of burglary, and the
16 State has to prove that to you beyond a reasonable doubt.
17 They have to prove all of the elements of these crimes
18 beyond a reasonable doubt. Samuel doesn't have to prove
19 anything to you. He didn't have to get up there on the
20 witness stand but he chose to, he chose to tell you what
21 happened. Reasonable doubt is one of those weird legal
22 concepts that is sometimes difficult to understand, and
23 quite frankly I didn't really understand it until about my
24 second year in law school. See, I came home one day during
25 the spring and I came home to visit my parents right down

CLOSING ARGUMENTS

1 the road here in Roebuck, and I was at home and I was
2 upstairs in my bedroom and I was studying. Now, in the
3 springtime my mama likes to leave all of the windows in the
4 house up so that a nice breeze can go through, and I love
5 to eat chocolate chip cookies, so when I come home I'm on
6 break so I am going to make chocolate chip cookies. So I'm
7 upstairs and I'm in my room studying, I can smell chocolate
8 chip cookies. My dad is downstairs in the den and he's
9 watching Sportscenter and I can kind of hear highlights
10 from the night before from spring training and I can smell
11 those cookies, and then I can hear my little brother in the
12 kitchen with my mom and they're kind of arguing, and
13 finally my mom says, "That's it, go to your room." So my
14 brother starts storming upstairs. And the last thing my
15 dad says to him before he gets to his room is "Don't you
16 dare slam that door." Because my brother has got this bad
17 habit when he gets in trouble of slamming the door shut.
18 Well, no doubt, as soon as he got to his room what happens?
19 The door slams shut. And so my dad comes storming up those
20 stairs and he said, "I told him not to do it, that's it,
21 I'm going get him." And my mom comes behind him and she's
22 followed my dad upstairs saying, "Don't do it, don't get
23 him, don't get him." And I come out of my room saying,
24 "Yeah, get him, get him." And so we get into my little
25 brother's room and tears are pouring down his face and he's

CLOSING ARGUMENTS

1 saying, "I didn't do this, I didn't slam the door. You
2 told me not to do it and I didn't do it." And my dad says,
3 "Nope, that's it, I'm going to spank you." And so as soon
4 as he gets ready to spank him my little brother gets down
5 on his hands and knees and says, "I promise you I didn't do
6 it," and just then a gust of wind comes through those open
7 windows, the doors, the door slams shut, and in that moment
8 my dad hesitated because he had a doubt. That is what a
9 reasonable doubt is, something that causes you to hesitate
10 to act. Anything that causes you to hesitate to act is a
11 reasonable doubt. The officer told you that Samuel was
12 highly intoxicated. Officer McCullough told you that he
13 was highly intoxicated. Samuel told you that he had been
14 drinking hurricanes, he had had 12 of them, highly
15 intoxicating. And Mr. Smith wanted to argue with him on
16 the stand, he wanted to rationalize the actions of a drunk
17 person. We talked yesterday about the man in Wisconsin who
18 was covered up with a 150-pound Mastiff. Drunk people.
19 You can't rationalize actions, but he told you he was going
20 to his friend's house. But him being highly intoxicated,
21 all of the houses looking the exact same in that mill
22 village, from the 200 block to the 400 block, those are
23 reasonable doubts. The fact that he was wearing that ski
24 mask. They want to make a really, really, really big deal
25 about that ski mask. Officer Eggleston told you that it

CLOSING ARGUMENTS

1 was cold. On video Samuel tells you that he's homeless and
2 he lives in the woods back behind Duncan Park. Just like
3 officer McCullough, I've never been homeless. I do not
4 know what that's like to have to walk everywhere and have
5 to sleep outside in the elements. I suppose you do what
6 you have to do to stay warm and survive. If owning a ski
7 mask was illegal they wouldn't sell them in stores, you
8 wouldn't be able to find them. They are there to protect
9 you against the cold. The cold is a reasonable doubt in
10 this case, because it's going to cause you to stop and
11 think about what happened. Nothing in the house being
12 touched. A purse right there in the living room when you
13 walked in the door. The TV not being messed with at all.
14 That's going to cause you to hesitate to act. It should
15 cause you to hesitate to act, because if somebody was going
16 in that house to burglarize it those would be the first
17 things they would take. He said when they found Mr. Jeter
18 that nothing from the Walkers' house was found on his
19 person. Katrina Walker told you that she didn't remember
20 if she fell or if she got pushed, that was what was in her
21 written statement, she didn't remember if she fell or if
22 she got pushed, that should cause you to hesitate to act.
23 Samuel and I have had long conversations about this exact
24 one moment, and quite frankly just like on that night when
25 he gave a fake name, what he was afraid of is that when 12

