VOLUME II OF II

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MELVIN JAMES WHITE,

APPELLANT

APPELLATE CASE NO. 2019-001854

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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[1] The date of the transcripts contained in the Record on Appeal are out of order at this point. The transcript from October 22, 2019 ends on page 239, and the following day of October 23, 2019 begins on page 378 because two court reporters were used during this trial. Pamela Green, official court reporter, transcribed the proceedings on the days of October 21st, 22nd, and 24th, 2019. Maryann Nevers, official court reporter, transcribed the proceedings on October 23rd, 2019.

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ROBERT OATES, having been first duly sworn, testified as follows:

DEPUTY CLERK OF COURT: Please have a seat. State your full name for the record.

THE WITNESS: That's going to be Robert Oates, O-a-t-e-s.

DIRECT EXAMINATION

BY MS. SAMPSON:

Q All right. Investigator, how are you doing?

A Good.

Q Can you tell the jury where do you work?

A I work for the Richland County Sheriff's Department.

Q And what do you do there?

A I am currently a crime scene investigator.

Q And what do you do as a crime scene investigator?

A I -- I basically -- I respond to crime scenes, general crime scene response, anywhere within the incorporated areas of Richland County. Any evidence that is identified, I identify that evidence; I document it, collect it, secure that evidence, secure the integrity of it.

And it's transported back to our lab. Other forms of analysis are performed on that -- on that evidence: DNA, fingerprints, etc. That evidence is placed in our -- our evidence room for further analysis.

Q And how did you become involved in this case?
A The -- how I became involved in this case, I responded to the hospital to attend the autopsy.
Q And is that part of your job duty to attend the autopsy or can it be?
A Yes.
Q Okay. And what do you do while you're at the autopsy?
A At the autopsy, again, it's like normal responding to a -- a regular -- a crime scene. Okay? It's been established. There the crime scene is the body itself.

So my job there is to identify or, through photographs -- general photographs, the body there. Okay? And also, there are certain types of evidence that we collect from the body. It's going to be postmortem fingerprints; a DNA buccal swab, okay, for identification; nail scrapings; and, if it's required, gunshot residue. So anything that we can collect from the body, from outside -- both inside the body for evidence -- evidentiary purposes.

Q Okay. And I'm going to show you what's been marked as State's Exhibit No. 50. I'll show it to you. Do you recognize this?
A Yes.
Q And what is that?

A This is a gunshot-residue kit that I collected from the victim, Antwan Caroline.
Q And is in the same -- did you collect it in that manner, put it in that envelope?
A Yes. Yes. This has my tape and my signature there.
Q Did you do anything to it or alter it in any way before putting it in that envelope?
A I did not. Want me to open it up? I can open it ---
Q Not yet.
A --- up and -- not yet? Okay.
MS. SAMPSON: Your Honor, I'd ask to introduce State's Exhibit No. 50 into evidence.
THE COURT: Any objection?
MS. EIGENBROT: No objection, Your Honor.
THE COURT: Without objection, so admitted.
(Whereupon, State's Exhibit 50 was entered into evidence.)
Q Now you can open it.
A (Complied.)
Q You want the scissors back?
A Appreciate it.
Q Okay.
A Okay.
Q Don't cut your hand.

A I won't.
Q There you go.
A Oh, here. Yes. That's ---
Q And how do you know that that is yours?
A This -- well, it's my handwriting, for one. And also, evidence tape to put on the back here, that also has my initial on it also and the date across the time that I actually secured this container.
Q And when you -- when you took the GSR kit, you guys are trained on how to take it, correct?
A Yes.
Q Okay. And did you take it in that manner that you've been trained?
A Yes.
Q Okay. And what do you do with the GSR kit after you -- after you collect it?
A Okay. A GSR kit, or gunshot-residue kit, is transported back to our lab. Just as you saw the -- it's placed into an envelope. And then, I basically enter into iLAB, which is the -- the State Law Enforcement Division, their lab, and go ahead -- start making an appointment -- I make an appointment with them to test it, basically.
Q And in this case you collected the gunshot-residue kit. What else did you collect?

A I collected -- I collected -- the victim's hands were bagged. That's to protect their hands, fingernails, things like that, for any kind of trace evidence. So after I took those off, I collected them, okay, just in case there was anything in those -- trace evidence.

Postmortem fingerprints were taken and palm prints, because it's a homicide, for identification purposes. Fingernail scrapings -- pretty simple -- it's just -- you think of CSI. It'd be very involved. But it's just like basically cleaning out the bottom of your fingernails, is all that is. We place it into a container. So that was done with him to check that, just in case.

Head hair and then public hair -- and that's for identification -- and a buccal swab in the mouth, saliva. And then, his clothes were also collected.

Q Okay. And I was -- well, and did you also collect anything with -- having to do with a shotgun?

A Yes, I did. I also collected a gunshot-shell wad -- wadding, okay, which holds your -- your stippling and everything and your -- your bullets there. And then, the pellets also -- were also collected from the body.

Q I'm going to show you what's been marked as State's Exhibit 44 and ask if you recognize that.

A Yes.

Q And what is that?

A This is the shotgun-shell wadding that I collected, okay. And it's also the shotgun-shell pellets -- are all in this same container here.

Q And you put them in that envelope?

A I put it in this envelope, because it has my initials and date.

Q Did you change it any way before putting in that envelope?

A I did not. Unh-unh.

MS. SAMPSON: At this time I'd ask to introduce State's Exhibit 44 into evidence.

MS. EIGENBROT: No objection.

THE COURT: Without objection, so admitted.

(Whereupon, State's Exhibit 44 was entered into evidence.)

Q If you could just show the jury -- or tell the jury what's in each of those.

A Okay. In this -- each individual containers -- and this is, like, of course, my writing ---

Q Speak up.

A It's called crime scene writing, not very neat. But this is going to be the pellets -- the container here with the pellets in it, okay.

Q You can open it. You want gloves, or you good?

A No. I'm good.

Q Okay.
A But this is me. So it's going to be a -- another one here. And this is the clear container that was -- that I received from the coroner's office, where the placed the pellets in.
Q And are you there when he -- when he removed the pellets from ---
A Yes.
Q --- the body?
A I am. I observed him remove the pellets. And I observed the coroner's office put these in -- put them in this container and seal it.
Q Okay. And then, you put it in your envelopes?
A Yes. Uh-huh. And -- yes. After I signed chain of custody, then it was mine.
Q Okay. And if you'll do the same with another envelope.
A Thank you.
Q You're welcome.
A And this is the same kind of plastic container. It's got the shotgun-shell wadding inside of it.
Q And again, did you observe that being taken from the body as well?
A Yes.
Q Okay. And put in the container as well?

A Yes. Uh-huh.
Q Okay.
A Yes.
Q You can put it down.
A Uh-huh.
Q And is that the normal procedure for the pathologist to -- to remove and give it to you in either a container, an envelope, or something like that?
A Yes.
Q Okay.
A Yes.
Q All right. And I'm going to show you State's Exhibit 53 [sic]. And I'm just going to -- I don't want you to take anything out, really, yet.
A Okay.
Q But just looking at -- can you tell the jury what's in here?
A Yes. This -- inside this box is going to be the victim's clothing, which is going to be a pair of white tennis shoes, gray socks, white -- one gray sock, one white sock, black belt, tan pants, black underwear, blue T-shirt, a gray T-shirt, and a gray ball cap.
Q And the clothing is individually wrapped in brown ---
A Yes.

Q --- paper.
A Each one ---
Q Did you do that?
A Yes, I did. Yes.
Q Okay. And did you alter or change it in any way before putting it in this packaging?
A I did not.
MS. SAMPSON: Your Honor, at this time I'd ask to introduce State's Exhibit 53 -- 53 into evidence.
MS. EIGENBROT: No objection.
THE COURT: Any ---
THE COURT REPORTER: Your Honor?
THE COURT: Ma'am?
THE COURT REPORTER: There's already an Exhibit 53 that's ---
MS. SAMPSON: Oh ---
THE COURT REPORTER: --- in evidence.
MS. SAMPSON: --- there is?
THE COURT REPORTER: Yes, ma'am.
MS. SAMPSON: That is my bad. Then, I would ---
THE COURT: Yes.
MS. SAMPSON: --- make this State's Exhibit 63, which I have.
THE COURT: 63?
MS. SAMPSON: Yes, sir.

MS. SAMPSON: Thank you, court reporter.

THE COURT REPORTER: Yes, ma'am.

MS. SAMPSON: So we'd ask to introduce State's Exhibit 63 into evidence.

THE COURT: Any objection?

MS. EIGENBROT: No objection, Your Honor.

THE COURT: Without objection, so admitted.

(Whereupon, State's Exhibit 63 was entered into evidence.)

THE COURT: 53 was admitted through Dr. Marcus.

