

**VOLUME I OF III**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**May 06 2021**

**SC Court of Appeals**

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAQUAN JAVOR CRUMMEY,

APPELLANT

APPELLATE CASE NO. 2020-000537

RECORD ON APPEAL

TAYLOR D GILLIAM  
Appellate Defender

ALAN WILSON  
Attorney General

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

JOSHUA A. EDWARDS  
Assistant Attorney General

Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEY FOR APPELLANT

SCARLETT A. WILSON  
Solicitor, Ninth Judicial Circuit

101 Meeting St.  
Charleston, SC 29401  
(803) 958-1900

ATTORNEYS FOR RESPONDENT

## INDEX

INDEX .....	i
TRIAL TRANSCRIPT DATED MARCH 9, 2020 VOLUME 1 (of 5).....	1
MOTION TO SUPPRESS .....	8
TESTIMONY	
ZULFIQAR KHAN (IN CAMERA)	
Direct Examination by Mr. Cooper .....	11
Cross Examination by Mr. Voigt .....	44
Cross Examination by Mr. Summa.....	54
TRIAL TRANSCRIPT DATED MARCH 10, 2020 VOLUME 2 (of 5).....	79
TESTIMONY	
ELLEN S. STEINBERG (IN CAMERA)	
Direct Examination by Ms. Shealy .....	89
Cross Examination by Mr. Summa.....	94
Cross Examination by Mr. Voigt.....	95
RULING OF THE COURT .....	108
MOTION TO SUPPRESS .....	112
RULING OF THE COURT .....	118
MOTION TO SEVER.....	120
RULING OF THE COURT .....	121
NEIL V. BIGGERS HEARING .....	131
TESTIMONY	
DULCE MARTINEZ-GARCIA (IN CAMERA)	
Direct Examination by Ms. Shealy .....	135
Cross Examination by Mr. Summa.....	159
Cross Examination by Mr. Voigt.....	162
Redirect Examination by Ms. Shealy.....	177
RULING OF THE COURT .....	193

OPENING STATEMENT BY MS. SHEALY .....	207
OPENING STATEMENT BY MR. SUMMA .....	214
OPENING STATEMENT BY MR. VOIGT .....	222
TESTIMONY	
STEVEN HIOTT-MEADE	
Direct Examination by Mr. Cooper .....	229
NICHOLAS VECCHIONE	
Direct Examination by Mr. Cooper .....	260
Cross Examination by Mr. Voigt .....	271
ALBERTO GARCIA (THROUGH INTERPRETER)	
Direct Examination by Ms. Shealy .....	275
Cross Examination by Mr. Summa .....	307
Cross Examination by Mr. Voigt .....	313
Redirect Examination by Ms. Shealy .....	316
REY RODRIGUEZ (THROUGH INTERPRETER)	
Direct Examination by Mr. Cooper .....	319
Cross Examination by Mr. Summa .....	331
Cross Examination by Mr. Voigt .....	336
TRIAL TRANSCRIPT DATED MARCH 11, 2020 VOLUME 3 (of 5) .....	343
TESTIMONY	
GILBERTO BLANCO (THROUGH INTERPRETER)	
Direct Examination by Ms. Shealy .....	352
Cross Examination by Mr. Summa .....	368
DULCE MARTINEZ-GARCIA (IN CAMERA)	
Direct Examination by Ms. Shealy .....	374
Cross Examination by Mr. Summa .....	376
Cross Examination by Mr. Voigt .....	377
GABRIELLA RAIRAN (IN CAMERA)	
Direct Examination by Ms. Shealy .....	380
Cross Examination by Mr. Summa .....	383
Cross Examination by Mr. Voigt .....	384
MOTION TO SUPPRESS PHOTOGRAPHS .....	393

RULING OF THE COURT .....	394
TESTIMONY	
DULCE MARTINEZ-GARCIA (THROUGH INTERPRETER)	
Direct Examination by Ms. Shealy .....	415
Cross Examination by Mr. Summa .....	484
Cross Examination by Mr. Voigt .....	510
Redirect Examination by Ms. Shealy .....	534
Re-Cross Examination by Mr. Summa .....	548
MOTION TO RECONSIDER THE ADMISSIBILITY OF IDENTIFICATION .....	550
TRIAL TRANSCRIPT DATED MARCH 12, 2020 VOLUME 4 (of 5) .....	565
MOTION TO SUPPRESS .....	574
RULING OF THE COURT .....	581
TESTIMONY	
JAMES GREENAWALT	
Direct Examination by Mr. Cooper .....	604
Cross Examination by Mr. Summa .....	611
Cross Examination by Mr. Voigt .....	613
CHRIS SANDERS	
Direct Examination by Mr. Cooper .....	615
Cross Examination by Mr. Summa .....	629
Cross Examination by Mr. Voigt .....	632
Redirect Examination by Mr. Cooper .....	639
Re-Cross Examination by Mr. Summa .....	643
ZULFIQAR KHAN	
Direct Examination by Ms. Shealy .....	645
Cross Examination by Mr. Summa .....	672
Cross Examination by Mr. Voigt .....	680
Redirect Examination by Ms. Shealy .....	689
Re-Cross Examination by Mr. Summa .....	697
ROBERT HASLIP	
Direct Examination by Mr. Cooper .....	715
Cross Examination by Mr. Summa .....	721
ALAN ALI	
Direct Examination by Mr. Cooper .....	722

LORETTA MITCHUM	
Direct Examination by Mr. Cooper .....	726
Cross Examination by Mr. Summa.....	732
Cross Examination by Mr. Voigt.....	737
PAUL MCMANIGAL	
Direct Examination by Mr. Cooper .....	738
Cross Examination by Mr. Summa.....	788
Cross Examination by Mr. Voigt.....	790
CLAY SIMMONDS	
Direct Examination by Mr. Cooper .....	795
Cross Examination by Mr. Summa.....	824
Redirect Examination by Mr. Cooper.....	837
Re-Cross Examination by Mr. Summa .....	842
MOTION FOR DIRECTED VERDICT.....	846
RULING OF THE COURT .....	851
THE STATE RESTS .....	852
TESTIMONY	
THOMAS SLOVENSKI	
Direct Examination by Mr. Summa.....	853
Voir Dire Examination by Mr. Cooper .....	857
Direct Examination by Mr. Summa (continued).....	862
Cross Examination by Mr. Cooper .....	875
Redirect Examination by Mr. Summa .....	883
TRIAL TRANSCRIPT DATED MARCH 13, 2020 VOLUME 5 (of 5).....	899
TESTIMONY	
LORI VAN WALLENDael	
Direct Examination by Mr. Summa .....	912
Cross Examination by Ms. Shealy .....	926
Cross Examination by Mr. Voigt.....	936
Redirect Examination by Mr. Summa .....	944
MAYA HATFIELD	
Direct Examination by Mr. Summa .....	945
Cross Examination by Mr. Cooper .....	956
Cross Examination by Mr. Voigt.....	958

Redirect Examination by Mr. Summa .....	960
BERNARD BLANEY	
Direct Examination by Mr. Summa .....	963
Cross Examination by Ms. Shealy .....	965
Redirect Examination by Mr. Summa .....	966
COLLOGUY WITH DEFENDANTS REGARDING THEIR RIGHT TO TESTIFY .....	969
TESTIMONY	
MELISSA BRYANT	
Direct Examination by Mr. Summa .....	974
Cross Examination by Ms. Shealy .....	977
BRANDIE ROSS	
Direct Examination by Mr. Summa .....	978
Cross Examination by Ms. Shealy .....	990
Redirect Examination by Mr. Summa .....	996
RENEWED MOTION FOR DIRECTED VERDICT .....	998
RULING OF THE COURT .....	999
CLOSING ARGUMENT BY MR. COOPER .....	1004
CLOSING ARGUMENT BY MR. SUMMA .....	1026
CLOSING ARGUMENT BY MR. VOIGT .....	1037
REPLY CLOSING ARGUMENT BY MR. COOPER .....	1055
CHARGE ON THE LAW .....	1079
VERDICT (AS TO DAQUAN CRUMMEY) .....	1140
SENTENCING .....	1153
INDICTMENTS AND SENTENCE SHEETS.....	1157
COURT’S EXHIBIT #1 (SAMSUNG PHONE SEARCH WARRANT).....	1181
COURT’S EXHIBIT #2 (I-PHONE SEARCH WARRANT).....	1184
COURT’S EXHIBIT #3 (I-PHONE 6 SEARCH WARRANT).....	1187

COURT’S EXHIBIT #4 (I-PHONE 6 SEARCH WARRANT).....1190

COURT’S EXHIBIT #5 (SEARCH WARRANT – T-MOBILE).....1193

STATE’S EXHIBIT #84 (FB POSTING-RUNACHECKUP YOUNGN) .....1196

STATE’S EXHIBIT #85 (FB POSTING-CRUMMEY) .....1198

STATE’S EXHIBIT #87 (REPORT/LINEUP PHOTO).....1200

STATE’S EXHIBIT #88 (REPORT/LINEUP PHOTO).....1202

CERTIFICATE OF COUNSEL .....1204

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE’S EXHIBIT #101 (JAIL CALL CLIP); AND DEFENDANT’S EXHIBIT #3  
F/K/A COURT’S EXHIBIT #8 (C.D. LINEUP W/MARTINEZ)**



STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-0592
	)	2018-GS-10-594-602
	)	2018-GS-10-0604
	)	2020-GS-10-1485
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
DENALI DEONCO WHITE	)	
	)	
Defendant	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

---

March 9, 2020  
Charleston, South Carolina

**Volume 1 (of 5)**

B E F O R E:

THE HONORABLE R. KIRK GRIFFIN, JUDGE

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

DANIEL COOPER, ESQ.  
JENNIFER SHEALY, ESQ.  
Attorneys for the State

GREGORY KENNETH VOIGT, ESQ.  
Attorney for the Defendant

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

[Certified Transcript Provided for: SCCID]

INDEX TO PROCEEDINGS	PAGE
PROCEEDINGS	5
VOIR DIRE	12
STRIKING OF THE JURY	44
MOTION TO SUPPRESS SEARCH WARRANTS	
Remarks by Mr. Summa	75
DETECTIVE ZULFIQAR KHAN	
Direct Examination by Mr. Cooper	78
Cross-Examination by Mr. Voigt	111
Cross-Examination by Mr. Summa	121
ARGUMENT OF COUNSEL	
Remarks by Mr. Voigt	134
Remarks by Mr. Summa	137
Remarks by Mr. Cooper	139
CERTIFICATE OF THE COURT REPORTER	145

## INDEX TO EXHIBITS

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

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Samsung phone search warrant	80
2	I-phone search warrant	87
3	I-phone 6 search warrant	87
4	I-phone 6 search warrant	87

DEFENDANT CRUMMEY

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
2	Detective Khan case notes	122

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 9, 2020

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

PROCEEDINGS

THE COURT: Madam Clerk, are we ready for the jury?

THE CLERK OF COURT: Yes, sir.

MR. COOPER: If we could just take up a few brief things before we bring the jury in. First, I wanted to make sure, Your Honor, how you wanted me to call the case. Do you have a preference?

THE COURT: Just put every charge on the record, with his appropriate indictment number. I just -- I just thought that since you're familiar with this case and I am just learning about this case, that it may be -- may be better use of our time if you announce the case, the parties, and the indictments, along with the charges. So, no great detail. Just put it all on the record.

MR. COOPER: Yes, Your Honor. Then just so the Court is aware, I've made the Clerk aware and the defense counsel aware that the State is not going forward with five kidnapping charges for each defendant. So I will read off the charges the State is going forward on, but we are not going forward on the kidnapping.

MR. SUMMA: Judge, it might be a good idea to sort out the voir dire before the jury comes in.

THE COURT: Alright. I've reviewed the proposed voir dire that defense counsel has submitted for Mr.

State v Daquan J. Crummey & Denali D. White  
Voir Dire  
March 9, 2020

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

VOIR DIRE

THE COURT: Ladies and gentlemen, we appreciate you being patient with us this morning as we worked through some logistical issues that we had to iron out before we could get started picking a jury here this morning. So at this time, I'm going to recognize the State of South Carolina to call the case.

MR. COOPER: Thank you, Judge. May it please the Court?

THE COURT: Yes, sir.

MR. COOPER: At this time, the State calls the following case against the defendant Daquan Crummey: One count of burglary in the first degree, docket number 2018-GS-10-00568, the victim being Alberto Garcia; one count of possession of a weapon during the commission of a violent crime, indictment number 2018-GS-10-00569; two counts of assault and battery in the first degree, the first being indictment number 2018-GS-10-00570, with the victim being Alberto Garcia, and the second one being indictment number 2018-GS-10-00571, with the victim being Dulce Martinez-Garcia; and then five counts of armed robbery, indictment numbers 2018-GS-10-00577, 578, 579, 580, and then 2020-GS-10-01484, with the victims being Alberto Garcia, Gilberto Blanco, Emil Iana Barrios, Dulce Martinez-Garcia, and Rey Rodriguez.

State v Daquan J. Crummey & Denali D. White  
Voir Dire  
March 9, 2020

1           And then against defendant Denali White, the State  
2 calls the following charges: One count of burglary in  
3 the first degree, indictment number 2018-GS-10-00592,  
4 with the victim being Alberto Garcia; one count of  
5 possession of a weapon during the commission of a violent  
6 crime, indictment number 2018-GS-10-00594; and then five  
7 counts of armed robbery, indictment numbers 2018-GS-10-  
8 00600, 2018-GS-10-00601, 2018-GS-10-00602, 2018-GS-10-  
9 00604, and then 2020-GS-10-01485, again, with those five  
10 victims also being Alberto Garcia, Rey Rodriguez,  
11 Gilberto Blanco, Dulce Martinez-Garcia, and Emil Iana  
12 Barrios.

13           THE COURT: Thank you, Mr. Cooper. Ladies and  
14 gentlemen of the jury, we are about to begin the trial of  
15 the case of the State of South Carolina versus Daquan  
16 Crummey and Denali White. And before we begin, I'm going  
17 to ask you a list of questions and if any of these  
18 questions apply to you, I want you to stand up and I will  
19 recognize you to give me your juror number and then I  
20 will have questions for you.

21           So if anything applies to you, stand up, and all I  
22 want to hear, at least initially, is your juror number  
23 and then I may have some follow-up questions for you.  
24 The first question is any member of the jury panel  
25 related by blood or marriage to either Daquan Crummey,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 9, 2020

1 MOTION TO SUPPRESS

2 MR. SUMMA: Thank you, Your Honor. The Court I  
3 believe has been provided copies of the search warrants.  
4 There are one, two, three, four, five, six, seven, eight,  
5 nine, ten search warrants, along with another one that  
6 was sent to us this morning and signed last night at  
7 8:15.

8 Your Honor, we know in South Carolina there are a  
9 number of cases, beginning with State v Smith in 1990,  
10 that mere conclusory statements which give the magistrate  
11 no basis to make a judgment regarding probable cause are  
12 insufficient.

13 That's exactly what we have here. It says a robbery  
14 happened. And then it says, during the investigation,  
15 Daquan Crummey and Denali White were developed as the  
16 suspects for this home invasion. That's it. There's no  
17 other reason to say that they did this. It's just, we,  
18 the Sheriff's Office, have concluded that Daquan is a  
19 suspect in this investigation.

20 And we'd argue, Your Honor, that there's no even  
21 reason for a magistrate if that's what we're going to do.  
22 We're just going to say the Sheriff's Office believes X  
23 or Y, and that's what we need to get a search warrant,  
24 then there's no point in having a neutral-detached  
25 magistrate to make that decision. Further, we'd argue

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 9, 2020

1 that there was exculpatory information that was excluded  
2 from the warrants, mainly that an eyewitness said that  
3 these individuals had shaved heads. And I don't know if  
4 Your Honor has seen the booking photo of Mr. Crummey  
5 three weeks later, but he certainly does not have a  
6 shaved head. Its big dreads, big --

7 I think that in State v Smith, the warrant was on  
8 May 12th, Reginald Jerome Smith went into the Master Inn  
9 on Savannah Highway in Charleston, South Carolina, robbed  
10 the manager at knifepoint. Smith has been staying at the  
11 Host of America room since January the 1st and there's  
12 every reason to believe the weapon and clothes used in  
13 the robbery will be located in the room. That's the one  
14 where they held effective.

15 And then there have been other cases that support  
16 this same situation. And, I mean, I can go further but I  
17 feel like it's pretty -- I think it's pretty clear, on  
18 the face, that it's lacking in probable cause.

19 THE COURT: Well, you would agree with me, and I  
20 don't know whether this happened or not, that certainly  
21 an officer may be able to supplement probable cause with  
22 oral testimony.

23 I think before we can adequately address this issue,  
24 we need to take testimony from the officers who made the  
25 application for the search warrants and create a full

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 9, 2020

1 record before any decisions are made as to the  
2 admissibility of any evidence which was gathered pursuant  
3 to these search warrants.

4 MR. SUMMA: Absolutely. So I think the burden is on  
5 them.

6 THE COURT: Certainly. Well, he's got to call the  
7 witness so...

8 MR. COOPER: Judge, just so that -- I think there  
9 are as Mr. Summa noted, a variety of search warrants.  
10 The State doesn't plan to introduce evidence on several  
11 of them, so we're only going to address the ones that we  
12 seek to use in our case in chief. Those...

13 [Whereupon, Mr. Cooper and Ms. Shealy confer]  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 MR. COOPER: The State calls Detective Khan to the  
2 stand.

3 [Whereupon, Mr. Khan comes forward]

4 THE CLERK OF COURT: Please place your left hand on  
5 the Bible and raise your right.

6 [Whereupon, Mr. Khan is duly sworn by the Clerk of  
7 Court]

8 THE CLERK OF COURT: You may be seated.

9 [Whereupon, the witness takes the witness stand]

10 THE CLERK OF COURT: And for the record, please  
11 state your full name, spelling both your first and your  
12 last.

13 THE WITNESS: Detective Zulfiqar Khan. Z-U-L-F-I-Q-  
14 A-R. Last name is K-H-A-N.

15 - - - - -

16 ZULFIQAR KHAN,

17 Having Been First Duly Sworn,

18 was Examined and Testified as Follows:

19 DIRECT EXAMINATION

20 BY MR. COOPER:

21 Q. Good afternoon, Detective Khan.

22 A. Good afternoon.

23 Q. Will you tell the Court where you're currently  
24 employed?

25 A. I'm sorry. Say what?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 Q. Tell the Court where you're currently employed.

2 A. I'm employed with the Charleston County Sheriff's  
3 Office, in the CID, as a detective.

4 Q. How long have you been a detective with the  
5 Sheriff's Office?

6 A. Roughly about five years. Maybe a little bit more.

7 Q. And then I want to focus your attention to this  
8 case, the home invasion on Tedder Street, in July of  
9 2017. Were you involved in that case?

10 A. Yes.

11 Q. Were you involved in obtaining search warrants?

12 I'll take them one at a time, one for a phone dump of a  
13 Samsung cell phone?

14 A. Yes, sir.

15 Q. How did you become involved in that?

16 A. I was co-case and the case, the case agent had other  
17 things due at this time and I was like, I'll take care of  
18 the phone dumps or the search warrants for the download  
19 of the phones.

20 Q. You drafted a search warrant for a Samsung cell  
21 phone in this case?

22 A. Yes, sir.

23 Q. And where did that cell phone come from?

24 A. The Samsung is the co-defendant's cell phone in this  
25 case.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 Q. That being who?

2 A. Denali White.

3 MR. COOPER: At this time, I have the search warrant  
4 at issue in this case that I'd like to have marked as a  
5 Court's Exhibit to show the officer. Can I have it  
6 marked for that?

7 THE COURT: Certainly.

8 [Whereupon, Court's Exhibit Number 1 is marked for  
9 identification by the court reporter]

10 Q. [Mr. Cooper] Officer, I want to show you what's been  
11 marked as Court's Exhibit 1. Do you recognize that  
12 document? It's not stapled, but you can look through it.

13 [Whereupon, the witness reviews documents]

14 A. Yes, sir. That's for the Samsung Smart Phone. I  
15 drafted it, and then had it signed.

16 Q. [Mr. Cooper] And the information that's in that  
17 probable cause section, you authored that?

18 A. Yes, sir.

19 Q. And describe the process when you take a search  
20 warrant to be signed by a judge. Describe that process  
21 for the Court.

22 A. We find an available judge; go there, we're sworn in  
23 to provide testimony just like it is done here. I give a  
24 brief synopsis of the case that we're working, and what  
25 I'm looking for from -- the information that that search

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 warrants will provide for me or for our case to further  
2 our investigation. And at that point, it's up to the  
3 judge to either say, okay, I find your probable cause  
4 good enough, or I do not.

5 Q. And is it usual practice, in your experience, that  
6 magistrates will take oral supplements in addition to  
7 what's written in the probable cause?

8 A. Yes, sir. That's the synopsis that I'm talking  
9 about.

10 Q. Okay. And then in this case, kind of describe the  
11 background of the investigation going into why you needed  
12 the Samsung cell phone.

13 A. So the reason why we had the phones or obtained the  
14 search warrants for the cell phone downloads is because  
15 we were basically, one, looking for any accomplices that  
16 had been, not been identified at this point. This is  
17 August.

18 So any accomplices that we weren't able to identify,  
19 we didn't know about, were there any communications in  
20 reference to this home invasion, how did our suspects  
21 know to go to this particular trailer, and also we're  
22 trying to see if they were there, basically.

23 Q. And so in that -- in the probable cause section, it  
24 talks about identifying Daquan Crummey and Denali White  
25 as the suspects in this investigation?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 A. Yes, sir.

2 Q. Was that correct?

3 A. Yes, sir.

4 Q. Is it -- in your experience, would a magistrate  
5 inquire of the reasons behind that when discussing the  
6 search warrant? Would they ask you questions about it?

7 A. They do. I had to obviously explain as to how we  
8 got to Daquan Crummey and Denali White as the suspects  
9 for this home invasion, and that's obviously you know,  
10 our investigation has led us to this.

11 The, one of the victims also provided us with some  
12 Facebook information and that also linked Daquan Crummey,  
13 and then also defined a -- Daquan and Denali were also  
14 subjects of a traffic stop prior to them being arrested  
15 for us.

16 And that's how I was able to at least come up with a  
17 relationship between the two. At least they had prior  
18 knowledge; they knew each other, from -- for this.

19 Q. And did that search warrant, what's the date?

20 A. On this one?

21 Q. Yes.

22 A. It's the 25th of August, sir.

23 Q. And all that information that you discussed you knew  
24 prior to that date?

25 A. Yes, sir.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 Q. And you were -- were you prepared to share that with  
2 the magistrate if he asked about it?

3 A. Yes, sir. We normally share that kind of  
4 information. Like I said, it's a brief synopsis. I'm  
5 not going to sit there and give her a two-hour  
6 dissertation on this. But, still, it's going to require  
7 some time.

8 Q. You go in knowing that you may have to answer  
9 questions for a magistrate?

10 A. Yes, sir.

11 Q. And describe a little bit about, because we have the  
12 two suspects, describe what you were looking for, what  
13 you think may, what you thought may have existed when you  
14 obtained the search warrant.

15 A. Like I said, looking for any unidentified  
16 accomplices in this case. Again, trying to figure out  
17 how these two knew to go to this particular trailer or  
18 house. It's a Sunday afternoon. These guys had money on  
19 them.

20 So our thought is that, well, maybe it is an inside  
21 person who knew that there was going to be money on these  
22 -- all these people, all the victims had money at this  
23 time. So we were looking for that and, again, and also  
24 any text messages. Whatever else might be on that phone,  
25 because we're asking for text messages and videos and

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 browsing history and all of that.

2 Q. Is that because you don't always know exactly what  
3 you're looking for?

4 A. No, sir, we do not. We ask for -- we ask for all  
5 these things just to further our investigation. And  
6 sometimes it turns out to be nothing in the phone.  
7 Sometimes we get data back that will actually help us.

8 Q. But it's your job to follow the lead?

9 A. Yes, sir.

10 Q. And sometimes they lead nowhere?

11 A. Absolutely.

12 Q. Sometimes they may lead to more suspects?

13 A. Yes, sir.

14 Q. And sometimes they don't?

15 A. Yes, sir.

16 Q. In this case, prior to these search warrants you  
17 didn't have any cell phone communications; right?

18 A. No, sir.

19 Q. And in your experience, is that something that  
20 multiple people may use to try to commit a crime  
21 together?

22 A. Cell phones have become such a -- such a non --  
23 indispensable part of our lives now, that everybody uses  
24 a cell phone. You know, gone are the days of putting  
25 quarters and dimes in a corner payphone. So everybody's

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 going to talk about if they're going to commit a crime  
2 together. Walkie-talkies are not going to be used. It's  
3 going to be cell phones.

4 Q. What made you think this cell phone would have that  
5 information?

6 A. The -- Denali was -- this was his phone when he was  
7 arrested.

8 Q. It was on his person when he ---

9 A. It was on his person ---

10 Q. -- was arrested?

11 A. Yes, sir. So we, out of an abundance, again  
12 especially being cautious, let's go ahead and obtain a  
13 search warrant for the data on the cell phone to further  
14 our investigation.

15 Q. And he was arrested on warrants related to this  
16 investigation?

17 A. I'm sorry. What, sir?

18 Q. Was he arrested on warrants related to this  
19 investigation?

20 A. Yes, sir.

21 Q. Is it unusual to continue to investigate after you  
22 have arrest warrants?

23 A. No. The case -- that is just -- that's half the  
24 case. You continuously investigate. And that's the way  
25 I was taught. We keep on going until we have normal

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 leads to follow.

2 Q. And in your experience, when you go to get a search  
3 warrant signed and provide oral supplements, are you  
4 sworn in when that happens? Do they swear you in?

5 A. Yes, sir. Every time.

6 [Whereupon, Mr. Cooper and Ms. Shealy confer]

7 Q. Did you do a search warrant for any other phone in  
8 this case? Any other physical phone?

9 A. Yes, sir; Daquan Crummey's phone.

10 Q. What kind of phone was that?

11 A. It was an iPhone.

12 Q. Okay. And did you do a search warrant at the same  
13 time as the warrant that you talked about?

14 A. Yes, sir.

15 Q. And do you know what date it was? Do you remember?

16 A. It was probably the same date as this. I don't  
17 remember off the top of my head. Actually, it could have  
18 been before because ---

19 Q. --- so ---

20 A. --- he was arrested before.

21 Q. When was Mr. Crummey arrested?

22 A. Roughly maybe like ten, fourteen days before Denali  
23 White.

24 Q. Do you need a copy of your report? Would that help  
25 refresh your recollection?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 A. Yes, sir. And, also, if you've got a copy of the  
2 other...

3 Q. Search warrant ---

4 A. --- search warrant because that will have a date on  
5 it, sir.

6 Q. I've got a copy of your report and your case notes.

7 [Whereupon, Mr. Cooper proffers documents to the  
8 witness]

9 Q. [Mr. Cooper] Just take a look at that and let me  
10 know when you're ready.

11 A. Thank you.

12 [Whereupon, the witness reviews documents]

13 A. It says that I obtained a search warrant for  
14 Daquan's iPhone, but it doesn't have a date on there, so  
15 ---

16 MR. COOPER: --- okay. Give me just one second.  
17 I'm going to borrow the court reporter real quick.

18 [Whereupon, Court's Exhibit Numbers 2, 3 and 4 are  
19 marked for identification by the court reporter]

20 Q. [Mr. Cooper] I'm sorry. I had her do something  
21 while you were talking. Say that again for us.

22 A. Yes, sir. In my notes, it states that I obtained  
23 the search warrant for Daquan's cell phone but it doesn't  
24 have a date of when I did it.

25 Q. Showing you Court's Exhibit 2. Is that the search

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 warrant you initially obtained for the iPhone?

2 [Whereupon, the witness is shown document]

3 A. Yes, sir. That's an iPhone 6. So that would be on  
4 the same date, I believe. Yeah. August 25th, '17. So  
5 they were both obtained on the same date from Judge  
6 Steinberg --

7 THE COURT REPORTER: From Judge?

8 Q. [Mr. Cooper] What judge was it?

9 A. Steinberg. Ellen Steinberg.

10 Q. [Mr. Cooper] So at the bottom, does it have the --  
11 do they usually list the time that they sign a search  
12 warrant?

13 A. Yes, sir. The iPhone search warrant we're talking  
14 about was signed at 2:20 p.m.

15 Q. Okay. And what about the Samsung?

16 A. 2:15.

17 Q. And the other one was 2:20, you said?

18 A. Yes, sir.

19 Q. So in a five-minute span, you're having a  
20 conversation about several search warrants for Judge  
21 Steinberg?

22 A. Well, I gave her -- you know, when I walked in, got  
23 sworn in and everything. So the synopsis -- but it's  
24 going to be on both of these, the background, the facts,  
25 of what happened, what we're looking for as far as the

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 download and what the download would possibly give us as  
2 far as data and information that we're looking for.

3 Q. And at the time of August 25th, had Crummey -- had  
4 both Crummey and White already been arrested on these  
5 charges?

6 A. Yes, sir, because we had their phones.

7 Q. And then was the -- was an extraction performed on  
8 both phones?

9 A. No. At the time, they were not able to extract any  
10 data from the iPhone.

11 Q. Why is that?

12 A. It was locked, and access did not exist at the time.

13 Q. So the Sheriff's Office didn't have access to the  
14 software back in 2017 to break into an iPhone?

15 A. No, sir.

16 Q. At a later time, in early 2019, did you order  
17 another search warrant on that same iPhone?

18 A. On the iPhone? Yes, sir.

19 Q. Was that at my request?

20 A. It was, sir.

21 Q. Was an extraction performed at that time?

22 A. It was. Again, I obtained another search warrant.  
23 Well, basically, it's almost the same search, it is the  
24 same search warrant, but it was refreshed with a date.

25 And, again, the same procedure. Went in, got sworn in,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 explained to the judge why I was there with another  
2 search warrant on the same phone that she had already  
3 issued, and I obtained that search warrant.

4 Q. I'll show you Court's Exhibit 3.

5 [Whereupon, the witness is shown document]

6 Q. Is that the first search warrant you had signed for  
7 the iPhone in 2019?

8 A. Yes, sir.

9 Q. And when was it signed?

10 A. It was the 14th of May of 2019.

11 Q. By who?

12 A. The same; Judge Steinberg.

13 Q. That signed the first two search warrants for the  
14 phones?

15 A. Yes, sir.

16 Q. Okay. And then did you -- were you requested to do  
17 a third search warrant by Deputy McManigal and myself?

18 A. Yes, sir.

19 Q. I'm showing you Court's Exhibit 4. Is that that  
20 search warrant?

21 [Whereupon, the witness reviews documents]

22 A. Yes, sir. That's the last one on that iPhone, which  
23 is for June 25th of '19.

24 Q. By Judge Steinberg?

25 A. Yes, sir.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 Q. And was the probable cause section the same for each  
2 search warrant?

3 A. Yes, sir. There was no reason to change ---

4 Q. --- had your motives or need or what you thought you  
5 might get from the phone, had that ever changed?

6 A. No.

7 Q. What was your goal in each of those times for the  
8 search warrants?

9 A. To obtain data. And the downloads, again, to see if  
10 we have accomplices. Did we have accomplices that we  
11 haven't identified up to this point? Were our two  
12 suspects in communication with each other?

13 Did they discuss this home invasion prior to them,  
14 you know, actually carrying it out or was this just a  
15 spontaneous decision just to go hit one house? Those  
16 were all the reasons.

17 Q. And Judge -- who was -- who's the judge that signed  
18 the Samsung search warrant initially? Was that also  
19 Judge Steinberg?

20 A. Yes, sir.

21 Q. How was ---

22 A. --- I kept all the search warrants for the phones  
23 with her because she -- that's the -- at the time, she  
24 was head judge. But that's beside the point. It's she  
25 knew the facts and I just figured it was the easiest to

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 go back to her and tell her, hey, Judge, we've got --  
2 this is what we've got going on, we have the technology  
3 now that we can get into this phone and that's why I'm  
4 bringing this search warrant back to you.  
5 Q. And other than the topic of whose phone was whose,  
6 was the probable cause section essentially the same  
7 across those search warrants?  
8 A. Yes, sir.  
9 Q. And Judge Steinberg signed them each time?  
10 A. Yes, sir.  
11 Q. After swearing you in, and maybe asking you  
12 questions, she signed them ---  
13 A. --- yes, sir ---  
14 Q. --- each time?  
15 [Whereupon, Mr. Cooper and Ms. Shealy confer]  
16 Q. So the first iPhone search warrant was the same day  
17 as the Samsung search warrant; right?  
18 A. Yes, sir.  
19 Q. Is that August 25th of 2017?  
20 A. Yes. Let me just make sure of the date. Make sure.  
21 [Whereupon, the witness reviews documents]  
22 A. August 25th of '17, 2017.  
23 Q. [Mr. Cooper] And that's, so that's the same day  
24 that the iPhone search warrant was signed, the first one?  
25 A. Yes, sir.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 Q. And when are the next two iPhone search warrants  
2 signed? Is that 2019?

3 A. Hang on. I don't want to say yeah when I don't  
4 remember. Let me make sure.

5 [Whereupon, the witness reviews documents]

6 A. So for the iPhone, the subsequent search warrants on  
7 that iPhone was -- one was May 14th of 2019, and then the  
8 next one was June the 25th of 2019; so a month apart.

9 Q. So about a year and a half after this initial search  
10 warrant was signed for the phone dumps?

11 A. Yes.

12 Q. You mentioned that you couldn't get into the iPhone.  
13 Were y'all able to successfully get into the Samsung?

14 A. Yes.

15 Q. What, if any, information did you learn from that  
16 dump that aided your investigation?

17 A. It solidified for us the fact that Daquan Crummey  
18 and Denali White knew each other. He actually refers to  
19 him, Denali refers to Daquan I believe as Big Bro. And  
20 then on the morning of the home invasion, they have a  
21 text conversation about a -- about a big lick. So...