CLOSING ARGUMENTS

1 people sat here and heard the evidence that they just
2 dismiss it, they wouldn't listen to it. But we spent a
3 long time Monday afternoon and each one of you stood before
4 us and Samuel and I talked, and we made a specific decision
5 to pick each and every one of you to sit on this jury.
6 Samuel wasn't afraid anymore because he knew that y'all
7 would listen to the evidence in the case and realize when
8 he went in that house he didn't have any intent to commit a
9 crime. He didn't push Ms. Walker down, he certainly never
10 demanded money, that's what the evidence in this case
11 shows. He went into the wrong house where he wasn't
12 supposed to be but that's it. So what we're asking right
13 now is to go in that room and find him not guilty. Thank
14 you.

15 MR. SMITH: In my closing I said the Walkers weren't
16 victims but now they're apparently attempted murderers and
17 conspiracy to cover up a crime so maybe they are. One
18 thing I do want to point out, I'll get the picture and
19 briefly put it on the ELMO. Sharaia's testimony is
20 actually she shot him starting in the house and then
21 followed him to the porch and shot him again. Alexis'
22 testimony was when the gun was cocked back, that that was
23 the initial time that Mr. Jeter started trying to get out
24 of the house, not until then does he try to get out of the
25 house, once he realizes he's really in trouble. Remember,

CLOSING ARGUMENTS

1 you've got the hallway table, there's a bullet, possibly
2 tried to cock the gun when it had one in the chamber could
3 be what resulted that. We've got Alexis' room, it's in the
4 middle, had a shell casing found. The shooting happens
5 inside the house. The shooting happens basically right as
6 Mr. Jeter is standing over Katrina hovering over her,
7 grabbing her by the arm causing bruises that you've seen,
8 and her mama tells her to shoot him. Everybody who is
9 there perceiving it felt the same way and that's when they
10 decided to act and shoot him. They didn't hesitate to act
11 because they knew exactly what it was just like you will
12 know what it when you get back in the jury room. He talks
13 about stuff getting added. It's interesting, I mean,
14 because the 911 call is as clear as day in Sharaia's
15 statement, the first thing she says before she even knows
16 she's talking to somebody is where's the money. I'm
17 supposed to believe that that's just some random thing that
18 she decides to say and then later, or I don't even know,
19 they don't know anything about the law, suddenly decided
20 let's just say he was going to steal from us or something,
21 it's just kind of a ridiculous notion. You've got Officer
22 McCullough talked to them, said she got the warrants for
23 common law robbery based off the statements given the next
24 day. I mean, I think it's kind of being undersold how
25 traumatic this is, the time of night, what they were going

CLOSING ARGUMENTS

1 through, the mental state and maybe having a good night
2 sleep to think on it. But that initial moment he has just
3 walked out of the house, she's just shot him and she's
4 saying where's the money now. She's given you the intent
5 to commit a crime. And then, of course, you've got the ski
6 mask. And I know it's cold or whatever, but come on, be
7 real. Would somebody walk all the way into a house with a
8 ski mask on? Normally if it is cold you take your cold
9 stuff off at the door, leave it on the couch or something
10 like that, certainly a ski mask. I mean, they're
11 uncomfortable to wear anyway. And the TV and the purse not
12 being touched, whoop dee doo, it's an attempted common law
13 robbery. You've got a TV that I think came from the
14 testimony is like 50 or 55 inch ones, we've got Mr. Jeter
15 who is drunk supposedly maybe, doesn't have a car or
16 anything, what's he going to do with a 55 inch TV in the
17 City of Spartanburg, wonder around with it? Come on. The
18 purse, it's left right by the door. Maybe he wanted to see
19 if there was some other stuff in there and he would just
20 grab the purse on his way out, I mean it's not crazy. They
21 said they didn't have anything in the purse, who knows if
22 he looks through it. We don't know what he did until
23 Sharaia Walker saw him and how long he was in the house.
24 It's interesting, you know, Mr. Neely said all the houses
25 looked the same. Well, obviously there was a strategy, he