MS. SAMPSON: I'm sorry, Your Honor. I just got stuff.

Q All right. Do you -- would you like some gloves? I'm going to take everything out.

A Yes. I'll take a pair. Thank you.

Q And while we're doing this, Investigator Oates, did you do anything with the clothing after you got it?

A Yes, I did. After I -- after were collected -- collected the clothing -- because it was wet. We have three drying cabinets within our forensic garage. And they were placed in there, in one of those cabinets, to dry.

Q Since you're having trouble, I'll just touch everything. How about that.

A Okay. Thank you.

Q My hands are a little smaller.
All right. So is this the cap that you collected?
A Yes, it is.
Q Okay. And this is in the condition that you collected ---
A Yes ---
Q --- it in?
A --- it is.
Q Okay. And I'm going to go first to this gray shirt. Did you do anything with the shirt, other than dry it, as you said?
A To my knowledge, I did photograph some items ---
Q Okay.
A --- before I placed them into evidence. I did.
Q Is this is the shirt?
A Yes.
Q And it's ---
A Uh-huh.
Q --- cut. Did you cut it, or did it come that way?
A When -- during the -- in the -- in the -- in the morgue, it's cut by the M.E. or his assistants to take it off the victim -- remove it from the victim.
Q Were you there when that happened?
A Yes.
Q Okay. And there was a second shirt. So the victim

had two shirts on?
A Yes. Uh-huh.
Q Okay. And this is the second shirt?
A Yes.
Q And there's actually still ---
A Still evidence markers on there.
Q Did -- who put that evidence ---
A I did. I did.
Q And why is this evidence marker on it?
A That's to identify disturbance in the fabric.
Q And what disturbance did you find?
A It's a -- a -- like, a hole or -- or a disturbance in the ---
Q Did you know what that hole was from at the time?
A Well, I had already, of course, attended the autopsy. So what I was doing, I -- I basically was looking for the orientation or location of where the actual injury occurred.
Q Okay.
A So that's ---
Q And you said that you took some photographs?
A Yes.
Q I'm going to show you what's been marked as State's Exhibit 58 through 62 and ask if you recognize these.
A Yes.

Q And are -- do those photographs fairly and accurately depict what you did back in 2015 with the T-shirt?

A Yes, it is.

MS. SAMPSON: At this time I'd ask to introduce State's Exhibit 62 -- 58 through 62 into evidence.

MS. EIGENBROT: No objection, Your Honor.

THE COURT: Without objection, so admitted.

(Whereupon, State's Exhibits 58 through 62 were entered into evidence.)

Q Okay. And I'm just going to show the jury. So 58 is the T-shirt. And you put the O there?

A Yes. That's going to be the blue T-shirt with the disturbance in the fabric.

Q And 59 is the -- just a -- what is 59?

A That's a -- that's more of a midrange ---

Q Okay.

A --- photograph.

Q And then ---

A That's ---

Q --- 60 ---

A --- that -- that's going to be a close-up macro -- macro type of shot ---

Q And ---

A --- real close.

Q --- what do you -- what is the metric little -- the little ---
A That's -- that's ---
Q --- measuring ---
A --- basically to help with -- if you're looking at its size or an area, basically, that's for that. And also, if we were going to go from a one-to-one image, basic real-close image of that disturbance we could do that through computerization if we wanted to. So we can use that scale, if we needed to for that.
Q And I'm going to show you State's Exhibit 61.
A Yes.
Q This the gray shirt ---
A That's the ---
Q --- that the ---
A --- gray T-shirt. Yes.
Q And again, at that time you had the O ---
A Yes. Uh-huh.
Q --- that shows ---
A Yes.
Q --- the same ---
A Same ---
Q --- thing?
A -- thing there. Yes. Uh-huh.
Q Now, do you know if this -- the blue shirt was on

top or underneath ---
A I have no -- I have no clue.
Q Okay.
A I have ---
Q And what about ---
A --- no ---
Q --- State's Exhibit 62?
A That's another macro close-up shot of that same ---
Q Okay.
A --- disturbance in the fabric.
Q And other than the disturbance that -- that -- that you're noting with the O tab and the fact that the shirt was cut off, any other disturbances ---
A I did not find any.
Q Okay.
MS. SAMPSON: Beg the Court's indulgence.
THE COURT: Yes.
(Off the record briefly.)
Q Thank you, Investigator Oates. No further questions.
A Okay.
Q Please answer any questions ---
A Thank you.
Q --- Ms. Eigenbrot might have.
THE COURT: Cross-examination>

MS. EIGENBROT: I have no cross, Your Honor.
THE COURT: Sir, you may step down. Thank you.
THE WITNESS: Thank you.
MS. SAMPSON: May he be released, Your Honor?
THE COURT: Any objection?
MS. EIGENBROT: No objection, Your Honor.
THE COURT: Sir, you're released. You're free to go. Have a nice day.
THE WITNESS: Thank you, sir.
(Whereupon, the witness exited the witness stand.)
MS. SAMPSON: May we approach ---
THE COURT: Yes.
MS. SAMPSON: --- Your Honor?
(Whereupon, a bench conference was held off the record in the presence of the jury, but out of the hearing of the jury.)
THE COURT: Ladies and gentlemen, what we're going to do at this point, we're going to take a short break. I'm going to ask you to step to the jury room. Do not discuss the case. And I'll get you back out here very shortly. All right.
(Whereupon, the jury exited the courtroom at 2:26 p.m.)
(Off the record briefly.)
THE COURT: All right. We'll stand down a few

minutes.

(Off the record from 2:27 p.m. until 3:07 p.m.)

THE COURT: All right. Anything from the state before I bring the jury back out?

MS. SAMPSON: No, sir.

THE COURT: Defense counsel?

MS. EIGENBROT: No, Your Honor.

MS. BRUCK: Just ---

MS. EIGENBROT: Oh.

MS. BRUCK: --- for ---

MS. EIGENBROT: Sorry.

MS. BRUCK: --- the purposes ---

MS. EIGENBROT: I apologize.

MS. BRUCK: --- of preserving the record, we're renewing our motion to exclude the statement that's going to -- that we allege was a violation of Rule 5.

THE COURT: Okay. Your objection is so noted. You're -- I think you need to make an objection at the time that'll preserve the record. But it's so noted at this point, okay?

MS. BRUCK: Thank you, Your Honor.

THE COURT: Ruling remains the same.

Bring me the jury please.

As he's going to get the jury, can the lawyers come here just a minute, please.

MS. SAMPSON: Sure.

(Whereupon, a bench conference was held off the record.)

(Whereupon, Court's Exhibit 2 was marked for identification.)

(Whereupon, the jury entered the courtroom at 3:08 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you very much.

Ladies and gentlemen of the jury, I received your note that you all in the back could not hear me. I will make a point to speak loud and clear. And you all may have given me a sign earlier and I just didn't see it. I don't usually speak this loud unless I'm speaking to my children. So please forgive me if you don't hear me.

When I practiced law, I can remember many times court reporters would have to tell me to speak up, because I didn't speak loud enough. But if, during this course of this trial, if you -- if you can't hear me in the back, just raise your hand and I'll -- that'll give -- and you may have done that and I may not have seen it. But just raise your hand, and that'll give me the cue to raise my voice. Okay?

At this time, ladies and gentlemen, we are going to continue to the trial of this case.

The state is recognized. Call your next witness, please.

MS. SAMPSON: Thank you, Your Honor. May it please the Court. The state calls Esther Caroline.

(Whereupon, the witness came forward.)

ESTHER CAROLINE, having been first duly sworn, testified as follows:

DEPUTY CLERK OF COURT: Please have a seat. State your full name for the record.

THE WITNESS: Esther Caroline, E-s-t-h-e-r, C-a-r-o-l-i-n-e.

DIRECT EXAMINATION

BY MS. SAMPSON:

Q Good afternoon, Ms. Caroline.

A Hi.

Q Can you tell me: Where do you currently live?

A [redacted] Joe Louis Drive.

Q And is that here in Columbia?

A Yes.

Q And is that in Richland County?

A Yes.

Q Okay. And how long have you lived there?

A Oh, God. I was raised there. So over 40-something years or more. I moved away, and then I moved back.

Q Okay. And after you moved back, did you live with

anyone in the house?
A Yes.
Q Who did you live with?
A With Melvin White and my son, Antwan Caroline.
Q And is Mr. Melvin White in the courtroom?
A Yes.
Q Can you point him out for us?
A Yes.
Q And I need you to say where you're pointing.
A He's sitting in the middle with the glasses on.
Q Okay.
MS. SAMPSON: Let the record reflect that she's acknowledged the defendant as Melvin White ---
THE COURT: So noted ---
MS. SAMPSON: --- in the white ---
THE COURT: --- for the record.
MS. SAMPSON: Thank you, Your Honor.
Q And Ms. Caroline, how long have you known Mr. White?
A We dated for three years.
Q Okay. And so at some point you guys lived together?
A Yes.
Q And you lived at the [redacted] Joe Louis Drive?
A It was -- we lived in the apartment prior to that, and then we moved to Joe -- back to Joe Louis Drive.
Q And whose home was that?