22 Q. The phone that is White's has a conversation with  
23 another number?

24 A. Yes, sir; the phone number that came out to be  
25 Daquan Crummey's phone.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 Q. And what phone number was that? Do you know?  
2 A. I think the last four is 4400. I could be wrong,  
3 though.  
4 Q. Okay. But the first time you learned of that  
5 conversation is after having the dump of the Samsung cell  
6 phone?  
7 A. Yes, sir.  
8 Q. And then is that one of the reasons why we also  
9 continued to try to dump the iPhone?  
10 A. Yes, sir.  
11 [Whereupon, Mr. Cooper and Ms. Shealy confer]  
12 Q. Between those dates of 2017 and 2019, were you aware  
13 of the Sheriff's Office then having the capability to get  
14 into iPhones?  
15 A. In '20. Yes, sir.  
16 Q. Paul McManigal had that ability?  
17 A. He did.  
18 Q. Is GrayKey the right term? Or do you know?  
19 THE COURT REPORTER: What's the term again?  
20 MR. COOPER: GrayKey.  
21 Q. [Mr. Cooper] But Paul McManigal knew you know, that  
22 he might have the ability to do it?  
23 A. Yes, sir.  
24 [Whereupon, Mr. Cooper and Ms. Shealy confer]  
25 Q. So back when you got these first search warrants

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 signed in August of 2017, I think you had said that both  
2 suspects had already been arrested?

3 A. Yes, sir.

4 Q. Do you remember what the nature of your conversation  
5 with Judge Steinberg would have been in discussing the  
6 search warrants?

7 A. Without -- thinking back now, I mean I can't tell  
8 you exactly. But, again, it would have been, you know,  
9 that just the basic facts of the case and what we were  
10 trying to prove.

11 Or what do we think that the phone downloads will  
12 provide for us for our investigation. Is it going to  
13 further our investigation? It could lead us in a totally  
14 different direction with more accomplices, or we're just  
15 we are where we are, we won't get anything new. And then  
16 like I said the judge can read what our need to know.

17 Q. And in your experience getting search warrants  
18 signed, would you be willing to share everything from the  
19 beginning of the case up until the day of the search  
20 warrant, with that magistrate, about that case?

21 A. If that ---

22 MR. VOIGT: --- objection ---

23 A. --- is what they're looking for, yes.

24 MR. VOIGT: What he'd be willing to do has nothing  
25 to do with what he did in this case. That's what we're

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 here for; what he did. Why don't we ask that question?

2 Q. [Mr. Cooper] Would it be -- would it be your normal  
3 practice to share every detail of your investigation ---

4 A. --- no, sir ---

5 MR. VOIGT: --- Your Honor, I make the same  
6 objection. We're not getting into the facts ---

7 THE COURT: --- Mr. Cooper, ask the witness what he  
8 -- what facts he told the magistrate that led to the  
9 arrest -- or led to these two individuals being a  
10 suspect.

11 We've got to get somewhere closer to, I told her  
12 this and therefore because of that we believe that they  
13 are suspects, not I would have told her about the  
14 investigation. There's got to be something specific to  
15 get over the bar of probable cause, and that's what we  
16 need to know.

17 MR. COOPER: Yes, sir.

18 THE COURT: So I'm going to sustain Mr. Voigt's  
19 objection.

20 MR. VOIGT: Thank you.

21 MR. COOPER: Yes, sir.

22 Q. [Mr. Cooper] Describe for the Court the course and  
23 the state of your investigation up to that point when you  
24 had -- went to have the search warrant signed.

25 A. Up to this point, we -- we got called out for a home

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 invasion. As we're investigating that home invasion, a  
2 few days later the -- one of the victims, Dulce, reached  
3 out to me and said that -- well, actually, initially at  
4 the hospital she told me that she recognized one of the  
5 suspects who committed this home invasion from school. I  
6 said, okay, that you're in the hospital, get looked  
7 after, and then we'll speak in a couple of days.

8 A couple of days later, it might have been the next  
9 day, called her and she met -- she agreed to meet with me  
10 and Detective Sharpe at Stahl High School because she  
11 said she'd recognized the guys from -- one of the guys  
12 from her school, which was Stahl High School.

13 We met Dulce there, just to see if she could find  
14 this person in the yearbooks. And she was unable to find  
15 anything in the yearbooks.

16 I spoke with staff at the school and they said that  
17 it's entirely possible that Daquan wasn't present in  
18 school that day when the pictures were taken.

19 Q. And they didn't -- she didn't find the suspect in  
20 the yearbook?

21 A. No.

22 Q. What did you have her do after that?

23 A. I told her to keep on looking. She called me some  
24 days -- sometime later and said that the person that she  
25 recognized from the home invasion and the one that went

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 to school with her went by the name of Runacheakup Youngn  
2 on Facebook.

3 THE COURT REPORTER: Went by the name of? Tell me  
4 the name again.

5 THE WITNESS: Runacheakup Youngn.

6 Q. [Mr. Cooper] And is Runacheakup one word and Youngn  
7 one word?

8 A. Yes.

9 Q. Once you get that information, are you able -- were  
10 you able to develop a suspect?

11 A. I was ---

12 MR. VOIGT: --- I'm going to object as -- my same  
13 objection. That question doesn't relate to what the  
14 officer told the magistrate or put in his warrant. It's  
15 interesting, it may come out tomorrow, but it has nothing  
16 to do with this.

17 THE COURT: Well, I understand the rationale behind  
18 your objection, but I think he's -- I assume he's trying  
19 to lay the foundation. Let's ask -- let's go to what  
20 specific information was relayed to the magistrate in  
21 terms of oral supplementation.

22 Q. [Mr. Cooper] Describe what information at this point  
23 you on August 25th that you had provided, based on the  
24 state of your investigation, to Judge Steinberg.

25 A. All that information, plus the fact that how we

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 developed these two suspects, they were arrested, and  
2 that I would like to obtain these two search warrants to  
3 download their phones.

4 Q. And as a result of your investigation up to that  
5 date, they had already been arrested on charges in this  
6 case?

7 A. Yes, sir.

8 Q. And you would have shared that with Judge Steinberg?

9 A. Yes, sir.

10 Q. And then which -- the subsequent searches of the  
11 iPhone have shared the results of your investigation at  
12 that point with Judge Steinberg?

13 A. Yes, sir.

14 Q. And so every time you meet with her, you're sharing  
15 the updates of your investigation?

16 A. Right. Because we -- we've already gotten one  
17 search warrant on the iPhone so I have to go back and  
18 tell her, listen, I need an updated iPhone search warrant  
19 because we were not able to download it at the time.

20 And, again, the facts didn't change how we developed  
21 Daquan and Denali as the suspects. They were arrested.  
22 And we have -- we were able to download Daquan's phone  
23 but we were unable to download -- I'm sorry -- Denali's  
24 phone but we weren't able to download Daquan's phone, so  
25 I'm coming back to you so we can try to download Daquan's

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 phone again.

2 MR. COOPER: Beg the Court's indulgence.

3 [Whereupon, Mr. Cooper and Ms. Shealy confer]

4 Q. [Mr. Cooper] And so in your experience with Judge  
5 Steinberg in signing search warrants, what level of  
6 detail does she look -- is she looking for before she  
7 signs a search warrant?

8 MR. VOIGT: Objection. What she does as a normal  
9 practice has no bearing on what she did in this case.  
10 Why can't we ask questions about these warrants?

11 MR. COOPER: It has everything to do with it because  
12 that's how he knows what he -- how he needs to respond to  
13 a judge to get a document signed.

14 THE COURT: The issue -- again, I need to hear  
15 exactly what he told this magistrate to supplement  
16 because on -- these applications, on their face, are  
17 conclusory. So I need to hear some facts about how these  
18 individuals were -- how these individuals became suspects  
19 in this case.

20 All I've heard this afternoon is one of the victims  
21 thought she may have gone to school with one of these  
22 individuals who broke into the residence, and a Facebook  
23 name. We still haven't gotten to the issue of how these  
24 -- I mean, these two names could be anybody's names,  
25 based on what I've heard so far. I want to know what

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 this investigator told this magistrate to supplement  
2 these applications, what specific facts she was told, as  
3 to how these two individuals became suspects. That's the  
4 issue that needs to be addressed.

5 Q. [Mr. Cooper] Did you -- did you share with Judge  
6 Steinberg that the defendants had been arrested on  
7 charges in this case?

8 A. Yes, sir.

9 Q. Did you describe for her how those arrests came to  
10 be in detail?

11 A. Yes, sir.

12 Q. Would you do that for the Court today?

13 MR. VOIGT: Objection. Leading.

14 Q. [Mr. Cooper] Would you describe ---

15 THE COURT: --- hold on. Hold on one second. Let  
16 him ---

17 MR. VOIGT: --- and, Judge, the arrests are  
18 mentioned in the warrant. That's the one part of this we  
19 don't have to tread over again. What -- I mean, it -- I  
20 think the Court has zeroed in on what we care about over  
21 here: what specific fact did he give the magistrate  
22 judge that isn't in here?

23 I mean, not the history of the case to this point,  
24 but what specific fact. And the fact is, because we've  
25 been around and around now three times, I don't think

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 there is one. I mean, I think we might just want to cut  
2 it here because it doesn't exist.

3 THE COURT: Well, we're ---

4 MR. VOIGT: --- we're trying to recollect -- you  
5 know, somebody's recollection that can't be refreshed.

6 THE COURT: We're going to give him the opportunity.  
7 If he can -- if he can state what facts supplemented the  
8 affidavit, then I think he should be afforded that  
9 opportunity. And -- but that is ultimately the issue  
10 that we need to get to; what this magistrate was told as  
11 to how these two individuals became suspects.

12 MR. COOPER: Beg the Court's indulgence one second.

13 [Whereupon, Mr. Cooper and Ms. Shealy confer]

14 Q. [Mr. Cooper] Do you have those four search warrants  
15 up there? I'm going to take them back one at a time.

16 [Whereupon, Mr. Cooper retrieves documents from the  
17 witness]

18 Q. That probable cause section in that search warrant,  
19 will you read that, please?

20 [Whereupon, the witness is shown document]

21 MR. VOIGT: Objection.

22 MR. COOPER: Judge ---

23 MR. VOIGT: --- what is -- what is there ---

24 THE COURT: --- hold, hold on, hold on a second ---

25 MR. VOIGT: --- what exhibit are we talking about --

1 what exhibit are we talking about ---

2 THE COURT: --- hold on a second. The applications  
3 have been -- have been marked as Court's exhibits. I  
4 don't think he needs to -- I'm looking at them. I can  
5 read them. He's got to testify as to something that's  
6 not on these pages to prove that the oral supplementation  
7 established probable cause.

8 So what's on this paper for purposes of this  
9 hearing, in my view, is not the heart of what we're  
10 supposed -- or what we need to get at here. I mean, I  
11 can read what's on the pages and what's on the page --  
12 what's on -- and just a quick scan, they all appear to be  
13 the identical language with no changes in any of them.  
14 And so I'm aware of what's in the application. We need  
15 to hear ---

16 MR. COOPER: --- yes, sir ---

17 THE COURT: --- some facts.

18 Q. [Mr. Cooper] What is listed in the probable cause  
19 section, what is not listed there that you would have  
20 described to Judge Steinberg ---

21 MR. VOIGT: --- objection to the form of the  
22 question. What he would have done isn't what he did.  
23 Could we ask him what he ---

24 THE COURT: --- Mr. Voigt? Mr. Voigt, we all know  
25 the issue. There is no jury in here. I know what I'm

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 looking for. I know what I'm -- what I need to hear.

2 Okay?

3 MR. VOIGT: I -- thank you, Judge. I'm ---

4 THE COURT: --- we don't need to ---

5 MR. VOIGT: --- it's just it's frustrating to hear  
6 the same thing over and over again ---

7 THE COURT: --- I understand that ---

8 MR. VOIGT: --- without any movement towards the  
9 truth ---

10 THE COURT: --- let's talk about what happened, what  
11 actually happened, on the dates that these search warrant  
12 applications were taken to Judge Steinberg.

13 Q. [Mr. Cooper] Taking Court's Exhibit 1, the Samsung  
14 search warrant on August 25th.

15 A. Yes.

16 Q. In addition to what's in that search warrant, what  
17 did you tell Judge Steinberg about that case that was not  
18 in that search warrant; about the facts of the case up to  
19 that point?

20 A. How we came to find that Daquan Crummey and Denali  
21 White were the suspects for this home invasion.

22 Q. In what detail?

23 A. Details ---

24 Q. --- that you described that to the judge with -- for  
25 a search warrant.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 A. Details such as one of the victims, Dulce,  
2 identifies them from a photo lineup. The fact that ---

3 Q. --- identifies who?

4 A. Daquan Crummey and Denali White. Things -- we went  
5 how we developed Denali as one of the suspects, as one of  
6 the possible suspects at the time. They were -- they  
7 were together in a car; they were subjects in a car stop,  
8 legal stop.

9 And the fact that those two other ones that  
10 basically picked out by our victim; and they were  
11 arrested; and we had their cell phones now and we would  
12 like to...

13 Q. Did you share the details of the two lineups by  
14 Dulce?

15 A. Yes, sir ---

16 Q. --- to Judge Steinberg?

17 A. That's how it establishes the fact that even more  
18 that they are the ones who committed this, did this home  
19 invasion.

20 Q. And when you have that first iPhone search warrant  
21 on August 25th, did you share those same details to her?

22 A. It would be the same time because the initial one is  
23 at the same time as this is done. So the details remain  
24 the same. It's just that they're a few minutes apart.

25 Q. When you go back in May of 2019, are you sharing

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 those same details with her, as well?

2 A. I have to because I have to refresh her memory of  
3 something that happened two years prior.

4 Q. And when you discuss with Judge Steinberg on a  
5 search warrant, is she -- are you just telling her, or is  
6 she asking you questions?

7 A. She asks questions, as well. But like I said, give  
8 her a synopsis. In this case it's going to be a history  
9 that I have to refresh her memory from.

10 Hey, Judge, this is how we came across these two as  
11 the suspects. This is what our investigation led up to  
12 this -- led us up to that point of the arrests.

13 And then why I'm coming back for the search warrant  
14 for the iPhone because initially we were not able to get  
15 that iPhone downloaded.

16 Q. And so in 2019 when you go back, for the iPhone  
17 search warrant, what details did you give her then about  
18 how the investigation had evolved?

19 A. It would have been the same detail. I can't -- you  
20 know, I can't make up any details.

21 Q. Pretend I'm Judge Steinberg and give me those  
22 details.

23 A. Hey, Judge, I don't -- I'm here -- I got this search  
24 warrant signed back in 2017 from you. And she would have  
25 asked, okay. You know, give her the details. We're

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 working a home invasion, Judge, back then; we developed  
2 two suspects at this time, which is going to be Daquan  
3 Crummey and Denali White. They were developed as  
4 suspects because they were picked out by a photo lineup  
5 by one of the victims, which is going to be Dulce.

6 And once they were arrested based on those photo  
7 lineup identifications, they were arrested with those  
8 cell phones; and we tried to download the data on those  
9 two cell phones.

10 We were successful in downloading the Samsung but  
11 not the iPhone. The technology just wasn't there back  
12 then. Now we have the means to download the iPhone, as  
13 well, and that's why I came back to get a refreshed  
14 search warrant for the iPhone.

15 Q. What details did you share with her about what came  
16 from the Samsung phone extraction?

17 A. It would have been the same. That, you know, we've  
18 got the text messages, as far as they're talking about  
19 the big lick.

20 And I want to see if there's any data on the iPhone  
21 that matches that text string, if there's a reciprocating  
22 text from -- that's even better for the investigation  
23 side of the fence.

24 Q. And so when you go back in June of 2019 for a third  
25 time with the iPhone, did you give her those details, as

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 well?

2 A. Have to. Again, because all she's seen is an  
3 affidavit, and then I'm back again getting another search  
4 warrant. Why? I'm getting another search warrant  
5 because the technology didn't exist.

6 Again, we're trying -- we have the two suspects  
7 identified at this point; and we have a text string from  
8 one phone but we can't get into the other phone to  
9 verify.

10 MR. COOPER: Beg the Court's indulgence for just one  
11 second.

12 [Whereupon, Mr. Cooper and Ms. Shealy confer]

13 THE COURT: Mr. Cooper, are we ready to proceed?

14 MR. COOPER: Yes, Judge.

15 Q. [Mr. Cooper] In the latter search warrants  
16 regarding the iPhone ---

17 A. --- yes ---

18 Q. --- were you aware or did you describe to Judge  
19 Steinberg about the text conversation you learned from  
20 the Samsung?

21 A. Yes. Because that would, again, be a part of the  
22 reason why I'm back, trying to get another search warrant  
23 for the same phone that we've already tried to download.

24 Q. What details would you have given her about that  
25 conversation?

1 A. To talk about the text string?

2 Q. Specifically.

3 A. Talking about the big lick, we're still trying to  
4 figure out at this point, even this late stage in the  
5 game -- one of the texts, if I remember right, is  
6 something about -- they mention a female.

7 I'm still trying to figure out who the female is; we  
8 haven't figured this out. And we're hoping that the  
9 search warrant on the iPhone will maybe shed some light  
10 on this female. At this point, this is a mystery to us;  
11 and establishing a timeline ---

12 MR. SUMMA: --- objection. What they're hoping to  
13 find is not an issue.

14 THE COURT: Yeah. What they're -- what they're  
15 looking for is not -- again, the issue is the facts that  
16 supplemented the application to establish probable cause.  
17 So I understand where you're going with this but, you  
18 know, what they hoped to find isn't necessarily relevant  
19 in terms of the facts that she needed to hear to make up  
20 a finding of probable cause.

21 So I mean, I understand that he's -- that he's  
22 giving her kind of the full picture and what they're  
23 looking for, but let's just stick to the facts that he  
24 relayed to her.

25 MR. COOPER: Beg the Court's indulgence.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Direct Examination by Mr. Cooper  
March 9, 2020

1 [Whereupon, Mr. Cooper and Ms. Shealy confer]

2 Q. [Mr. Cooper] Detective Khan, I have no further  
3 questions. Please answer anything that Mr. Summa or Mr.  
4 Voigt may have for you.

5 MR. VOIGT: Judge, if I might, I think I'm going to  
6 take the Samsung warrant and then hand off the other  
7 warrants to counsel. Would that be ---

8 THE COURT: --- that's the only ---

9 MR. VOIGT: --- the expectation ---

10 THE COURT: --- that's fine ---

11 MR. VOIGT: --- of privacy rule is different as to  
12 each one of the warrants.

13 THE COURT: Alright.

14

15

16

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. I'll come closer to you, Detective. How are you?

4 A. I'm well. How are you, sir?

5 Q. Alright. So we've talked about this warrant. And

6 I'm going to direct you to -- my questions are going to

7 be basically about the Samsung warrant alright? And

8 that's the warrant that you took from my client -- or

9 that -- based on the phone that you took from my client.

10 Would you agree with me, Detective, that the purpose

11 of a warrant is to establish probable cause in order to

12 obtain; you have to search through something?

13 A. Yes, sir.

14 Q. And don't you think, Detective, that it's in the

15 best practice to maybe put as many facts as possible to

16 establish probable cause so that the questions never

17 really close, right?

18 A. Probable cause was there, sir.

19 Q. But ---

20 A. --- what the judge signed.

21 Q. Okay. So based on that answer, is it your belief

22 that because the magistrate signed it, that the probable

23 cause statement was sufficient?

24 A. That, based with the background, yeah, I think so.

25 Yes, sir.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 Q. Okay. But you wouldn't add anything to that? Is  
2 that what you're saying?

3 A. No.

4 Q. Okay. Matter of fact, you didn't add anything to  
5 that, did you?

6 A. No, sir.

7 Q. Okay. So you've been a detective about five years;  
8 right?

9 A. Yes, sir.

10 Q. And one of the things you do to refresh your  
11 recollection is you keep notes; right?

12 A. Yes, sir.

13 Q. And on every case that you've ever investigated,  
14 probably going back to your patrol days, you've kept  
15 notes so that it would help you with -- it would assist  
16 you in drafting reports, it would assist you in drafting  
17 search warrants, and three, four or five years later if  
18 your memory failed it would help you refresh your  
19 recollection; is that correct?

20 A. Yes, sir.

21 Q. Speak up, because ---

22 THE COURT REPORTER: --- yes, please speak up.

23 Q. [Mr. Voigt] You're close but I can't hear you. And  
24 it's true, isn't it, that prior to your testimony today,  
25 you were -- you had access to all your reports and notes,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 and everything that you did, so that it would refresh  
2 your recollection; right?

3 A. Yes.

4 Q. And so this is about as good as this testimony is  
5 going to get, I'm guessing; right?

6 A. Yeah.

7 Q. Okay. And did you -- on August 25th do you have any  
8 notes from August 25th, 2017?

9 A. No. I mean, other than -- August 25th? I've got  
10 24th...

11 Q. But you have nothing from your encounter with Judge  
12 Steinberg; right?

13 A. No, sir.

14 Q. Okay. And to the best of your recollection, what  
15 questions did Judge Steinberg ask you?

16 A. The facts of the case, basically, as to why I'm up  
17 to getting a search warrant. Whatever questions she had,  
18 sir.

19 Q. Whatever questions she had? You don't remember  
20 those specifically, though, do you?

21 A. Honestly? No, sir, I don't.

22 Q. Okay. And you didn't write that down anywhere, did  
23 you?

24 A. No, sir.

25 Q. Okay. And to the best of your knowledge, Judge

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 Steinberg didn't write those down, either?

2 A. No.

3 Q. Have you ever been -- no. Strike that. That's  
4 wandering down a path I'd object to.

5 So let's go back to this Samsung warrant. You have  
6 -- you have all -- you are -- at that point, you have  
7 access to all of the information in the case. You've  
8 talked to witnesses, you reviewed this information, and  
9 you can put as much information into that warrant -- I  
10 mean, there's no like a page limit, is there?

11 A. No.

12 Q. You can go as long as you want; right?

13 A. Yes.

14 Q. You can include every fact that you've discovered?

15 A. Yes.

16 Q. You can include facts that -- and the purpose of  
17 including these facts, isn't it, to make it more likely  
18 that evidence will be searched -- or will be found at the  
19 place you're trying to search; right?

20 A. Yes.

21 Q. Okay. And so in here, how many sentences did you  
22 write in that -- in the reasons that you believe that a  
23 search warrant should be sought?

24 A. I'm -- like I said, you want me to count them or?

25 Q. Yeah. Why don't you count them, see if you get past

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 eight.

2 [Whereupon, the witness reviews documents]

3 Q. [Mr. Voigt] We're talking about eight sentences;  
4 right?

5 A. I've gotten as far as six, sir.

6 [Whereupon, the witness reviews document]

7 A. Seven, eight, nine.

8 Q. Okay. And right in the middle of that paragraph is  
9 a sentence that says, during the investigation Daquan  
10 Crummey and Denali White were developed as suspects for  
11 this home invasion. Do you see that sentence?

12 A. Yes, sir.

13 Q. Okay. At that point, when you wrote that sentence,  
14 had they been identified?

15 A. At this point? Yes, sir.

16 Q. Okay. Is there some reason, some strategic reason,  
17 why you didn't think the magistrate should know that?

18 A. No.

19 Q. So you just omitted that fact?

20 A. No, sir. That would have been in the background  
21 information that I provided her when we spoke about this.

22 Q. Is there some reason why you wouldn't have written  
23 that in here?

24 A. No.

25 Q. It seems important, doesn't it?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 A. That, again, would have been the background  
2 information. It doesn't need to be here.

3 Q. Okay. Alright.

4 A. Because it says that they were identified.

5 Q. Okay. They were identified. During the  
6 investigation, they were developed. That's not  
7 identified; right? That's a different word; right?

8 A. Okay. If you go that far, sure, sir.

9 Q. No, I'm going to go that far. Identification  
10 procedures have a very specific meaning; right?

11 A. Yes, sir.

12 Q. Okay. And the word identification actually has a  
13 meaning in law, right, Detective?

14 A. Yes, sir.

15 Q. Okay. You didn't use that word, did you, Detective?

16 A. I did not, sir.

17 Q. Okay. Matter of fact, I think you testified  
18 earlier, in response to Mr. Cooper's question, you said  
19 you had gone to Stahl High School?

20 A. I -- I mean ---

21 Q. --- no, no, no. That you had gone with the witness  
22 to Stahl High School.

23 A. Yes, sir.

24 Q. Yeah. No. I don't know where you went to high  
25 school. I -- that's irrelevant.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 A. Oh...

2 Q. And that she believed that one of the perpetrators,  
3 Daquan Crummey, was somebody that she went to high school  
4 with?

5 A. Yes, sir.

6 Q. Okay. You didn't put that fact into that warrant  
7 did you?

8 A. No.

9 Q. Matter of fact, during the course of your  
10 investigation, you learned that Mr. Crummey did not go to  
11 high school with this victim; isn't that true?

12 A. No.

13 Q. Okay. During the course of your investigation, you  
14 learned that she was not able to find Mr. Crummey's  
15 picture in the yearbook; is that true?

16 A. Right.

17 Q. And that she couldn't find anybody that she thought  
18 she went to school with who had committed this robbery at  
19 Stahl High School?

20 A. Yes, sir.

21 Q. Is that true?

22 A. True.

23 Q. You didn't put that in this warrant; right?

24 A. No.

25 Q. Okay. And that wasn't -- I mean, Judge Steinberg

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 didn't know to ask you about your trips to Stahl High  
2 School with the victim; right?

3 A. No. That subject didn't come up.

4 Q. Okay. And prior to August 25th, 2017, what fact or  
5 facts did you have that would have led you to believe  
6 that a cell phone was utilized either before or during  
7 this home invasion?

8 A. The fact that -- actually, none, because they had --  
9 other than the fact that they would have communicated  
10 somehow, nothing else.

11 Q. Okay. And you'll agree with me that people can  
12 communicate in ways other than cell phone communications;  
13 right?

14 A. Sure.

15 Q. So it's safe to say that when you swore out this  
16 affidavit searching for the contents of a Samsung cell  
17 phone, that you had no information whatsoever that that  
18 phone, nor any other cell phone, had been used in the  
19 commission of this crime?

20 A. Other than the fact that it's one of the suspect's  
21 cell phones and it's probably used, yes, that's what we  
22 had.

23 Q. You have no fact that indicated it was probably  
24 used; right? Nothing?

25 A. Other than the fact that it's his cell phone, no,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 sir.

2 Q. Right. So you don't have anybody telling you that  
3 they're using the cell phone while the -- during the home  
4 invasion, using the cell phone in the planning of the  
5 home invasion?

6 You don't have any independent source of knowledge,  
7 any -- anything, to base your assumption that somehow a  
8 cell phone was used, other than at the time of his arrest  
9 he possessed a cell phone?

10 A. Right.

11 Q. Okay. What questions did you reveal -- no, strike  
12 that; I'm sorry.

13 Did you bring any documentation with you that would  
14 have supported the allegations that you have testified  
15 to, to show Judge Steinberg?

16 A. I would have brought my case file.

17 Q. Okay. Your entire case file?

18 A. It's in a folder, sir. Yes.

19 Q. Okay. Alright.

20 A. Or copies, anyway.

21 Q. Okay. And this case file was something that you had  
22 August 25th, 2017?

23 A. What was -- we had been able to develop up to that  
24 point. Yes.

25 Q. Okay. And so you had a witness who had identified

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Voigt  
March 9, 2020

1 these two.

2 A. Yes ---

3 Q. --- from a photographic lineup? Okay. So you had  
4 that. But you didn't put that photographic lineup in  
5 this warrant; right?

6 A. No, I didn't.

7 Q. Okay. And you don't have any notes as to what you  
8 may have told Judge Steinberg; right?

9 A. No, sir.

10 Q. And your -- and what are you basing your  
11 recollection on?

12 A. What is normally the procedure to obtain a search  
13 warrant.

14 Q. Okay.

15 MR. VOIGT: I'm going to tender the witness, Your  
16 Honor.

17 THE COURT: Thank you, Mr. Voigt. Mr. Summa?  
18  
19  
20  
21  
22  
23  
24  
25

1 CROSS-EXAMINATION

2 BY MR. SUMMA:

3 Q. Detective Khan, you just testified on direct that  
4 you went to Stahl High School to meet Ms. Martinez, is  
5 that correct, at one point?

6 A. Yes, sir.

7 Q. And you testified that that was to see whether  
8 Daquan was in the yearbook; is that correct?

9 A. Yes, sir.

10 Q. Okay. So you went there looking for?

11 A. I went there looking -- actually, we went there to  
12 see if she could identify the person that she said that  
13 was one of the suspects. We didn't know that it was  
14 Daquan at the time.

15 Q. You didn't know that it was Daquan at the time?

16 A. No, sir.

17 Q. Did you think it was Daquan at the time?

18 A. At the time, no. Later on, yes.

19 Q. But you did testify earlier that you were going to  
20 see if she could find Daquan; right?

21 A. Right.

22 Q. So that was a mistake when you said that?

23 A. Yes, sir. I mean, I meant we're trying to identify  
24 one of the suspects in this case.

25 Q. So you said you went with Daquan [sic] to look to

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 see if she could find Daquan. You're also saying you  
2 didn't have Daquan as a suspect in the case; isn't that  
3 right?

4 A. Not at that time. A little bit later that I started  
5 thinking maybe it's this guy because we've dealt with him  
6 before. But that's not -- that was just a person of  
7 interest at that point.

8 He's not -- he doesn't -- Daquan isn't developed as  
9 a suspect until she gives us the Facebook name,  
10 Runacheckup Youngn.

11 Q. Okay. So your testimony is that Daquan was not  
12 developed as a suspect until after she provided you the  
13 Facebook; is that correct?

14 A. Yes, sir.

15 Q. Alright.

16 Alright.

17 MR. SUMMA: Can I -- may I mark something real  
18 quick? May I approach the court reporter?

19 THE COURT: Sure.

20 MR. SUMMA: This can be Defense 2, I guess.

21 [Whereupon, Defendant Crummey Exhibit Number 2 is  
22 marked for identification by the court reporter]

23 MR. SUMMA: And can I put this up on the screen?

24 It's got a highlight on it, but...

25 THE COURT: Sure.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 Q. [Mr. Summa] Detective, I'm going to show you what  
2 has been -- we've just marked --

3 [Whereupon, the exhibit is published]

4 Q. This has been marked as Defendant's Exhibit 2. Do  
5 you recognize this document?

6 A. Yes. It's part of my notes.

7 Q. Okay. And on your case notes, on this document --  
8 and you can read it; right?

9 A. Yes, sir.

10 Q. Okay. See my highlighted portion right there  
11 [indicates]?

12 A. Uh-huh.

13 Q. How about you go two paragraphs above that and just  
14 read that for everyone.

15 A. [Reading] Spoke to Dulce. She was unable to  
16 provide a name for a suspect so far. I asked her to meet  
17 us at Stahl High School to the student -- and look  
18 through the student yearbooks in case she was able to  
19 pick out the suspect.

20 At Stahl, we were advised that not all students will  
21 be in yearbooks since some had missed the photo date.  
22 She's -- Dulce is unable to identify the suspects she  
23 advised she recognized. According to Dulce, she advised  
24 that she knew the suspect; she had recognized the same  
25 person she used to see on Dorchester Road.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 Q. Okay. And do you mind reading the highlighted  
2 portion?

3 A. [Reading] The physical description Dulce provided  
4 reminded -- it should be reminded me of Daquan Crummey,  
5 who was a person myself and Detective Thompson dealt with  
6 on a stolen vehicle case some time ago.

7 Q. Okay. And so the description, you wrote this in  
8 your case notes. And you normally write your case notes  
9 in chronological order; is that correct?

10 A. Yes, sir.

11 Q. In terms of how things happen?

12 A. [No response]

13 Q. So is it true that you had developed Daquan as a  
14 suspect before.

15 A. Like I said, he was a person of interest, not a  
16 suspect.

17 Q. You say on there that the physical description that  
18 Dulce provided reminded you?

19 A. Correct.

20 Q. Right?

21 A. [No response]

22 Q. When you met with Dulce, that physical description  
23 was a tall black male that was skinny; right?

24 A. [Indicates]

25 Q. Any other details ---

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 THE COURT REPORTER: --- was that a yes ---

2 THE WITNESS: Yes.

3 Q. [Mr. Summa] Any other details that she provided you  
4 with?

5 A. The fact that she said that she remembers him from  
6 hanging out -- well, he used to hang out on Dorchester  
7 Road across the street from a shop where her dad used to  
8 work.

9 Like I said, searching back through my memory I was  
10 like, well, that reminds me of Daquan. But, again, at  
11 this point, we don't have anything positive that he is  
12 one of the suspects, so he's just a person that I thought  
13 of ---

14 Q. --- so ---

15 A. --- a person of interest. That's all.

16 Q. So he reminded you of Daquan because she said that  
17 he was tall, black, and hung out outside her dad's shop  
18 on Dorchester Road?

19 A. No. That is because we had dealt with Daquan before  
20 on a case -- on another case from a stolen vehicle, motor  
21 vehicle.

22 Q. Okay.

23 A. And the physical descriptors that was provided to  
24 us, plus the fact that he was hanging out on Dorchester  
25 Road over by the Waylyn, that's the only name that I

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 could come up with at the time that I had dealt with  
2 recently. And I said, okay, that's a person of interest.  
3 That's all.

4 But Daquan is not developed as one of the suspects  
5 until Dulce calls and says hey, this is his Facebook name  
6 and pictures.

7 Q. Okay. So he wasn't developed as a suspect but you  
8 felt that it was close enough that you decided to put it  
9 in your case notes; is that right?

10 A. Yes, sir.

11 Q. Let's go back to the warrant. You testified on  
12 direct that it's normal for you to talk to the magistrate  
13 a little bit; right?

14 A. Yes, sir.

15 Q. Okay. Does that happen every time, without  
16 exception?

17 A. Yes, sir.

18 Q. You always have a conversation with the magistrate?

19 A. Always. What am I going to do, walk in and say,  
20 hey, Judge, sign this for me? It doesn't work that way;  
21 right?