CLOSING ARGUMENTS

1 had Mr. Stepp goes out and take pictures of the houses
2 because that's what, you know, we thought the story was
3 going to be. Because it was the story when he was asking
4 the questions, when he was preparing for what was coming,
5 you know, "Yeah, I was super drunk and I walked into the
6 wrong house but I thought I was going to a friend's."
7 Well, then when I asked him questions it's now like it's
8 not that I thought the house was similar looking, it is I
9 saw the green Crown Vic. and my friend had told me to come
10 over so I just decided to wonder in. I mean, the story
11 unwound in seconds, I mean it was amazing to see honestly.
12 You know, reasonable doubt, any sort of hesitation. Of
13 course we want you to deliberate but a doubt that you can't
14 overcome, it's a doubt that you hesitate to act or you
15 won't act, that's what we're talking about not. It's
16 reasonable in this case to think either one of his stories
17 is true. And the final thing that I just thought was
18 amazing is the reason he gives a fake name in his
19 intoxicated bleeding out state where he's probably worried
20 about dying, I don't know if he's worried about trial,
21 apparently he's worried about trial at this time. When
22 he's drunk and laying on the ground bleeding out with his
23 butt hanging out he's going, "Oh, man, I really better say
24 my name is Calvin Jeter or they're not going to believe me
25 at trial." I mean, that is just insane. He's already

JURY CHARGE

1 thinking about trial and he thinks it is going to make his
2 case better to say his name is Calvin Jeter and they'll
3 believe me more later? I mean, it's just another lie. He
4 didn't want to get caught. That's why he ran. That's why
5 he hid in the back yard. That's why he didn't scream for
6 help. That's why he gave a fake name. That's why he kept
7 it up for three hours. That's why he had a ski mask on.
8 Everything about this case indicates it is what it is,
9 walks like a duck, talks like a duck, acts like a duck if
10 it's a duck. Please return a verdict for burglary first,
11 assault and battery, attempted to common law robbery, the
12 family deserves this. This is a nightmare for them. This
13 trial experience has probably been a nightmare given the
14 defense strategy in this case, and I would just ask that
15 you provide them justice and find him guilty of all counts.
16 Thank you.

17 THE COURT: Mr. Foreman and ladies and gentlemen of
18 the jury, you, of course, have heard and seen all of the
19 evidence presented during the trial of the case, you've now
20 heard the final summations of the lawyers, and therefore it
21 now becomes my duty and obligation to instruct you on the
22 law that's applicable in the case, and then you'll be asked
23 to go back and to begin with your deliberations. And
24 through that process you will examine the evidence, you
25 will determine the facts where you can as they relate to

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Samuel Jeremiah Jeter

AKA:

Race: BLACK Sex: M Age: 44DOB: SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary (After June 20, 1985) - First degree (15-Life)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4200421A/W#: 2017A4210203513Date of Offense: 10/25/2017S.C. Code § : 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

SMITH, SPENSER H

SC101370

SC Bar#

Defendant

Neely, Paul K.
Attorney for Defendant

SCB101474

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of life 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 Services 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 SCDOC.☐ The Defendant is to be placed on the 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 PTUPTotal: \$ — plus 20% fee: \$ —Payment Terms: —☐ Set by SCDPPPS —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:

SCCA/217 (04/2018)

Obtain GED ☐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 FundOther: —☐ 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:

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JAN 17 2019

SC Court of Appeals

2053

January 9, 2019

WITNESSES

Spartanburg City Police Department

[Signature]

ARREST WARRANT NUMBER

2017A4210203513

JANUATION OF GRAND JURY

JAN 11 2018 True Bill

[Signature]

Foreperson of Grand Jury

Date:

VERDICT

Guilty

[Signature]

Foreperson of Petit Jury

Date: 1/9/19

DOCKET **18-GS-42- 0421**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 22 2018

TERM

THE STATE

vs.

Samuel Jeremiah Jeter

Indictment for

**BURGLARY, FIRST DEGREE
(Dwelling)**

SC Code: 16-11-0311

CDR Code: 0079

Class: FEL/EXM (V)

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 11 2018, the Grand Jurors of Spartanburg County present upon their oath:

BURGLARY, FIRST DEGREE**(DWELLING)**

That the Defendant, Samuel-Jeremiah-Jeter, did in Spartanburg County, on or about October 25, 2017, willfully and intentionally enter the dwelling belonging to Katrina Walker located at [REDACTED] Gentry Street, Spartanburg, South Carolina without consent and with the intent to commit a crime therein, and that the defendant did enter the dwelling either:

- (1) in the nighttime and/or
- (2) caused physical injury to any person who is not a participant in the crime

in violation of Section 16-11-311, Code of Laws of South Carolina (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/Jessica M. Saxon
Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of April, 2020.

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SC Court of Appeals