A It was my home.
Q Okay. Now, I want to move back to November of 2015, okay? Who lived in the home at that time?
A It was Melvin White and my son, Antwan Caroline, and I.
Q And how old was your son at that time?
A He was 25.
Q All right. And did he have his own room?
A Yes.
Q And you and -- did you and Melvin stay in the same room?
A Yes.
Q Okay. So I'm going to move you to November 28th of 2015. How did your day start that morning?
A We got up to get ready to go to the laundromat.
Q And by we, who's we?
A Melvin and I.
Q Okay.
A We were sitting in the kitchen. And when I looked down my hallway, my son was coming out the room with a young lady.
Q And what room was he coming out of?
A He was coming out of his room ---
Q Okay.
A --- with a young lady.

Q And did you allow him to have young ladies staying overnight?
A No. I asked him that he did not bring any women in my house.
Q And -- but he did this time?
A Yes.
Q So what happened when you saw that there was a woman in your home?
A When I saw the woman, I told him -- I said, "Antwan," I said, "I asked you not to bring any ladies in my house."

And he looked at me. He said, "Yes, ma'am, Mama." And I walked to the door, and he walked out.

Q Okay. And I'm going to stop you for a second. I'm going to show you what's been marked as State's Exhibits 2 and 3. I'm going to ask you if you recognize these.
A Yes. This is my hallway.
Q And what about No. 3?
A And that's is my kitchen.
Q And do they fairly and accurately depict what your house looked like in November of 2015?
A Yes.
Q Okay.

MS. SAMPSON: I'd ask to introduce State's Exhibit No. 2 and 3 into evidence.

THE COURT: Any objection?

MS. BRUCK: No.

THE COURT: Without objection, so admitted.

(Whereupon, State's Exhibits 2 and 3 were entered into evidence.)

Q Okay. So State's 2, is this the hallway ---

A That's the hallway.

Q --- you were talking about?

A Yes.

Q And can you -- can you see your son's doorway in this picture?

A Yes. My son's doorway is right here.

Q So on the -- basically, almost in the middle ---

A Right.

Q Okay. And State's Exhibit No. 3, what is that?

A This is the kitchen.

Q Okay. And is that coming from the hallway into the kitchen?

A Yes. That's coming from the kitchen -- going from the hallway going to the kitchen, or from the kitchen going ---

Q And ---

A --- back to the hallway.

Q Where were you all when you saw ---

A We were ---

Q --- them?
A --- sitting on this side of the table. I have two tables in that kitchen.
Q Okay. So you were over here ---
A Right.
Q --- to the ---
A To the right.
Q --- to the right ---
A Right.
Q --- of the kitchen?
A Because you can still see a clear view down the hall.
Q Okay. And so did he leave after -- did he leave with the woman, your son?
A Yes.
Q Okay. And what -- what, if anything, happened -- what, if anything, did Mr. White say at that point?
A At that point he told me that I should be tired of my son disrespecting me, bringing ladies in my house.
Q And did you have any ---
A And I told ---
Q --- response ---
A --- him that I can control my son; I got my son.
Q Okay. So was that the end of it for that moment?
A Yes.

Q So what happened after that?
A After that, we left and we went to the laundromat to wash the clothes.
Q Was that the plan for the day?
A Yes.
Q Okay.
A And while we were at the laundromat, he went to the store and he got beer. And he was sitting at the laundromat, and we were washing the clothes. By that time we came back to the house, later on after we finished washing the clothes.
Q And I'm going to stop you for just a second. You said that he went and got beer?
A Yes.
Q Was that out of the ordinary?
A Well, he always drank beer.
Q So it didn't ---
A Right.
Q --- didn't cause any alarm for him to be drinking?
A Right.
Q Okay. So you -- you -- I believe you said you went back home?
A Right.
Q And what ---
A After we ---

Q --- happened once ---

A --- finished ---

Q --- you got ---

A --- washing the clothes, we went back home. From that point Melvin left the house and he went up on the road to the little store that we have, little party shop that we call, on the -- up on the road. And he was at the party shop from the time we came back until late that night.

When he came in my room, it was about eleven-something at night. And he told me that when my son come home, that he was going to kill him. And I told him he wasn't going to do anything to my son.

Q And I'm -- I'm going to stop you for just a second. If you need to take a break, you let me know, okay?

A (No audible response.)

Q Are you okay to proceed?

A (No audible response.)

Q And do you need to take a break?

A (No audible response.)

Q Okay?

A (No audible response.)

Q Okay. When he said that to you, was your son at home?

A No, he was not at home.

Q Were you expecting him to come home?
A I was expecting him to come home sometime.
Q At some time. Did you know if he was coming home that night or the next morning or anything?
A I didn't know. But I asked my son to try to not come in my house after 2 or too late at night.
Q Okay. Did your son have a key?
A He didn't have a key. Because at the time I hadn't had time to make a key for us because we had just moved back into the house.
Q So for a while -- I think you said earlier you all lived in an apartment -- you didn't live in the house?
A Right.
Q And so when you all moved back in, he didn't have a key?
A Right.
Q Okay. So if he -- if he needed to get in, how would he get in?
A He would always knock on the door to get into the house.
Q Okay. And we've seen photographs of your house. Are there two front doors?
A It's one on the bedroom side. And then, it's one on the front side.
Q Okay. And I'm going to show you some photographs.

(Off the record briefly.)

Q And I'm going to show you what's been marked State's Exhibits 4 and 35 through 38. Can I show you the pictures? Okay?

A (No audible response.)

Q Do you recognize these photographs? And you don't have ---

A Yes.

Q --- to say what they are. Just look at them all for me and tell me do you recognize them all.

A Yes. This is my house.

Q Okay. And do the photographs accurately depict what your house looked like back then in 2015?

A (No audible response.)

Q I need you to say out loud.

A Yes. Yes, it does.

MS. SAMPSON: At this time, Your Honor ---

Q If I can grab them for a second.

A (Complied.)

MS. SAMPSON: --- if I can introduce State's Exhibit 4 and 35 through -- I mean, excuse me -- 34 through 38.

MS. BRUCK: No objection.

THE COURT: All right. Exhibits 4 and 34 through 38 are admitted without objection.

MS. SAMPSON: Thank you.

(Whereupon, State's Exhibits 4 and 34 through 38 were entered into evidence.)

Q Now -- and I -- I realize, Ms. Caroline, I didn't show this one to you earlier to the jury. What is this the entrance to?

A That is the entrance to my bedroom.

Q To your bedroom?

A (No audible response.)

Q Okay. And you just stated -- and that was State's Exhibit No. 4. You stated that and I asked you about your front door. I'm going to show you State's Exhibit No. 35. Which door is your front door?

A This is my front door.

Q So this one that's kind of to the side is ---

A Yes.

Q --- your actual front door?

A Yes.

Q What is that other door go to?

A That's to my bedroom door.

Q To your bedroom?

A (No audible response.)

Q Okay. So when you say front door, you're talking about the front door that you ---

A Yes.

Q --- walk into?

Okay. And I'm going to show -- that was State's Exhibit 35. What does State's Exhibit 34 show?

A This is the bedroom door, and this is the front door.

Q And that's your address at the top?

A Yes.

Q Okay. And these are just pictures taken in the daytime?

A Yes.

Q All right. That's State's Exhibit 34. State's Exhibit 36 shows what?

A That is the side of my house and the front part of the door too.

Q Okay. That's State's 36. And then, State's 37 is what?

A That is the front part of my house and the side of my yard.

Q So that's the front -- like, would that be from standing in the street?

A Yes.

Q Okay.

A Yes. Standing from the street, looking in.

Q And then, State's 38, what is that?

A That is the side of the house.

Q So this is the -- if you're facing the house, it's

the right side of your house?
A It's the right side. If you're facing it, it's going to be the right side of the house.
Q Okay. All right. So when you said that he would knock on the door, he'd knock on that front door you showed us and then you'd let him in?
A Yes.
Q Okay. So you said around 11 or so, Melvin says what he says to you. And then, do y'all -- what happened at that point?
A At that time he went back out of the room. And then about maybe two-something, he came back. I could see him waking me up, telling me that my son was knocking at the door.
Q And I'm going to stop you. Did you -- so you went to sleep?
A I had dozed back off. I think I dozed back off ---
Q Was Melvin ---
A --- because ---
Q --- in the ---
A --- I was ---
Q --- room?
A --- watching TV.
Q I'm sorry. I interrupted you. Go ahead and finish. You were watching TV?