22 Q. You'd be surprised.

23 A. No. It never happened to me, then.

24 Q. Okay. So it's -- every single case you've ever  
25 dealt with, you had a lengthy conversation ---

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

- 1 A. --- yes, sir ---
- 2 Q. --- with the magistrate? Okay. On direct, when Mr.  
3 Cooper asked you when the search warrant was signed, you  
4 said that you didn't remember the date off the top of  
5 your head; is that correct?
- 6 A. Yeah. That was three years ago, almost.
- 7 Q. Okay. And you probably -- you've been a detective  
8 for five years. You probably have thousands of cases  
9 that you've worked on since.
- 10 A. Not in the thousands, sir. I'm not that good.
- 11 Q. Hundreds, at least?
- 12 A. Maybe.
- 13 Q. Okay. How do we know -- how do you remember exactly  
14 what you told Ellen Steinberg on August 25th, 2017?
- 15 A. Because my -- I only pretty much use three judges.  
16 The procedures are pretty much the same when you go in.  
17 Explain to the judge why you're there for the search  
18 warrant, the background for every case, why you feel that  
19 this search warrant is going to further your  
20 investigation.
- 21 Q. Obviously, this was two-and-a-half years ago.  
22 You're saying you don't remember exactly what you say,  
23 you just know what's normal and so you're assuming that  
24 that's what you did; is that correct?
- 25 A. I'm not assuming, sir. That's exactly what I did.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 I may not be able to tell you word-for-word, but the  
2 procedure is the same.

3 Q. Okay. But every case is different; right?

4 A. Cases are different, yes, sir. That's why we take  
5 the case file with us, in case the judge has a question  
6 that we can't answer or we don't know off the top of our  
7 head.

8 Q. Okay. When you saw her again in 2019, you testified  
9 on direct that she knew the facts of the case; is that  
10 correct?

11 A. No, sir. I said she vaguely remembered the case  
12 because it's rare to have a home invasion where the  
13 suspects are -- where the suspects are developed and  
14 arrested. Because a lot of times it doesn't happen, you  
15 know? It's a home invasion. They're in, out, gone, and  
16 we get vague descriptions and that's it.

17 In this case, we were actually able to develop two  
18 suspects from descriptors, and that's -- that's an  
19 unusual case.

20 Q. You developed a suspect from a descriptor?

21 A. Description.

22 Q. Description?

23 A. And then through our investigation, that led us to  
24 Daquan and Denali.

25 Q. So she didn't know the facts when you saw her in

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 2019?

2 A. No, sir.

3 MR. SUMMA: Beg the Court's indulgence.

4 [Whereupon, Mr. Summa and Ms. Norris confer]

5 Q. [Mr. Summa] Detective Khan, you testified on direct  
6 that when you see Judge Steinberg, generally you explain  
7 to her what you're seeking; right?

8 A. Yes, sir.

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

10 A. Yeah.

11 Q. You told her what you were hoping to find and why  
12 you think what you would find would help you in your  
13 investigation; right?

14 A. Yes.

15 Q. Okay.

16 MR. SUMMA: I don't have any further questions.

17 MR. COOPER: Beg the Court's indulgence just one  
18 second.

19 [Whereupon, Mr. Cooper and Ms. Shealy confer]

20 MR. SUMMA: May I just ask one other follow-up?

21 MR. COOPER: I'm sorry. Did I miss...

22 THE COURT: No. Go ahead.

23 MR. SUMMA: Thank you.

24 Q. [Mr. Summa] When you were talking to Judge  
25 Steinberg, did you tell her where you found the cell

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 phone?

2 A. It would -- yeah, because it's -- they were  
3 arrested, so he had his cell phone on him.

4 Q. Okay. And, Detective Khan, at this point you had  
5 conducted -- it's fair to say you didn't include all the  
6 facts that you got on your investigation when you spoke  
7 with Judge Steinberg; is that correct?

8 A. Included the facts where? On here [indicates]?

9 Q. All the facts. Everything you gathered through the  
10 course of your investigation. You didn't include  
11 everything; right?

12 A. On the -- on the affidavit? No.

13 Q. What about orally? You said everything?

14 A. For the most part, yes, sir. What I -- what was  
15 pertinent is what I told the judge.

16 Q. Okay.

17 A. Because that develops -- also, that develops the  
18 background for the probable cause that ---

19 Q. --- sure. Is it true that you spoke with a neighbor  
20 across the street who had seen the two suspects? Is that  
21 correct?

22 A. We did.

23 Q. Okay. And is it true that that neighbor told you  
24 that one of the men came up to her and said something;  
25 right?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 A. Yeah. I had that conversation.

2 Q. Is it true that that witness, when you met with her,  
3 she gave a written statement describing both of the men  
4 as having close-shaved hair?

5 A. I don't remember but ---

6 Q. --- if I were to show you something, would that  
7 refresh your recollection?

8 A. Perhaps, sir. Like I said, I don't remember.

9 Q. I'm just going to give this to you.

10 [Whereupon, Mr. Summa proffers documents to the  
11 witness]

12 [Whereupon, the witness reviews documents]

13 Q. [Mr. Summa] Will you read starting where it says  
14 both males right there [indicates] please?

15 A. [Reading] Both males were dressed in an all-black  
16 attire, with no facial hair, and close-shaven hair.

17 Q. Thank you. Did you tell that to Judge Steinberg?

18 A. No. There's no reason to do that. It's -- that was  
19 just somebody we spoke to. That's just part of the  
20 initial investigation.

21 Q. Okay. So your testimony is that there was no reason  
22 to tell Judge Steinberg that?

23 A. On that? No.

24 Q. Thank you.

25 MR. SUMMA: No further questions.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Zulfiqar Khan-Cross-Examination by Mr. Summa  
March 9, 2020

1 THE COURT: Mr. Cooper?

2 MR. COOPER: I have no further questions to offer,  
3 Judge.

4 THE COURT: Alright. Detective, you can step down.

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 9, 2020

1 THE COURT: Are there any other search warrant  
2 issues that we need to address?

3 MR. COOPER: There are two search warrants with  
4 Detective Sharpe, but not with Detective Khan. Would you  
5 like for us to call Detective Sharpe now or ---

6 THE COURT: --- well, that's what I'm trying to  
7 decide. It's 5:22 right now. I don't -- that took an  
8 hour and about twenty minutes. I don't think we want to  
9 be here until seven o'clock this evening, so...

10 MR. VOIGT: I can tell you that my part of the show  
11 is about over because -- involving talking about  
12 warrants.

13 THE COURT: So I don't want to make the court staff  
14 stay here much past six o'clock, so y'all tell me.

15 MR. COOPER: It may be easier to argue about this  
16 now and put up Detective Sharpe first thing in the  
17 morning.

18 THE COURT: Alright. Then if we're going to have  
19 some additional pretrial in the morning, I think we need  
20 to start at 9:00 instead of 9:15 and so we can make sure  
21 we don't keep the jury waiting on us in the morning. So  
22 I'll be glad to hear arguments on this issue.

23 MR. SUMMA: You want to go first?

24 MR. VOIGT: Thank you.

25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Voigt  
March 9, 2020

1 MR. VOIGT: Judge, counsel cited State v Smith. I  
2 think State v Smith is a perfectly good case. It sets it  
3 all out and it has a warrant very similar to the warrant  
4 in this case.

5 I would also direct the Court to State v Baccus,  
6 which comes along a little bit later in 2006, at 625  
7 S.E.2d 216, where they had a similar warrant. And,  
8 again, just like this warrant, or these warrants, the  
9 warrants ended up themselves failing to establish  
10 probable cause.

11 South Carolina is one of the only states that allows  
12 parol evidence, evidence outside of the warrant, to  
13 supplement the warrant, which I think is actually a  
14 really bad practice and I wish we'd stop it. But we do  
15 it.

16 Detective Khan said some interesting things. One,  
17 he didn't see that within the four corners of the  
18 affidavit it failed to establish probable cause, there  
19 was nothing else he would have added. He also said that  
20 there was no real reason to think that a phone was  
21 utilized, whether the evidence would be found, other than  
22 merely a guess.

23 And that's not why we have search warrants. We  
24 don't go on fishing expeditions. We're not here to  
25 guess. Furthermore, I think it's kind of bad practice to

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Voigt  
March 9, 2020

1 allow the vague memory of a detective who says, I always  
2 do these things, or she would have asked me these things,  
3 or we would have discussed these things, as opposed to,  
4 she asked me this specific question. I know because I  
5 wrote it down in my notes because that's the kind of  
6 detective I am. We don't have any of that.

7 Matter of fact, we didn't even get testimony that he  
8 was sworn in to answer those questions. All we got was  
9 some sort of vague recollection of the conversation. And  
10 that's not the procedure. The procedure actually  
11 involves the swearing in and the giving of testimony,  
12 much like we would, you know, in qualifying a jury or  
13 something like that. We didn't get that testimony.

14 So I don't think that the vague recollections are  
15 enough to save these warrants. And I'll specifically  
16 talk about my Samsung warrant because I think it actually  
17 is more egregious as you boilerplate the same thing over  
18 and over again without adding any facts.

19 There's no limitation. There's no limitation on the  
20 page numbers. There's -- you can put in all the stuff  
21 you want to put in. This isn't really in a Franks  
22 hearing where I'm alleging they didn't put in good stuff,  
23 although there's a little hint of that as well.

24 There just isn't enough here to establish probable  
25 cause, and it can't be saved. That testimony didn't save

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Voigt  
March 9, 2020

1 it. Those warrants are, on their face, defective and  
2 that testimony is not reliable enough for the Court to  
3 rely on to know what specifically was asked, answered,  
4 how these warrants were supplemented.

5 It's just -- it hasn't been established by the  
6 State, and it's their burden, and I would ask the Court  
7 to suppress any evidence taken from the same; the warrant  
8 for the Samsung phone.

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

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Summa  
March 9, 2020

1 MR. SUMMA: Your Honor, I just -- and I would join  
2 in those and I would just cite State v Dunbar, which is  
3 361 S.C. 240, which says that it does have to be under  
4 oath.

5 The search warrant in that case offended the  
6 constitutional requirements that it be supported by oath  
7 or affirmations. It's about a phone conversation that a  
8 detective has with the magistrate. So we do think that's  
9 very important. I don't think we've heard testimony  
10 about that.

11 And then I agree. I mean, it's would you have done  
12 this. It sounds like he's just saying this is what I  
13 would have done. And that's great. I'm glad that he  
14 would have done that. But it's not -- it's different  
15 than, I did this, I remember.

16 And I think that, additionally, he doesn't include  
17 this other ID, that someone said they had a shaved head.  
18 And, Judge, I wish I had asked him on cross about the  
19 picture. But we have it here and it was disclosed as  
20 part of the five, that Daquan has big, bushy dreads.

21 It doesn't match their description, and that's -- I  
22 feel like that's kind of like they're not -- that lady  
23 isn't on our witness list. And obviously we know that  
24 Franks has been extended to include situations where  
25 exculpatory information is excluded from the warrants. I

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Summa  
March 9, 2020

1 think if that was there, of all -- even if -- even if  
2 everything else in this case was given to this -- given  
3 to this detective, it may have included the exculpatory  
4 information and it probably would not have been -- the  
5 judge might not have found probable cause.

6       So, mainly, I'm offended that he just says this is  
7 what I would have done, he doesn't remember specifically.  
8 But, also, there's that other little bit about he only  
9 put in the good stuff and not the bad stuff. And that's  
10 not what law enforcement is supposed to do because it --  
11 a judge can't make a neutral decision if they're only  
12 given half the information that law enforcement has.

13       THE COURT: Mr. Cooper?

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Cooper  
March 9, 2020

1 MR. COOPER: I want to get a copy of one of the  
2 search warrants to get the language.

3 [Whereupon, Mr. Cooper retrieves documents]

4 MR. COOPER: So, Judge, several things. First of  
5 all, there is a reason why great deference is afforded to  
6 a magistrate, and it's because transcripts are not  
7 required of those conversations and that oral  
8 supplementation to a search warrant is allowed.

9 You heard Detective Khan discuss that every time she  
10 asks questions; goes in prepared to answer her questions  
11 about the investigation, about how they got where they  
12 were. It was a little bit hard to get to those answers  
13 for the Court today, but it was clear that he gave those  
14 answers to her then.

15 Not all -- a magistrate is not required to be an  
16 attorney but in this case, the magistrate was. Ellen  
17 Steinberg is a respected attorney and a magistrate. She  
18 heard -- she saw the probable cause section, she heard  
19 the facts of the case, she heard the investigation, she  
20 heard Detective Khan answer her questions not once, not  
21 twice, not three times, but four times, Judge, and signed  
22 the search warrant each time showing there was probable  
23 cause.

24 There is a reason that great deference is afforded  
25 and it is because of this lack of a verbatim recording.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Cooper  
March 9, 2020

1 And I think that was part of the problem on the State's  
2 direct, is it is hard to remember verbatim what you say.  
3 But what you say, and as he described it was, how they  
4 got to that point.

5 And to correct Mr. Voigt and Mr. Summa, he was -- he  
6 did say he was sworn in when he gave that statement to  
7 Judge Steinberg. And he describes the investigation. In  
8 his search warrant it says, Court's Exhibit 4: [Reading]  
9 During the investigation, Daquan Crummey and Denali White  
10 were developed as suspects for this home invasion; Daquan  
11 was arrested for his outstanding warrants. Stated the  
12 property was his. He goes through it.

13 He is anticipating, also, that Judge Steinberg is  
14 going to ask these questions. And he explained these to  
15 her. He described that -- about how the suspect is  
16 initially identified, and that there is a witness that  
17 identified both suspects out of a lineup. Mr. Summa  
18 wants to talk about Ms. Rawls.

19 Ms. Rawls also said on that statement that she did  
20 not -- that she did not feel -- that she didn't feel  
21 comfortable doing the photo lineup. So that  
22 identification is not necessarily to be trusted in this  
23 regard.

24 The one that was, identification that picked out two  
25 people, that is what helped develop them as suspects in

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Cooper  
March 9, 2020

1 this case, and that's what he stated he shared with Judge  
2 Steinberg. One of the witnesses gave a Facebook moniker.  
3 It ended up being Mr. Crummey's. And so while it is not  
4 explicitly laid out here, the way he described it worked,  
5 at least with Judge Steinberg, Judge, every time, you go  
6 in knowing you answer questions. They're going to ask  
7 about the investigation, about the P.C., make sure there  
8 is P.C.

9 And, again, that's why there's great deference  
10 afforded to a magistrate, because they are in the moment,  
11 they are asking the questions of the detective, they are  
12 the ones who get the best chance to hear what that  
13 detective is saying. And in her judgment, each of the  
14 four times, she found P.C.

15 [Whereupon, Mr. Cooper and Ms. Shealy confer]

16 MR. COOPER: And that she is an attorney, a  
17 respected one. And unless we're going down the road of  
18 she -- she put her reputation on the line signing these  
19 search warrants, signing -- to say she signed one that  
20 didn't have P.C., knowingly?

21 She asked Detective Khan and Detective Khan answered  
22 each time, each of the four times, explained the  
23 investigation, explained how they were developed,  
24 explained they had been arrested by the time they had  
25 these search warrants, and then explained in 2019 how the

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Argument of Counsel-Remarks by Mr. Cooper  
March 9, 2020

1 case had evolved. Which is all you can ask and expect  
2 from a detective, is to describe every step of the  
3 investigation. And is that hard to do two years later?  
4 It can be. But that's, again, why great deference is  
5 afforded to a magistrate. And, Judge -- beg the Court's  
6 indulgence.

7 [Whereupon, Mr. Cooper and Ms. Shealy confer]

8 MR. COOPER: And he does make it clear, Judge, in  
9 each situation, that they were arrested for these  
10 charges, the warrants had also been found to have P.C.,  
11 and is -- and is laying out in here that there was an  
12 investigation, they were identified as suspects, and they  
13 were arrested as a result of that investigation, and this  
14 is another part of that investigation. I do think it's  
15 important that each of the four times it's a similar body  
16 in the probable cause section because, one, he knows what  
17 -- he's worked with her before, he knows what he has to  
18 come prepared to talk about, and he does that each and  
19 every time. And she signed it four times. And, Judge, I  
20 would just ask that giving that great deference that is  
21 owed to Judge Steinberg, the one that heard him in the  
22 moment each of the four times, and the one that found  
23 P.C. each of the four times. I would ask that you hold  
24 these search warrants valid for what they are, valid and  
25 supplemented, and having probable cause each time.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 9, 2020

1           THE COURT: Well, the issue, as I see it, is, number  
2 one, whether these affidavits are enough to establish  
3 probable cause on their face. I don't believe they are,  
4 but the officer did testify as to advising the magistrate  
5 that these individuals had been picked out in a photo  
6 lineup.

7           So the issue that I'm wrestling with is whether that  
8 oral testimony is sufficient to supplement this  
9 conclusory -- these conclusory affidavits enough to rise  
10 to the level of establishing probable cause.

11           So I'm going to read these cases that have been  
12 cited in court here today, think about this over the  
13 course of the evening, and rule on this issue in the  
14 morning. I want to read these cases in detail before I  
15 -- before I make my final decision.

16           But, you know, I think the issue in this case is  
17 whether this oral supplementation is sufficient. I  
18 believe that the detective did testify that he was sworn,  
19 and he testified that he supplemented these written  
20 affidavits each and every time before the magistrate,  
21 Judge Steinberg.

22           So I need to review these -- this case law and read  
23 these cases in detail and I will rule on this motion in  
24 the morning.

25           MR. COOPER: Judge, could I ask that the State -- we

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 9, 2020

1 didn't receive a written motion from either party about  
2 the case law or this that any case law that we find  
3 tonight, can we send it to your law clerk?

4 THE COURT: Yes. You can send it via email. I'll  
5 be -- and I will read -- I'll read anything that is sent.  
6 And I've got -- I've got some research already done on  
7 this issue and -- but I haven't read these cases in their  
8 entirety, so I want to do that before I -- before I issue  
9 a ruling.

10 So I think we're all clear on what the issue is, and  
11 I just want to read this case law and read the fact  
12 specific holdings in each of these cases to see if  
13 there's anything that is on point with what we have in  
14 this -- in this particular case. So I will do that.

15 We're going to adjourn at this time until nine  
16 o'clock in the morning. We need to be ready to get  
17 started right at 9:00 so we can make sure that the jury  
18 is not sitting in the jury room waiting on us, especially  
19 considering how long they had to wait this morning.

20 And that's through nobody's fault, but I don't -- I  
21 don't want to get in the habit of keeping a jury waiting.  
22 So we're going to be at ease until nine o'clock tomorrow  
23 morning. Thank you.

24 [Whereupon, jury trial adjourns at 5:45 p.m.]

25

State v Daquan J. Crummey & Denali D. White  
Certificate of the Court Reporter  
March 9, 2020

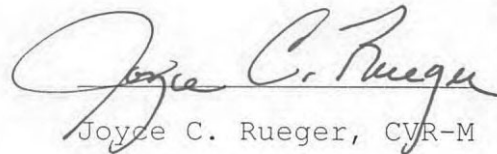
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official  
Circuit Court Reporter for the Ninth Judicial Circuit of  
the State of South Carolina, do hereby certify that the  
foregoing is a true, accurate, and complete Transcript of  
Record of the proceedings had and evidence introduced in  
the trial of the captioned case, relative to appeal, in  
the Court of General Sessions for Charleston County,  
South Carolina on the 9th day of March, 2020.

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

June 3, 2020

  
Joyce C. Rueger, CVR-M  
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-568-580
	)	2020-GS-10-1484
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
DAQUAN JAVOR CRUMMEY	)	
	)	
Defendant	)	
	)	
_____	)	TRANSCRIPT OF RECORD

March 10, 2020  
Charleston, South Carolina

**Volume 2 (of 5)**

B E F O R E:

THE HONORABLE R. KIRK GRIFFIN, JUDGE

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

DANIEL COOPER, ESQ.  
JENNIFER SHEALY, ESQ.  
Attorneys for the State

PHILLIP DANIEL SUMMA, ESQ.  
TERESA NORRIS, ESQ.  
Attorneys for the Defendant Crummey

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

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-0592
	)	2018-GS-10-594-602
	)	2018-GS-10-0604
	)	2020-GS-10-1485
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
DENALI DEONCO WHITE	)	
	)	
Defendant	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

---

March 10, 2020  
Charleston, South Carolina

**Volume 2 (of 5)**

B E F O R E:

THE HONORABLE R. KIRK GRIFFIN, JUDGE

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

DANIEL COOPER, ESQ.  
JENNIFER SHEALY, ESQ.  
Attorneys for the State

GREGORY KENNETH VOIGT, ESQ.  
Attorney for the Defendant

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

[Certified Transcript Provided for: SCCID]

## INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	155
MOTION TO SUPPRESS (Search warrants)	
ELLEN STEINBERG	
Direct Examination by Ms. Shealy	156
Cross-Examination by Mr. Summa	161
Cross-Examination by Mr. Voigt	162
ARGUMENT OF COUNSEL	
Remarks by Mr. Summa	167
Remarks by Mr. Voigt	169
Remarks by Mr. Cooper	171
Ruling by the Court	173
MOTION TO SUPPRESS (Search warrants)	
Remarks by Mr. Summa	179
Remarks by Ms. Shealy	182
MOTION TO SEVER	
Remarks by Mr. Summa	187
NEIL V BIGGERS HEARING	
DULCE MARTINEZ	
Direct Examination by Ms. Shealy	202
Cross-Examination by Mr. Summa	226
Cross-Examination by Mr. Voigt	229
Redirect Examination by Ms. Shealy	244
ARGUMENT OF COUNSEL	
Remarks by Ms. Shealy	252
Remarks by Mr. Summa	253
Remarks by Mr. Voigt	254
Ruling by the Court	258

## INDEX TO PROCEEDINGS (continued)

	PAGE
COURT'S OPENING REMARKS TO THE JURY	265
OPENING STATEMENTS	
Remarks by Ms. Shealy	274
Remarks by Mr. Summa	281
Remarks by Mr. Voigt	289
STEVEN MEADE	
Direct Examination by Mr. Cooper	296
JURY SWORN	326
NICK VECCHIONE	
Direct Examination by Mr. Cooper	327
Cross-Examination by Mr. Voigt	338
ALBERTO GARCIA (Through Interpreter)	
Direct Examination by Ms. Shealy	340
Cross-Examination by Mr. Summa	374
Cross-Examination by Mr. Voigt	380
Redirect Examination by Ms. Shealy	383
REY RODRIGUEZ (Through Interpreter)	
Direct Examination by Mr. Cooper	386
Cross-Examination by Mr. Summa	398
Cross-Examination by Mr. Voigt	403
CERTIFICATE OF THE COURT REPORTER	409

## INDEX TO EXHIBITS

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Photo	
2	Photo	
3	Photo	
4	Photo	
5	Photo	
6	Photo	
7	Photo	
8	Photo	309
9	Photo	309
10	Photo	
11	Photo	341
12	Photo	341
13	Photo	341
14	Photo	341
15	Photo	341
16	Photo	341
17	Photo	341
18	Photo	341
19	Photo	341
20	Photo	341
21	Photo	
22	Photo	341
23	Photo	341
24	Photo	341

## INDEX TO EXHIBITS (continued)

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	
26	Photo	
27	Photo	
28	Photo	
29	Photo	
30	Photo	367
31	Photo	367
32	Photo	331
33	Photo	331
34	Photo	
35	Photo	
36	Photo	331
37	Photo	331
38	Photo	372
39	Photo	
40	Photo	
41	Photo	
42	Photo	
43	Photo	
44	Photo	
45	Photo	
46	Photo	
47	Photo	
48	Photo	

## INDEX TO EXHIBITS (continued)

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	
50	Photo	
51	Photo	
52	Photo	
53	Photo	
54	Photo	
55	Photo	
56	Photo	
57	CD-911 call	
58	Stall High School yearbook	
59	Photo lineup-Crummey	
60	Photo lineup-White	
61	Crummey's iPhone	
62	USB drive-Crummey phone extraction	
63	iPhone extraction report	
64	iPhone extraction report	
65	IMG 1108	
66	White's Samsung phone	
67	CD-White's phone extraction	
68	Cellebrite Extraction	
69	Oxygen Samsung Extraction report	
70	Oxygen Samsung Extraction report	
71	Oxygen Samsung Extraction report	
72	Oxygen Samsung Extraction	

## INDEX TO EXHIBITS (continued)

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	CD-T-Mobile records	
74	FBI CAST cell phone mapping	
75	T-Mobile Certification	
76	FB Certification	
77	FB Certification	
78	CD-Jail calls-Crummey	
79	CD-Jail Video-Crummey & White	
80	FB Certification	
81	FB Certification	
82	FB Certification	
83	FB photo	
84	FB posting	
85	FB posting-Crummey	
86	FB posting	
87	Lineup photo	
88	Lineup photo	
89	DVD-Dulce Martinez-body cam interview	

## INDEX TO EXHIBITS (continued)

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

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
5	Search warrant-T-mobile	185
6	Admonition form	202
7	Six-pack lineup	202
8	C.D.-Interview-Martinez	202
9	Facebook profile-Runacheckup	245

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

PROCEEDINGS

THE COURT: Thank you. Please be seated.

[Whereupon, the defendants enter the courtroom]

THE COURT: Mr. Cooper, is there anything else that needs to be presented to the Court before we rule on this search warrant issue?

MR. COOPER: Yes, Your Honor. At this time, I think the State would like to call Judge Ellen Steinberg.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Direct Examination by Ms. Shealy  
March 10, 2020

1 THE COURT: Judge Steinberg, come on up, please.

2 [Whereupon, Judge Steinberg comes forward]

3 MR. VOIGT: Your Honor, just for the record, please  
4 note my objection to the State's reopening this at this  
5 late date.

6 THE COURT: I note -- I note your objection and it's  
7 protected for the record. Thank you. And Mr. Summa you,  
8 as well.

9 MR. VOIGT: Thank you.

10 THE CLERK OF COURT: Raise your right hand for me,  
11 please.

12 [Whereupon, Judge Steinberg is duly sworn by the  
13 Clerk of Court]

14 THE CLERK OF COURT: You may be seated. And for the  
15 record, please state your full name, spelling both your  
16 first and your last.

17 THE WITNESS: My full name is Ellen Sofar [phonetic]  
18 Steinberg. E-L-L-E-N. Last name is Steinberg. S-T-E-I-  
19 N-B-E-R-G.

20 MS. SHEALY: Thank you.

21 - - - - -

22 ELLEN S. STEINBERG,

23 Having Been First Duly Sworn,

24 was Examined and Testified as Follows:

25 DIRECT EXAMINATION

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Direct Examination by Ms. Shealy  
March 10, 2020

1 BY MS. SHEALY:

2 Q. Judge Steinberg, would you explain, please, what  
3 your current position is?

4 A. I am currently the magistrate for West Ashley,  
5 Charleston County.

6 Q. And how long have you been a magistrate?

7 A. I was appointed to the bench in 2013.

8 Q. Okay. And during the course of that time, at  
9 certain junctures were you also the chief magistrate?

10 A. I was.

11 Q. Okay. Are you an attorney?

12 A. I am an attorney.

13 Q. And where did you go to law school?

14 A. I went to law school at South Texas Law School in  
15 Houston, Texas.

16 Q. And what did you do as an attorney before you became  
17 a magistrate?

18 A. I've actually held several positions. I started off  
19 as a public defender and then I was an Assistant  
20 Solicitor actually here in the Ninth Circuit.

21 Q. Included in your duties as a magistrate, are you  
22 presented with search warrants by members of law  
23 enforcement?

24 A. Yes, I am.

25 Q. And do you sign every search warrant that is brought

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Direct Examination by Ms. Shealy  
March 10, 2020

1 to you by a law enforcement officer?

2 A. No, I do not.

3 Q. I'm going to show you four exhibits marked  
4 previously as Court's Exhibits 1, 2, 3 and 4, and ask you  
5 if you recognize these.

6 [Whereupon, Ms. Shealy proffers documents to the  
7 witness]

8 [Whereupon, the witness reviews documents]

9 A. Court Exhibit Number 1, I recognize this search  
10 warrant. Court Exhibit Number 2, I recognize the search  
11 warrant. Court Exhibit Number 3, I recognize this search  
12 warrant, and Court Exhibit Number 4, I do recognize the  
13 search warrants.

14 Q. [Ms. Shealy] Now in your role as a magistrate, do  
15 you hold court certain hours of the days of the week?

16 A. Yes, I do. Ten o'clock this morning, actually.

17 Q. Okay. We're going to try to get you out of here.

18 How is it when an officer needs to present a search  
19 warrant that you arrange to be able to speak with them?

20 A. I always take them into my office, into my chambers.

21 Q. So they'll drop by just any time during the day?

22 A. That is correct.

23 Q. Okay. When they come into your chambers, what do  
24 you ask that they do?

25 A. The first thing they do is they have to swear and

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Direct Examination by Ms. Shealy  
March 10, 2020

1 affirm as to what they're providing to me and what they  
2 say to me. My -- I always ask -- I read the search  
3 warrant, and I ask questions.

4 Q. And is that your practice with each search warrant  
5 you're presented with?

6 A. Absolutely.

7 Q. Now, do you record in any fashion what type of oral  
8 supplementation is given?

9 A. I do not.

10 Q. So how does that factor in your decision as to  
11 whether -- as to whether to sign the search warrant  
12 itself? How does the oral supplementation come into  
13 play?

14 A. As I'm going through a search warrant, there are  
15 certain pieces; there are certain things within that  
16 affidavit that I'm looking for. I recognize that a  
17 search warrant is a very important document.

18 I'm always asking what is the nexus, what is the  
19 connection, whether or not it actually rises to that  
20 level that I'll sign it and feel comfortable signing it.

21 Q. Okay. And, can you say that with confidence as to  
22 each search warrant you're presented with?

23 A. Yes.

24 Q. Of those documents that we presented to you, is it  
25 your signature on each of those search warrant?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. Yes, that is.

2 Q. And are you familiar with Detective Khan from the  
3 county?

4 A. Yes, I am.

5 Q. I have no further questions. Please answer any the  
6 defense may have.

7 THE WITNESS: Thank you.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Cross-Examination by Mr. Summa  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. SUMMA:

3 Q. Good morning.

4 A. Good morning.

5 Q. Judge Steinberg, you remember me and Ms. Norris and  
6 my investigator coming to your chambers -- not your  
7 chambers, but your courtroom a couple of weeks ago?

8 A. I do remember.

9 Q. And we showed you this search warrant; right?

10 A. Yes, you did.

11 Q. And please correct me if I'm mistaken. But I  
12 believe what you said to us was you didn't remember at  
13 the time, but you wanted to review it and that you would  
14 contact us if anything else sparred your memory. Is that  
15 -- is that accurate?

16 A. That is correct.

17 Q. Okay. You said that you're always asking, normally  
18 asking, what -- you're always asking the officer about  
19 what's going on, I believe is what your words were; is  
20 that correct?

21 A. There's always a dialog between myself and the  
22 presenting officer.

23 Q. Okay. No further questions.

24 THE COURT: Mr. Voigt.

25 MR. VOIGT: Thank you, Your Honor.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Cross-Examination by Mr. Voigt  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. Good morning.

4 A. Good morning.

5 Q. I haven't seen you in a while. I'm only going to  
6 ask you questions about number 1.

7 A. Yes, sir.

8 Q. That's the only one I've got a little concern over  
9 right now.

10 You testified that you don't keep notes of what your  
11 conversations with law enforcement are; is that fair to  
12 say?

13 A. That's correct.

14 Q. Is there any reason why you don't make any  
15 contemporaneous notes?

16 A. No.

17 Q. Okay. I mean notes -- would you agree with me that  
18 notes would help you recollect things, especially things  
19 that may be two or three years old?

20 A. That is correct.

21 Q. And how many warrants a week do you think you sign?  
22 Arrest warrants, search warrants, that sort of thing.

23 A. That's a really difficult question for me to answer.  
24 There are certain times where I feel like I have been  
25 signing warrants throughout the day. There are other

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Cross-Examination by Mr. Voigt  
March 10, 2020

1 times where I'll go a week at a time and not see a  
2 warrant.

3 Q. Okay. So it's kind of sporadic but when it comes,  
4 it really comes?

5 A. No ---

6 Q. --- there's lots?

7 A. It's -- they come and they go. I have no -- I have  
8 no other way of saying that.

9 Q. Okay. And you don't have a specific memory of the  
10 circumstances of any particular warrant that you sign; do  
11 you, unless it's unusual in some specific way?

12 A. Correct; unless there's something particular about  
13 the warrant.

14 Q. And in number 1 here there's nothing particular  
15 about that warrant?

16 That's not one that has particularly salacious facts  
17 or, you know, the defendant is well-know, or it's a  
18 particularly thorny legal issue? There's nothing about  
19 number 1 that would make that memorable in any way, is  
20 there?

21 A. Not for me.

22 Q. That's a fairly run-of-the-mill cell phone search  
23 warrant; is that right?

24 A. I want to be very careful in my answer. Every  
25 search warrant that I look at, I take it as a unique

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Cross-Examination by Mr. Voigt  
March 10, 2020

1 document. And when I say that I have a process that I go  
2 through, I'm very careful.

3 I never know what search warrant is going to --  
4 where that search warrant is going to go. I never expect  
5 to see myself in court testifying as to a search warrant.

6 Q. I see that. What specifically did Detective Khan  
7 tell you? What facts, specifically, did Detective Khan  
8 tell you that led you to believe that a phone was  
9 utilized in the commission of a crime?

10 A. I -- you're asking me to recall a specific  
11 conversation from August 25th of 2017. I cannot do that  
12 for you.

13 Q. Okay. So it's safe to say you can't remember that  
14 conversation with Detective Khan as to any particulars?  
15 I asked you about one aspect. But if I were to broaden  
16 that question, you don't have that memory; is that fair  
17 to say?

18 A. That's fair to say.

19 Q. Okay.

20 A. Yes.

21 Q. And from time to time, do you ever have officers  
22 amend their typewritten warrant applications? You know,  
23 write something in the margins, a fact that may be  
24 pertinent, something that you felt should be added to  
25 establish ---

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Cross-Examination by Mr. Voigt  
March 10, 2020

1 A. --- that does occur, yes.

2 Q. Okay. You didn't do that in this case; right?

3 A. I did not.

4 Q. So there was no fact that you directed to be added  
5 to this particular warrant? Is that safe to say?

6 A. That is.

7 Q. Okay. And you have the option, and you testified  
8 under direct, that you don't sign every warrant?

9 A. Correct.

10 Q. You're not there to be a rubber stamp. You're not  
11 there just to sign a piece of paper that gets -- that  
12 gets put in front of you; right?

13 A. That is correct.

14 Q. You are meant to be a neutral, detached magistrate,  
15 and you're supposed to weigh the probable cause  
16 allegations contained in the warrant; right? That's  
17 where you start?