A Yeah.
Q Okay. And you fell asleep?
A (No audible response.)
Q I just need you to say ---
A Yes.
Q Okay. And was Melvin with you while you were watching TV?
A No.
Q Okay. So I interrupted you. You dozed. And you woke up. How did you get woken up?
A He was just knocking me, telling me that my son was knocking at the door.
Q And did you hear knocking once he woke you up?
A Once I got up, I got up and I went to the door. And my son was sitting on the porch. And by that time he came to the door, and he was telling me to come.

And I told him -- I said, "Antwan," I said, "I had asked you not to come to my house after a certain time of night." I said, "Maybe you just need to go back where you were."

And so he started saying, "Well, Mama, I live here too."

So I opened the door. And I went outside.
Q And is this your front door or your ---
A This ---

Q --- bedroom ---
A --- my front door.
Q Okay. So you go outside onto your porch?
A Right. I go outside onto the porch. And then we walked down the steps. And we were standing in the yard.
Q And I'm going to show you -- it's just easier to show you these because I know where you are. So I know it was nighttime. But I'm just going to use these daytime pictures just to clarify. State's Exhibit 36, where were you guys standing?
A We were standing right here.
Q So you're standing right in front of, like, where there's a little walkway?
A Right on the -- yeah. On the side by -- near the mailbox.
Q Near the mailbox?
A (No audible response.)
Q And I'm -- maybe we'll use State's Exhibit 37.
A We were standing about right here.
Q Okay.
A Because my porch is here. We came down, and we were standing right here, talking.
Q So just for the record, you're -- on State's 37, you're standing in this little yard ---
A Right.

Q --- part between the mailbox and your house?
A Right.
Q Okay.
A Yes.
Q And what were y'all doing?
A We were just talking. And I was telling him that if he's going to continue to stay with me, then he's going to have to respect me and come in the house when I ask him to come in the house ---
Q And where ---
A --- and not ---
Q --- was ---
A --- to be ---
Q --- Mr. White?
A --- bringing any ---
Q I'm sorry.
A --- and not to be bringing any young ladies in my house.
Q And did he have any ladies with him at the time?
A Not at the time, no.
Q Okay. And where is Mr. White?
A Melvin, at the time when me and my son was talking, he was in the house.
Q Okay. So you didn't -- he didn't come out on the porch or ---

A No.
Q --- outside?
A He didn't come outside at that time.
Q And when did you realize that Mr. White was outside?
A Whenever my son and I were talking, I was standing here. And my son was standing here.
Q I'm sorry. Are y'all standing side ---
A We're standing, looking at each other.
Q Like and you are looking at ---
A Yeah.
Q --- each other?
A No. My son was right here.
Q Okay.
A I was right here. I was turned ---
Q So like this?
A Yes.
Q Okay.
A And I was like this to my son.
Q Okay. And is your back to your backyard, or is your back towards the road?
A My back, at the time, was, like, sideways. Like, if the yard outside of the house is right here and I was standing right here, I was sort of sideways like this.
Q So is your back ---
A My son ---

Q --- kind of ---
A --- was looking this way.
Q Is your back ---
A It's --
Q --- kind of towards the house, or is it towards the -- the neighbor's house?
A Toward the house, like.
Q Okay. All right.
A Yes.
Q So you're standing with your back kind of catty-corner ---
A Right.
Q --- to the house?
A To the ---
Q Can you ---
A --- house.
Q --- see in your backyard?
A From the sideways. I can see from the sideways in my backyard.
Q All right. But ---
A So ---
Q --- were you looking in the back, or are you looking at your son?
A I was looking at my son.
Q Okay. So -- I interrupted you. At some point what

happened?

A So with my son standing here and me and my son talking, I noticed that my son looked up. So when my son looked up, I looked back. And Melvin was standing there with the gun, pointing at my son.

And my son asked him -- he said, "So what? You're going to shoot me or something?" And that's when he shot him.

Q Had you seen Melvin with the gun earlier that day, with this -- with the shotgun?

A (No audible response.)

Q Had you seen him with the shotgun at all that day?

A (No audible response.)

Q I need you to say ---

A No.

Q --- "yes" or "no."

Okay. So the first time you see him with that shotgun was when your son look up and you see him looking at Mr. White; is that correct?

A Yes.

Q And after he shoots your son, what does Mr. White do?

A He told me that I don't have to worry about my son disrespecting ---

MS. BRUCK: Objection.

A --- me no more.

THE COURT: Was that an objection?

MS. BRUCK: For the record, based on my previous motion.

THE COURT: Okay. So noted. Objection overruled.

MS. BRUCK: Thank you, Your Honor.

Q He said that he didn't -- you didn't have to worry about your son disrespecting you no more?

A Yes.

Q And what -- what happened after that?

A I could hear him knocking on my neighbor's door.

Q You heard ---

A And ---

Q --- Mr. White doing that?

A Yes. And then, that's when I could see him walking down the street with the gun. And I was dialing 911.

Q So you called 911?

A Yes.

Q And we heard the call on Monday. Was that you on the phone?

A Yes.

Q And where -- what does your son do once he's shot?

A When my son got shot, he walked about two, maybe three feets, just walked. And then he -- he fell. He fell.

Q Did your son that night ever touch you?
A No. My son has never touched me.
Q Did he push you?
A No. My -- my son has never put his hands on me.
Q And did your son go towards Mr. White at all?
A No.
Q And were you or your son even talking to Mr. White before he came up with the gun?
A No.
Q So you called 911?
A Yes.
Q And at some point the police arrived?
A Yes.
Q EMS and -- and all of that, which we've all heard?
A Yes.
Q Okay. Did Mr. White ever come back to the yard? You said he was walking around. Did you see where he went?
A Only thing that I remembered is when he was sitting on the porch.
Q At some point he was ---
A At some ---
Q --- sitting ---
A --- point he came back and was sitting on my porch.
Q And did you call your family?

A After I dialed 911, I called my sister. And ---

Q Okay.

A --- I told her that Melvin had just shot my son; he just shot my baby.

Q And your family, did they come over?

A Yes. Because my sister live right down the street from me.

Q Okay. And so they didn't have very far to go?

A No.

Q And Ms. Caroline, I'm almost done. I promise.

A Uh-huh.

Q Did you go speak with police at headquarters?

A Yeah. Yes.

Q Do you need to take a break, Ms. Caroline?

MS. SAMPSON: Can we take a break, Your Honor?

THE COURT: All right. Ladies and gentlemen, I'm going to ask you to step to the jury room for just a minute. Do not discuss the case. I'll get you back out here in just a second.

(Whereupon, the jury exited the courtroom at 3:28 p.m.)

MS. SAMPSON: Can she step down, Your Honor?

THE COURT: Yeah.

Ms. Caroline, I'm going to let you step down. Do not discuss your testimony, okay?

THE COURT: And we'll stand down for just a minute.

(Off the record from 3:29 p.m. until 3:39 p.m.)

MS. SAMPSON: Thank you, Your Honor.

THE COURT: All right. The state ready to proceed?

MS. SAMPSON: Yes, sir.

THE COURT: Anything from defense counsel before I bring the jury back out?

MS. BRUCK: No, Your Honor.

THE COURT: Bring me the jury please.

THE BAILIFF: Yes, Your Honor.

(Whereupon, the jury entered the courtroom at 3:39 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Very well. Thank you, sir.

You may continue.

MS. SAMPSON: Thank you, Your Honor. May it please the Court.

DIRECT EXAMINATION BY MS. SAMPSON CONTINUED.

Q Ms. Caroline, I'm going to guide you a little bit. So at some point you go to headquarters; is that correct?

A Yes.

Q And you were able to speak to law enforcement about what happened?

A Yes.

Q Do you remember talking to Investigator Boland?

A Yes.
Q Okay. And earlier today, we showed some clothing, a housecoat your -- this housecoat and this -- is this your ---
A Yes.
Q Is this what you were wearing that day?
A Yes.
Q Okay. And I want to ask you -- backtrack just a little bit. At your house -- I showed you daytime photos. I'm going to show you one nighttime photo. State's Exhibit 15, is that what your yard looks like at night?
A Yes.
Q And so ---
A It's ---
Q --- there's ---
A --- lit up.
Q --- a -- there's a streetlight right there?
A Yes.
Q Okay. And then, just going back to -- I have just a little, and we'll be done. You said earlier that Melvin had been drinking. How -- was he drinking all day, or was it just once or twice?
A He started drinking beer at the laundromat. And then after that, after we came back home, I don't know

where -- you know, he went up to the store at the party shop. So I'm assuming, if he was at the party shop, he was drinking up there too.

Q Okay. You -- but you don't know what he did?

A Right.

Q And earlier you said -- said something about if your son came home, he was -- how many times did he say that, that day?

A He said it whenever -- at -- it was that night. And then, we were at the -- when we were at the table, he had said something about if my son, you know, wasn't -- if my son kept disrespecting me, that he was going to do something to him.

Q Okay. So two or three times that day? Would ---

A Yes.

Q --- that be fair ---

A About two times.

Q Okay.

MS. SAMPSON: Beg the Court's indulgence.

THE COURT: All right.

(Off the record briefly.)

Q Thank you, Ms. Caroline. Please answer any questions they have.

THE COURT: Cross-examination?

MS. BRUCK: Thank you. May it please the Court.

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. BRUCK:

Q Good afternoon, Ms. Caroline.

A Hi.

Q When you met Melvin, you weren't living at [redacted] Joe Louis ---

A No.

Q --- correct?

And you'd been dating for, what, about two years ---

A Three ---

Q --- two and a half years before y'all moved in?

A About two years -- two -- maybe two and a half.

Q And Antwan had started staying with y'all pretty recently before you moved into Joe Louis?

A Antwan was staying with me before I met Melvin.

Q Correct. And then he wasn't for a while, right?

A He was staying with me when I met Melvin.

Q He was staying with you when you met Melvin?

A Yes.

Q And then he started staying with you again at the apartment before y'all moved to [redacted] Joe Louis?

A Antwan has always stayed with me.

Q He's -- he's always stayed with you?

A Yes.

Q He's never had a place of ---

MS. SAMPSON: Your ---

Q --- his own?

MS. SAMPSON: --- Your Honor ---

A No.

MS. SAMPSON: --- may we approach?

THE COURT: Yes.

(Whereupon, a bench conference was held off the record in the presence of the jury, but out of the hearing of the jury.)

THE COURT: You may continue.

Q So Antwan was 25 years old?

A Yes.

Q And he'd never had his own place?

A No.

Q And you were permitting him to stay with you?

A Yes.

Q And y'all moved into Joe Louis Drive -- I know you spent time there as a child. But you -- you moved in, in 2015 again, correct?

A Yes.

Q And that was September or October of 2015?

A It was in about -- it was in October.

Q October?

A Yes.

Q And Ms. Caroline, Melvin had done a lot of work on the house before -- before y'all moved in?
A He'd done some work on the house. Yes.
Q And you let Antwan come live with you in that house as well?
A Antwan was living with me. So when I moved, he moved in with us.
Q But like we discussed previously, you -- you hadn't given him a key?
A I didn't give him the key because we'd just moved in the house and I only had a key made.
Q Okay. Now, on the morning of November 28th, when you saw him trying to sneak that young lady out of the house, this had been a -- a -- a repeated issue with Antwan?
A Antwan -- I saw him once before with a young lady in my house. And from that one time, I told him that I did not want him bringing any ladies in my house because we had just moved back into the house.
Q Okay. You'd -- you've had to tell him a lot of times not to bring that girl over?
A I told him one time before. And then, I told him that day when I saw him bringing her out of the room.
Q And Ms. Caroline, you -- you previously testified under oath at a hearing in this case?

A Yes.
Q Do you recall saying: "I told you a lot of times not to bring that girl here?"
A I don't remember saying a lot of times. But I remember him -- me telling him not to bring young ladies in my house.
Q And you told him that morning that he was going to have to find somewhere else to stay if he was going to bring girls over?
A I told him, if he did not abide by my rules, that he would need to find him someplace to stay. If he did not abide by my rules.
Q Okay. And Antwan left after that?
A Yes. Antwan left.
Q Okay. And you didn't see him for the rest of the day?
A Correct. Yes.
Q Okay. Now, I want to talk about -- when you said that -- that Melvin had threatened to -- to shoot Antwan if he -- if he came back to the house, you didn't tell Melvin to get out of the house when he said that?
A No, I didn't tell him to get out the house. Because ---
Q You didn't ---
A --- because he had been drinking.

Q You didn't call Antwan or text him?
A No.
Q You didn't mention those threats to anyone else?
A No.
Q Okay. And moving to when you woke up, when Antwan returned to the house, that was around two o'clock in the morning?
A It was about two o'clock.
Q And he's knocking on the front door?
A Melvin came in the room and told me that my son, Antwan, was knocking on the door.
Q Okay. And you get out of bed?
A Yes, I got out of bed.
Q You put on your housecoat?
A Yes, I put on my housecoat.
Q Put on your slippers?
A Yes.
Q And you went to the front door?
A Yes, I did.
Q Now, you didn't let him in?
A No. I was talking to him at first.
Q You were talking to him through the door?
A Yes.
Q And he didn't leave?
A No. He was standing on the porch. He was sitting

on the porch.

Q So he was on the porch. You told him: "Go back where you came from"?

A What I told him was that I asked him not to come to the house after a certain time at night and it would be best for him to go back where he was.

Q But he didn't go?

A No. He sat on the porch, and he told me that he lived there too. And I opened the door, and I went out.

Q Okay. So now y'all are having this conversation on the -- on the porch?

A Yes. We walked down to the yard.

Q You walked ---

A And we ---

Q --- into ---

A --- started talking. Yes.

Q --- into the yard?

A Yes.

Q Okay. And you're still -- you're still arguing about whether he -- you know, that he shouldn't be coming into your house at such a late hour?

A We were not arguing. I was talking to my son.

Q And Antwan had been drinking?

A I don't know if my son had been drinking or not. I didn't smell alcohol on my son.

Q You didn't smell it?
A (No audible response.)
Q And I believe that you testified on direct that your back was towards the house?
A Yes. My told -- my back was -- it was turned like this. So that would be toward the house.
Q And when you -- when Antwan saw Melvin with the gun, he said, "Man, I know you ain't going to point a gun. You going to shoot me?"
A What did you say? I didn't ---
Q Antwan said, "Man, I know you ain't going to point a gun. You going to shoot me?"
A Antwan said, "So what? You're going to shoot me or something?"
Q And then, you pulled at Antwan?
A I didn't pull at Antwan. At one point I was -- had my hand like for Antwan not to go to my house before we started talking, before that even happened.
Q Okay. But you're testifying that when y'all saw Melvin, you didn't touch Antwan? You didn't pull or push at him?
A I don't -- no. I don't recall pushing on my son. I don't push on ---
Q Okay.
A --- my son. Me and my son has never had an

altercation.
Q Okay. So you didn't pull or push at him?
A I've never -- my son and I have never had an altercation for me to pull or push on my son. My son would never put his hand on me.
Q And shortly after that, you -- you hear the gunshot?
A No. Me and my son was talking. Melvin came from around the house with that shotgun. When my son and I looked back, he was pointing the gun at my son.
My son asked him, "So what? Are you going to shoot me or something?" And he ---
Q Ms. Caroline ---
A --- shot him.
Q --- my question is just: Did -- did you hear the gun go off?
A I was standing right next to my son. Yes.
Q And when you realized Antwan had been shot, you called the police immediately?
A Yes. When Antwan walked off after Melvin said what he said to me, I was dialing 911 then when my son got shot.
Q Okay. And you -- you called your family afterwards?
A After I had spoke with 911, I called my sister to tell her that Melvin had just shot my baby.
Q And your ---

A Yes, I did.
Q Yes, ma'am. Your sister and your nephew got there right away?
A My sisters got there right away. My son pulled up afterwards.
Q Your son? Okay.
And then the police showed up, correct?
A Yes.
Q And I know you -- well, Melvin is -- is there when the police arrived? He's in the yard?
A Yes.
Q And you told the police that he was the shooter?
A I hadn't spoke to the policemen yet.
Q Okay.
A I was over there with my son, trying to get my son, holding to my son.
Q Well, Ms. Caroline, did you see them place Melvin in handcuffs?
A I can't remember if they placed him in handcuffs, because my mind was not there.
Q And I know this has been mentioned. But you -- you did give a statement to police ---
A Yes.
Q --- early that morning?
A Yes.

Q That would've been at 4:51 a.m.? Does that sound right?
A I don't know what time it was. It may have been.
Q Okay. You hadn't gotten much sleep, obviously.
A No.
Q And I know you must've been very upset.
A Yes.
Q Were you in shock?
A Yes.
Q And were you angry at Melvin?
A I wasn't angry. My concern was my son. My son was my concern.
Q And Ms. Caroline, what you just said about Melvin saying, "You don't have to worry about your son disrespecting you anymore," you didn't tell anyone that Melvin had said that at the scene that night?
A I don't recall it. I was so distraught and so traumatic.
Q Yes, ma'am. And you didn't tell investigators during the interview that he said that?
A (No audible response.)
Q This happened almost four years ago. How -- how many times did you meet with people from the victims-advocate office?
A It was about a year I went to the post-trauma

traumatic. And I saw a psychiatrist there.
Q What about the people from the solicitor's office?
A I can't remember how many times I went to the solicitor's office.
Q Would you say it was more than five?
A I can't remember, as far as the solicitor's office. I don't know anything. I can't remember about the solicitor's office how many times I've gone there.
Q And I know it's been difficult for you to recount this story over and over. But in the many times that you've told it, did you ever tell anyone that Melvin said that?
A Yes. I told my lawyer, April, that he said that. I told my sister that he said that.
MS. BRUCK: Court's indulgence.
(Off the record briefly.)
Q I have no further questions. Thank you.
THE COURT: Any redirect?
MS. SAMPSON: Just briefly, Your Honor.
REDIRECT EXAMINATION
BY MS. SAMPSON:
Q Ms. Caroline, she asked you about talking with me. That statement you made about what Mr. White said after he shot, you told me that when we were in the pretrial hearing, correct?