18 A. That is the -- that is the process -- part of the  
19 process.

20 Q. Well, our law requires that the warrant contain  
21 probable cause; right?

22 A. For an affidavit for a search warrant, yes.

23 Q. Okay. No further questions.

24 MS. SHEALY: I have no further questions.

25 THE COURT: Alright.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress-Ellen Steinberg-Cross-Examination by Mr. Voigt  
March 10, 2020

1 MS. SHEALY: And, Judge, is it okay if she gets  
2 excused?

3 THE COURT: Certainly. Judge Steinberg ---

4 THE WITNESS: --- thank you very much ---

5 THE COURT: --- you're excused. Thank you.

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1           THE COURT: Anything else on this issue with these  
2 search warrants, Court's Exhibits 1 through 4?

3           MR. COOPER: Your Honor, besides the application we  
4 supplemented Your Honor with last night, no, sir.

5           MR. SUMMA: Your Honor, at the risk of being  
6 pertinent, I just want to say, again, this is, what we  
7 normally do. And I don't think it's certain they  
8 provided any case law that says, oh, because a magistrate  
9 normally does this, this specific search warrant is  
10 valid. That's not what it's supposed to be.

11           There's a reason why there's great preference in  
12 putting -- in putting all the probable cause in an  
13 affidavit. I believe that's what the code section says  
14 to do. The State hasn't -- I mean, she doesn't remember  
15 because it was two and a half years ago. That's  
16 reasonable.

17           Judge, the purpose of suppression for search  
18 warrants is deterrence. It's to deter violating people's  
19 fourth amendment rights against unlawful search and  
20 seizures. That is the purpose of it.

21           And I argue that no one is going to be deterred if  
22 they don't have to put any probable cause in their  
23 affidavit and they can just come in and say, oh, yeah, I  
24 did all this, after reviewing the case two and a half  
25 years after. There is no deterrent factor. As it stands

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 right now, every time that they get a search warrant,  
2 they can just come in and explain it away. Judge, that's  
3 not how it's supposed to work and we think the  
4 suppression is appropriate in this instance, given the  
5 facts of the case.

6 The fact what they normally do is not really  
7 relevant. There needs to be testimony on the record that  
8 they actually did, they actually remember. I know  
9 Detective Khan said some things to that effect yesterday,  
10 but he was inconsistent in his testimony.

11 And I think there could be, with no notes taken, the  
12 understanding that it's really hard to remember something  
13 two-and-a-half years ago, nine months ago, whatever it  
14 is, given the fact they do so many searches so often.  
15 And it's just kind of crazy to think that they would  
16 remember the specific conversation that -- and, granted,  
17 it was probably very brief.

18 So I'd ask the Court to question Detective Khan's  
19 memory in this particular instance, given all the  
20 circumstances, and understand that Judge Steinberg did  
21 not say anything specific about what happened on that  
22 specific day.

23 And, you know, they say that she has a great  
24 reputation. She does have a great reputation. But  
25 there's never been a search warrant that's been upheld

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 because the judge has a great reputation. It's about  
2 whether there's probable cause in the warrant or it's  
3 supplemented. So we'd ask the Court to suppress it.

4 THE COURT: Mr. Voigt?

5 MR. VOIGT: Thank you, Your Honor. To the best of  
6 my recollection, I was the only person who asked  
7 Magistrate Steinberg a direct question about what was  
8 supplemented. And there was no answer that the Court  
9 could use to say that this particular fact was used to  
10 supplement this deficient warrant.

11 We have a, what I normally do, what I generally do.  
12 But the fact that the officer repeatedly said what he  
13 would normally do, what he would expect to do, as opposed  
14 to specifically what he did. In this line of work I have  
15 often been in the position to be on that side and try to  
16 support a warrant with evidence outside what's in the  
17 written warrant.

18 The only way that I know to do that is to ask a  
19 specific question and receive a specific answer, this is  
20 what I said to this magistrate that is not contained here  
21 and this is why it's not contained. And sometimes it's,  
22 it occurred after the typing, sometimes it was  
23 inadvertently omitted, and sometimes it was to protect  
24 the identity of a witness or a victim.

25 THE COURT: Alright?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 MR. VOIGT: We don't have that, and you don't have  
2 that in this record. There is nothing also about this  
3 particular procedure that would give any of us confidence  
4 that this wouldn't be a repeated problem.

5 As the Court correctly noted yesterday, within the  
6 four corners of the affidavit there is not probable cause  
7 established. There are conclusory statements. And  
8 they're not even that conclusory, Your Honor. I've seen  
9 better conclusory statements from the ones I saw on those  
10 warrants.

11 We don't have any specifics as to how that record  
12 was orally supplemented. That's problematic. The fact  
13 that nobody in this particular chain of the detective,  
14 the Sheriff's Department, and the county magistrate, no  
15 one on these particular warrants thought that they were  
16 special in any way, worthy of any sort of notation or any  
17 amendment, which is easy to do with a pen. All you have  
18 to do is write on it. I see them all the time. We all  
19 do, okay.

20 Judge, I think suppression isn't the number one tool  
21 in your toolbox. It's not what you go to every time.  
22 But it is there to correct behaviors and procedures that  
23 are inherently unfair, inherently violation of process.  
24 If you were to say that some vague affirmation that I  
25 would have told the magistrate something more than I did,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 without knowing more than that, is sufficient, then Mr.  
2 Summa is right. In every case, why bother putting  
3 anything in the warrant? All you have to do is walk in  
4 and tell them and the court, our courts have been  
5 consistent and said that we need something in writing,  
6 that oral affirmation isn't enough.

7       So in this case, that is -- that affidavit was so  
8 deficient in any indicia of a probable cause that any  
9 evidence derived from it must be suppressed. And I've  
10 been confining my arguments primarily to the one that  
11 concerns my client.

12       But I actually think if you work through the ones  
13 that apply to Mr. Summa's client, his are actually more  
14 egregious. You've had years where new information,  
15 allegedly, has come into the course of this  
16 investigation, and yet despite the fact that this is  
17 merely typing an extra sentence into a word processor and  
18 then you print it, you don't bother to do it. Alright?

19       We can't reward that laziness, that placidity of  
20 thought. We can't reward that. This must be suppressed  
21 to preserve the system that requires warrants. That's  
22 all I've got, Judge. Thank you.

23       THE COURT: Mr. Cooper or Ms. Shealy?

24       MR. COOPER: If I might reply. The State did send  
25 you our case last night, State v Davis. It's a 2003

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 Court of Appeals case, and again reiterated what I think  
2 is one of the more important points of a search warrant  
3 suppression discussion. Great deference is to be given  
4 to the magistrate. And the reason is they are the person  
5 in the room that is reading the document that is hearing  
6 the oral supplement, and is putting their name on that  
7 piece of paper.

8       You heard from Judge Steinberg. She queries every  
9 person that comes in about a search warrant. She reads  
10 it. She asks questions until she's satisfied about  
11 probable cause and the next -- the connection she talked  
12 about today.

13       And I think it's important, one that she did it four  
14 times but she did it four times in this case as someone  
15 who's been to law school, and is barred as an attorney,  
16 on both sides of the aisle. Well-versed in criminal law  
17 before she even took the bench, knows what probable cause  
18 looks like and knows what it doesn't look like. She  
19 signed them four times. There's a reason great deference  
20 is given to them.

21       And I can understand and I can appreciate wanting  
22 more detail in a search warrant, Judge. I think we're  
23 all on the same page on that. But so long as the law  
24 allows oral supplementation, it's the law. It's allowed.  
25 And it's allowed when a -- when a magistrate judge asks

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 questions to supplement a search warrant. They provide  
2 that documentation under oath. It's sworn testimony.  
3 And that was done in this case not once, not twice, but  
4 four times. And I think that speaks to the fact that  
5 P.C. was there.

6 And then you heard from Detective Khan about the  
7 probable cause that was in the investigation. This isn't  
8 a situation where there was no probable cause in the  
9 case. It was there, and it was explained and asked  
10 about. There's a reason for a deference to be awarded --  
11 afforded to a magistrate judge.

12 And one more last thing, Judge. Mr. Summa talked  
13 about suppression. One of the goals of suppression of  
14 search warrants, and the like, is to deter police  
15 misconduct. In this case there's no allegation of that,  
16 there's no evidence of that.

17 This is not a situation where somebody has lied or  
18 put false things in a statement or anything like that.  
19 It is a situation where it was supplemented orally, and  
20 it was supplemented orally to the satisfaction of a  
21 magistrate more than once.

22 And so, Judge, for those reasons, we would ask that  
23 you do not suppress the search warrants and allow them to  
24 come in at trial.

25 THE COURT: Thank you. The duty of the reviewing

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 Court in regards to the issuance of a search warrant is  
2 to decide whether the magistrate had a substantial basis  
3 for concluding probable cause existed.

4 Looking at these exhibits, 1 through 4, there was --  
5 there wasn't a sufficient -- or there weren't sufficient  
6 facts to establish probable cause within the four corners  
7 of the document that was submitted to the magistrate.  
8 However, Detective Khan did testify that he told Judge  
9 Steinberg that these, the defendants in this case, Daquan  
10 Crummey and Denali White, had been picked out of a photo  
11 lineup. And he testified that he told her that before  
12 she signed the warrant.

13 And so we've got an oral supplementation here which  
14 would establish probable cause. I think it's certain  
15 that a victim picking defendants out of a photo lineup  
16 would be enough to establish probable cause. I am going  
17 to follow the law that says a reviewing court should  
18 great deference to a magistrate's determination for  
19 probable cause to issue a search warrant. That was in  
20 State v Davis.

21 I've reviewed State v Smith and State v Baccus.  
22 Those were the conclusory warrant cases. Those cases can  
23 be distinguished from the case at bar. Those cases  
24 weren't cases which dealt with oral supplementation.  
25 Those weren't conclusory statements. So for that reason,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 I'm going to find, with regard to the search warrants  
2 that have been marked as Court's Exhibits 1 through 4  
3 that based on the oral supplementation that -- which  
4 established probable cause, that there was probable cause  
5 for these warrants to be issued.

6 And I note -- I note defenses' objections.

7 MR. VOIGT: Thank you, Your Honor.

8 THE COURT: Thank you.

9 MR. SUMMA: Judge, if now is the appropriate time;  
10 we can go through the rest of our pre-trials.

11 MS. SHEALY: I believe we will need him to  
12 articulate which things ---

13 THE COURT: --- yeah ---

14 MS. SHEALY: --- things he's intending to ---

15 MR. SUMMA: --- I'm sorry. I thought it was my turn  
16 to talk.

17 THE COURT: Aren't there -- are there more search  
18 warrant issues to deal with a different officer?

19 MS. SHEALY: I think so. But, again, we never got a  
20 written motion. I think he had mentioned that he was  
21 going to ---

22 MR. SUMMA: --- yeah ---

23 MS. SHEALY: --- object to all of them.

24 MR. SUMMA: Probable cause requirement, yes. So  
25 there's other ones signed by Detective Sharpe, so -- and

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 I guess there's a couple that are signed by Detective  
2 Sharpe. So we would object to those on the same grounds,  
3 Your Honor. And the warrants are exactly the same.

4 Obviously, the Court would have to find Detective  
5 Sharpe's -- you know, he's going to testify that he  
6 orally supplemented. The Court has to find it credible  
7 and the Court has to find probable cause established,  
8 based on the oral supplementation. So we think as it  
9 stands, there's not probable cause. But I'm sure the  
10 State would want to call a witness.

11 MR. COOPER: So, Judge, I would -- I would just ask  
12 that Mr. Summa articulate which search warrant and then  
13 the specific as the law requires, concrete, specific  
14 legal issue that he has with each search warrant, so that  
15 the State would know how it needs to respond.

16 MR. SUMMA: Sure.

17 [Whereupon, Mr. Summa, Mr. Cooper and Ms. Shealy  
18 confer]

19 MS. SHEALY: There is a search warrant, Your Honor,  
20 for Facebook material. We have other witnesses who we  
21 intend to get the search warrant -- to get Facebook  
22 evidence in through. I don't think that we need to argue  
23 the search warrant for Facebook, because we have another  
24 avenue to accomplish that during the trial.

25 THE COURT: So if I'm reading what you're telling me

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 correctly, you've got a witness who got this Facebook  
2 information independent of the search warrant?

3 MS. SHEALY: That's correct.

4 THE COURT: Okay.

5 MS. SHEALY: That's correct.

6 THE COURT: So this would be a non-law enforcement  
7 witness?

8 MS. SHEALY: One law enforcement witness and one not  
9 a law enforcement witness.

10 THE COURT: Okay. So this ---

11 MS. SHEALY: I mean, people can access ---

12 THE COURT: --- right ---

13 MS. SHEALY: --- other peoples accounts. So it's  
14 going to come in that way, rather than through the search  
15 warrant.

16 MR. SUMMA: I just want to note for the record that  
17 I really don't have anything to say about that, Your  
18 Honor. But obviously we would preserve the right to  
19 object to this Facebook evidence at a later time.

20 THE COURT: Well, certainly if it comes up during  
21 the trial that we need to have an in-camera hearing to  
22 determine any issue regarding this Facebook evidence, we  
23 can certainly do that. But if the State states they  
24 aren't seeking to introduce this Facebook evidence  
25 through what was provided pursuant to the search warrant,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress  
March 10, 2020

1 I think we can move past that and take it up if any -- if  
2 any issue comes up during the course of the trial.

3 MR. SUMMA: Thank you.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

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

MOTION TO SUPPRESS

MR. SUMMA: Then, Your Honor, we want to challenge the probable cause for the search warrant that was signed on the 8th day of March, 2020. Does the Court have a copy of that warrant?

[Whereupon, the Court reviews documents]

THE COURT: I don't believe I have a copy of the 2020 search warrant.

MR. COOPER: Judge, I can provide it. If I can approach?

THE COURT: Sure.

[Whereupon, Mr. Cooper proffers documents to the Court]

THE COURT: Mr. Summa, what do you allege is insufficient with regards to probable cause in the March 8th, 2020 search warrant?

MR. SUMMA: A few things, Your Honor. And we obviously got this search warrant right before we had court yesterday, so we're a little bit kind of off kilter here.

But we think that the information sought is identical to a search warrant that was sought on the 5th of September by Detective Khan. And I believe the Court does have a copy for T Mobile Law Enforcement Relations. That warrant is about the same as the other warrants that

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

1 we've been talking about that were served on the  
2 defendant specifically.

3       This new warrant is deficient in several ways. We  
4 think one of which is it contains information that was  
5 obtained prior to the first warrant. So by seeking a  
6 second warrant hours before the trial is set to begin,  
7 this -- we already know the State is conceding that their  
8 original warrant was deficient.

9       I think the suppression rule comes in here because  
10 what is the point of a search warrant process if whenever  
11 the defendant -- defense emails the State before trial  
12 saying we're going to challenge your search warrant for  
13 probable cause, they just go out and get a -- go out and  
14 get a warrant that, you know, fits our objections.

15       But on its face, contained in the warrant there are  
16 several things. One is that it says that the defendant  
17 claims that this phone number is his. Now, detectives  
18 interviewed the defendant. There's a discussion about,  
19 oh, is this your phone, is this your phone. They don't  
20 really talk specifically about what phone he's talking  
21 about.

22       But he never says what number. He never says this  
23 is my phone number. And, obviously, they're not getting  
24 a search warrant for a phone, they're getting a search  
25 warrant for a phone number, data related to a phone

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

1 number. So that's incorrect. Secondly, there's  
2 information that talks about the texts between the two  
3 individuals. That was sought pursuant to what is  
4 essentially the same warrant that we've been talking  
5 about. And then -- beg the Court's indulgence just for a  
6 second.

7 [Whereupon, Mr. Summa reviews documents]

8 MR. SUMMA: Again, Your Honor, it doesn't provide  
9 any of the exculpatory information that they received. I  
10 think that chief among those is that there was a witness  
11 who testified -- or both detectives wrote in their  
12 written statement that the description of these  
13 individuals do not match Daquan. He had -- and has Your  
14 Honor -- has the Court seen the photo of Daquan when he  
15 was booked?

16 THE COURT: I have not seen anything other than the  
17 search warrants in the case.

18 MR. SUMMA: I'd like to present that photo without  
19 objection, if the State would allow us to.

20 MS. SHEALY: We have no objection.

21 [Whereupon, Mr. Summa reviews documents]

22 [Whereupon, Mr. Summa proffers documents to the  
23 Court]

24 MR. SUMMA: It's difficult to see, but I think that  
25 you can see that he does not have a shaven head, that he

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

1 has poufy dreads. And we think that's exculpatory,  
2 Judge. These witnesses viewed him in the time of fear.  
3 They gathered these statements, but they only included  
4 the ones that matched the guy they wanted them to find.  
5 So if you included that in the search warrant, I think  
6 you would have -- I think it would make it unsupported by  
7 probable cause --

8 THE COURT REPORTER: I'm sorry. Repeat the last  
9 part of what you said.

10 MR. SUMMA: I think if the warrant, if the  
11 exculpatory information was included, would not give the  
12 magistrate substantial basis to conclude the probable  
13 cause.

14 MS. SHEALY: May I respond, Your Honor?

15 THE COURT: Yes.

16 MS. SHEALY: Regarding the fact that there had been  
17 an earlier search warrant for the same material is  
18 irrelevant. Certainly, we can do another search warrant.  
19 And I would note that all probable cause that's within  
20 the affidavits existed at the time; not long at all after  
21 the initial investigation, the arrest, et cetera.

22 And the details of such are in there. This is the  
23 second time that Mr. Summa has mentioned that there is a  
24 witness who said that both people had short hair. Within  
25 the recording of that witness, she unequivocally,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

1 unequivocally, indicates that she felt awkward with them  
2 there, did not want them looking at her, side-eyed them,  
3 and kind of kept going. And when asked if she could  
4 identify them in a lineup, she indicated she absolutely  
5 could not. So it's not as if that is exculpatory  
6 information. She does indicate she thought they had  
7 close-cropped hair or something to that extent.

8 Dulce Martinez, who was the English-speaking member  
9 of the household, she's natively Spanish-speaking,  
10 immediately after the incident, on body cam from the  
11 officers, indicates that the tall one, who is Mr.  
12 Crummey, had a hat on.

13 So for them to try to indicate that this witness had  
14 exculpatory information, someone who's trying not to look  
15 at him much at all, is just inaccurate. And the State's  
16 -- the State's position is that's just inaccurate. One  
17 person who says, no way can I I.D. them, no way was I  
18 looking at them in the eye; they looked like they had  
19 short, cropped hair.

20 And then Dulce Martinez, who was in there when they  
21 put the gun to her head and was in there through the  
22 entire crime, who got a good look at him and who  
23 recognized him, said he had a hat on. So a hat certainly  
24 on the top of all those dreads, could have camouflaged  
25 them from the woman who's looking briefly at them as she

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

1 walks by. Additionally, well actually, I think those are  
2 our arguments regarding the search warrant. You've had  
3 the opportunity to read it. It echoes with what  
4 Detective Khan indicated he had told the magistrate, and  
5 it is certainly replete with probable cause to want to  
6 take a look at the phone, the phone call details.

7 THE COURT: Mr. Summa, do you agree -- or do you  
8 challenge the State's assertion that this search warrant  
9 on its face establishes probable cause?

10 MR. SUMMA: Yes. And then I have a better photo and  
11 the statement ---

12 MS. SHEALY: --- we'll ---

13 THE COURT: --- well ---

14 MS. SHEALY: --- we'll stipulate he had these  
15 dreads.

16 THE COURT: But let me ask you this question. Do  
17 you agree with me that the victim in the case identifying  
18 the two defendants in a photo lineup, do you agree with  
19 me that that -- that that's enough for probable cause?

20 MR. SUMMA: No, in this instance. I think normally,  
21 yes. No, because it wasn't just a clean lineup. She  
22 went -- trolled through Facebook, found somebody, sent  
23 that photo to detectives, and then detectives present a  
24 lineup with the same person she had sent the Facebook of.  
25 And so we find that to be extremely suggestive and...

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

1           THE COURT: Well, that seems to be -- that seems to  
2 be an issue for the identification hearing and not really  
3 one that -- and, certainly, you know, these areas would  
4 be utilized in the cross-examination of the State's  
5 witnesses in terms of the identification process and  
6 procedure.

7           But in terms of the search warrant, based on what I  
8 read, I think that there is certainly probable cause  
9 based upon the victim's identification. Any other  
10 witness' misidentification or hesitancy to identify  
11 someone, I think that goes more to the I.D. issue and not  
12 whether probable cause exists to -- for this search  
13 warrant to be at issue. So I just -- I don't see -- I  
14 don't see where this search warrant is deficient in terms  
15 of the existence of probable cause.

16           MR. SUMMA: I don't have anything else.

17           MS. SHEALY: Your Honor, did we have that search  
18 warrant marked as a Court's Exhibit? Because if we  
19 didn't, I would ask that we do that.

20           THE COURT: This one will be Court's Exhibit Number  
21 5?

22           MS. SHEALY: That's correct.

23           [Whereupon, Court's Exhibit Number 5 is marked for  
24 identification by the court reporter]

25           MS. SHEALY: 5, Your Honor? Is that what you said?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Search Warrant  
March 10, 2020

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

THE COURT: Yes, ma'am.

MS. SHEALY: Okay.

MR. SUMMA: That's it from us on the search warrants, Your Honor.

THE COURT: Okay. Is there any other pretrial other than the identification issue?

State v Daquan J. Crummey & Denali D. White  
Motion to Sever  
March 10, 2020

1 MR. SUMMA: Yes. One, we invoke the rule, Your  
2 Honor, to exclude witnesses.

3 We'd renew our Motion to Sever. And, obviously, the  
4 Court has already had a hearing. I appreciate having us  
5 early on for planning purposes. Thank you for  
6 accommodating us in that regard.

7 We just think that, obviously, the standard is if  
8 evidence would otherwise be inadmissible comes in when  
9 there's a joint trial, then the trial should be severed.  
10 And we think that's going to happen in this case. The  
11 State is claiming, we might have a little different  
12 theory, but the State is claiming they got Denali White  
13 because they showed them a clean lineup and they got to  
14 the clean lineup because Daquan and Mr. White were  
15 arrested together. And an allegation does not -- does  
16 not result in a conviction.

17 And they're going to have to talk about that. They  
18 haven't indicated they're not going to talk about that.  
19 And that's not a conviction. It wouldn't come in  
20 otherwise. And if we try these two together, it's going  
21 to have to come in and that would be inadmissible against  
22 Daquan. So I think this is a good situation to sever.

23 Additionally, I would note that they gave us their  
24 witness list. On that witness list, there are several  
25 deputies from that stop. So, clearly, they're

State v Daquan J. Crummey & Denali D. White  
Motion to Sever  
March 10, 2020

1 anticipating having to maybe introduce that evidence.  
2 So, you know, we would certainly, if there comes a time  
3 where they starting to talk about that, we would probably  
4 move for a mistrial. So to avoid that, we would ask the  
5 trial to be severed.

6 THE COURT: And, Mr. Summa, you're correct. We did  
7 address this issue. I think it was about three weeks  
8 ago. I did deny the Motion for Severance at that time,  
9 and I'm going to renew my ruling. And your objection,  
10 and yours, Mr. Voigt, is noted for the record.

11 MR. VOIGT: Thank you, Your Honor.

12 THE COURT: And I am going to deny the Motion to  
13 Sever. I think the issue with the traffic stop; I  
14 certainly think evidence that these individuals were  
15 stopped and were both occupants of the same vehicle is  
16 admissible, regardless of whether these individuals were  
17 tried together or separately.

18 Certainly, any mention of anything illegal that may  
19 have been seized as a result of that traffic stop would  
20 not be admissible against either party. And I would just  
21 reiterate that to the State.

22 But I don't -- we don't have any statements made by  
23 either party in this case, so we don't have any Brewton  
24 issues, so my prior ruling will stand in that regard.

25

1           THE COURT:    And before we get started with the  
2 identification, I have reviewed the personnel files of  
3 the two officers, Officer or Detective Khan and Detective  
4 Sharpe.

5           I reviewed everything that was provided by the  
6 Sheriff's Department. I did not see any reports or  
7 anything of a nature that would go to either officer's  
8 credibility, based on my review. So I don't believe  
9 there's any -- anything that would be Brady material or  
10 Giglio material in either of these officer's personnel  
11 files. So it just simply wasn't anything that would go  
12 to their credibility.

13           MR. VOIGT:   Judge, I'm going to make a technical  
14 objection to the Court's ruling and more to the procedure  
15 utilized. Not that I -- I wasn't even the one that asked  
16 for the files.

17           I know that our Supreme Court has admonished  
18 prosecutors throughout the United States, the United  
19 States Supreme Court has, that they are the gatekeepers  
20 of Brady information, not the courts. I understand  
21 because I've been doing it long enough with -- often, we  
22 ask the Court to perform an in-camera inspection. I  
23 don't believe that's sufficient to relocate the State  
24 from its burden of having produced Brady information. So  
25 I object to that procedure. I believe that they have to

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 review it. Now, you know, what happens to it after that  
2 -- they have an independent obligation to turn over Brady  
3 information that's independent of any duty that the Court  
4 might have. And so I -- because we've been admonished to  
5 do it that way, I think that that's the way that it  
6 should be done.

7 THE COURT: Well, and I appreciate your objection  
8 and that objection is overruled. In my experience, local  
9 law enforcement is certainly hesitant to turn over  
10 personnel files. It's not treated the same way as Rule 5  
11 and Brady material is in the ordinary course in terms of  
12 case files and things that are necessary to prosecute a  
13 case.

14 And since I had ordered the Sheriff's Department to  
15 turn over these personnel records, I -- I don't know how  
16 the Solicitor's Office could have handled it any  
17 different. I certainly agree with you, Mr. Voigt, that  
18 if they know of an issue that an officer may have, in  
19 terms that would Brady they are required to turn it over.  
20 But I just don't see how the Solicitor's Office -- they  
21 don't have access to Sheriff's Department personnel  
22 files.

23 So I note your, note your objection and overrule it.  
24 I think they have done what the law requires them to do  
25 in -- with regard to the personnel-file issues.

1 MR. SUMMA: Your Honor, just briefly. Understanding  
2 the Court's rulings on the other stop we just -- they  
3 might not even object, but we just request that it be  
4 referred to as a traffic stop for speeding, because it  
5 was. We think that that explains everything they need to  
6 explain. And so I do object to that.

7 MR. COOPER: We've advised witnesses this morning,  
8 Judge, that it is a traffic stop and that just Mr.  
9 Crummey and Mr. White were passengers, not the driver of  
10 the vehicle, they were just passengers in the same  
11 vehicle.

12 THE COURT: Okay.

13 MR. SUMMA: And I appreciate that, but I think we  
14 would prefer it to be stopped them for speeding. I think  
15 that would be appropriate.

16 MR. COOPER: I don't have an objection to that ---

17 MR. SUMMA: --- that's why they stopped them.

18 MR. VOIGT: And let me just say unless I'm being  
19 told otherwise, I would object to me being confined to  
20 referring it in any way that comports with the State or  
21 counsel's theory of the case or theory of how that should  
22 be addressed.

23 I plan on addressing it in a way that benefits my  
24 client, which is why Mr. Summa renewed his motion in the  
25 first place.

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 THE COURT: Well, and I think what the State plans  
2 to do, refer to it as a traffic stop for speeding,  
3 certainly would be admissible in a joint trial or a  
4 separate trial.

5 And, Mr. Voigt in terms of addressing this situation  
6 in a way to benefit your client, certainly as long as --  
7 as long as your plans comport with the rules of evidence,  
8 that's fine. But we ---

9 MR. VOIGT: --- no, I don't plan on lobbing bombs  
10 into the proceeding just for the purpose of lobbing bombs  
11 into the proceeding. But there is a relevant line of  
12 questions -- or a line of questions that I believe is  
13 relevant that I've discussed with both attorneys. They  
14 disagree with me.

15 Well, actually, really only one of them disagrees  
16 with me. But it has to do with the quality of the  
17 investigation and the subsequent investigation and the  
18 efforts that they took. And I think it's fair game. And  
19 I think, unfortunately for Mr. Crummey, may be  
20 prejudicial. So...

21 THE COURT: We'll deal -- we'll deal with that when  
22 and if it arises. Anything else?

23 MR. SUMMA: Your Honor, I just want to note for the  
24 record this case is a little bit different. It kind of  
25 evolved a lot over the last two weeks. Two weeks ago,

1 three weeks ago, they had one I.D. witness, maybe two,  
2 now they have four. One appeared Sunday night. We  
3 learned that another witness will be coming to appear.  
4 There been many, many conversations with the witnesses as  
5 time got closer. Things that, you know, we would have  
6 liked to have investigated when the case you know, has  
7 been pending for two-and-a-half years. It's been a date  
8 certain for like four or five months.

9 To learn that there's going to be a new witness  
10 appearing, that was previously -- or appeared at 6:00  
11 p.m. on Sunday is a little bit troubling. We do think  
12 it's a violation of Rule 5. The question is what is the  
13 remedy.

14 The Court does provide for a suppression exclusion  
15 of evidence if brought in violation of Brady as potential  
16 -- or not Brady, but Rule 5, as potential remedy. So we  
17 just think that the Court should consider that in this  
18 case.

19 MS. SHEALY: If I can respond to that, Your Honor?

20 THE COURT: Yes, ma'am.

21 MS. SHEALY: We have, as victims, the number --  
22 there were five people in that house at the time that it  
23 happened. They have moved from location to location  
24 since this has occurred. They were interviewed on body  
25 cam, interviewed by a detective. The defense has always

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 had that information. We have revealed who we have found  
2 as we have found them. Similarly, we have gotten lucky  
3 because once we find one person, they had the telephone  
4 for another, and it has trickled down.

5 You inquired of the defense yesterday whether or not  
6 they wanted a continuance. They indicated they did not.  
7 There's nothing inappropriate with what has happened. We  
8 have been completely candid with them as we have found  
9 people.

10 Interestingly, last week he indicated he wanted to  
11 make -- that he was going to move for a continuance  
12 because he needed to find Gilberto Blanco. We found him;  
13 called him, told him we had him. So it's obviated,  
14 apparently, the need for the continuance, because we  
15 didn't have him and now he complains because we did.

16 THE COURT: So these identification witnesses, as  
17 Mr. Summa characterized them, their names were known to  
18 the defense? They were provided through this normal  
19 course of Rule 5?

20 MS. SHEALY: Names were known. They were visible on  
21 body cams speaking about the incident. They were  
22 interviewed by police and that was recorded. I would not  
23 necessarily characterize all of them as identification  
24 witnesses. They are witnesses to the crime. They can  
25 describe what happened. They were never presented with

1 lineups by law enforcement. We indicated to Mr. Summa  
2 that one of them and we told him when we learned this,  
3 saw his -- and we can get into the weeds on this later.  
4 But ---

5 THE COURT: --- well, let me ask you this question.

6 MS. SHEALY: Okay. They're not new people.

7 THE COURT: The body cam statements, for lack of a  
8 better word, they were provided to the defense ---

9 MS. SHEALY: --- yes ---

10 THE COURT: --- prior to trial?

11 MS. SHEALY: Yes.

12 THE COURT: And, Mr. Summa, you agree with me that  
13 Rule 5 provides for the fact that the State is required  
14 to turn over statements of witnesses after they testify  
15 on direct? You agree with that?

16 MR. SUMMA: I...

17 THE COURT: I mean that's what the rule says. So, I  
18 mean, they -- it appears that they've given you the  
19 statements before the rule absolutely -- I mean, it's not  
20 necessarily a good practice for the State to hold  
21 statements until after a witness testifies on direct.

22 But, you know, these witnesses were known if their  
23 statements either on paper or on body cam have been  
24 provided to the defense. I don't see how that's a Rule 5  
25 violation at all. I think it's -- it's clear that the

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 rule states that a witness' statement must be turned over  
2 after they testify on direct. And if statements have  
3 already been provided, I don't see any Rule 5 violation  
4 with regard to those statements.

5 MR. SUMMA: Sure. And if I could just respond and  
6 defend myself for a minute. We received body camera on  
7 March the 4th, so less than a week ago, that contained a  
8 statement that we believe was exculpatory. They  
9 indicated to us that it was not exculpatory. So they  
10 were not on -- and then for the defendants, we were like,  
11 whoa, this guy just said that, you know, this guy has a  
12 totally different hair cut than my guy. You know, we  
13 need to investigate and find this person.

14 It was only later that they said, oh, well, this is  
15 one of the victims. So that's what happened. And I  
16 understand what they're saying. Body camera was  
17 provided. Many of the initial responding deputies, body  
18 camera was --

19 THE COURT REPORTER: Was what?

20 MR. SUMMA: The initial responding deputies' body  
21 camera was provided to the defense less than a week ago.  
22 So I just wanted to add that for the record.

23 MS. SHEALY: But in addition to that, there are  
24 other recordings that law enforcement made when  
25 interviewing them that you had prior to that.

1 MR. SUMMA: Right. There's a wealth of recordings  
2 and all that stuff.

3 MS. SHEALY: And one other thing, just so that the  
4 record is correct. When he said -- well, never mind. I  
5 think that's -- that's it.

6 THE COURT: So just so the record is clear. And I  
7 may regret asking this question, but I'm going to ask it  
8 because I think I have to. Is there anything in the body  
9 cam that was provided last week that gives you any -- or  
10 any thought that you need to request a continuance?

11 Now, I'm not advocating for that. But I want the  
12 record to be clear before we get started with this trial,  
13 because I don't -- I don't want this issue to come up at  
14 a later date.

15 MR. SUMMA: Absolutely. We're not requesting a  
16 continuance. We've put great time, effort and money into  
17 having the witnesses here this week because it's been a  
18 date certain for so long. My client does not want a  
19 continuance.

20 So a continuance is -- it's kind of a scary thing  
21 right now. But we do think that exclusion, it's an  
22 alternative remedy. And so we ask the Court to consider  
23 that remedy --

24 THE COURT: Mr. Voigt, do you want to be heard on  
25 that matter?

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 MR. VOIGT: Judge, the evidence that we have been  
2 discussing, I'm agnostic on it. It's not going to cut  
3 against me one way or the other. I always take this  
4 opportunity to criticize the drafting of Rule 5.

5 I believe it does not comport with modern concepts  
6 of due process and it actually strictly applies to create  
7 a great injustice. But nobody does. But, no, I don't  
8 have any further comments.