A Yes, correct.
Q Okay. And she talked to you about talking with investigators and being in the house. Did you stay in the house after that, after this happened?
A No. I was staying with my sister.
Q And when did you return to that house?
A I didn't return to that house until maybe in June or July sometime or August maybe.
Q And we've heard testimony about the gun being found by you. When did you ---
A Right.
Q --- find it?
A That was in -- I think it was December. Me and my girlfriend went down there, because she wanted to help me get some things from out the house.
Q Okay.
A And when went out there and I went to move the laundry basket is when I found it.
Q And what did you do when you found it?
A I called the officer ---
Q And ---
A --- and let them know that the gun was under the bed, behind the laundry baskets. And it was some shoeboxes on the other side that -- that blocked it.
Q Okay. So you found it when you were cleaning?

A Yeah.
Q Okay.
MS. SAMPSON: Beg the Court's indulgence for one moment.
(Off the record briefly.)
Q I want to show you -- I'm showing you State's Exhibit No. 11, which has already been shown the jury. Is that what your house looked like the night of the incident? Or morning of?
A No. I hadn't made the bed.
Q Right. And is this what it looked like when you went back and found the gun, which is State's Exhibit 41?
A No. I had some baskets.
Q Right. There -- I know ---
A Right.
Q --- these are different parts of your room. But I'm ---
A Yeah.
Q --- just -- you cleaned your room?
A Yeah. Yeah. This is how it looked there.
Q Okay. I was trying to clarify that ---
A Yeah.
Q --- that there was a difference in the room in these ---
A Yeah.

Q --- in these two photographs because you cleaned your room ---

A Yeah.

Q --- is that correct?

A Yeah.

THE COURT: What are those exhibits again?

MS. SAMPSON: I'm sorry. I thought I said, Your Honor. One was State's Exhibit No. 4 -- 11, and one was State's Exhibit 41.

THE COURT: Thank you.

MS. SAMPSON: The one that shows it the night of is 11, and the one that shows it when the gun was found is State's 41.

THE COURT: All right. Thank you.

MS. SAMPSON: Thank you, Your Honor. No further questions.

THE COURT: Any recross?

MS. BRUCK: No, Your Honor.

THE COURT: Ma'am, you may step down. Thank you.

(Whereupon, the witness exited the witness stand.)

MS. SAMPSON: May I proceed, Your Honor?

THE COURT: Yes.

MS. SAMPSON: The state calls Investigator Hal Boland.

(Whereupon, the witness came forward.)

HAL BOLAND, having been first duly sworn, testified as follows:

DEPUTY CLERK OF COURT: Please have a seat. State your full name for the record.

THE WITNESS: James Boland, B-o-l-a-n-d.

DIRECT EXAMINATION

BY MS. SAMPSON:

Q And I think I introduced you as Hal Boland. Do you go by Hal?

A Yes. My actual name is James Harold, and I go by Hal as a nickname.

Q Okay. Investigator Boland, where do you work?

A Richland County Sheriff's Department.

Q And how long have you worked there?

A Twenty-three years.

Q And what do you do there now?

A I'm assigned to the criminal-investigative division. More specifically, I'm working motor vehicle theft now.

Q Okay. And how long have you been with the sheriff's department? I need you to speak up a little bit.

A Since 1996.

Q Okay. And how -- can you kind of chronolize [sic] how you've moved through the -- your jobs there?

A I was hired here; started March of 1996. Was -- I worked in this courthouse as a court security for

approximately 14 months. Was able to secure a position at the academy; graduated the academy -- criminal justice academy.

And I was assigned to the Lower Richland community of Richland County on patrol for approximately three years; was them promoted to investigator in 2000, where I worked various units, burglary to larceny, till I eventually was part of the major-crimes unit, which is crimes against persons. I worked aggravated assaults, homicides, from 2004 to 2015.

Q Okay. And so in November of 2015, you would've been in that capacity?

A Correct.

Q Okay. So how does an investigator become assigned to a case? How does that work?

A This particular night, for instance, investigators, usually four or five of them in the investigations division, work a week of evening shift. So you're on call, if you will. And one of those that's assigned that particular night -- excuse me -- that week of nights -- evening shift is the primary homicide-call detective, which that's what my capacity was at this particular time.

Q And being on night shift, how long is shift?

A Well, usually, about eight hours. And it varies.

You come in at 3; go in, what, 2; come in at 11 a.m.; stay out till 7 a.m. So it varies.

Q Okay. And do you sometimes stay later than your shift to finish ---

A Oh ---

Q --- if you're ---

A --- yes.

Q So on November 29th of 2015, you got called to this -- to this case?

A Yes.

Q How did you receive the call?

A Allow me to look at my notes.

Q Would looking at your notes help refresh your memory?

A It would. Thank you. I learned about a shooting incident at [redacted] Joe Louis Drive, which is here in Richland County, at approximately 330 hours.

Q And I'm going to stop you. When you say you -- do you get, like, a call from dispatch or do you get it from another investigator or does it vary, depending on the case?

A It -- sometimes I might hear it over dispatch or I would get a call from a supervisor. Typically, supervisor is called first to be advised of what they got going on so they can send the appropriate investigator to

that scene.
Q All right. So when you got called in, what's the first thing you do once you learn of the incident?
A I arrived at about 3:42 a.m. and met with the deputies on scene. Investigator Woods was already on scene, processing it.
Q And is that normal for there already to be people there when the investigator -- lead investigator gets there?
A Yes.
Q Okay. And so what -- what did you do once you got there?
A Well, I was briefed as to what the situation was at the time about the victim being shot in the front yard, which the victim was present and apparent in the yard.
Q So when you got there, he was still -- the -- the body was still there?
A Yes.
Q Okay. So what did you do once you got there?
A I learned that Mr. White was still on scene. He was being detained in the back of a marked patrol unit. I then spoke with Ms. Esther Caroline, who was a witness to the incident. I think I had her sit in my car briefly. And ---
Q And was she with anyone?

A She -- I -- whenever I arrived, I think she was coming out -- down the steps with her elder son.
Q So she had two sons?
A Yes.
Q Okay. And so she -- I think you -- I stopped you. I'm sorry. So did you speak with her at that time?
A Yes. She was visibly and emotionally upset.
Q Okay.
A Continued to say, "He shot my baby. He shot my baby." At ---
Q Did she say who he was?
A Eventually, she would identify Mr. White. Yes.
Q Okay. And so what happened at that point?
A At this point in time, I needed to secure a statement from Ms. Caroline as to what happened. I think -- I believe I transported her back to our headquarters on Two Notch Road. I interviewed her.
Q And I'm going to stop you. Why didn't you stay on the scene?
A It was my job to interview the witnesses and the parties involved. Crime scene was already there. And I had contacted -- once I got on scene, I then contacted Sgt. Lindler and advised him that we were going to need a search warrant to process the home. So once I knew that the supervisor was coming, CSI was already in -- on the

exterior of the home, taking photographs, it was then that I took Ms. Caroline back to headquarters to interview her.

Q And why did you need a search warrant if you had Ms. Caroline's permission to search the house?

A Mr. White also lived in the home. So he had certain rights that had to be afforded to him. Usually, if it had been someone else to not living in the home, we could've maybe gotten the consent from the homeowner. But we felt that a search warrant was necessary.

Q Okay. And were you able to get a search warrant?

A Yes.

Q Okay. So -- I stopped you. You -- you said you -- you took Ms. Caroline back and interviewed her?

A Yes.

Q Okay. And was she able to provide you a statement?

A She did.

Q Okay. And what else did you do at that point?

A I -- by this time Sgt. Mauldin had arrived. Sgt. Lindler had contacted her, being victim advocate on call. She arrived, and she would be with Ms. Caroline until other family members, I think, arrived at headquarters as well.