9 MS. SHEALY: Thank you.

10 THE COURT: Yes, ma'am.

11 MS. SHEALY: Are you ready for us to go forward  
12 with the identification?

13 THE COURT: I am.

14 MS. SHEALY: We would call Dulce Martinez.

15 THE COURT: Ms. Martinez, please come forward to be  
16 sworn.

17 MR. SUMMA: And we'd ask that the rule be applied at  
18 this time.

19 THE COURT: I didn't -- I didn't -- are you talking  
20 about sequester -- sequestration?

21 MR. SUMMA: Yes, Your Honor. Excuse me.

22 THE COURT: What does the State have to say about  
23 sequestration?

24 MS. SHEALY: I don't have any problem with  
25 sequestration. We do need to get a couple of people out

1 of the courtroom.

2 THE COURT: Okay. And certainly the lead  
3 investigator, whoever is designated as the lead  
4 investigator can stay, and the victims can stay.

5 MR. COOPER: Also, my investigator, Mr. Fort, he's  
6 on my witness list, as well, but he assists with the case  
7 and if he can stay as well?

8 THE COURT: Just the lead investigator can stay.

9 MR. COOPER: Mr. Fort is my investigator in my  
10 office assisting with witnesses and ---

11 THE COURT: --- if he's going to -- this is the  
12 decision. If he's going to testify, he can't -- he can't  
13 stay. So that's a decision you're going to have to make  
14 in terms of whether you -- whether you'd rather have him  
15 testify or be -- but I think it's pretty clear that we  
16 can only -- the lead investigator can stay and the  
17 victims can stay. If he's an interoffice investigator...

18 MS. SHEALY: Your Honor, the only thing he would be  
19 testifying to are some Facebook matters, which aren't  
20 affected by what he hears in the courtroom. What we  
21 would have to do if Your Honor rules that way is get  
22 another investigator in our office to come and sit and  
23 help us with witnesses. And this gentleman is familiar  
24 with it. Typically, we're allowed to keep our own office  
25 investigator in with us.

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1           THE COURT: And I understand that. I'm just  
2 thinking from the standpoint of if he were going to be a  
3 fact witness.

4           Mr. Summa, what do you say about the office -- their  
5 office investigator staying? It's my understanding that  
6 his only -- that he's not necessarily a fact witness,  
7 only a witness who would I guess be characterized as a  
8 witness that could lay a foundation to potentially get  
9 some evidence in.

10          MR. SUMMA: That's fine. But I'd ask the State to  
11 stipulate to my investigator being here, too.

12          MS. SHEALY: We have no problem with that.

13          THE COURT: That's fine. As long as everybody is  
14 being treated the same way, I think it would be fine. So  
15 the lead investigator for the Sheriff's Department and  
16 the circuit investigator, victims. And, Mr. Voigt, did  
17 you have anything you wanted to say?

18          MR. VOIGT: No, Judge.

19          THE COURT: Alright. Thank you.

20          MS. SHEALY: And, Your Honor, you indicated that the  
21 victims could stay in the courtroom?

22          THE COURT: Yes, ma'am.

23          MS. SHEALY: Okay. Ms. Martinez ---  
24  
25

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 THE COURT: Ms. Martinez?

2 [Whereupon, Ms. Martinez comes forward]

3 MS. SHEALY: Your Honor?

4 MR. SUMMA: Your Honor, could they be excluded? I  
5 think that -- could they be excluded for the pretrial,  
6 the victims in this case? I think that the victims Bill  
7 of Rights, obviously the State Constitution, we think the  
8 exclusionary sequestering of witnesses of a United States  
9 Constitutional provision under the 14th Amendment ---

10 MS. SHEALY: --- let me interrupt you. I don't have  
11 any problem with that.

12 THE COURT: Okay.

13 MS. SHEALY: Okay?

14 THE COURT: Alright. Thank you, Ms. Shealy.

15 [Whereupon, the witness is duly sworn by the Clerk  
16 of Court]

17 THE CLERK OF COURT: Please be seated.

18 [Whereupon, the witness takes the witness stand]

19 THE CLERK OF COURT: And for the record, please  
20 state your full name, spelling both your first and your  
21 last.

22 THE WITNESS: My name is Dulce Yesel Martinez --

23 THE COURT REPORTER: I'm sorry. I can't hear you.

24 MS. SHEALY: Okay. Dulce, you're going to have to  
25 speak louder so that she can hear, the Judge can hear,

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 and all the attorneys over here can hear. Okay? And  
2 speak slowly enough to get your name and all on the  
3 record.

4 THE WITNESS: My name is Dulce Yesel Martinez-  
5 Garcia. And my first name is spelled D-U-L-C-E. Second  
6 name, Y-E-S-E-L, Martinez-Garcia.

7 MS. SHEALY: Your Honor, if I may at this time just  
8 mark as Court's Exhibits, the two -- the admonition form  
9 and lineup of Mr. Crummey and Mr. White, and the copy of  
10 the video from the lineup procedure itself, as Court's  
11 Exhibits 6, 7, and 8? I've already marked those. Do you  
12 need to see them?

13 THE COURT REPORTER: You've marked them?

14 MS. SHEALY: I've marked them.

15 THE COURT REPORTER: Okay.

16 [Whereupon, Court's exhibit numbers 6, 7, and 8 are  
17 marked by Ms. Shealy]

18 - - - - -

19 DULCE Y. MARTINEZ-GARCIA,

20 Having Been First Duly Sworn,

21 was Examined and Testified as Follows:

22 DIRECT EXAMINATION

23 BY MS. SHEALY:

24 Q. Ms. Martinez, will you please tell the Judge, how  
25 old are you?

1 A. I am eighteen years old, currently.

2 Q. Okay. And how old were you when this incident  
3 occurred?

4 A. I was sixteen years old.

5 Q. And this is not when you're going to be testifying  
6 in front of the jury, so I'm not asking you all the  
7 questions right now. Okay?

8 A. Yes, ma'am.

9 Q. But do tell the Judge, if you would, where were you  
10 the morning of July 23rd of 2017?

11 A. I was at the mobile home where the incident  
12 happened.

13 Q. Okay. Whose mobile home was it?

14 A. Mr. Alberto's mobile home.

15 Q. Okay. Who all was in the house when the incident  
16 itself happened?

17 A. I believe it was Mr. Alberto, Mr. Gilberto, Mr. Rey,  
18 Miss Lucia, and myself.

19 Q. So five people in the trailer?

20 A. Yes, ma'am.

21 Q. Would you tell the Judge prior to anyone coming in  
22 the trailer, did you look out of a window and see some  
23 people walking?

24 MR. VOIGT: Objection to leading.

25 THE COURT: Rephrase your question.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 MS. SHEALY: Okay. I'm just trying to speed things  
2 up but ---

3 THE COURT: --- I understand ---

4 MS. SHEALY: --- I will certainly do that ---

5 THE COURT: I understand.

6 MS. SHEALY: I've got to ask did you walk to the  
7 window in the kitchen.

8 Q. [Ms. Shealy] Did you walk to the window of the  
9 kitchen?

10 A. I did.

11 Q. Could you tell the Court whether or not you saw  
12 anyone out there?

13 A. When I looked out the window, I saw two males  
14 walking across the street.

15 Q. And what did those two males look like?

16 A. There were two black young males.

17 Q. And was that the road directly out of the trailer,  
18 or farther over?

19 A. The next one. So it was farther over.

20 Q. When you saw those two male -- two men, was there  
21 anything distinctive about their height?

22 A. Yeah. One of them was tall and then the other one  
23 was short.

24 Q. And would you tell the Court whether you did, or did  
25 not, recognize them?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. I did.

2 Q. How did you recognize them?

3 A. I've seen one of them before in front of my dad's  
4 shop, and then I just knew I had seen the other one at my  
5 school.

6 Q. At your school?

7 A. [No response]

8 Q. And where did you go to school at the time?

9 A. I was enrolled in Stahl High School.

10 Q. After seeing them walking, could you tell the Court,  
11 if you would, what happened a few minutes later?

12 A. After seeing them outside of the window, they  
13 knocked into the house and then they forced their way  
14 inside.

15 MS. SHEALY: And beg the Court's indulgence for one  
16 moment.

17 [Whereupon, Ms. Shealy reviews documents]

18 MS. SHEALY: Your Honor, these have been marked as  
19 State's Exhibits. Would you like me to have them each  
20 marked as Court's Exhibits, or could we refer to them by  
21 the number of the State's exhibit being used as Court's  
22 exhibits now? Or how do you want to do it?

23 THE COURT: I don't see any sense in remarking them.  
24 Just refer to them as State's Exhibit for I.D.

25 Q. [Ms. Shealy] I'm going to show you State's Exhibit

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 11.

2 MS. SHEALY: And we have it on Power Point.

3 MR. VOIGT: Can I see what you're going to do just  
4 prior to you doing it?

5 [Off the record momentarily]

6 Q. [Ms. Shealy] They're going to be pulling up State's  
7 Exhibit Number 11 for identification purposes.

8 A. Yes, ma'am.

9 Q. And while we're waiting for it to come up, can you  
10 just describe for us what that is?

11 [Whereupon, the witness is shown photograph]

12 A. That is the mobile home where the incident happened.

13 Q. Okay. And showing you --

14 MS. SHEALY: Well, let's wait until we can pull them  
15 up. Or if not. Let me -- let me hand it up to the  
16 Judge, just so -- okay. Here we go.

17 [Whereupon, the photograph is published]

18 Q. [Ms. Shealy] So that is Mr. Alberto's ---

19 A. --- mobile home ---

20 Q. --- mobile home?

21 A. Yes.

22 Q. The door that's depicted right there on top of the  
23 staircase, could you tell the Court whether that's the  
24 door that the men came through?

25 A. That is.

1 Q. Okay. And to orient us, showing you State's Exhibit  
2 for identification purposes 16. And it's going to come  
3 up right there [indicates], too.

4 MS. SHEALY: Well, I'll just continue, Judge, to  
5 hand them up to you if necessary.

6 [Off the record momentarily]

7 Q. [Ms. Shealy] I'm showing you again State's Exhibit  
8 16 for I.D. purposes.

9 [Whereupon, the witness is shown photograph]

10 Q. Can you point out to us where the door is from the  
11 inside that the guys came in?

12 A. It is on this side.

13 Q. Okay.

14 MS. SHEALY: Judge, I can bring her down, or just  
15 show you where she pointed.

16 THE COURT: I can see the door.

17 MS. SHEALY: Okay. There's a door from the inside.

18 Q. [Ms. Shealy] Where were you inside -- what were you  
19 doing just before they came into the house?

20 A. Excuse me?

21 Q. What area of the house were you in when they came in  
22 the front door?

23 A. I was in the door.

24 Q. And why did you go to the door?

25 A. I was waiting for my cousin to pick me up when I

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 heard a knock on the door.

2 Q. Okay. And in our prior picture, it shows on a  
3 diamond-shaped -- okay. Point out if you would, right  
4 now to the Court, where the door is from the inside.

5 Yeah. And you can -- yeah, just you can draw a line if  
6 you want to.

7 A. [Witness complies]

8 Q. You had gone to the door for what reason?

9 A. To check if my cousin was there yet.

10 Q. And then showing you 11 again. Did the door have an  
11 area of it that would allow you to see outside?

12 A. Yes.

13 Q. What did you see when you approached the door?

14 A. I saw the two young black guys I had seen earlier at  
15 the door.

16 Q. And what did you attempt to do?

17 A. Since I had my hand already on the doorknob, but  
18 when I was going to open it I tried to pull it back but  
19 they had -- they pulled it harder.

20 Q. They pulled it? When you say pulling it, if you  
21 were outside, how do you get in the door?

22 A. Pulling it towards you.

23 Q. Pulling it towards you?

24 A. Yes.

25 Q. Did they make it inside?

1 A. Yes.

2 Q. And could you describe the room that has the  
3 orangish chair right there [indicates]? What area of the  
4 house is that?

5 A. That is closer to the kitchen and the dining room.

6 Q. Okay. Point to the dining room for us.

7 A. [Witness complies]

8 Q. Where were Alberto and Gilberto and Lucia and Rey  
9 when they came in, best that you can recall?

10 A. We were all sitting in that [indicates] area, the  
11 dining slash kitchen room.

12 Q. And you had moved near the door?

13 A. Yeah.

14 MR. VOIGT: Objection to leading.

15 MS. SHEALY: Judge, that's not suggesting an answer  
16 for purposes of this hearing.

17 MR. VOIGT: It really is, actually.

18 MS. SHEALY: No, it's not.

19 Q. [Ms. Shealy] What did ---

20 THE COURT: --- I'm going to overrule the objection.  
21 Let's just move this along. We've got a jury waiting on  
22 us, so let's ---

23 MS. SHEALY: --- right ---

24 THE COURT: --- let's keep going.

25 Q. [Ms. Shealy] Okay. So when they came in, what did

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 they immediately do?

2 A. The tall male asked me to go behind him, and then  
3 they just pulled out their guns.

4 Q. Okay. And when you say they pulled out their guns,  
5 was -- each of them had their own gun?

6 A. Yes.

7 Q. Tell the Court, if you would, what were they saying?

8 A. They were telling me to tell them -- to give them  
9 all the money.

10 Q. And what were they doing with the guns while they  
11 did that?

12 A. They were threatening us with the gun.

13 Q. Showing you State's Exhibit 18.

14 [Whereupon, the witness is shown photograph]

15 Q. Can you describe for us where the other people were?  
16 What general area the other guests at the home were.

17 A. Yes, ma'am [indicates].

18 Q. I'll tell you what. I'm going to hold it like this,  
19 and the Court can see it, as well. Will you -- and the  
20 defense attorneys, to whatever extent they can.

21 Where is -- where are you referring? There's a --  
22 okay. There it is.

23 [Whereupon, the photograph is published]

24 Q. There's a kitchen table there. Where were the other  
25 people?

1 A. I do not remember their exact order. But the lady,  
2 the only lady that was there other than me, was there  
3 [indicates] in the corner. Mr. Alberto was here  
4 [indicates], and the two other guys were sitting on this  
5 side [indicates].

6 Q. Okay. What happened after the tall one told you to  
7 tell the others -- tell us again what he said.

8 A. He asked us -- well, he asked me to tell them to  
9 give them the money.

10 Q. When he asked you to tell them to give you [sic] the  
11 money, where were you looking? Were you looking at him?

12 A. No. At that moment, I was sitting right here  
13 [indicates] -- or standing up.

14 Q. Okay. And did you tell them in Spanish what the  
15 tall guy was telling you to tell them?

16 A. I did.

17 Q. What happened after that ---

18 MR. VOIGT: --- Judge, I'm going to object to this  
19 continued leading questions. And -- that was another  
20 leading question that suggests an answer, clearly.

21 MS. SHEALY: Judge, they've got all her statements  
22 where she said all this before. I'm not -- I mean, I can  
23 do it the painstaking way, certainly.

24 THE COURT: Well, let's get more to the  
25 identification issues. I mean, you know, we're -- I

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 understand you've got to lay the ---

2 MS. SHEALY: I was going to -- I was going to ---

3 THE COURT: --- lay the foundation for what ---

4 MS. SHEALY: --- that -- what her ---

5 THE COURT: --- was happening. But we need to focus  
6 on the how she was able to make the identification and  
7 whether that -- whether that identification was reliable  
8 and then, further, whether it was unduly suggestive. So  
9 let's move towards that.

10 Q. [Ms. Shealy] Would you describe for the Court what  
11 opportunity, if any, you had to look at the tall person  
12 and the short person while they were in the house?

13 A. I just kept on looking at them over and over,  
14 because they kept on telling me to tell them that they  
15 wanted the money.

16 And it was frustrating -- it was a frustrating  
17 situation, so there was no way I could have looked at  
18 them and then not keep my watch on them while they had a  
19 gun pointed to me.

20 Q. Okay. And did -- tell us whether there was any time  
21 that one of the two people left that area or not, the  
22 kitchen area.

23 A. Yes. The tall guy did.

24 Q. And where did he go?

25 A. He went around the house looking for more money.

1 Q. And so for us to get an idea of how long this  
2 occurred, could you tell us whether there were any  
3 demands made of y'all about money and what happened?

4 MR. VOIGT: Objection to the form of the question.  
5 It's suggesting not just an answer, but the kind of  
6 answer that the State is hoping to elicit. Can we ask  
7 direct questions the way this is supposed to go?

8 MS. SHEALY: She's already indicated that they came  
9 in and said give us the money.

10 THE COURT: Well, I don't know that it necessarily  
11 suggests the answer. But, again, I don't know that it's  
12 getting to the ultimate issue that we're here for. So I  
13 think we all can agree that she's testified that they  
14 requested money. So let's -- I'm going to overrule the  
15 objection, but let's focus on...

16 MS. SHEALY: Yes, sir. And maybe I can get some  
17 direction from the Court. There were a number of things  
18 that happened in the kitchen which would certainly  
19 describe the length of the process.

20 THE COURT: Okay. Well...

21 MS. SHEALY: If we can go over that without any  
22 concern. I'm happy to just ask her to summarize briefly  
23 what happened.

24 THE COURT: Yeah. I think if we can focus on how  
25 long this incident -- how long a time it took for it to

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 occur is probably where we need to go.

2 Q. [Ms. Shealy] Were you timing what happened that  
3 afternoon?

4 A. I did not.

5 Q. Would you describe approximately how long the event  
6 occurred?

7 A. I am not able to remember that.

8 Q. Okay. Describe for the Court, if you would, what  
9 ability, if any, you had to look at the two men's faces.

10 A. Can you restate that question, please?

11 Q. Were you able to look at their faces during this  
12 whole incident?

13 A. Yes; plenty of times.

14 Q. What did they have on?

15 A. I remember that the tall guy had all black clothes  
16 on and that he had -- he had a hat on turned backwards.  
17 And the shorter guy had a grey tee-shirt and black pants.

18 Q. You've mentioned to us previously that you  
19 recognized them. Could you describe that again for us?

20 A. I did -- I recognized one man from my dad's -- from  
21 my dad's front at the shop. And then one of them I have  
22 seen them at school.

23 Q. After this incident, are you aware of whether anyone  
24 called 911?

25 A. After the incident, I was not -- as soon as I

1 stepped out of the house, I saw somebody call 911.

2 Q. And did you call 911?

3 A. I did.

4 Q. After that, did you have the opportunity to talk to  
5 any police officers that arrived?

6 A. I did.

7 Q. And where did you go from the scene?

8 A. I went to Trident Hospital.

9 Q. Did you ever have the occasion to talk to Detective  
10 Khan after this?

11 A. I did.

12 Q. Based on that, would you tell the Judge whether  
13 there was any meeting between you and Mr. Khan the next  
14 day?

15 A. [No response]

16 Q. Did y'all go anywhere together or did you meet him  
17 anywhere?

18 A. I did.

19 Q. Where did you meet him?

20 A. I do not remember like after how long; like as soon  
21 as we met from the hospital. But we went to Stahl High  
22 School.

23 Q. You don't remember how many days afterwards it was?

24 A. No, ma'am.

25 Q. And when you went to Stahl High School, what was the

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 purpose of that?

2 A. Yearbooks and -- we checked the yearbooks to see if  
3 I could find the guy that I had seen from school for the  
4 incident in one of the yearbooks.

5 Q. Okay. Were you able to find the person?

6 A. I did not.

7 Q. Did you find someone that looked like him -- looked  
8 like one of them?

9 A. I did.

10 Q. And what decision did you make as to whether or not  
11 that was the person inside?

12 A. I realized it was not the same person as where the  
13 incident happened, so I disregarded like that picture and  
14 I just kept on looking for him.

15 Q. I'm showing you what's been marked as State's  
16 Exhibit 40 for I.D. purposes.

17 [Whereupon, the photograph is published]

18 Q. Could you tell the Court whether there was someone  
19 that drew your attention on that page of the yearbook?

20 A. Yes, there was somebody.

21 Q. Okay. And what is that person's name?

22 A. His name is Jaquan Coakley. But I was friends with  
23 him. So he used to go by Quan.

24 Q. Okay. And when you looked at his picture, did you  
25 conclude whether or not that was the person that you had

1 seen in the house?

2 A. It was not the person, but they had similar  
3 features.

4 Q. Describe the features that you noticed of the two  
5 men; the tall one first.

6 A. Could you restate that question, please?

7 A. When you said they had similar features, what were  
8 the features that you saw on the day of the incident of  
9 the tall guy? How would you describe his look?

10 A. The guy that was here was the short guy?

11 Q. No. I understand that. I'm asking you, though,  
12 when the tall guy and the short guy came in ---

13 A. --- uh uh ---

14 Q. --- you said the tall guy was tall and skinny?

15 A. Yes.

16 Q. And do you ---

17 MR. SUMMA: Objection. Leading. And it's been  
18 asked and answered.

19 THE COURT: Well, she is summarizing what's already  
20 -- what's already been testified to. I don't think that  
21 suggests the answer, so I'm going to overrule the  
22 objection.

23 Q. [Ms. Shealy] Tell us again, if you would, please,  
24 what did the tall guy look like that was inside the  
25 house?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. He was tall and skinny.

2 Q. And I believe you told us before about something on  
3 his head. And what was that?

4 A. He was wearing a hat.

5 Q. When you looked at the yearbook, did you see any --  
6 did you see his picture?

7 A. No.

8 Q. And the short guy you indicated from State's Exhibit  
9 40, Jaquan Coakley, had similar features but wasn't the  
10 person in the house?

11 A. It was not.

12 Q. After the process with Mr. Khan that afternoon, what  
13 did he tell you to do afterwards?

14 A. He just told me that if I had any information, to  
15 contact him right away.

16 Q. Okay. And when he said any information, did he ask  
17 you specifically to try to do something?

18 A. He did not.

19 Q. Tell the Judge, if you would, in the days that  
20 followed, did you try to investigate this at all as to  
21 who it was?

22 A. I did not.

23 Q. Okay. When did you have contact again with  
24 Detective Khan?

25 A. I contacted Officer Khan on the day of July 26th at

1 nighttime.

2 Q. And why did you contact him?

3 A. I hopped on my Facebook page and then I saw the tall  
4 suspect --

5 THE COURT REPORTER: You saw the tall suspect ---

6 Q. [Ms. Shealy] --- saw the tall suspect what?

7 A. I saw the tall suspect right on my timeline --

8 THE COURT REPORTER: I still didn't hear her.

9 MS. SHEALY: Right on my timeline.

10 Q. [Ms. Shealy] And what was the image that you saw?  
11 What type of image?

12 A. He was broadcasting live from Florida.

13 Q. Okay. And that was how many days after the  
14 incident?

15 A. Like about three.

16 Q. When you went on his Facebook account, did you -- do  
17 you remember the name of it, or do you need to see a  
18 copy; his Facebook name?

19 A. I believe it was Runachekup Youngn.

20 THE COURT REPORTER: Tell me slower.

21 THE WITNESS: Runachekup Youngn.

22 MS. SHEALY: Runachekup Youngn.

23 Q. [Ms. Shealy] When on that Facebook, did you look at  
24 other pictures of him?

25 A. I did.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Now, if you'll tell the Court, please, when you  
2 looked at those other pictures of the Runacheckup Youngn,  
3 could you tell whether you had seen that person before?

4 A. I have. I realized it was the person of the  
5 incident.

6 Q. And as a result of that, you did what again?

7 A. I texted Officer Khan right away.

8 Q. After that occurred, were you -- tell the Court  
9 whether you were asked to come down to the Sheriff's  
10 Department.

11 A. I was not right away, but like three or four days  
12 later.

13 Q. And what was the purpose of going there that day?

14 A. Lineup recognition or face recognition.

15 MS. SHEALY: Okay. Your Honor, at this time, I'd  
16 like to play the --

17 Beg the Court's indulgence just a moment.

18 [Whereupon, Mr. Cooper and Ms. Shealy confer]

19 Q. [Ms. Shealy] While they're looking for that were  
20 you asked to initial some forms?

21 A. Yes.

22 Q. And showing you State's Exhibit -- actually, these  
23 are Court's Exhibits -- Court's Exhibit 6 and Court's  
24 Exhibit 7.

25 [Whereupon, the witness is shown exhibits]

1 Q. Are your initials on those two documents?

2 A. Yes, ma'am.

3 Q. And how are they reflected? What initials are by  
4 each entry?

5 A. They stated that the person in the lineup may or may  
6 not be the person who was in the incident but it was to  
7 clear out innocent people.

8 MS. SHEALY: Okay. For time purposes, Your Honor,  
9 I'm going to -- I'm just going to ask her...

10 Q. [Ms. Shealy] When you were going over these, was a  
11 detective reading this out loud to you, or do you -- or  
12 do you remember?

13 A. It was not. He was just like basically summarizing  
14 into a little summary what was the -- all the captions  
15 about.

16 Q. Each of these entries?

17 A. Yes, ma'am.

18 Q. And the DMs are whose initials?

19 A. Mine.

20 Q. Were you able to read each before you initialed it?

21 A. I was not.

22 Q. And you were relying on what Detective McCauley was  
23 telling you about each entry?

24 A. Yes.

25 MS. SHEALY: Okay. Let's see.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 [Whereupon, Mr. Cooper and Ms. Shealy confer]

2 MS. SHEALY: Your Honor, at this time, we would  
3 play a recording of the identification process. For  
4 purposes of the record, this recording is starting at  
5 what time?

6 MR. COOPER: 10:12.

7 MS. SHEALY: 10:12.

8 [Whereupon, Court's Exhibit Number 8 is played for  
9 the Court]

10 [Whereupon, Court's Exhibit Number 8 is paused]

11 Q. [Ms. Shealy] So in looking at Court's 7 and Court's  
12 6 and as we see Detective McCauley using his pen this way  
13 could you tell the Court whether that's what he just  
14 read? Each of those lines?

15 A. Yes.

16 MS. SHEALY: Continue.

17 [Whereupon, Court's Exhibit Number 8 resumes playing  
18 for the Court]

19 MS. SHEALY: If we could pause for just a second.

20 [Whereupon, Court's Exhibit Number 8 is paused]

21 Q. [Ms. Shealy] So on Court's Exhibit 6, you were  
22 asking about the spelling of accomplice. Is that noted  
23 on this form?

24 A. Yes, ma'am.

25 Q. And the one that you circled with number 5, is that

1 your circle?

2 A. Yes, ma'am.

3 Q. Is that your name?

4 A. Yes.

5 Q. And for the record, is that the tall guy or the  
6 short guy?

7 A. The short guy.

8 MS. SHEALY: Continue, please.

9 [Whereupon, Court's Exhibit Number 8 resumes playing  
10 for the Court]

11 MS. SHEALY: And we can stop it there.

12 [Whereupon, Court's Exhibit Number 8 concludes]

13 MS. SHEALY: And for the record, we're stopping it  
14 at what time?

15 MR. COOPER: 18:34.

16 Q. [Ms. Shealy] Showing you Court's Exhibit Number 7.  
17 Is this the second lineup that you were shown?

18 A. Yes, ma'am.

19 Q. That circle image around one photo, was that made by  
20 you?

21 A. Yes.

22 Q. And is this your signature?

23 A. Yes, as well.

24 Q. Would you tell the Court what you wrote at the  
25 bottom of that form?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. I wrote: Number 3 was the main one from the robbery  
2 and it happened to all of us. I know him because I've  
3 seen him before at school and he also used to be in front  
4 of my dad's --

5 THE COURT REPORTER: I'm sorry.

6 MS. SHEALY: You're going to have -- you know what  
7 ---

8 THE COURT REPORTER: --- read it a little slower.  
9 Just a little slower; just the last part.

10 MS. SHEALY: A little louder and a little slower.

11 THE WITNESS: Alright. After what word? Just the  
12 second sentence?

13 Q. [Ms. Shealy] Why don't you start with, I know.

14 A. [Reading] I know him because I've seen him before  
15 at school, and he also used to be in front of my dad's  
16 work.

17 Q. So if you could tell us where did you know the  
18 person you circled from?

19 A. I knew him only from my dad's work.

20 Q. Why did you write on here from -- you saw him before  
21 at school?

22 A. I may have mistaken the form. And then it was just  
23 like nervousness, pretty much.

24 Q. Okay. Which one did you know from school?

25 A. The short guy.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. And you thought you knew him from Stahl?

2 A. Yes.

3 Q. Okay. And, again, as -- English is not your native  
4 language; right?

5 A. Yes, ma'am.

6 Q. How long have you been in the school system in  
7 Charleston?

8 A. Currently this year, it will be seven years.

9 Q. Okay. And at the time this occurred, you had been  
10 in Charleston schools?

11 A. Only -- I was in Berkeley County two years, and  
12 after that I was in Charleston County for two years.

13 Q. When Detective McCauley was talking to you and going  
14 through each of these items, were you reading along with  
15 him as he read them?

16 A. I was not.

17 Q. You were -- were you listening to what he said?

18 A. I was.

19 Q. And did you understand what he was telling you about  
20 the lineup?

21 A. Yes.

22 MS. SHEALY: I have no further questions, Your  
23 Honor.

24 THE COURT: Mr. Summa?

25 MR. SUMMA: Just briefly.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Summa  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. SUMMA:

3 Q. Ms. Martinez, on direct you said you didn't remember  
4 how long the whole incident lasted; is that correct?

5 A. I do not remember.

6 Q. You said that the tall one was talking to you at one  
7 point?

8 A. Yes.

9 Q. You said that the tall man was wearing all black;  
10 right?

11 A. Yes.

12 Q. What was the other guy wearing?

13 A. He was wearing a grey shirt and black pants.

14 Q. Were you friends with any of the people that you  
15 saw?

16 A. Not really.

17 Q. Okay. But the man you pointed in that -- in the  
18 yearbook is your friend; right?

19 A. Yeah. Just like acquaintance. Not really a close  
20 friend.

21 Q. Okay. Did you find just the tall one on Facebook,  
22 or did you find the tall one and the short one on  
23 Facebook?

24 A. On my timeline I saw the tall guy, so I dug deep and  
25 deep -- like digging deeper and just saw their connection

1 there of two of the guys.

2 Q. Okay. So you saw the tall one and the short one on  
3 Facebook; right?

4 A. Okay. So when I saw on my timeline, it was the tall  
5 guy only. And from there I dig deeper into it, it's like  
6 -- digging deep on his profile and then I saw both of  
7 them.

8 Q. Okay. So when you went to detectives, you had both  
9 of their Facebook?

10 A. No. Just one.

11 Q. But at the time, you had thought that you had found  
12 both of them?

13 A. Yes, pretty much so, based on their pictures.

14 Q. Okay. So you didn't have the -- you didn't have the  
15 other guy's Facebook profile but you had seen a picture  
16 of him on Facebook?

17 A. Yes.

18 Q. Okay. And you pointed them out to the detective;  
19 right?

20 A. Yes.

21 Q. You said -- you showed him the picture where the  
22 short guy -- was the short guy in it?

23 A. Yes.

24 Q. Okay. This was before the lineup; right?

25 A. Yes.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Summa  
March 10, 2020

1 MR. SUMMA: No further questions.

2 THE COURT: Mr. Voigt?

3 MR. VOIGT: Good morning, ma'am.

4 THE WITNESS: Good morning.

5 MR. VOIGT: I've just got a couple of questions for  
6 you.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. Now, previously, the State was showing you what I'm  
4 going to show you again that's marked as State's Exhibit  
5 11.

6 [Whereupon, the witness is shown photograph]

7 Q. And that's the trailer that you were in when this  
8 incident occurred?

9 A. Yes, sir.

10 Q. And did it look substantially the same when that  
11 picture was taken as it did when this incident happened?

12 A. Yes.

13 Q. Matter of fact, there's crime tape around the  
14 outside. Is that what the police did to kind of make  
15 sure that everything stayed the same on the inside?

16 A. Yes.

17 Q. Was that truck there?

18 A. Yes.

19 Q. Okay. Are those the windows that you looked out of?

20 A. No, sir.

21 Q. Okay. So you looked out of other windows?

22 A. Yes, sir.

23 Q. And what you said that you saw was two individuals,  
24 was it two streets away?

25 A. No, just one.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

1 Q. One street away. And if you can recall, how large  
2 are the blocks there in that area?

3 A. Could you restate that question, please?

4 Q. How big are the city blocks? Because it's a one  
5 street. So it's not the street that this trailer is on.  
6 It's one street over; is that right?

7 A. Yes.

8 Q. Okay. And are there houses on that street?

9 A. The houses are like really not set, like set really  
10 well. So if there's like a missing space from a mobile  
11 home and that's gone and from there.

12 Q. Okay. Are there trees and bushes and that sort of  
13 thing on this street or in that area?

14 A. Not between the trailers.

15 Q. Not between the trailers. Were these guys on the  
16 street, or were they in the area with the trailers?

17 A. They were walking like on the main road.

18 Q. Okay. So they were on the main road?

19 A. Yes.

20 Q. Were there cars parked out there?

21 A. No.

22 Q. And what time of day was this? Do you remember?

23 A. I believe it kind of happened like around 12:00 in  
24 the morning.

25 Q. 12:00 in the morning?

1 A. Yes. Like 12:00 p.m., close to some time -- I do  
2 not remember the time real well.

3 Q. Okay. And did you have anything -- I saw those  
4 pictures that Ms. Shealy put up. Were there any clocks  
5 in the area?

6 A. No.

7 Q. Do you wear a watch?

8 A. I do not.

9 Q. Okay. Was there anything that you could use to tell  
10 time?

11 A. I was not worried about the time when that crime  
12 happened. I was more worried about my safety.

13 Q. Alright. Did there come a time when you were asked  
14 to kneel on the ground?

15 A. Yes.

16 Q. Did you do that?

17 A. Of course I did.

18 Q. Was there a time when you were asked to face the  
19 wall?

20 A. Yes.

21 Q. Did you do that?

22 A. Of course I did.

23 Q. Okay. Did you keep -- did you remain facing the  
24 wall?

25 A. I did.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

1 Q. Okay. When you first viewed the men outside,  
2 through the window, could you see any indication that  
3 they were armed?

4 A. No.

5 Q. Did you immediately recognize them?

6 A. Yes.

7 Q. Did you tell the officers that you immediately  
8 recognized them?

9 A. Yes. But I honestly did not pay no mind to why they  
10 were walking there because it was -- it wasn't that  
11 strange. But nobody could have thought that something  
12 like that would have happened.

13 Q. I understand. So when you talked to the officers  
14 immediately after this event, you told them that you  
15 recognized the two men; right?

16 A. Yes.

17 Q. And the reason for going to Stahl High School was to  
18 see if you could find one of the men that you recognized,  
19 their yearbook picture; right?

20 A. Yes.

21 Q. Okay. Did you ever have a class with the men?

22 A. No.

23 Q. Okay. Were you ever in the same grade as either of  
24 the men?

25 A. I don't know like the knowledge of that.

1 Q. Okay. So these were -- did you ever -- did you know  
2 any of the names of the men?

3 A. Not at the time.

4 Q. Okay. So when you -- when you first saw them, names  
5 didn't appear to you?

6 A. No, sir. It was just like physically I've seen them  
7 before but not know them personally.

8 Q. Okay. Do you know how -- approximately how many  
9 times you would have seen them before?

10 A. I do not remember that.

11 Q. Do you know how long it had been since the last time  
12 you would have seen what you described as the tall one?

13 A. How long?

14 Q. Since the last time you had seen him.

15 A. A pretty long time.

16 Q. Okay. Are we talking more than a month?

17 A. No. More than years.

18 Q. So years earlier, you had seen the person you would  
19 describe as the tall man?

20 A. From the crime? Or from now?

21 Q. Alright. Perhaps my question wasn't clear.

22 When you looked out the window, alright, you saw a  
23 man that you described as the tall man and the man you  
24 described as the short man.

25 A. Yes, sir.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

- 1 Q. From that time, which is I think July of 2017, how  
2 long had it been since you had seen the tall man?
- 3 A. Probably months.
- 4 Q. Months?
- 5 A. Yes.
- 6 Q. Okay. So we're in July. When do you think the last  
7 time you would have seen the tall man?
- 8 A. I don't remember that.
- 9 Q. Okay. Would it have been in the winter or would it  
10 have been in the fall of the previous year? Do you  
11 recall?
- 12 A. I do not.
- 13 Q. Do you recall where you would have seen that man?
- 14 A. Yes, in front of my dad's shop.
- 15 Q. Okay. And where's your dad's shop?
- 16 A. Dorchester Road.
- 17 Q. And what's it -- what kind of shop is it?
- 18 A. Mechanic shop.
- 19 Q. Okay. And do you know why the tall man would have  
20 been outside the mechanic shop?
- 21 A. No, sir.
- 22 Q. Okay. Did you ever have conversations with the  
23 person you described as the tall man?
- 24 A. No, sir.
- 25 Q. Okay. And when did you first tell detectives that

1 you had seen the tall man outside of the -- of your  
2 father's shop?

3 A. When Officer Khan interviewed me at the hospital.

4 Q. Okay. So that day you told Officer Khan, I've seen  
5 the tall man from the shop?

6 A. Yes.

7 Q. Okay. And you never told Officer Khan, or anybody  
8 else, that you had seen the tall man in school; right?

9 A. No.

10 Q. Okay. The short man?

11 A. Yes, sir.

12 Q. Okay. Approximately how tall is the short man? Do  
13 you know?

14 A. I do not, sir.

15 Q. Do you have any memory at all of that?

16 A. I don't know. Like about my height.

17 Q. How tall are you?

18 A. I'm like five five, five seven, or something.

19 Q. So you think the short man was about your height?

20 A. Yes.

21 Q. Were you the same height two years ago?

22 A. I was.

23 Q. Okay. When you went to Stahl High School, which of  
24 the men were you looking -- which of the men were you  
25 looking to find?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

1 A. The short guy.

2 Q. Okay. And you found somebody that you recognized?

3 A. Yes.

4 Q. Is that somebody that you thought was originally the  
5 short man?

6 A. Yes. I thought he looked so much like him, but then  
7 I realized that was not the guy that was in the incident.

8 Q. Okay. So that we're clear; when you went to Stahl  
9 High School to look for the person you described as the  
10 short man, you were actually looking for somebody else;  
11 right?

12 A. No.

13 Q. Were you looking for a picture of Quan?

14 A. No.

15 Q. But you found a picture of Quan?

16 A. Yes.

17 Q. Okay. And you found a picture of other people,  
18 because that's a yearbook; right?

19 A. Yes.

20 Q. And presumably some of those other people you're  
21 familiar with, as well?

22 A. Yes.

23 Q. Okay. So what is interesting about finding Quan in  
24 that picture?

25 A. I knew I had seen the short guy before at school so

1 I was looking for him in the yearbook. But when I came  
2 up on Quan, I realized they had some similar features so  
3 I was like, oh, this is not the guy that I'm looking for.

4 Q. So Quan is definitely not the guy?

5 A. Yes, sir.

6 Q. And you weren't looking for Quan?

7 A. No.

8 Q. Okay. You were looking for some other short person?

9 A. Yes, sir.

10 Q. Okay. Or someone you described as short?

11 A. Yes.

12 Q. Okay. Now, getting back to the incident, you knelt  
13 on the ground when you were told to?

14 A. Yes.

15 Q. Which one of them told you to do that?

16 A. The tall one.

17 Q. Okay. You faced the wall when you were told to do  
18 that?

19 A. Yes.

20 Q. Which one of you -- which one of them told you to do  
21 that?

22 A. The tall guy.

23 Q. Okay. Which one of them came in the door first?

24 A. I don't remember that.

25 Q. Okay. Which one of them had the gun?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

- 1 A. Both of them had a gun.
- 2 Q. What did the guns look like?
- 3 A. They were just black guns.
- 4 Q. How long were you kneeling?
- 5 A. I don't recall the time of that.
- 6 Q. Was it minutes?
- 7 A. Don't remember.
- 8 Q. Was it seconds?
- 9 A. I don't remember, sir.
- 10 Q. Okay. So let me see if I have this correct.
- 11 Officer Khan told you to look -- to keep looking for
- 12 people?
- 13 A. He did not. He just told me if I had any kind of
- 14 information, to let him know.
- 15 Q. Okay. Did he give you any information as to who
- 16 this might have been or who might have done this?
- 17 A. No, sir.
- 18 Q. And you had let him know that you had been to school
- 19 with the men ---
- 20 A. I did.
- 21 Q. --- or one of the men?
- 22 A. I did.
- 23 Q. And that one hung out at your shop?
- 24 A. Yes.
- 25 Q. Your dad's shop. And you've been -- when did you

1 get on Facebook?

2 A. I believe it was like three days later, just hopping  
3 back on it.

4 Q. Okay. Were you getting on Facebook to look for the  
5 men?

6 A. No.

7 Q. Did you get on Facebook just...

8 A. Just --

9 Q. And you say that the one you recognized as the tall  
10 man came across your timeline; is that right?

11 A. Yes, sir.

12 Q. And just so that the record is clear, were you  
13 friends with this person, Facebook friends with this  
14 person?

15 A. Yes. At the time I was.

16 Q. And when did you become Facebook friends with him?

17 A. I don't remember, sir.

18 Q. So this is someone that you had encountered in the  
19 past such that you would be Facebook friends with them?

20 A. No. At the time that I used to have him as a  
21 Facebook friend, I do not recall how we became friends,  
22 but I would just add anybody on my page.

23 Q. Okay. And so he popped across your Facebook page?

24 A. Yes.

25 Q. And what was he doing on your Facebook page?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

1 A. He was just like broadcasting live from Florida.

2 Q. Okay. And what did -- you said you dug deeper.

3 What does that mean?

4 A. I just literally click on his name and then just saw  
5 some pictures, and from there I let Officer Khan know  
6 that I found them.

7 Q. Okay. So how many pictures did you look at on his  
8 Facebook page? Do you recall?

9 A. I just looked at -- like scrolled like one -- one  
10 finger up and down, and then I saw them together.

11 Q. So when you said you're scrolling one finger down,  
12 you're doing this on the phone; right?

13 A. Yes. Just that.

14 Q. Okay. So you're not sitting at a computer with a  
15 large monitor or anything like that? You're doing this  
16 on your phone?

17 A. Yes, sir.

18 Q. Okay. And so you looked at a number of pictures of  
19 the person you described as the tall man?

20 A. Yes, sir.

21 Q. Okay. And what did you do with those pictures?

22 A. I did not do nothing at the time, but I think I took  
23 a screenshot.

24 Q. Okay. So you took a screenshot?

25 A. Yes, sir.

1 Q. And what that means is that you made an electronic  
2 copy of those pictures; right?  
3 A. Yes, I did.  
4 Q. And what did you do with the electronic copy of  
5 those pictures?  
6 A. I did nothing.  
7 Q. Did you ever send those to law enforcement?  
8 A. No, I did not.  
9 Q. Okay. And did you ever go on a Facebook page of the  
10 person you described as the short man?  
11 A. I don't recall that very well.  
12 Q. Okay. Did you ever find the person you believed to  
13 be the short man on -- in Facebook pictures?  
14 A. In Facebook pictures? Yes.  
15 Q. Okay. Whose Facebook pictures would those have  
16 been?  
17 A. The tall guy.  
18 Q. Okay. So when you were looking at the pictures of  
19 the person you describe as the tall man, you also found  
20 pictures of the person you believed to be the short man?  
21 A. Yes.  
22 Q. Okay. And what did you do with those pictures?  
23 A. I just took a screenshot of them.  
24 Q. Okay. And what did you do with those screenshots?  
25 A. I just saved them on my phone.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Cross-Examination by Mr. Voigt  
March 10, 2020

1 Q. Okay. So saved on your phone are pictures ---  
2 A. --- yes ---  
3 Q. --- of the tall man and the short man?  
4 A. Together.  
5 Q. Together. Okay. And what did you do with those  
6 screenshots, other than save them on your phone.  
7 Anything?  
8 A. No, sir. That's it.  
9 Q. Okay. You told -- did you tell Detective Khan that  
10 you found them?  
11 A. I did.  
12 Q. Did you relate to Detective Khan how you found them?  
13 A. Yes, I did.  
14 Q. Okay. Approximately how long did you spend looking  
15 at pictures on your phone of the person you described as  
16 the short man and the person you described as the short  
17 [sic] man?  
18 A. Well, the first time that I saw that it was just  
19 like minutes. But then some day, like the other day, I  
20 just kept on looking for the picture and just took  
21 screenshots.  
22 Q. So you kept going; right?  
23 A. Just like about a day or two. Yes, sir.  
24 Q. Okay. So you spent about a day or two looking at  
25 these pictures off and on. Obviously, you ---

1 A. --- yes.

2 Q. Okay. And you took those screenshots. And you  
3 didn't send them anywhere, is what you're saying?

4 A. Yes, sir.

5 Q. Okay. And when you saw the photographs that the  
6 detective showed you that we watched ---

7 A. Yes, sir.

8 Q. --- did you see the people that you had taken  
9 screenshots of days earlier?

10 A. I did.

11 Q. Okay. Did you recognize them as people you had seen  
12 on Facebook? That you had spent hours looking at  
13 pictures of on Facebook?

14 A. I did, sir.

15 Q. Okay. You did mention at one point that you had  
16 talked to Detective Khan at the hospital.

17 A. I did.

18 Q. And what were you being treated there for?

19 A. An injury on the back of my head.

20 Q. Did you have any concussion symptoms at all?

21 A. It just hurt real bad.

22 MR. VOIGT: I have nothing further at this time.

23 MS. SHEALY: Beg the Court's indulgence just a  
24 moment.

25 THE COURT: Okay.



1 MS. SHEALY: 9.

2 [Whereupon, Court's Exhibit Number 9 is marked for  
3 identification by Ms. Shealy]

4 Q. [Ms. Shealy] I'm showing you what's been marked as  
5 Court's Exhibit Number 9.

6 [Whereupon, the witness is shown exhibit]

7 Q. Could you tell us what does this depict? What is  
8 that?

9 A. That's the tall guy's profile.

10 Q. Okay. And when did you find that tall guy's  
11 profile? Do you remember?

12 A. It was on July 26th.

13 Q. Okay. In looking at this -- the second page, did  
14 you indicate to Mr. Voigt that you took screenshots?

15 A. Yes, I did.

16 Q. Would you advise the Court what date you took a  
17 screenshot of it?

18 A. July 26th, 2017.

19 Q. July 26th, 2017. Okay, now, on the first page of  
20 this document, could you tell us -- I wish -- if you  
21 could tell us where the person you recognized is  
22 depicted? Where is his picture?

23 A. Right there [indicates].

24 Q. Okay. And in this image, there's a shorter person  
25 there?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Redirect Examination by Ms. Shealy  
March 10, 2020

1 A. Uh-huh.

2 THE COURT REPORTER: Is that a yes?

3 A. Yes.

4 Q. [Ms. Shealy] Is that the person that was at the  
5 mobile home?

6 A. No.

7 MS. SHEALY: I'm just going to hand that up to you,  
8 Judge.

9 [Whereupon, Ms. Shealy proffers photograph to the  
10 Court]

11 Q. [Ms. Shealy] You indicated that you took that screen  
12 shot on the 26th at 20:45, that being 8:45?

13 A. Yes, ma'am.

14 Q. And after you saw that, what did you then do?

15 A. I texted Officer Khan.

16 Q. Okay. I'm showing you what's been marked as State's  
17 Exhibit 44 for purposes of I.D. Could you tell the Court  
18 what this is a picture of?

19 [Whereupon, the witness is shown photograph]

20 A. A text between me and Officer Khan.

21 Q. Okay. And would you tell us the date of that email  
22 -- I mean, text message? I'm sorry.

23 A. July 26, 2017, at the time of 8:59 p.m.

24 Q. Okay. And I'll hand that up. But what do you say  
25 to Detective Khan by way of text?

1 A. I said [Reading] I am sorry for bothering you this  
2 late, but I found them.

3 Q. But I found them.

4 MS. SHEALY: Hand that up to the Court.

5 [Whereupon, Ms. Shealy proffers documents to the  
6 Court]

7 Q. [Ms. Shealy] You've indicated that you also kind of  
8 went down the -- this may not be an expression you're  
9 familiar with -- like down the rabbit hole. You started  
10 looking more at his Facebook site?

11 A. Yes, ma'am.

12 Q. And did you take screenshots of other things on his  
13 Facebook?

14 A. Yes, ma'am.

15 MS. SHEALY: Could we switch to the ELMO, Don? I  
16 want you to do it, though. Let me just first get her to  
17 I.D. it.

18 Q. [Ms. Shealy] Showing you what has been marked as  
19 State's Exhibit 49, State's Exhibit 51, State's Exhibit  
20 53.

21 [Whereupon, the witness is shown photographs]

22 Q. Could you tell the Court did you provide these  
23 images to the Solicitor's Office?

24 A. I did.

25 Q. And what are those pictures of?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Redirect Examination by Ms. Shealy  
March 10, 2020

1 A. They are just screenshots from the Facebook page.

2 MR. SUMMA: Excuse me. Do you mind if we use this  
3 instead of ---

4 MS. SHEALY: --- I'm going -- I just wanted her to  
5 I.D. it and he's going to put them up.

6 Q. [Ms. Shealy] Those were what did you say again?

7 A. Screenshots from the Facebook page.

8 [Whereupon, the photograph is published]

9 Q. Okay. So I'm showing you State's Exhibit 49. In  
10 that picture, how many people are in it? Count how many  
11 people are in that picture.

12 A. Five people.

13 Q. Okay. And who did you recognize from that picture?

14 A. Just two of them.

15 Q. Okay. Which two?

16 A. The one with the blue cap, and the guy with the  
17 black shirt.

18 Q. Okay. Showing you State's Exhibit --

19 MS. SHEALY: What's the next number?

20 MR. COOPER: 51.

21 [Whereupon, the photograph is published]

22 Q. [Ms. Shealy] 51? How many people are in that  
23 picture?

24 A. Five.

25 Q. And how many did you recognize in that one?

1 A. One.

2 Q. And who was that?

3 A. The guy with the black cap that -- that's showing  
4 the middle finger.

5 Q. Okay. Point to him on the screen.

6 A. [Witness complies]

7 Q. And where did you recognize him from?

8 A. I mean, he was the guy from the incident.

9 Q. Okay. Showing you State's Exhibit --

10 MS. SHEALY: What's the next number?

11 MR. COOPER: 53.

12 [Whereupon, the photograph is published]

13 Q. [Ms. Shealy] 53? Did you recognize that  
14 individual?

15 A. Yes.

16 Q. And how do you recognize him?

17 A. That was the guy from the incident.

18 Q. Showing you State's Exhibit 47.

19 [Whereupon, the photograph is published]

20 Q. Could you tell the Court whether you also  
21 screenshotted that?

22 A. I did.

23 Q. Okay. And showing you that picture.

24 [Whereupon, the photograph is published]

25 Q. Who did you recognize in it?

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion-Dulce Martinez-Redirect Examination by Ms. Shealy  
March 10, 2020

1 A. Both of them.

2 Q. Tell us who they are. How do you know them?

3 A. They were both of the guys that were in the trailer  
4 that day.

5 Q. Which one is the taller one?

6 A. The one in the -- with the white hat.

7 Q. White hat? Which one is the shorter one?

8 A. [Witness indicates]

9 Q. Now, I think Mr. Voigt asked you at some point did  
10 you find the Facebook page of the shorter one.

11 A. Yes.

12 Q. Okay. Showing you State's Exhibit 55 for I.D.  
13 purposes.

14 [Whereupon, the witness is shown photograph]

15 Q. Is this what you screenshotted?

16 A. It is.

17 Q. And the date of that screenshot is when?

18 A. July 29, 2017.

19 Q. Okay. And who is depicted under the name Height  
20 Youngn Nali?

21 A. That's the short guy.

22 THE COURT REPORTER: Which guy?

23 MS. SHEALY: The short guy.

24 Q. [Ms. Shealy] When you took these screenshots, you  
25 took them for what reason?

1 A. I was trying to show Officer Khan that the guys that  
2 were in the incident, who they were.

3 Q. Okay. And when you were asked to look at the  
4 lineups, did you choose the two people based on their  
5 Facebook pages, or from seeing them in the house?

6 A. Well, based on my opinion, I certainly remembered  
7 the guys that were in the incident, so when I came up on  
8 the Facebook pose, I knew they were them. Like I was so  
9 sure about it.

10 Q. I have no further questions. Thank you.

11 MR. SUMMA: I don't have any further questions, Your  
12 Honor.

13 THE COURT: Mr. Voigt?

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

15 MS. SHEALY: Your Honor, we'd ask that she be  
16 allowed to step down.

17 THE COURT: You can step down, ma'am. Thank you.

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

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 MS. SHEALY: I have Detective McCauley here. I can  
2 just put him up briefly to ask if he had any other  
3 involvement in it, but I don't see the need to ---

4 MR. SUMMA: --- we're not contesting it. Yeah,  
5 Detective McCauley. He's just the guy who does the --  
6 walks in the room for ---

7 MS. SHEALY: --- yeah. And if they both agree and  
8 there's no question about that, I don't think I have to  
9 put him up at all.

10 MR. VOIGT: No, not Detective McCauley.

11 MS. SHEALY: Okay.

12 [Off the record momentarily]

13 MS. SHEALY: So, Your Honor, that's the State's  
14 offer of proof regarding the admissibility of the lineup  
15 procedure. I think that we have clearly set out how this  
16 happened. She's certain that the person that she saw on  
17 the Facebook page as Runacheckup Youngn was the tall guy.  
18 She further sees, when going through the Facebook, that  
19 there is a -- the short guy is in there, as well. She  
20 took a screenshot of it.

21 Of interest is she's looking through the huge thread  
22 of people that this man hung around with, that man being  
23 Mr. Crummey. There are other short people in photographs  
24 on his Facebook account that she does not say was Denali  
25 White. She unequivocally, as you have seen in the lineup

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 process, quickly identified them, not from any photograph  
2 off of Facebook but from the incident. There was nothing  
3 suggestive about the lineups themselves. You have those,  
4 obviously, do you or do you not ---

5 THE COURT: --- let me -- let me see the actual  
6 lineups and look at them while...

7 [Whereupon, Ms. Shealy proffers documents to the  
8 Court]

9 MS. SHEALY: So there was no manipulation of her by  
10 Detective McCauley or Detective Sharpe, who was in the  
11 room. There was no hesitancy. She was certain. She  
12 indicated that she messed up when she -- where she said  
13 she knew that one guy from school and her father's  
14 office. She's clarified that.

15 I think that her explanation as to Mr. White as  
16 being the accomplice, that she was taking her time in  
17 trying to make sure that she was certain. Obviously, she  
18 had no motivation in choosing the wrong people. And I  
19 think that it's a good lineup of an identification and  
20 the process was pristine.

21 THE COURT: Mr. Summa?

22 MR. SUMMA: Thank you, Your Honor. I think it's a  
23 little bit different than a typical lineup. I mean,  
24 obviously, she had somebody in mind. She expressed  
25 uncertainty. She says she knows the guy from school, but

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 we now know they didn't go to school together. And she's  
2 described in Facebook, and I believe she said minutes  
3 that the man just appears.

4       You know, we just think that it's unreliable, the  
5 lineup itself. I mean, obviously they then got who the  
6 Facebook belonged to, showed them in a lineup. She of  
7 course was going to pick the person that she had already  
8 seen and decided this person, from a different  
9 photograph. They didn't show her a lineup at the time,  
10 and I think that was on purpose.

11       So, Your Honor, I think that just generally it's an  
12 unreliable identification. And I want to be clear for  
13 the record. They show a lot of photographs here from the  
14 State, so we're going to object to those under 403 and  
15 401.

16       But it's also the identification -- the in-court  
17 identifications of the other witnesses that we're also  
18 very concerned with, so not just Ms. Martinez.

19       THE COURT: Mr. Voigt?

20       MR. VOIGT: We analyze this slightly differently.  
21 We have two identification procedures. One's not really  
22 a procedure. One is a self-identification by a victim-  
23 witness. And that is done entirely of her own volition.  
24 There are a couple of things that are important to  
25 analyzing each one. And, actually, I ultimately think

1 one comes in but one does not. Length of time,  
2 opportunity to view; all those things are contained in  
3 her testimony.

4 And I emphasized different things than the State did  
5 because somehow I kind of correctly guessed that the  
6 State wasn't going to emphasize -- that during the vast  
7 majority of this incident, this witness was kneeling  
8 facing the wall, not viewing either one of these people;  
9 that her initial viewing of these people was from a  
10 street away. We've seen the aerial photograph. There is  
11 obstruction in that street. There are trailers that, as  
12 far as I can tell, are not see-through.

13 Nevertheless, she tries to tell the Court today --  
14 and this goes to Mr. Summa's reliability issue -- that  
15 she distinctly knew them from two different places and  
16 that she expressed that to the officers, although she  
17 didn't.

18 You haven't gotten to hear the 911 call. Well --  
19 but clearly in the admonition form, she is identifying  
20 the tall person as the person that she went to school  
21 from.

22 And this subsequent fix the problem because it can't  
23 be that person, goes essentially to her reliability for  
24 the first -- what I'll call the identification, and then  
25 the second one. So let me go with the first one, why I

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 think that the official procedure, the second, is bad.  
2 The first procedure involves her doing her own homework,  
3 looking on her Facebook page, finding a person that looks  
4 like the tall man, doing what she called digging deeper,  
5 what Ms. Shealy called going down the rabbit hole.

6       And the testimony that you heard was that she spent  
7 the better part of days looking at the photographs of  
8 both Mr. Crummey and my client. Those are the people  
9 that she believes committed this crime. I think that --  
10 I can't -- I can't think of a legal theory to exclude  
11 that testimony. I can think of legal theories to exclude  
12 photographs that she's going to be shown, but I can't  
13 think of a legal theory that would exclude that.

14       However, what we heard yesterday from Detective Khan  
15 was that he used the Facebook information that had been  
16 given to him by the victim to put together a lineup,  
17 ultimately the lineup that we saw here today.

18       So what we're having is I'm providing you with  
19 multiple pictures of people and then you're going to take  
20 them, sanitize them in some way, you know, because you're  
21 using official photographs, and not these so we don't  
22 have to worry about drugs, weed, guns, gang signs,  
23 whatever, and showing them back to you, thereby  
24 confirming your initial identification. What that really  
25 is, in it's -- in its essence, is bolstering. It's

1 bolstering and it's suggestive because if you're going to  
2 show -- if a person has screenshots and spent hours  
3 looking at photographs of certain individuals and then  
4 within a couple of days you're going to turn around and  
5 show them some sort of neutral lineups of these  
6 individuals, that is, in its very nature, suggestive.

7         So we then I think go to the second part. Is it  
8 nevertheless so reliable that there is no substantial  
9 likelihood of misidentification? That gets back to do  
10 you know him from school. That gets back to the  
11 testimony that we heard here about the length of time and  
12 all those other things.

13         She got basic facts wrong then. She's tried to  
14 correct them now. That's not reliable. I knew the tall  
15 guy from school, repeatedly said to officers, is not  
16 reliable. There's been no evidence that anybody went to  
17 school with Ms. Martinez. And there won't be, because  
18 her identification is not reliable.

19         So what we're doing here, in essence -- by allowing  
20 the State to come in with some sort of punitively fair  
21 identification procedures, what we're really doing is we  
22 are using a suggestive lineup. And it must be suggestive  
23 because we haven't heard any testimony that they ever  
24 showed her a lineup that didn't contain these two people.  
25 So she is basically now regurgitating, through the

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 official State lineup procedure, what she's already given  
2 to the State in the first place. We just find that  
3 inherently unreliable. That's just as to the State  
4 procedure. Again, I don't have -- there's no  
5 constitutionally-founded argument for what witnesses find  
6 on their own because it's not State-sanctioned.

7       So I would ask the Court to exclude specifically the  
8 State-sanctioned lineup. If the State intends to  
9 introduce screenshots that Ms. Martinez captured, we'll  
10 have that argument at the appropriate time.

11       THE COURT: Alright. As we all know, the seminal  
12 case on identification, out-of-court identification, is  
13 Neil v Biggers and the test for due process with a  
14 pretrial identification procedure has multiple parts.

15       First, was the identification procedure conducted in  
16 a manner that was unduly suggestive and, if so, was the  
17 procedure so suggestive as to give rise to a substantial  
18 likelihood of irreparable misidentification under the  
19 totality of the circumstances.

20       And then there are five factors in Biggers and the  
21 state cases which follow Biggers. Number one, the  
22 witness' opportunity to view the subjects at the time of  
23 the crime; the witness' degree of attention; the accuracy  
24 of the witness' prior description of the criminal; the  
25 witness' level of certainty; and the confrontation and

1 the length of time between the crime and the  
2 confrontation. In this case the witness had an  
3 opportunity to view the subjects at the door. She said,  
4 stated that she answered the door and they forced their  
5 way in.

6 She got a look at both of them; saw that they both  
7 had guns. She described one of them as tall and one of  
8 them as short. The witness' degree of attention: she  
9 said that since she was the English speaker in the  
10 residence, the two individuals were shouting commands at  
11 her to translate to the other occupants of the trailer,  
12 where was the money. So certainly she had a high degree  
13 of attention.

14 She really didn't give much of a prior description,  
15 other than any differences in their heights. And that is  
16 a little bit abnormal in terms of this five-factor  
17 analysis. Her level of certainty at the identification:  
18 certainly, as was seen on the video, she was certain and  
19 immediately made her selection of the people that she  
20 believed to be the ones that she saw the day that this  
21 incident was committed.

22 And the length of time between the crime and the  
23 confrontation: the crime was allegedly committed on July  
24 23rd, 2017, and the identification was made on July 31st,  
25 2017. So eight days between the event and the

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 identification. I think under the totality of the  
2 circumstances, based on the fact that she was certain in  
3 her identification and for the factors that I've covered  
4 -- I've looked at the lineups. They aren't, on their  
5 face, unduly suggestive.

6 And I'm going to allow Court's Exhibit -- or find  
7 for purposes of this pretrial hearing that the out-of-  
8 court identification on Court's Exhibit Number 6 and  
9 Court's Exhibit Number 7 were not unduly suggestive. Any  
10 of the issues that were raised certainly go to the -- to  
11 the weight of the witness' level of certainty in her  
12 identification but don't go to whether this lineup  
13 procedure was unduly suggestive.

14 So for at least at this point, I'm going to find  
15 that there was no level of suggestion on the part of law  
16 enforcement for these identifications.

17 MR. VOIGT: Please note my exception.

18 THE COURT: I note your objections, both sides.

19 MR. SUMMA: So, Your Honor, we -- obviously, we'd  
20 move to exclude the in-court identifications of the other  
21 witnesses.

22 MS. SHEALY: If I can interrupt there just for a  
23 second because it might -- I'm not sure that any of the  
24 others, other than Mr. Rodriguez, can identify them in  
25 the courtroom. Obviously, I haven't shown them pictures.

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 That would have been inappropriate.

2 THE COURT: Okay.

3 MS. SHEALY: So I don't -- I don't know that that's  
4 going to happen.

5 MR. SUMMA: Okay. Well ---

6 MS. SHEALY: And I don't know how to handle -- you  
7 know, I've never really actually had that issue. But I'm  
8 not sure they can identify them.

9 THE COURT: Okay. Well, I think that's an issue  
10 that -- that you prepare the witnesses to testify you may  
11 have to call. I don't know that we can -- that we can  
12 look in the crystal ball and predict what's going to  
13 happen. So we'll just have to take that when and if it  
14 comes.

15 Is there anything else? Because this jury has been  
16 waiting an hour and fifteen minutes on us. Anything else  
17 before we get started?

18 MS. SHEALY: Are we going to be taking a break now?

19 THE COURT: We're going to be taking a short break  
20 to refresh ourselves before we actually get started. So  
21 a brief recess and then I'd like to get started by 11:45.

22 MS. SHEALY: I don't -- I don't know what time it  
23 is.

24 THE COURT: It's 11:30 right now.

25 [Off the record momentarily]

State v Daquan J. Crummey & Denali D. White  
Neil v Biggers Motion  
March 10, 2020

1 THE COURT: It's 11:30. I would like to start at  
2 11:45 in front of the jury.

3 MS. SHEALY: Thank you.

4 MR. SUMMA: Thank you.

5 THE COURT: We'll be in recess until 11:45.

6 [Whereupon, Court is in recess from 11:35 a.m. until  
7 11:45 a.m.]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MS. SHEALY: Judge, the interpreter is in the  
2 courtroom. She spoke to me out in the hall.

3 THE INTERPRETER: Good morning, Your Honor.

4 THE COURT: Good morning.

5 THE INTERPRETER: I'm going to be your court  
6 interpreter.

7 MS. SHEALY: Her name is Luna Gainer. And she just  
8 wanted me to mention to you sometimes they have backups  
9 that they can just switch off, but they don't have that  
10 today. Is it alright with you that if she needs a break  
11 that she can just ask the Court may I take a break?

12 THE COURT: Sure.

13 MS. SHEALY: Thank you.

14 THE INTERPRETER: Thank you, Your Honor.

15 THE COURT: Okay.

16 MS. SHEALY: Now, we're -- haven't done this yet,  
17 but where do you typically...

18 THE INTERPRETER: If it's going to be for the  
19 witness, I will be next to the witness.

20 MS. SHEALY: In a -- in a chair up there?

21 THE INTERPRETER: That would be great, but I can  
22 stand, as well; either way.

23 And if a microphone could be provided for the  
24 interpreter, that would also be helpful for the court  
25 reporter.

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 MS. SHEALY: Okay. So you --

2 [Off the record momentarily]

3 THE COURT: Are we ready for the jury?

4 MR. VOIGT: This defendant is, Your Honor.

5 MS. SHEALY: We are.

6 MR. SUMMA: We're ready, Your Honor.

7 THE COURT: Alright.

8 [Off the record momentarily]

9 MR. COOPER: Judge, if I could, just before the jury  
10 comes in.

11 I think there are some pictures we have, that both  
12 defense consent to that I'd like to go ahead and move in,  
13 if that's okay with Your Honor.

14 MR. VOIGT: Judge, if we could just do it --  
15 particularly if he moves them in and says we previously  
16 agreed to it, we'll just say yes then we can go ahead.

17 THE COURT: That's fine.

18 [Whereupon, the jury enters the courtroom at 11:53  
19 a.m.]

20 THE BAILIFF: The jurors are all present, Your  
21 Honor.

22 THE COURT: Thank you very much.  
23  
24  
25

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

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

OPENING REMARKS TO THE JURY

THE COURT: Ladies and gentlemen, before we get started, I want to thank you for being here promptly this morning. As I'm sure you're painfully aware, we are running a little bit behind schedule, and I want to tell you that we have been working this entire time with pretrial matters, and resolving those pretrial issues makes the jury trial move more smoothly once it gets started.

So I want to tell you that we're going to do a better job of managing our time, and certainly a better job of not wasting your time. So, I appreciate you for being here, and we're about to start the trial this morning. We are about to try the case of The State of South Carolina versus Daquan Crummey and Denali White.

Now, ladies and gentlemen, before we begin the trial, I want to tell you that this trial will probably be different from what you might expect. Many people do not have a chance to attend actual court sessions as you're doing now, and may think from watching televisions and movies or reading books that trials are always full of high drama, intense action, and riveting circumstances.

While all of these things may be true at times, this trial is not for our entertainment. It's a fundamental

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 part of our democracy. Ladies and gentlemen, the  
2 courtroom is a place of honor dedicated to the protection  
3 and preservation of citizens' rights through what many  
4 have called the greatest justice system ever created.

5 The attorneys appearing before you are advocates for  
6 the parties they represent but, first and foremost, they  
7 are officers of the Court, sworn to uphold the integrity  
8 and fairness of our judicial system and to help you in  
9 the search for a verdict in this case.

10 You should expect them to be professional, competent  
11 and ethical in the representation of their client's  
12 interest. Remember that you have taken an oath to try  
13 this case and a fair and just verdict, and you are also  
14 expected to be professional, reasonable and ethical.  
15 Thank you for accepting the important responsibility of  
16 jury service and for your contribution today to our  
17 justice system.

18 What I will say to you now is intended to serve as  
19 an introduction to the trial of the case. These remarks  
20 are not a charge on the law in the case. I will instruct  
21 you on the law applicable to the case at the end of the  
22 trial before you retire to consider your verdict. This  
23 is merely an explanation of the procedure that we will  
24 follow in the trial so that you may better understand  
25 what may be happening.