I instructed them that we needed to secure Ms. Caroline's clothes and have her photographed, just a part

of protocol.
Q And was that done?
A That was.
Q Okay. And then, what was the next thing you did?
A I then interviewed Mr. White.
Q And did you bring him back to headquarters, or how did he get back to headquarters?
A No. Well, was transported by a marked unit.
Q Okay. And you were able to speak with him?
A Yes.
Q Did you advise him of his rights?
A I did. I read him his rights. We went through them -- what we call written. We have a certain form that we use. And as we go through the -- the rights afforded to the individual, I check them off. And then, that person will sign and I would sign as well.
Q And did he admit to you that he shot the victim?
A He did.
Q And after you -- did he -- you take a written statement from him at some point?
A I did.
Q Okay. And after you did that, what did you do? After you took the written statement. I'm sorry.
A He was just allowed to read it, and he signed it.
Q Okay. And did you arrest him at that point?

A Yes.
Q Okay. Did you ever relay information back to people at the -- at the home about what to look for?
A Yes. As I was asking Mr. White about what had happened, I asked him specifically about the gun, where it would be located. And he said in the bedroom.
Q Okay. And was a gun located that night in the bedroom or that morning?
A (No audible response.)
Q Was a -- was a shotgun located in the bedroom that night?
A Not to my knowledge. No.
Q Okay. And how -- when was a -- when was the shotgun located?
A On December 29th, approximately 30 days later, I was notified by a -- a supervisor. My office at the time was at 1931 Pineview down off of Garners Ferry Road, not too far from this incident location. I was advised that it was -- a shotgun had been located at [redacted] Joe Louis, so I responded.

By this time Investigator Rainsford was already on scene. He had not -- he -- I believe he had been shown where it was at. I don't know if he had photographed it yet, but he certainly hadn't collected it yet. I then went into the -- the home and observed it where he found

it.

Q And did you take any photographs of what you saw?

A I did.

Q Okay.

(Off the record briefly.)

Q I'm going to show you what's been marked as State's Exhibit 64 and 65 and ask if you recognize those.

A Yes.

Q And what are those?

A These appear to be pictures that I took from under -- took from the left side of the bed, as if you were facing the bed, opposite the wall. You enter the room. To the left side of the bed is where I had crouched down and I took these photographs underneath the bed.

Q And are the -- in the same -- do they accurately depict what you saw the day that you took the photographs?

A They do. They -- yes.

Q Okay. And have they been altered in any way?

A No.

MS. SAMPSON: At this time, Your Honor, we'd ask to introduce State's Exhibit 64 and 65 into evidence.

THE COURT: Any objection?

MS. EIGENBROT: No objection.

THE COURT: Without objection, so admitted.

(Whereupon, State's Exhibits 64 and 65 were entered into evidence.)

Q And I'm just going to show the jury. So both 64 and 65 show the underneath of the bed?

A As you look from the left side towards the right side of the bed.

Q So would it be fair to say the gun is behind these shoes?

A Yes. I was trying to figure out, if someone looked under the bed, why they didn't see that gun laying on the ground or floor.

Q And those are in front of ---

A And that obstruction was obvious.

Q Okay. All right.

MS. SAMPSON: Beg the Court's indulgence.

(Off the record briefly.)

Q And you said you had Ms. Caroline photographed. Did you see any injuries on Ms. Caroline?

A I did not.

Q Okay.

(Off the record briefly.)

Q Nothing further at this time. Thank you.

THE COURT: Cross-examination?

MS. EIGENBROT: Yes. Thank you, Your Honor. May it please the Court.

CROSS-EXAMINATION

BY MS. EIGENBROT:

Q Investigator Boland, you mentioned that you received notification of this shooting at approximately 3:30 a.m. that night, correct?

A Correct.

Q And you did eventually get to the scene, but not right away?

A Correct.

Q It was about 3:42?

A Correct.

Q And by the time you arrived on scene, Investigator Woods was already there?

A Correct.

Q And as you heard earlier, she was the one that secured not only the actual scene where the body was, but also the house at that time?

A Yes. I'm -- I -- I can remember -- I remember seeing her on the exterior of the home. Yes.

Q And when you arrived on scene, you said you got briefed by the responding deputies?

A Yes.

Q And they told you that Melvin was already detained in a vehicle?

A Correct.

Q They didn't mention that he was combative, right?
A No.
Q Or difficult?
A No.
Q They just placed him in handcuffs and placed him in the car?
A Correct.
Q And then, he was transported to headquarters without any issues?
A Correct.
Q And as you just testified, he did speak to you that night?
A Yes.
Q Didn't ask for a lawyer?
A No.
Q Answered your questions?
A Yes.
Q And as officer you recognize that shooting someone, justified or not, is traumatic?
A I would say it's not a common thing. Right.
Q But you would agree that that could cause some trauma to someone, just ---
A It ---
Q --- just ---
A --- it can ---

Q --- like this ---
A --- to someone. Yes.
Q And just like Ms. Esther, there -- it can be upsetting?
A Yes.
Q And as you heard, sometimes you forget things, right?
A Yeah. Sometimes.
Q And you spoke to Melvin at headquarters, right?
A Correct.
Q This is in an interrogation room?
A It's in an office, just a regular office.
Q It's just a little square room with a computer and some chairs?
A No. It was actually a supervisor's office ---
Q Okay.
A --- that he would normally work out of during daylight-business hours.
Q And when you took the statement from Melvin, this was not recorded through audio or video in any way, shape, or form?
A No, ma'am.
Q And then, Investigator, I want to briefly talk to you about the shotgun. I know you took these two photographs, State's Exhibit Nos. 64 and 65. And you

mentioned that these were taken as you crouched down on the left side of the bed?

A Correct.

Q Now, you've seen crime scene photos from this investigation, correct?

A Yes.

Q And the photos taken by, I believe it was Investigator Woods, would show that the right side of the bed is not completely flush against the wall. Would you agree?

A Correct.

Q And that's the side the shotgun was located at?

A Yes.

Q Thank you, Investigator Boland. I don't have any further questions.

THE COURT: Any redirect?

MS. SAMPSON: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. SAMPSON:

Q Investigator Boland, Ms. Eigenbrot just asked you about taking the defendant's statement. What was his demeanor like while you were talking to him?

A He was very alert, very calm.

Q Was he crying?

A No.

Q Did he scream or yell?
A No.
Q Did he ask for something to drink? water? need to take a break?
A If he did, it was granted. I don't recall.
Q Okay. And when you're taking this statement, does -- do you write -- like, write down what he's doing and saying as he does it, or do you talk and then write it down? How does that work?
A No. We usually do an interview -- I mean, talk with them, like, question and answer, "Tell me what happened," so I understand what's going on. And then we reduce it to writing.
Q Ever have any trouble understanding him?
A No.
Q Ever break down crying or anything like that?
A No.
Q No further questions.

MS. EIGENBROT: Just briefly, Your Honor.

RECROSS-EXAMINATION

BY MS. EIGENBROT:

Q Ms. Sampson just asked you if he asked for anything. Melvin asked to speak to Ms. Caroline during his interview, right?
A I think he -- I think he did. And obviously, I

would've asked Ms. Caroline if she wanted -- and that was not -- yeah.

Q Right. And recognizing that. But he did express concern for her well-being at ---

A I believe ---

Q --- that point?

A --- that's right?

Q Thank you.

THE COURT: Sir, you may step down. Thank you.

THE BAILIFF: Watch your step.

(Whereupon, the witness exited the witness stand.)

THE COURT: Ms. Sampson?

MS. SAMPSON: At this time, Your Honor, the state rests.

THE COURT: All right. Can the lawyers approach a minute, please.

(Whereupon, a bench conference was held off the record in the presence of the jury, but out of the hearing of the jury.)

THE COURT: All right. Ladies and gentlemen, the state has -- has rested it case. At this point there are some matters of law that we need to take up. And what I'm going to do is I'm going to go ahead and let you go for the balance of the day.

I'm going to ask you to be back here tomorrow

morning at 9:30. Be back here tomorrow morning at 9:30, an we will resume at that time.

As I've told you from the outset, don't discuss the case at all with anyone. Don't do any independent investigation on your own. You are to decide this case based upon the evidence and testimony presented in this courtroom and nowhere else.

You all have a nice evening, and I'll see you all tomorrow morning at 9:30. Thank you.

(Whereupon, the jury exited the courtroom at 4:18 p.m.)

THE COURT: All right. Anything from defense counsel at this time?

MS. EIGENBROT: Yes, Your Honor. At this time the defense would move for a directed verdict for the record. The defense would move this Court for a directed verdict. Taking the -- the evidence in the light most favorable to the state, the state has failed to present evidence beyond a reasonable doubt sufficient to convince a reasonable juror that Mr. White is guilty of this murder.

Your Honor, I would also at this time renew all of our motions and prior objections and ask Your Honor to reconsider any previous rulings and grant the directed verdict in this matter.

THE COURT: All right. Anything from the state in

response ---

MS. SAMPSON: Your Honor, I ---

THE COURT: --- response?