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 Ladies and gentlemen, Defendant Daquan Crummey is  
2 charged by an indictment filed with this Court with the  
3 crimes of burglary in the first degree, two counts of  
4 assault and battery in the first degree, five counts of  
5 armed robbery, and possession of a weapon during the  
6 commission of a violent crime. Ladies and gentlemen, the  
7 elements of these offenses will be explained to you at a  
8 later time.

9 The Defendant Denali White is charged by indictments  
10 filed with this Court for the crimes of burglary in the  
11 first degree, five counts of armed robbery, and  
12 possession of a weapon during the commission of a violent  
13 crime. The elements of those offenses will be explained  
14 to you at a later time.

15 The indictments in these cases are simply the  
16 charges by which the case is brought into court and are  
17 not in any sense evidence of the allegations that the  
18 indictments contain. The defendants have each pled not  
19 guilty to these indictments.

20 The State, therefore, has the burden of proving each  
21 of the elements of these indictments beyond a reasonable  
22 doubt. It will be your duty, ladies and gentlemen, to  
23 decide whether the State has met that burden. Your  
24 purpose as jurors is to find and -- to find and determine  
25 the facts. You are the sole judge of the facts. If at

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 any time I make any comment regarding the facts, you must  
2 disregard it. You are to determine the facts from the  
3 testimony you hear and the other evidence introduced in  
4 court. It is up to you to determine the inferences which  
5 you feel may be properly drawn from the evidence.

6 It is especially important that you perform your  
7 duty of determining the facts diligently and  
8 conscientiously, because ordinarily there is no way to  
9 correct an erroneous determination of the facts by a  
10 jury.

11 On the other hand and with equal emphasis, the same  
12 law that makes you the judges of the facts makes me the  
13 judge of the law. The law as given by the Court is the  
14 only law you may consider. You must accept and follow  
15 it, even though you may disagree with it. I cannot tell  
16 you what the facts are and you cannot disagree with me  
17 about what the law is or should be.

18 Your job is to take the law as I give it to you, and  
19 apply it to the facts as you may find them from the  
20 testimony of the witnesses and any other evidence that is  
21 introduced. After doing that, you will render your  
22 verdict, a true and just verdict; under the solemn oath  
23 you took as jurors.

24 Until I advise you to begin your deliberations, you  
25 must not discuss this case with anyone, including your

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 fellow jurors, friends, family members, and anyone  
2 involved with the case. This includes discussions face  
3 to face and those by telephone, email, texts, blogs, or  
4 any other method of communication. You may not use a  
5 computer, cellular phone, or other electronic device with  
6 communication capabilities at any time while in this  
7 courtroom or during your deliberations.

8       During your breaks for meals, or overnight, if  
9 necessary you may use these devices. However, you may  
10 not at any time use these devices to get or send  
11 information about the case. This includes information  
12 about a party, a witness, an attorney, or a court  
13 officer, news accounts about the case, research on any  
14 topics raised, any topics you may think would be helpful  
15 in deciding the case, or any testimony presented by a  
16 witness.

17       During the trial, do not read, listen to, or watch  
18 any news reports about the case. This includes anything  
19 that may be in the newspapers or on the internet, radio,  
20 or television. You must not consider any -- you must not  
21 consider anything you may have heard or read about the  
22 case outside the courtroom whether before or during the  
23 trial.

24       After this case is submitted to you, you must  
25 discuss it only in the jury room with your fellow jurors.

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1           The attorneys and parties to this case have been  
2 advised that they are not to talk to you at all so if you  
3 see anyone involved in the case and they do not even say  
4 hello, they are not being unfriendly. They are just  
5 following my instructions.

6           It is important that you keep an open mind and not  
7 decide any issue in the case until all of the evidence  
8 has been presented, the parties have made their closing  
9 arguments, and I have instructed you on the law of the  
10 case.

11           It is your solemn responsibility to determine guilt  
12 or innocence of the defendants and your verdict must be  
13 based solely on the evidence as it is presented to you in  
14 this trial and on the law as I instruct you during and at  
15 the close of the trial.

16           In just a moment, the Solicitor will make what is  
17 called an opening statement in which the Solicitor will  
18 explain to you the issues in this case, or at least what  
19 the Solicitor thinks the issues are in this case. The  
20 attorneys for the defendants may also make an opening  
21 statement, although neither of them is required to do so.

22           What the attorneys tell you during their opening  
23 statements is not evidence in the case. It is only their  
24 contention as to what the issues are. The evidence in  
25 the case will be presented to you by the testimony of

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 sworn witnesses from the witness stand and/or exhibits  
2 that may be introduced into evidence. From time to time  
3 during the trial you may hear one of the lawyers say  
4 something like, Your Honor, I believe we have a question  
5 of law or a matter of law to discuss with you, or, Your  
6 Honor, may we approach the bench.

7 Or sometimes I myself might find it necessary to  
8 excuse you from the courtroom for a short while so the  
9 attorneys and I can discuss a matter of law. The reason  
10 for this is because you are the judges of the facts in  
11 the case and sometimes when I am discussing matters of  
12 law with the attorneys it may make it necessary for me to  
13 make some comment as to the facts in connection with  
14 ruling whether or not a particular law applies.

15 I'm not supposed to tell you what I think the facts  
16 are so I'll excuse you from the courtroom while these  
17 discussions take place so that in no way you will be  
18 influenced by anything I might say or do in connection  
19 with the facts.

20 In determining what the true facts are in the case,  
21 you must decide whether or not the testimony of the  
22 witnesses is believable. It will be my responsibility to  
23 rule, as a matter of law, as to whether certain testimony  
24 is admissible at all or not. But once the testimony is  
25 admitted, whether or not you believe it is solely for you

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 to decide. In deciding whether to believe a witness, you  
2 have the right to consider the interest of any witness,  
3 the bias of any witness, the prejudice of any witness,  
4 the opportunity for the witness to have seen the matters  
5 and things about which they may testify, and the way the  
6 witness acts on the witness stand.

7 You have the right to consider anything in the  
8 record that will help you evaluate the testimony of the  
9 witness. That means it is your duty to pay close  
10 attention to these witnesses, to observe the witnesses,  
11 to listen to the witnesses and pay close attention to the  
12 attorneys and to the Court.

13 Don't let your thoughts wander, but give strict  
14 attention to the testimony in this case so that at the  
15 end of all the testimony, after the arguments of counsel,  
16 and the charge on the law by the Court, you will then be  
17 in a position to determine what the true facts are and to  
18 apply the law to those facts and thus render a true and  
19 just verdict.

20 It is your added duty, ladies and gentlemen of the  
21 jury, to select a foreperson to preside in this case.  
22 And I'm going to ask you to do that when we break for  
23 lunch here today. Before we come back in the courtroom,  
24 I want y'all to elect one of the twelve of you, the  
25 twelve primary jurors, to serve as the foreperson. It's

State v Daquan J. Crummey & Denali D. White  
Court's Opening Remarks to the Jury  
March 10, 2020

1 the duty of the foreperson to be the jury's spokesperson.  
2 It will also be the duty of the foreperson to write the  
3 verdict. But I will give you further instructions about  
4 that at the conclusion of the case.

5 In order to preserve everyone's rights, I will the  
6 parties an opportunity to object to anything I may have  
7 said.

8 Are there any objections to anything I have said to  
9 the jury by the State?

10 MS. SHEALY: No, Your Honor.

11 MR. SUMMA: Not from Mr. Crummey.

12 MR. VOIGT: No, Your Honor.

13 THE COURT: Ladies and gentlemen, now we will begin  
14 the trial. I'll recognize the Solicitor.

15 MS. SHEALY: May it please the Court, defense  
16 counsel.

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

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

OPENING STATEMENT

MS. SHEALY: Good morning. On July 23rd of 2017, Alberto Garcia, who lived in a trailer in a trailer park off of Tedder Road out in North Charleston, had a roommate, Rey Rodriguez. And most of the residents in that trailer park are Hispanic.

Alberto, amongst his friends, was the good cook and he would cook some of the traditional meals that he had in Mexico. So it's Sunday morning, and he started by inviting a few of his friends over. He was there; Rey Rodriguez, his roommate, was there; a guy named Gilberto Blanco was also present; a young woman named Emil Iana Barrios, they call her Lucy, she was there, she's the one who cleaned up afterwards; and a young girl, Dulce Martinez.

Alberto and Dulce's father were really close. They had been good friends and so he kind of called Dulce his niece. So all of them were over at Alberto's home on that Sunday morning, and they ate. They kind of described it and it sounds good. Cleaned up and just hanging out.

Dulce -- and she's the one person in the home that morning and into the afternoon who can speak English. So I just wanted to prepare you -- when you hear from the other victims, there's going to be an interpreter here.

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

1 So be patient with that because she -- the others will  
2 have to say something, it will have to be interpreted to  
3 them, and then the interpreter will have to give us her  
4 -- their answers. So if you could just be patient with  
5 that that would be great.

6 So they're inside. And Dulce was expecting a ride  
7 from her cousin. She got a ride there and she was going  
8 to get a ride home. So she walked to the kitchen window  
9 of the trailer and looked out. As I indicated, most of  
10 the people there in that mobile home were Hispanic. You  
11 didn't see that many white people there. You rarely saw  
12 a black person there.

13 And she looked out and the rows in the trailer park  
14 are just about the length of a trailer apart. So she  
15 sees not in the road right under the kitchen window, but  
16 one road over, two African-American guys that she  
17 recognized. She remembers seeing one where her dad used  
18 to work on Dorchester Road at an auto-mechanic place.  
19 Kind of used to hang out there. The other she thought  
20 she knew from her school.

21 So she thought it was a little bit odd that they  
22 were over there and caught her attention. She went back  
23 into the kitchen or dining room area with the other  
24 people and there was a knock on the door. She goes to  
25 look out to see if that's her cousin. And when she

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

1 approaches the door and it has one of those like diamond-  
2 shaped windows kind of frosted over, but there was a  
3 place that you would be able to see who was out there,  
4 and it was the two guys. It scared her.

5       So as she was going to hopefully lock it, they  
6 pulled it open, it opens to the outside, and came  
7 barreling in. They pulled their weapons and started  
8 demanding money. Now, for the ones who only spoke  
9 Spanish, Dulce was telling them what the guys were  
10 saying.

11       As you can imagine on a quiet Sunday afternoon in  
12 the daylight, they had no idea something like this would  
13 happen to them. They were chilling out, relaxing, eating  
14 good food. So it scared them to death.

15       You will hear each of them describe what was going  
16 on in that area of the kitchen that spills into the  
17 kitchen-table area, the dining-room area. Demand,  
18 demand, demand, and weapons, weapons; turn it all over.  
19 Pockets start being gone through. They're told they've  
20 got to put their cell phones on the kitchen table, as  
21 well.

22       We're going to shoot you if you don't do it. We  
23 want all the money. Where's the rest of the money? They  
24 also made them turn to a wall, get on their knees, put  
25 their hands up, with knives -- or guns pointed at them.

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

1 Dulce, of all of them, the young one, the one who can  
2 speak English, they directed their comments towards her  
3 to tell them and so she was in that role of having to  
4 tell them they're going to shoot if we don't turn around.  
5 They're going to shoot if we don't put the money -- give  
6 them the money. One of them took their gun and pressed  
7 -- pressed isn't quite the right word -- on the back of  
8 her head.

9 Alberto Garcia, who did not invite these people in,  
10 got hit twice, once towards the beginning. And he, in  
11 his nervousness, forgot he had some money in a pocket,  
12 his pocket. They saw it and the tall one hit him.  
13 You'll see photographs of the injuries. Bleeding. With  
14 a gun.

15 There's a back door to the trailer and right as all  
16 of this is going on -- well, first of all, let me tell  
17 you this. The tall guy, Mr. Crummey, he wasn't  
18 satisfied. He thought they were hiding out some other  
19 money. So he goes rummaging through an otherwise neat  
20 house, looking for a stash. Denali White, gun in hand,  
21 while they're kneeling execution style towards a wall ---

22 MR. VOIGT: --- objection.

23 THE COURT: Sustained.

24 MS. SHEALY: While they're kneeling towards the wall  
25 with their hands up. A neighbor comes to the back door

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

1 to come in for a second. Peeks in, sees what's  
2 happening, closes the door immediately, and those two  
3 knew, we better get the heck out of here, somebody else  
4 has seen us. And they flee. They flee down the road  
5 where there's a wooded area, not far at all from where  
6 Mr. Crummey lived.

7 Dulce Martinez called 911. So did some other people  
8 in the park. She called 911. The police came. You'll  
9 hear from two officers, Officer Meade and Officer  
10 Vecchione. And as you can imagine, people are coming out  
11 of their homes when all of this is going on. The police  
12 are in the neighborhood.

13 Detective Khan was assigned to the case. And they  
14 took both Dulce Martinez and Alberto Garcia to the  
15 hospital. While there, Detective Khan spoke with them  
16 and then he later starts interviewing some people back at  
17 the trailer park. So this is what he knows. One is  
18 tall, skinny. One is short. They headed that way. They  
19 knew Dulce, I think I know one of them hanging out on  
20 Dorchester Road; I think I know the other one from  
21 school.

22 Detective Khan, in the days that followed, asked  
23 Dulce to go with him to Stahl High School where she had  
24 gone. Good detective work. Had her go through the  
25 yearbook, but she didn't see the picture. He tells her,

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

1 I'll tell you what; try to figure out who it was that you  
2 knew. Sixteen-year-old girl, what do you think she turns  
3 to? Facebook. So she spent time going through Facebook  
4 to see why is he familiar to me. Why did I know him?

5 You will learn that she comes across the Facebook  
6 page of Daquan Crummey. And much like people on  
7 Facebook, she goes down the rabbit hole trying to make  
8 sure that's him, I'm going to just look at every picture  
9 I can. When she does that, like my kids can do all this  
10 stuff better than I can, she screenshots it, saves it.  
11 She texts Detective Khan and says, I found him.

12 You will hear from Detective Khan what happened in  
13 the days that followed. He learns that six days after  
14 this, there was a traffic stop, speeding, and Daquan  
15 Crummey, low and behold, Daquan Crummey and Denali White  
16 are in the car together. Detective Khan knew what Daquan  
17 Crummey looked like. Good police work. He says, let's  
18 bring her in and let's make sure.

19 So, photographic lineups were compiled. You've seen  
20 it on television, like six pictures. In one, it was  
21 Daquan Crummey. In the other, it was Denali White.  
22 You'll be able to see the lineup process. You'll be able  
23 to see how Dulce Martinez looked days afterwards when she  
24 was brought in to see if she could make an  
25 identification. Detective Khan didn't just leave it

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Ms. Shealy  
March 10, 2020

1 with, oh, I found him, this is his Facebook name. He  
2 wanted to see if you put him in a lineup and if you put  
3 the other in a lineup, can you identify them.

4       You are going to hear about text messages in the  
5 hours that preceded this home invasion between Denali  
6 White and Mr. Crummey. Wanted to do a lick. You are  
7 going to learn that, I'm sure you've seen about this,  
8 call-detail records where you can find out what cell  
9 towers people are hitting off of. Low and behold, those  
10 two [indicates] cell towers where the trailer was.

11       I ask that you be patient, again, with the  
12 interpreters. And as the judge said, we really do hate  
13 to waste y'all's time when you're sitting back here in a  
14 closed room nobody comes so we're all going to try to do  
15 what we can to make this move smoothly.

16       But this is an important case. This is an important  
17 case where five people get robbed, a house gets  
18 burglarized, two people get injured, for greed, two young  
19 guys. Thank you.

20       MR. SUMMA: May it please the Court?

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

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

OPENING STATEMENT

MR. SUMMA: Again, my name is Daniel Summa and I'm representing Daquan Crummey in this matter.

They say they want it to go smoothly. Of course they do. They don't want you to look behind the curtain. They don't want you to see the inconvenient facts, the facts that don't match what was said at the time to Daquan Crummey.

I'd ask you to not listen to them, to look at every detail, look at every fact, and decide from that whether or not Mr. Crummey is guilty beyond a reasonable doubt. Don't just look at what they presented. Look at what they didn't present and look at what they decided to not present. He's owed that. This is the most important day of his life. Please don't rush through everything. Please look at everything with great detail, I urge you.

Ladies and gentlemen of the jury, it's July 23rd, more than two-and-a-half years ago. It's a hot, humid day in North Charleston. A woman named Brandie Ross -- she's a white lady, and so there are white people who live in this neighborhood.

Ms. Brandie Ross is in the area of Tedder Street. She lives across the street. And she sees something suspicious. She sees two black males just kind of hanging out ---

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1 MS. SHEALY: --- Your Honor, may we approach for a  
2 moment?

3 THE COURT: Sure. Come on up.

4 [Whereupon, a bench conference is held as follows:

5 MS. SHEALY: I just want to make sure he's not going  
6 to go into what Ms. Ross said that he intended to call  
7 her.

8 MR. SUMMA: We do.

9 MS. SHEALY: You've got her under subpoena to  
10 testify?

11 THE COURT REPORTER: Speak up, Mr. Summa. Speak up.

12 MR. SUMMA: Yes, ma'am.

13 [Whereupon, bench conference concludes]

14 THE COURT: Mr. Summa, go ahead and proceed.

15 MR. SUMMA: Thank you.

16 A woman named Brandie Ross lives across the street  
17 and she sees something suspicious. She sees two men that  
18 she doesn't recognize, in the area. She's looking at  
19 them. She's wondering what they're doing. And  
20 eventually, one of these two black males, noticing her  
21 suspicion, comes up to her and says we're here just  
22 waiting for a ride. Now, she finds that suspicious.

23 Not thinking much of it, Ms. Ross just goes back  
24 into her home. She would later describe both of these  
25 individuals as having a shaved head, no hats. Shaved

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1 head no hats. And the evidence will show that Mr.  
2 Crummey's hair at the time was anything but a shaved  
3 head. This witness gave a description that was  
4 completely different than Mr. Crummey. We're not  
5 contesting that a robbery happened. Of course a robbery  
6 happened.

7 A short time later, two men busted in the home on  
8 Lot 6, they ordered the victims to the ground, and they  
9 tell them to go up against the wall. The five occupants  
10 were scared, and the whole thing happened very quickly.

11 When deputies responded to the scene, the main fact  
12 that they got, the main thing that brings their  
13 investigation and would eventually lead them to the two  
14 suspects before you, is that Ms. Martinez says, on the  
15 911 call, and then again later, she knows one of the men  
16 from school. She said she knows him from school, that's  
17 how I know him. She says she tells Detective Khan that  
18 she sees him in the hallways all the time.

19 When the deputies respond to the scene, they  
20 interview witnesses afterwards and they get varying  
21 descriptions. All are consistent that they're tall,  
22 black -- or that there's one tall, skinny black male, and  
23 one shorter than one, but beyond that, nothing is  
24 consistent. One witness says the tall is seven feet  
25 tall. Another witness says the tall one is five foot

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1 ten. Some say they might be able to recognize them, and  
2 others say they would never be able to recognize them.  
3 Some individuals are never interviewed at all.

4 These defendants are developed as suspects  
5 supposedly because Ms. Martinez was scrolling through  
6 Facebook and sees a guy she thinks is the perpetrator; a  
7 Facebook belonging to another tall black male named  
8 Daquan Crummey.

9 They bring her to the station. She picks him out of  
10 the photographic lineup and writes; this is the guy I  
11 know from school and outside my dad's work, same guy.  
12 The other guy she says, I've never seen him before. The  
13 detectives say we got him, that's it. One detective  
14 writes a to-do list and puts on that to-do list; check  
15 the school records to see if they ever went to school  
16 together.

17 Ladies and gentlemen of the jury, if that detective  
18 had actually completed that to-do list, we would not be  
19 here because the fact remains that neither of these two  
20 individuals ever went to school with Ms. Martinez. Ever.  
21 They didn't even share a single day together at Stahl  
22 High School.

23 And when we showed the State these records, when we  
24 presented them with these records, suggesting that maybe  
25 there was a mistake, maybe they didn't pick the right

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1   guy, everything changed. Suddenly, Ms. Martinez had a  
2   new explanation. It wasn't the tall guy I went to school  
3   with, it was the short guy.

4           Well, again, they never went to school together,  
5   either one of them. And when we showed them the  
6   statement given by Ms. Brandie Ross, close-shaven hair,  
7   the individuals who had been previously absent from the  
8   case came out of the woodwork and began to say, oh, yeah;  
9   that's the guy.

10           They say this after Daquan has been charged and  
11   arrested. Think about that. You're a victim of a  
12   terrible crime, you don't know who it is, you're  
13   wondering who is this person, and you find that the  
14   police have arrested some guy. Of course you're going to  
15   say, yeah, that's the guy. It was quick, it was fast, it  
16   was scary, and for someone who looks vaguely like the  
17   person, you're going to see that picture and be  
18   convinced, oh, yeah; this is the person.

19           Now, I'm not saying that these four individuals  
20   aren't victims of a terrible crime, because they  
21   absolutely are. We respect them and their bravery for  
22   coming forward today. But the fact remains that whatever  
23   they say today, they gave widely conflicting descriptions  
24   of the individuals at the time of the incident. Trust  
25   what they said two-and-a-half years ago when their memory

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1 was fresh. The event was scary. It was terrifying.  
2 They were forced against a wall. It all happened  
3 extremely fast. Once they were shown a picture two-and-  
4 a-half years later and told, oh, yeah, this is the guy,  
5 of course they're going to say yeah. Of course they're  
6 going to say yeah.

7 I mean, I can understand -- I can understand that  
8 they want somebody to pay for this. And that's okay.  
9 They want somebody -- they want them to find the right  
10 guy. I can totally understand that. But we shouldn't  
11 just pick any tall black man and throw him under the bus  
12 and destroy the rest of his life, just because he's a  
13 tall black man.

14 Ladies and gentlemen of the jury, this is America  
15 and that's not how we do justice. You might ask  
16 yourselves why were these victims who were very unsure of  
17 who they saw on the day of come in here and act so  
18 certain. Well, one reason is that they're basically  
19 told.

20 But another is because each of them have something  
21 to gain from their testimony. The evidence will show in  
22 this case that there's a special part of the American  
23 immigration system called U visas.

24 THE COURT REPORTER: Called?

25 MR. SUMMA: U visas, U; the letter. And it's a

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1 good part of the immigration system, in my opinion. It  
2 allows for victims of certain crimes who were otherwise  
3 subject to deportation or undocumented given them the  
4 right to stay in the country. What a wonderful, amazing  
5 right to gain.

6       You were asked about undocumented immigrants and  
7 whether or not you believed them. We have nothing  
8 against undocumented immigrants. We just want you to  
9 know about this. Because this U visa process they can  
10 only get after the State certifies that they have been  
11 helpful.

12       After the State has certified, signed a document,  
13 saying, yes, this person was helpful. And they knew  
14 that. Some of the individuals just asked about it. But  
15 we know at least one of the individuals even hired an  
16 immigration attorney to help him through this process.

17       Now, in simpler terms, these individuals, they  
18 really want to make that happy. And that's okay. They  
19 want to make it happy. I understand that okay but  
20 understand the immense pressure they are feeling. Not  
21 just because they're victims of a crime, but for their  
22 families, for their lives.

23       I mean, they want to be in this country and if they  
24 make the State happy, then they get to. Understand that  
25 immense pressure. Understand that the only witness, the

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Summa  
March 10, 2020

1 only witness, that doesn't have that motivation, who  
2 doesn't have that pressure, is Ms. Brandie Ross, the  
3 neighbor who lives across the street, who said  
4 definitively that these men had shaved heads.

5 Ms. Brandie Ross who, at the time of her I.D., was  
6 not in a state of fear, was not scared, was not in a  
7 state of in the middle of a robbery. She was calm, she  
8 was looking at them kind of suspiciously. One individual  
9 came and even approached her and they had a brief  
10 exchange. Her I.D. is by far the most reliable because  
11 she wasn't in a state of shock.

12 Ladies and gentlemen of the jury, you're going to  
13 hear a lot of testimony today, a lot of emotional,  
14 disturbing testimony, that will make you understand that  
15 a wrong occurred, a wrong did occur. But taking Daquan  
16 and convicting him when the evidence does not fit,  
17 locking him in a cage because he's a tall black male,  
18 that wouldn't put the hard-earned money back in their  
19 pocket. It wouldn't undo the pain and suffering that  
20 they caused. It definitely wouldn't be justice. Two  
21 wrongs don't make a right. Thank you.

22 THE COURT: Mr. Voigt?

23 MR. VOIGT: May it please the Court?

24 THE COURT: Yes, sir.

25

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

OPENING STATEMENT

MR. VOIGT: Last and least, back here at the kiddie table.

So you heard a story and now an opening statement. And the judge told you in his opening remarks that what we say isn't evidence. There are parts of an opening statement, when opening in a case like this is, you know, to tell your story, what you're going to hear, the evidence you're going to hear from the witness stand. Everything that's important is going to come from this chair here [indicates], depending on where the witness sits. One of these chairs here. Normally we only have one, but with interpreters we have two.

And you heard a story. And one of the words that was used to relay that story was good police work. You heard it twice. I wrote it down. I promise you it doesn't matter what you decide in this case, at the end of this case good police work is not how you're going to characterize this to the next person you're allowed to tell this story to.

Good police work is the inverse, is the opposite, it's through the mirror, from what this is. This entire case revolves around a sixteen-year-old looking at pictures on Facebook and convincing herself that she has found people who have done something terrible to her and

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Voigt  
March 10, 2020

1 her friends. Like Mr. Summa said, we're not denying that  
2 something terrible happened on July 23rd. But what we  
3 are denying, or what I am denying, is that Denali White  
4 had anything to do with it.

5 Now, understand, I'm here only to represent Denali  
6 White, alright. There is a reason why we're not at the  
7 same table. Because you, like if you go to Publix and  
8 you get a two for one, you got two for one here today.  
9 You're actually the jurors on two trials.

10 And there are two sets of evidence. And I want you  
11 to focus very clearly on all the evidence that purports  
12 to tie Denali White to this crime. It's going to be  
13 different in substance and in quantity to the State's  
14 evidence against Mr. Crummey. Actually, I think the  
15 results are the same. But they are two separate cases  
16 and you have to -- when a witness testifies about this  
17 one did that, and that one did the other one, you're  
18 going to have to sort out who this one is and who that  
19 was is.

20 But at the very core of this is who are these people  
21 who are doing this terrible thing and how has the State  
22 proven to you that the people sitting at these tables  
23 [indicates] are the right people. Because fundamentally,  
24 the most important thing here is are these the guys?  
25 There's normally lots of evidence that the State can

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Voigt  
March 10, 2020

1 bring to show that these are the guys. Physical  
2 evidence, things that have around for hundreds of years  
3 like fingerprints. Things have been around in common  
4 usage in criminal courtrooms for the last twenty years,  
5 like DNA; multiple witnesses, video cameras. You know,  
6 don't take a candy bar from the Circle K. You'll be  
7 caught on film three times.

8 No. No. That would be good police work. That  
9 would be evidence of crime. That would be evidence of  
10 identification. No. You're not going to get any of  
11 that. You're going to get a story about how I went to  
12 school with somebody, except she didn't. I went to  
13 school with the tall guy, except she didn't. Oh, I  
14 changed my mind. Now I went to school with the short  
15 guy, except she didn't.

16 How I looked for a day at Facebook pictures, of  
17 pictures, over and over and over, scrolling up and down  
18 the phone. And then, magically, a couple of days later,  
19 the officers show me pictures of the same picture I just  
20 spent a whole day looking at.

21 And you're going to discover in the course of the  
22 next couple of days just what it takes for the State of  
23 South Carolina to charge teenagers with very serious  
24 crimes, just how little evidence it takes to put  
25 somebody's liberty in jeopardy, and that they want you to

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Voigt  
March 10, 2020

1 sanctify their decisions, because ultimately you're here  
2 because of their decisions. It is appalling how little  
3 actual evidence you are going to get to hear. It should  
4 be shocking to the conscious how much you have to explain  
5 away.

6 Mr. Summa went into some of it because he had to;  
7 descriptions that don't match, stories that change. The  
8 whole time, their liberty, and when I say liberty, the  
9 ability to walk in and out, go to the store, go visit  
10 your mom. All that stuff is endangered because a  
11 sixteen-year-old sat on Facebook and convinced herself  
12 that some vague memory of someone, a tall guy who she may  
13 or may not have seen around the store, is enough.

14 The reason why this is important, what you do is  
15 important, is because this is what stops them from  
16 rolling over people who cannot defend themselves. You  
17 never thought of yourself when you woke up and you got  
18 the notice and you were like oh gosh, jury duty, you  
19 didn't realize you were the boulder for freedom; you are  
20 the thing that stopped the barbarians at the gate. But  
21 you are.

22 I'm going to talk about two words that somehow were  
23 neglected, or just weren't mentioned, and that is the  
24 State tells its story. What does defense have to tell  
25 you? The Court alluded to it earlier. We may give a

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Voigt  
March 10, 2020

1 statement. We don't have to. I can't help myself. I  
2 have to do this, okay? I think it's too important to not  
3 bring these issues to you.

4 But everything in these two cases, every element of  
5 each crime and there are multiple crimes, and they're all  
6 serious, and they all should make you look very carefully  
7 at the evidence because they are so serious. In each  
8 element of every crime against each one, they have to  
9 prove beyond a reasonable doubt.

10 So if you're sitting here thinking, before you've  
11 heard any evidence, these guys might have done it, under  
12 our law they're innocent, they're not guilty. If you  
13 think at the end of the State's evidence that, well,  
14 there's a good chance they might have done it, there's  
15 only one jury verdict and it's not guilty.

16 If you think that they probably did it, well, all  
17 things considered, you know they probably did; those are  
18 probably the guys. No, that's not enough. You must be  
19 firmly convinced. You must have every reasonable doubt  
20 removed from you.

21 The old-fashioned cases that used to be very flowery  
22 describe the presumption of innocence that each one of  
23 these young men have. Each one of these young men, who  
24 can't drink at this point in their lives, legally, they  
25 are clothed in a robe of righteousness. Which is flowery

State v Daquan J. Crummey & Denali D. White  
Opening Statement-Remarks by Mr. Voigt  
March 10, 2020

1 language and I think it first appears in like 1896 in a  
2 Supreme Court case. And until that robe of righteousness  
3 is removed from them by the State's evidence by the  
4 burden that the State has, the highest burden, beyond a  
5 reasonable doubt, they must be presumed innocent. When  
6 you're innocent you're not guilty. You don't get to  
7 write innocent on the form; you only get to write not  
8 guilty.

9       So I'd like you to frame this case this way. I'd  
10 like you to look at it this way. I don't -- because it  
11 makes out like a good story. Okay? But this is where  
12 the rubber meets the road. And each and every element of  
13 that crime must come from here [indicates] as to each one  
14 and you have to beyond a reasonable doubt know who did  
15 what. And if you never get there, and I'm suggesting to  
16 you that you will not, then the only answer is going to  
17 be not guilty.

18       But also remember, its two cases. This is actually  
19 a fairly difficult thing that you're going to have to do.  
20 And I hope, you know, that your jury foreman kind of what  
21 do we have against this one, what do we have against this  
22 one, what's the differences in this -- you're going to  
23 have to sort it out. Choices that the State has made  
24 have made your job difficult because in the world we live  
25 in that's the game we play, alright. Thank you very

1 much.

2 THE COURT: Thank you. Can I see the attorneys up  
3 here real quick?

4 [Whereupon, an off the record bench conference is  
5 held]

6 THE COURT: The State may call its first witness.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 MR. COOPER: Thank you, Judge. The State calls  
2 Deputy Steven Meade.

3 [Whereupon, Mr. Meade comes forward]

4 THE CLERK OF COURT: Please place your left hand on  
5 the Bible and raise your right.

6 [Whereupon, Mr. Meade is duly sworn by the Clerk of  
7 Court]

8 THE CLERK OF COURT: You may be seated.

9 [Whereupon, the witness takes the witness stand]

10 THE CLERK OF COURT: And for the record, please  
11 state your full name, spelling both your first and your  
12 last.

13 THE WITNESS: Steven Grey Hiott-Meade. My first  
14 name is spelled S-T-E-V-E-N. My second -- my last name  
15 is H-I-O-T-T hyphen M-E-A-D-E.

16 - - - - -

17 STEVEN HIOTT-MEADE,

18 Having Been First Duly Sworn,

19 was Examined and Testified as Follows:

20 DIRECT EXAMINATION

21 BY MR. COOPER:

22 Q. Good afternoon, Deputy Meade. How are you?

23 A. Good.

24 Q. Will you please tell the jury where you're currently  
25 employed?

- 1 A. Charleston County Sheriff's Office.
- 2 Q. And how long have you been with the Sheriff's
- 3 Office?
- 4 A. Roughly six years.
- 5 Q. And what is your current position with them?
- 6 A. I'm a field training instructor.
- 7 Q. Describe what that means for the jury.
- 8 A. I train new deputies in how to be a sheriff's
- 9 deputy, how to work patrol.
- 10 Q. And back in July of 2017, were you also in a
- 11 training role?
- 12 A. Yes, I was.
- 13 Q. Who were you training back on July 23rd, 2017?
- 14 A. Deputy Vecchione.
- 15 Q. And y'all were both on duty on that day?
- 16 A. We were. Yes, sir.
- 17 Q. Did you have the occasion to respond to an incident
- 18 at 7522 Tedder Street that day?
- 19 A. Yes, sir.
- 20 Q. What kind of incident did you respond to?
- 21 A. It was a home invasion.
- 22 Q. When did you get on the scene?
- 23 A. I believe we got on scene around one o'clock, 13:00
- 24 hours.
- 25 Q. Would you like to look at your report?

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 A. Sure.

2 MR. COOPER: May I approach the witness, Your Honor?

3 THE COURT: Sure.

4 [Whereupon, Mr. Cooper proffers documents to the  
5 witness]

6 Q. [Mr. Cooper] Will you look at that and tell us when  
7 you were dispatched and when you arrived on scene?

8 A. We were dispatched at 13:13 hours, so 1:13 in the  
9 afternoon, and we arrived at 1:18 in the afternoon.

10 Q. Okay. Describe for us that area. Where in  
11 Charleston County was it?

12 A. It's off of Ashley Phosphate. It's a mobile home  
13 park in the Ashley Heights neighborhood off of Tedder  
14 Street.

15 Q. Right off I-26?

16 A. Close. Close to I-26 and Ashley Phosphate.

17 Q. And is that part of the area that you normally  
18 patrol?

19 A. It is.

20 Q. How long have you been patrolling that area?

21 A. Off and on for most of my time at the Sheriff's  
22 Office. I either patrolled there or in the Awendaw-  
23 McClellanville district. So, quite a while.