MS. SAMPSON: --- believe, viewing the evidence in the light most favorable to the state, we have given enough evidence to present this case to the jury. We have established jurisdiction. Ms. Caroline has stated exactly what happened and that the defendant shot her son in front of her. She identified the defendant as being the person who did such.

I don't think that -- we -- we've provided enough for this case to continue to go forward. And I would ask that you deny their motion.

THE COURT: All right. As each of you all are aware, the Court is required to view the evidence in the light most favorable to the state. If there's any direct or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the Court is required to deny such motion.

Therefore, I believe, based upon the testimony that's been elicited throughout the course of this trial, that there is direct evidence -- direct evidence reasonably tending to prove the guilt of the accused of the crime charged. Therefore, the Court is respectfully denying defendant's motion. But it is so noted for the

record.

As far as all prior motions/objections/exceptions made by defense counsel, the Court notes those for the record. But the Court's rulings as to each remain the same. But they are so noted for the record. Okay?

All right. At this time what I'm going to do, Mr. White, I'm going to advise you of your rights. And what I like to do during the course of a criminal trial is -- is advise the defendant of their rights and give them an -- the overnight to think about it, talk about it with whomever. So if you'll stand at this time, please.

THE DEFENDANT: (Complied.)

THE COURT: If you'll -- if you'll raise your right hand, sir.

THE DEFENDANT: (Complied.)

MELVIN WHITE, having been first duly sworn, testified and stated as follows:

THE COURT: All right. You can put your hand down. You're Melvin White?

THE DEFENDANT: Melvin James White.

THE COURT: Excuse me. Mr. Melvin James White?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Mr. White, at this time I'm going to explain to you certain of your rights. If you do not understand anything that I say, please let me

know. If you want me to explain anything in more detail, please let me know as well. Do you understand that, sir?

THE DEFENDANT: Yes, sir.

THE COURT: All right. We've now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the United States Constitution. And that amendment states, in part: That no person, no person, shall be compelled in any case -- in any criminal case to be a witness against himself.

This means that you cannot -- you cannot be required to testify in this case. Now, you have the right to testify on your own behalf. However, no one can make you testify. This is a personal right, and no one can waive this right except you.

Now, if you decide to testify, you will be subject to the same rules that govern other witnesses. And you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty or false statements or for crimes punishable by imprisonment for more than a year and this Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you, the prosecutor will be able to introduce your record to

attack your credibility. Now, if you decide to testify, this decision on your part must be freely -- excuse me -- voluntarily, and intelligently made, with the knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify.

Now, if you decide not to testify, I will instruct the jurors that they cannot -- cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify.

Now, it's left entirely up to you whether or not you testify. You may talk with your family, your friends, your attorneys, or anyone else. But the final decision will be left entirely up to you.

Now, do you understand what I've explained to you, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about what I have explained to you?

THE DEFENDANT: No, sir.

THE COURT: All right. What I'm going to do is I'm going to give you the overnight to further discuss this issue with your lawyers, your friends, your family, whomever you so desire. But again, as I told a minute ago, the final and ultimate decision as to whether or not

you testify rests entirely with you.

Tomorrow morning when we reconvene at 9:30, I will expect an answer from you concerning your desire to testify or not testify. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: All right. You may be seated, sir.

All right. Anything further from the state at this time?

MS. SAMPSON: No, sir.

THE COURT: Defense counsel?

MS. EIGENBROT: No, Your Honor.

THE COURT: All right. Let -- let me say this real quick. I've noticed it a couple times coming in the courtroom, when the courtroom has been called to order. I'm not going to call anybody specifically out, but you know who -- who you are.

When you enter the courtroom and you're instructed to stand, you don't stand for me. You don't stand for me at all. You stand out of respect for our judicial system. Failing to do so, unless -- unless health conditions prohibit you from standing -- that's understandable -- but you're required to stand.

Again, that's not for me. Last time I checked, I put my pants on the same way that everybody else does. But the -- I have different a job responsibility, and you

stand out of respect for our judicial system and what it represents.

I saw a judge one time put somebody in jail for 30 days for not standing. So that -- that's a bit of advice for you. And again, if you have health -- a health condition that prohibits you from doing so, understandable. Otherwise, you're expected to stand when the Court is called to order and you're instructed.

All right. Thank you.

MS. SAMPSON: Thank you, Your Honor.

(Whereupon, the proceeding adjourned at 4:26 p.m.)

--- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, the undersigned Maryann S. Nevers, CVR-M-CM, RVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Richland County, South Carolina, on the 23rd day of October, 2019.

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



Maryann S. Nevers, CVR-M-CM, RVR
Official Court Reporter

Columbia, South Carolina
April 24, 2020



RICHLAND COUNTY SHERIFF'S DEPARTMENT

INTERROGATION: ADVICE OF RIGHTS

NAME: Melvin James White PLACE: 5623 Two Notch Rd.

OFFICER(S): Inv. J. Boland

DATE: 11/29/15 TIME: 0623

YOUR RIGHTS

- **Before we ask you any questions, you must understand your rights.**
- **You have the right to remain silent.**
- **Anything you say can be used against in court.**
- **You have the right to talk to a lawyer for advice before we ask you any questions, and to have a lawyer with you during any questioning..**
- **If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.**
- **If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.**

WITNESS: J. H Boland SIGNED: [signature]

WITNESS: _____

WAIVER OF RIGHTS

- **I have read this statement of my rights and understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me.** FORCE

WITNESS: J. H Boland SIGNED: [signature]

WITNESS: _____

5623 TWO NOTCH ROAD, COLUMBIA, SC 29223
TELEPHONE: (803) 576-3000
WEBSITE: www.rcsd.net

08/28/07

12th grade

2 or 3 beers of 18 pack.

Statement of

Melvin James White
[redacted] Joe Louis Drive
Columbia SC 29209

Made at
Columbia, South Carolina, this November 29, 2015, at 0644, in the presence of Inv. J. Boland of the Richland County Sheriff's Department.

I, Melvin James White, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.
Do make the following statement:
Q- Inv. Boland A- Melvin James White

Q- What can you tell me about what happened at [redacted] Joe Louis Drive earlier tonight?
A- Me and my girlfriend, Esther Caroline, came from the laundry. I was back in the kitchen for a minute and then I came back in bedroom. I heard beatings on the window. Esther said, "go back where you came from, I done told you that I'm not going to have you come back in the house like I told you". She had told him that he can't do what he wants to do. I told Esther to look when he was sneaking a girl out the house this morning. He has been doing that over and over. Esther was outside and I thought she had told him to go on. I went to drink my beer. I was going to sit at the little table next to the house. He was headed down the street and I came out the door. He was like, "what's up". He was rushing me. Esther was trying to get him to go on. She was trying to have him go ahead on. I had my little bird shot with me.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____ Signed: _____

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this 29 day of November 2015

Sworn to and subscribed before me
This 29 day of November 2015 Signed: _____

_____
Notary Public for South Carolina
My commission expires 6/17/25.

Q- Who is he that you are referring to?
A- Antwain.

Q- Can you describe the long gun that you had?
A- It's about three foot long. It has wood on it. It's an old shotgun.

Q- Why would you have the shotgun outside with you at that time?
A- I usually have with me when I sit outside. I just have there when I sit outside.

Q- Did Antwain threaten you?
A- I wouldn't say he was threatening. He came back at me and asked what I was going to do with a gun.

Q- Where did you put the shotgun at after you shot Antwain?
A- I went back inside the house and I stuck in straight up in the basket.

Q- Can you describe the basket?
A- It was a white plastic basket.

Q- Did you have a handgun with you as well?
A- No sir.

Q- Do you own a handgun?
A- I have my grandfather's gun. It was in the basket because I take it with us when we go out.

Q- Can you describe the handgun?
A- It's a little silver .32 with a long barrel.
End of Statement

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____ Signed: _____

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 7 pages and a true copy has been given to me this 29 day of November 2015

Sworn to and subscribed before me
This 29 day of November 2015 Signed: _____

_____
Notary Public for South Carolina
My commission expires 6/17/25.

585

WITNESSES

(S) J H Boland
– Richland County Sheriff

ARREST WARRANT NUMBER

2015A4010203885

ACTION OF GRAND JURY

TRUE BILL

Sandra P. Jeffery McFadden
Foreperson of Grand Jury
Date: MAR 17 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS4001050

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2016

91

THE STATE

vs.

Melvin James White

Indictment for
MURDER / MURDER

SC Code: **16-03-0010**
CDR Code: **0116**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on MARCH 16, 2016, the Grand Jurors of Richland County present upon their oath:

MURDER

That Melvin James White did in Richland County, on or about November 29, 2015, kill the victim, ANTWAINE CAROLINE, with malice aforethought, either express or implied, by means of FIREARM, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DAN JOHNSON, 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,

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SC Court of Appeals

Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of April, 2021.