24 Q. So you're familiar with the area?

25 A. I am, yes.

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. If I were to show you some map images of that area,  
2 would you recognize it?

3 A. I would.

4 MR. COOPER: Your Honor, may I approach the witness?

5 THE COURT: You may.

6 Q. [Mr. Cooper] I'm going to show you what's been  
7 marked as State's Exhibits 1 and 2 for I.D. purposes  
8 only. What are those exhibits?

9 [Whereupon, the witness is shown photographs]

10 A. These are ---

11 MR. VOIGT: --- I object, Your Honor. I have a -- I  
12 think perhaps something I need to take up outside the  
13 presence of the jury on those.

14 THE COURT: Alright. Ladies and gentlemen of the  
15 jury, this is one of those times that I referenced in my  
16 opening remarks to you. We're going to have to take up a  
17 matter of law outside of your presence so I'm going to  
18 send you to the jury room briefly so we can discuss these  
19 issues.

20 And we will get you back out here shortly, so I --  
21 shortly. So I'll ask you to go to your jury room. And  
22 do not discuss anything about the case. Thank you.

23 [Whereupon, the jury exits the courtroom at 12:46  
24 p.m.]

25 MR. VOIGT: Thank you, Your Honor. I'm sorry. I

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 promise I'll be brief. I told counsel that I would be  
2 objecting to Google Maps without a prior foundation. I  
3 don't believe that this deputy has the ability to  
4 authenticate something that's created by somebody else,  
5 populated by another corporation, without any sort of  
6 records custodian or anything here. This is not  
7 something created by the deputy; this is not something  
8 used by the deputy, during the course of his brief  
9 interaction with this case.

10 This isn't the right witness to try to bring this  
11 in. I let counsel know that I would be making that  
12 objection, and that's why we're here.

13 THE COURT: Mr. Summa?

14 MR. SUMMA: I just join him.

15 THE COURT: Okay. Mr. Cooper?

16 MR. COOPER: Yes, sir. So those are just Google  
17 maps. I believe the officer can lay the foundation which  
18 is what I was intending to do. He had worked in that  
19 area for six years. He can attest whether it is an  
20 accurate representation of that area or if it is not.

21 But I believe he can lay the foundation that that is  
22 the area that he's been patrolling for six years; he  
23 recognizes the area, the images of that area of the  
24 trailer park that he responded to that day. And, Judge,  
25 can I show you -- I've got ---

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 THE COURT: Yes. Absolutely.

2 [Whereupon, Mr. Cooper confers with Mr. Voigt and  
3 Mr. Summa]

4 MR. COOPER: May I approach?

5 MR. VOIGT: I'd have the same objection.

6 [Whereupon, Mr. Cooper proffers documents to the  
7 Court]

8 MR. COOPER: And no other alteration happened Judge  
9 is the address of the scenes on there. Other than that  
10 every label that populates is on the map.

11 MR. VOIGT: Judge, these are pictures taken by an  
12 unknown machine or person, maintained by a multi-national  
13 corporation that has not been ordered in South Carolina.

14 If you know, these search parameters were dictated  
15 by somebody who's not this deputy. This is all -- none  
16 of this was created by the deputy. None of this was  
17 utilized by the deputy. This is trying -- I mean, he can  
18 obviously testify that he knows the area because he knows  
19 the area.

20 But that's not what that's about. That's about that  
21 specific photograph, origin unknown. I mean, truly. The  
22 mechanism by which that photograph comes to be in your  
23 hands, how it was created, what inaccuracies it may or  
24 may not contain, none of that has been explored. None of  
25 that makes it reliable enough for a jury to see. This

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 officer, frankly, can't testify to it.

2 MR. COOPER: I think the proper avenue Judge is we  
3 can see if he can accurately -- and if it is an accurate  
4 representation in his opinion Mr. Voigt has the ability  
5 to ---

6 MR. VOIGT: --- if he's ever flown over the area  
7 maybe we can have that conversation instead of ---

8 THE COURT: --- is there really a question that  
9 these, that these photographs represent the area that  
10 this event occurred in? I mean, what are we fighting  
11 over? It just seems...

12 MR. VOIGT: Judge, I just have an objection to  
13 people pulling things up off the internet and then having  
14 them validated through a police officer as though they're  
15 part of some sort of investigation. They're not. This  
16 is just -- this is just a map that he creates, and that's  
17 -- we don't allow him to create evidence and put it in.

18 THE COURT: So say he went to the Charleston County  
19 Mapping Department and had an employee of the mapping  
20 department come in and say, I printed these maps and I am  
21 an employee of Charleston County and I put in an address  
22 and this is what address the computer -- or this image is  
23 what the computer created upon my request. How is that  
24 any different? How...

25 MR. VOIGT: Because, Judge, that person would be a

1 custodian of a record of a sort. And when I first  
2 started to do this sort of thing, there were physical  
3 maps and you had to -- that sort of custodian would say,  
4 well, I had to go to this page on this place, and this is  
5 a map that's maintained by this office. And as a public  
6 record, often you can do that through a certification.  
7 There are ways of doing that.

8 This is fundamentally different. This is any -- I  
9 mean, this is the problem with the technology that we  
10 have is that in that case, any bias that would be on a  
11 boundary line, or anything like that, would be vetted and  
12 explored. This is a computer search yielding a map and  
13 now we're going to use this officer to in some way  
14 validate it. That's not how we create evidence.

15 THE COURT: Alright. I'm looking at State's Number  
16 9, which is an unmarked map which appears to be the,  
17 based on what I know about this case, what appears to be  
18 the trailer park. I don't see -- and 8 and 9 are both  
19 unmarked.

20 So I think what we need to do is go with either 8 or  
21 9 that appear to be the scene. And the ones that have  
22 the location pre-marked, I mean, he can't testify that he  
23 made this mark. He can testify as to where he thinks the  
24 address is that the State -- that this place occurred.  
25 So I'm going to sustain the defense objections to State's

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 1 and 2 and just ask that you use these maps which have  
2 not been pre-marked by a person who is not the witness.

3 Let me hand these back to you.

4 [Whereupon, the Court proffers documents to Mr.  
5 Cooper]

6 MR. COOPER: Thank you, Judge. Maybe we should  
7 while the jury is out, Judge? I don't know what ---

8 THE COURT: --- y'all tell me. I mean...

9 MR. VOIGT: At this point ---

10 THE COURT: --- I assume this witness is just -- his  
11 testimony is just to establish where this event took  
12 place, and the fact that he responded, and that this  
13 occurred in Charleston County. Is there any -- what else  
14 is ---

15 MR. VOIGT: --- Judge, if we can, if counsel lays  
16 that foundation in front of the jury, I will just quietly  
17 renew my previous objection and sit down.

18 THE COURT: Well, I mean, I...

19 MR. VOIGT: I still have a problem with this. I  
20 mean you know less of a problem, obviously, than I had  
21 previously ---

22 MR. COOPER: --- the State went with these pictures.  
23 There's more than just the area. It sets his intimate  
24 knowledge of the trailer park where the suspects fled,  
25 that direction, what's along that way, as the directing

1 officers. There is more than just yeah, this house looks  
2 familiar. He has intimate knowledge of the area, of the  
3 area of the path the suspects supposedly took per the  
4 victims, as he's directing a response by law enforcement.  
5 And he knows the area and he can recognize it. Mr. Voigt  
6 is free to cross-examine about any ---

7 THE COURT: --- let me ask this. The images in  
8 State's 8 and 9 are those -- is the view of the scene  
9 wide enough where he can talk about that on those  
10 photographs?

11 MR. COOPER: Yes, sir. That's ---

12 THE COURT: --- I don't have -- if he can say that I  
13 believe this is the area where this incident happened,  
14 I'm familiar with it, I patrolled it. I mean, the  
15 picture is what it is. I'm going to -- I just want us to  
16 focus on the issues that are important to the case.

17 And so if he's -- if he's just trying to set the  
18 scene, I'm going to let him -- let him talk about it, now  
19 assuming he can lay the appropriate foundation. So 1 and  
20 2, the pre-marked maps, I'm going to keep those out.

21 MR. COOPER: Yes, sir.

22 THE COURT: And assuming that the appropriate  
23 foundation is laid, 8 and 9 can come in.

24 MR. COOPER: Yes, sir.

25 MR. VOIGT: And, Judge, I'll just -- I'm going to

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 tip my hat. If we start going into direction of travel  
2 for fleeing people, I'm going to make a hearsay  
3 objection.

4 MR. SUMMA: The same.

5 MR. VOIGT: I mean, I'm just -- I don't know where  
6 -- you know, if we're just going to establish in  
7 Charleston County, we'll let him do that and move on.

8 THE COURT: If he -- if he knows which way an  
9 individual went, he can certainly testify but -- and it  
10 may or may not be hearsay. It could be -- it could be  
11 that he says I was -- it was put out on the radio that  
12 the defendant went north and because of my hearing that,  
13 I went north.

14 That's not offered for the truth of the matter  
15 asserted. That's offered for the reason of why I did  
16 what I did. So we'll just have to -- we'll see what he  
17 says.

18 MR. VOIGT: With that cautionary instruction, yes  
19 Judge.

20 THE COURT: Alright.

21 MR. SUMMA: Does he -- does he know where my client  
22 lives? I mean, I'm kind of scared of him going into,  
23 well; this is the path they took, when he doesn't really  
24 know. I mean, obviously, witnesses gave a vague  
25 description of that way ---

1 MR. COOPER: --- well, I can make maybe dissuade  
2 some of your concerns. I can give you a description of  
3 what the testimony is going to be.

4 THE COURT: We can't -- guys, we can't do this on  
5 every witness. We will be here until this time next  
6 week. Follow the rules.

7 If this witness has knowledge of where these  
8 defendants or where the suspects are alleged to have  
9 gone, he can testify to it. If he heard something on the  
10 radio and can testify I did this because I heard this,  
11 that's not hearsay either. Just we can't do this on  
12 every witness.

13 Just follow the rules and we should be fine. But  
14 I'm going to rely on all of you are experienced  
15 attorneys, so just don't offer evidence that you feel  
16 reasonably certain isn't admissible, That would be my  
17 cautionary remark on this. So are we ready for the jury?

18 MR. COOPER: Yes, sir.

19 MR. SUMMA: Yes, Your Honor.

20 MR. VOIGT: Yes, sir.

21 [Whereupon, the jury enters the courtroom at 12:59  
22 p.m.]

23 THE BAILIFF: The jury is all present, Your Honor.

24 THE COURT: Thank you very much. Ladies and  
25 gentlemen, thank you for your patience. And we will

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 proceed with the State's case.

2 MR. COOPER: Thank you, Judge.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. COOPER:

5 Q. Deputy, again, I just want you to verbalize, would  
6 you describe for the jury your experience in this area?

7 How long have you been assigned to the north area of  
8 Charleston?

9 A. Off and on for the entirety of my six years at the  
10 Sheriff's Office.

11 Q. So I'm going to show you what's been marked for I.D.  
12 purposes only as State's 8 and 9.

13 [Whereupon, the witness is shown photographs]

14 Q. [Mr. Cooper] Take a look at those and tell me if you  
15 recognize those items.

16 A. I do.

17 Q. And what do they appear to be?

18 A. They appear to be the mobile home park off of Tedder  
19 Street, which is the incident location.

20 Q. And are there any markings, any labels, about what  
21 those things are, that appear on the map?

22 A. No, there are no street markings or anything like  
23 that.

24 Q. Describe for us, how do you know that's what that  
25 location is and where that location is at?

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 A. Well, because, I've been to it multiple times.

2 Q. That specific place?

3 A. Yes. Yes. The Ashley Heights neighborhood, yes.

4 Q. And so looking at both of those, State's 8 and 9, do  
5 they appear to be a true and accurate representation of  
6 how you know the area to be in real life?

7 A. They appear to be so, yes.

8 Q. Does anything about it appear to be altered or  
9 changed or tampered with or different than what your  
10 recollection is?

11 A. None that I can detect.

12 Q. Okay.

13 MR. COOPER: Your Honor, at this time, the State  
14 would offer Exhibits 8 and 9 into evidence.

15 MR. SUMMA: Subject to previous objection.

16 THE COURT: Both parties -- subject to both parties'  
17 previous objection?

18 MR. VOIGT: Yes, Your Honor.

19 THE COURT: Alright. I'm going to allow State's 8  
20 and 9 into evidence over defense objection.

21 [Whereupon, State's Exhibit Numbers 8 and 9 are  
22 admitted into evidence by the Court]

23 [Whereupon, the photograph is published]

24 Q. [Mr. Cooper] I'm showing you State's Exhibit 8.

25 Describe for us what this area of the map or this area is

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 showing.

2 A. It's Tedder Street at the top coming down from the  
3 four-lane highway there is Ashley Phosphate.

4 Q. You can touch on the screen and actually, you know,  
5 it'll...

6 A. Okay. This is Ashley Phosphate right here  
7 [indicates].

8 Q. Okay.

9 A. Come down Tedder. And then the mobile home park  
10 right in here [indicates]. And then it goes into a  
11 neighborhood called Ashley Heights.

12 This [indicates] is South Oakridge. This  
13 [indicates] is East Oakridge. And then beyond there  
14 outside of the map is North Oakridge. And then this is  
15 Northside Street right here [indicates].

16 Q. And what's on the top of the map on the other side  
17 of the trees? What is that area?

18 A. This is going to be -- these are -- this is a hotel.  
19 This is all the Northside Drive area. And there is a  
20 cut-through right here [indicates] that goes in and you  
21 can access it by foot.

22 Q. And just beyond that, is that I-26?

23 A. Yes, I-26. I don't think you can see I-26. You  
24 can't see it from the photograph.

25 Q. Okay. And then ---

1 A. --- but it's over on -- up above here [indicates]  
2 this area.

3 Q. Now, where in that mobile home park did you respond  
4 that day?

5 A. Right around here [indicates].

6 Q. Now, were you -- or I think you told us were you  
7 with Deputy Vecchione?

8 A. Yes. He was training with me.

9 Q. Were y'all the first ones that responded that day?

10 A. We were.

11 Q. Describe for the jury the scene when you first  
12 arrived.

13 A. When we first got there, there were several  
14 individuals outside. There were -- there were  
15 individuals that appeared be injured.

16 We attempted to secure the scene to access -- assess  
17 what kind of injuries there were, and any kind of  
18 direction of travel of the suspects who we were told were  
19 not on the scene any more.

20 Q. And so when you arrive on a scene like that, a home  
21 invasion, people may not be on the scene, what are your  
22 priorities when you get on the scene?

23 A. Well, first we try to preserve life. So we try to  
24 make sure nobody is critically injured, make sure to take  
25 care of people that are injured. We try to get a

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 direction of travel for suspects when they leave the area  
2 for a few reasons: one, to try and catch them, but also,  
3 you know, if they did something that might -- they might  
4 further endanger the public.

5 So that's kind of important for us to be able to try  
6 to apprehend them while they're still in that stage of  
7 fleeing. And then we try to secure the scene for  
8 forensics for evidentiary value.

9 Q. Okay. And then with you and Deputy Vecchione  
10 arriving on the scene, what was your role?

11 A. I was -- like I was his instructor. He had already  
12 been a police officer for several years at Hanahan Police  
13 Department so I was more of an observer, and so I  
14 observed him control the scene. I also relayed some  
15 information to other responding deputies.

16 Q. Being the first one on scene, were you the one  
17 relaying to everybody else that was making their way to  
18 the scene?

19 A. Yes.

20 Q. What purpose were you trying to achieve?

21 A. Well, I was trying to get the other deputies into an  
22 area where they would most likely find the suspects who,  
23 again, were at large, and try and give them descriptions  
24 and to guide them into where the people might have gone.

25 Q. And based on what you learned, where did you direct

1 law enforcement to go? What was your focus?

2 A. I directed them into the Ashley Heights  
3 neighborhood, as well as into Northside Drive.

4 Q. And on that map, where is Ashley Heights? What does  
5 that mean?

6 A. Ashley Heights is really the neighborhood just off  
7 of -- off of Ashley Phosphate, just this kind of  
8 neighborhood.

9 It includes where the incident location is, but also  
10 the directional Oakridge Drives, you know, like the South  
11 Oakridge, East Oakridge, and North Oakridge, and the  
12 streets off of it, as well.

13 Q. And you mentioned Northside Drive. Where is that  
14 again?

15 A. Northside Drive is over here [indicates], and it's  
16 where these hotels are off of and these businesses are  
17 off of. And like there's a cut-through here [indicates]  
18 that you can access those by foot, which we were told  
19 that the suspects had left on foot, so.

20 Q. And so you were directing law enforcement towards  
21 that direction?

22 A. Correct.

23 Q. Okay. And then while you were doing that, what was  
24 Deputy Vecchione doing on the scene?

25 A. He was interviewing people, he was assessing

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 injuries, and he also set up a crime scene. He put up  
2 tape and stuff like that.

3 Q. And you mentioned -- have you been to that area  
4 before?

5 A. Yes. Absolutely. I've been -- I've responded to  
6 crimes in Ashley Heights many times.

7 Q. Describe that area for us.

8 A. It's a multi-ethnic neighborhood, fairly densely  
9 populated for the area, and it is an area where there is  
10 a lot of crime.

11 Q. Are there a lot of Hispanic people concentrated in  
12 that area?

13 A. Yes.

14 Q. What do you do on the scene when you arrive and  
15 there may be language issues, language barriers?

16 A. Well, we have several options. One of the options  
17 is if somebody is on scene that is fluent in both  
18 languages, we allow them to translate.

19 That's usually the fastest thing, especially when  
20 we're responding trying to assess for injuries, things  
21 like that, and timeliness is of the utmost importance,  
22 that's what we would utilize.

23 Q. And are you aware of how y'all were able to manage  
24 that on the scene, the translation?

25 A. Yes. There was -- there was a juvenile female that

State v Daquan J. Crummey & Denali D. White  
Steven Hiott-Meade-Direct Examination by Mr. Cooper  
March 10, 2020

1 was translating for us.

2 MR. COOPER: Beg the Court's indulgence just one  
3 second.

4 THE COURT: Yes, sir.

5 [Whereupon, Mr. Cooper and Ms. Shealy confer]

6 Q. [Mr. Cooper] Thank you, Deputy Meade. I have no  
7 further questions for you. Please answer anything that  
8 both defense attorneys may have for you.

9 THE WITNESS: Sure.

10 MR. SUMMA: No questions Your Honor ---

11 THE COURT: --- Mr. Summa?

12 THE COURT: Mr. Voigt?

13 MR. VOIGT: No questions, Your Honor.

14 THE COURT: Thank you very much. Deputy, you may  
15 step down.

16 THE WITNESS: Thank you, Your Honor.

17 MR. COOPER: May he be excused, Your Honor?

18 THE COURT: He may.

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

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1           THE COURT: All right Mr. Cooper, we are going to  
2 break for lunch.

3           Ladies and gentlemen, since it's shortly past one  
4 o'clock, we're going to break for lunch now. I'm going  
5 to ask that you be back in your jury room, ready to go,  
6 at 2:30 and we will resume the trial promptly at 2:30.  
7 Let me caution you, don't discuss anything about the case  
8 among the twelve -- or fourteen of you, and certainly  
9 don't discuss it among or discuss it with anyone else.  
10 Again, do not do any independent research on your own  
11 using the internet or any other media.

12           And we hope you have a good lunch, and we'll see you  
13 back at 2:30. Thank you very much.

14           [Whereupon, the jury exits the courtroom at 1:09  
15 p.m.]

16           THE COURT: Anything from the State before we break  
17 for lunch?

18           MR. COOPER: No, sir.

19           THE COURT: Anything from ---

20           MR. VOIGT: --- could we -- could we approach on  
21 something?

22           THE COURT: Sure.

23           MR. VOIGT: I think it's something we can fix.

24           THE COURT: Sure.

25           THE COURT REPORTER: Do you want this on the record?

1 THE COURT: I'm not sure yet.

2 MR. VOIGT: Not yet. We may, but not yet.

3 [Whereupon, an off-the-record bench conference is  
4 held]

5 MR. SUMMA: I have something briefly that I would  
6 put on the record, but it could be later.

7 THE COURT: Okay.

8 MR. SUMMA: Your Honor, when I came in this morning  
9 through the doors of the first floor, I noticed that our  
10 entire jury was seated in the waiting area of the  
11 Solicitor's Office. They're sitting there, and there's  
12 the emblem of the Solicitor's Office right there. It  
13 says, Solicitor, Scarlett Wilson. And it has articles on  
14 the wall about how she's awesome.

15 And I'm not saying she's not. Histories of people  
16 in the Solicitor's Office, the portraits. We think  
17 that's extremely prejudicial. We think that it makes the  
18 jury feel like they're on their side automatically, from  
19 the get-go, because that's where they're waiting and hang  
20 out, in the area of the Solicitor's Office.

21 I'd ask that -- out of an abundance of caution, I'd  
22 ask that a curative instruction be given and I would ask  
23 that the Court do what they can to just have them not  
24 wait in their waiting area.

25 THE COURT: So y'all are going to have to educate me

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 a little bit. Explain to me why wouldn't they be waiting  
2 in their jury room?

3 MS. SHEALY: I think what happens, Judge, is they're  
4 now allowing jurors to park up at the top of the garage  
5 so they can go in a secure entrance and not be exposed to  
6 the general public.

7 THE COURT: Uh-huh.

8 MS. SHEALY: The Solicitor's Office has nothing to  
9 do with any of this, other than I think what they do on  
10 cold mornings is they gather them in our little lobby  
11 area until they have all of them so they can take them  
12 back. We've had nothing to do with that practice. But I  
13 think that it is out of ---

14 MR. SUMMA: --- yeah, I'm not saying that they have  
15 even ---

16 MS. SHEALY: --- yeah ---

17 MR. SUMMA: --- asked for that, but it is happening.  
18 And I wish I had a solution to present to the Court, but  
19 I hope you can see what I'm saying. You know, they come  
20 in and sit down here in the Solicitor's Office with all  
21 the stuff on the wall about how great it is, and  
22 Solicitors are walking past them, you know, hopefully not  
23 saying hello.

24 This is not normally how it's done. It kind of  
25 struck me weirdly and I wanted just to bring it to the

1 Court's attention because I do feel like the first part  
2 of their day they're sitting in there and waiting there  
3 in the Solicitor's Office.

4 MS. SHEALY: One other thing I'll just point out to  
5 you just to give a vivid picture of it. On the level in  
6 which all of the PDs and all of the people who have the  
7 badges can come in from the garage, there are steps up  
8 and when you open the door, you're in our lobby.

9 So in other words, as the jurors are allowed to park  
10 in the garage, the bailiffs out there escorting them and  
11 they'll take as many in and I think deposit them in the  
12 chairs that are out there. And then when they get  
13 everybody, they move them.

14 I don't know what all is on the wall there. There  
15 is certainly the name of the office. I don't think there  
16 are any of the other things that you see in the hall.

17 MR. SUMMA: There's an article about Scarlett Wilson  
18 that ---

19 MS. SHEALY: --- but that's on the side that they  
20 would no matter what, have to go over. Welcome to  
21 Charleston, Judge.

22 THE COURT: Yeah.

23 MR. SUMMA: We could just ask that they go one-by-  
24 one to the jury room. You know, they could be ended up  
25 gathering there and sitting there for an extended period

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 of time. Maybe the solution is just the deputy, there's  
2 one of them out the door, take them to the jury room, the  
3 second one, take them to the jury room.

4 MS. SHEALY: It's actually the bailiffs that are  
5 doing the couriering.

6 MR. SUMMA: The bailiff, or whoever.

7 THE COURT: Well, I don't think it's necessarily a  
8 good practice for jurors to be forced to congregate in a  
9 parties lobby. It does create somewhat of an air of, you  
10 know, this is you're serving at the pleasure of the  
11 Solicitor.

12 My preference would be that they -- that they go --  
13 when they come in the door, they're recognized as a  
14 juror, they are taken straight to the jury room. I know  
15 that may be inconvenient for the Clerk's Office staff,  
16 but I just -- I don't think that it's a good practice to  
17 have a juror waiting in one of the parties' lobby area  
18 while a trial is pending.

19 So I'm going to direct the Clerk's Office staff and  
20 bailiffs to do their best to remedy that situation. And  
21 it would be preferable if each juror could go straight to  
22 the jury room as soon as they enter the courthouse  
23 complex, for whatever that's worth.

24 And since I did forget to swear the jury, I think I  
25 was so concerned about how long they had been waiting and

1 I got a little anxious. Before we start back, I'm just,  
2 I'm going to tell the jury that basically what I just  
3 told you. In my haste to get the case started, I  
4 neglected to have them sworn, and ask that the clerk  
5 administer the oath to the jurors. Is that suitable to  
6 the defense?

7 MR. SUMMA: Yes, Your Honor. That's fine. And then  
8 on the other issue, would you mind if we submitted a  
9 proposed curative instruction, cc'ing to your clerk here?

10 THE COURT: Yes. Please do that and I'll review  
11 that over the lunch hour.

12 MS. SHEALY: And the only thing I would ask of it is  
13 that it not in any way suggests that this is at the hands  
14 of the Solicitor's ---

15 THE COURT: --- right ---

16 MS. SHEALY: --- Office.

17 THE COURT: Right, right. I mean I think it needs  
18 to be something that deals with just that is the  
19 entryway, you enter directly into the Solicitor's Office,  
20 and there's nothing -- y'all word it however you think is  
21 best, but that no inference could be drawn that a juror  
22 may assemble in -- you know, I don't know exactly what it  
23 needs to say, either.

24 But I certainly will not place any blame on anybody  
25 connected with the court system here in Charleston. This

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 is a -- the way this building and complex is laid out is  
2 certainly interesting. And is going to deal -- deal with  
3 things the best way you can. But it is a better practice  
4 to have the jurors taken straight to the jury room once  
5 they -- once they enter the building. So for whatever  
6 that's worth. But, yeah, I'll be happy to consider  
7 whatever you want to submit.

8 MR. SUMMA: Thank you, Your Honor.

9 THE COURT: Alright. Okay.

10 MR. VOIGT: Thank you, Judge.

11 [Whereupon, Court is in recess from 1:20 p.m. to  
12 2:30 p.m.]

13 THE COURT: Please be seated. Alright. Ladies and  
14 gentlemen, before we bring the jury in, a couple of  
15 housekeeping matters. I was given a note that the jury  
16 has selected Juror Number 112, Jade Duncan, as the  
17 foreperson of the jury. So when the jury comes in, have  
18 Ms. Duncan sit in the foreperson's seat.

19 And with regard to the issue we talked about with  
20 the jurors entering the building, I trust everyone has  
21 had an opportunity to read the proposed curative  
22 instruction. It just basically tells them that they are  
23 neutral and that they aren't to infer anything from being  
24 held in the waiting area near the Solicitor's Office.  
25 Basically, I'm going to remind them it's -- that that's

1 -- the entrance that they -- is most convenient for them  
2 to come in and they should remain neutral. And I'm going  
3 to essentially read the instruction as it was presented  
4 to me, unless I have any objections.

5 MR. COOPER: I'm sorry. I'm just reading it now,  
6 Judge.

7 [Whereupon, Mr. Cooper reviews documents]

8 MR. COOPER: Your Honor, the only objection, I think  
9 the sentence second to the end, they are not serving as  
10 the Solicitor or considering working for them or for  
11 either defendant. I don't think it's necessary. I think  
12 the rest of the charge is fine by itself.

13 MS. SHEALY: My concern about that, Judge, is it's  
14 almost suggestive of an effort by the Solicitor's Office  
15 to think that -- to make them think that they're  
16 operating at our behest. And we've had nothing to do  
17 with any of this. I just -- I think that one sentence is  
18 unnecessary.

19 THE COURT: What does the defense say about their  
20 objection to the sentence starting with you are not --  
21 you're not serving at the behest of the Solicitor or  
22 considered to be working for them or either defendant?

23 MR. SUMMA: You could do the behest of either -- of  
24 any party. I mean, that was -- I just put that in  
25 because that's what you said.

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1           THE COURT: I'll just say you're not serving at the  
2 behest of either party and you are and should be  
3 completely neutral throughout this trial. Okay? And  
4 without objection -- without objection, I'm going to have  
5 the clerk swear the jury as they come in and we'll take  
6 care of these housekeeping matters. So if there's  
7 nothing else, we'll bring the jury in.

8           MR. COOPER: Nothing from the State.

9           MS. SHEALY: Oh. Judge, I'm so sorry. I'm sorry.  
10 This wasn't stated at the time. I'm not sure, with using  
11 interpreters if there's anything you have to have her --  
12 I don't know the procedure. Do you have to have her  
13 swear to accurately ---

14           THE COURT: --- there is an oath that the  
15 interpreter must take, and I have it -- I have it here.

16           MS. SHEALY: And then we'll do that in front of the  
17 jury?

18           THE COURT: Yes.

19           MS. SHEALY: Okay. One other thing, Your Honor.  
20 I'm sorry; somebody just handed me this note. Two people  
21 in the audience have indicated that Mr. White is looking  
22 back at Dulce Martinez. We would just ask he direct his  
23 attention forward and not look back at her.

24           THE COURT: Let's everybody just maintain decorum in  
25 the courtroom and focus on where the action is, and

1 that's the witness stand. So, no effort to make any  
2 contact with any members of the audience, please.

3 [Whereupon, the jury enters the courtroom at 2:39  
4 p.m.]

5 THE BAILIFF: The jury is all present.

6 THE COURT: Thank you. Ladies and gentlemen of the  
7 jury, I appreciate you coming back so promptly, and we're  
8 about ready to resume the trial of this case. A few  
9 housekeeping matters.

10 I understand that y'all have selected Juror Number  
11 112, Ms. Duncan, to be the foreperson of the jury.  
12 Again, as I said before, the foreperson has no greater  
13 vote, or anything of that nature, in the jury  
14 deliberation process. It's just your job to be the jury  
15 spokesperson if any issues come up during the trial, and  
16 then you will be in charge of the verdict form which we  
17 will go over in detail at the end of the trial.

18 And a couple more housekeeping matters, ladies and  
19 gentlemen. It's been brought to my attention that as  
20 jurors, when you come into the courthouse complex you are  
21 instructed to wait in the Solicitor's Office lobby.

22 Just please afford both side the -- afford both  
23 sides due consideration during the trial. The waiting  
24 area is merely a matter of convenience, since it's on the  
25 same floor as the entrance. You are not serving at the

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 behest of either -- of either party. You are and should  
2 remain, throughout this trial, completely neutral. Okay?

3 And one more matter. In my haste to get this trial  
4 started, since we kept you waiting so long this morning,  
5 I neglected to have you sworn in as jurors so we're going  
6 to remedy that at this time.

7 Madam Clerk, if you would swear the jury, please.

8 THE CLERK OF COURT: Ladies and gentlemen of the  
9 jury, please stand and raise your right hand.

10 [Whereupon, all jurors comply]

11 THE CLERK OF COURT: Do you swear or affirm that you  
12 shall well and truly try and a true deliverance make  
13 between the state of South Carolina and the Defendant at  
14 the bar whom you shall have in charge and a true verdict  
15 render according to the evidence and the law so help you  
16 God? If you have accepted this oath, please say I do.

17 [Whereupon, all jurors respond affirmatively]

18 THE CLERK OF COURT: You can be seated.

19 [Whereupon, all jurors are seated]

20 THE COURT: Thank you, ladies and gentlemen. The  
21 State may call its next witness.

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 MR. COOPER: Thank you, Judge. The State calls  
2 Deputy Nick Vecchione.

3 [Whereupon, Mr. Vecchione comes forward]

4 THE CLERK OF COURT: Please place your left hand on  
5 the Bible and raise your right.

6 [Whereupon, Mr. Vecchione is duly sworn by the Clerk  
7 of Court]

8 THE CLERK OF COURT: You may be seated.

9 [Whereupon, the witness takes the witness stand]

10 THE CLERK OF COURT: And for the record, please  
11 state your full name, spelling both your first and your  
12 last.

13 THE WITNESS: My name is Nicholas Vecchione. First  
14 name, N-I-C-H-O-L-A-S. Last name, V-E-C-C-H-I-O-N-E.

15 - - - - -

16 NICHOLAS VECCHIONE,

17 Having Been First Duly Sworn,

18 was Examined and Testified as Follows:

19 DIRECT EXAMINATION

20 BY MR. COOPER:

21 Q. Deputy Vecchione, will you tell the jury where  
22 you're currently employed?

23 A. I'm currently employed with Charleston County  
24 Sheriff's Office.

25 Q. How long have you been in the Sheriff's Office?

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

- 1 A. May will be three years.
- 2 Q. Were you in law enforcement before that?
- 3 A. Yes, sir.
- 4 Q. Where were you?
- 5 A. I was with Hanahan Police Department for two years,  
6 and South Carolina Department of Corrections before that.
- 7 Q. What is your position at the Sheriff's Office?
- 8 A. I'm a deputy sheriff on patrol.
- 9 Q. Were you in the same position back in July of 2017?
- 10 A. Back in July of 2017, I just got hired so I was a  
11 trainee at the time. Once I got released from training,  
12 I got moved to patrol.
- 13 Q. What's involved in that training process?
- 14 A. So the process, when it comes to being a new hire at  
15 the department, you spend approximately twelve weeks with  
16 a field-training instructor, a senior patrol deputy, and  
17 you learn how to answer calls, write reports, and perform  
18 the functions of a patrol deputy.
- 19 Q. And back on July 23rd, 2017, was Deputy Meade your  
20 training officer?
- 21 A. He was.
- 22 Q. And did y'all have the occasion to respond to an  
23 incident on Tedder Street that afternoon?
- 24 A. Yes, sir.
- 25 Q. Describe for the jury the scene when you get -- what

1 the scene is like when you get on the scene.

2 A. So we got toned out about a ---

3 Q. --- what does -- what does toned out mean?

4 A. So toned out is when a particular incident occurs  
5 that needs immediate police response. Dispatch lets you  
6 know that tones are going to be dropping across our  
7 radio. And basically, if you're available, and are you  
8 able to free up from a call, you respond to the scene.

9 Q. And so once you respond to that scene, describe for  
10 the jury what it was like when you got on-scene.

11 Q. So when we got on-scene, it was a little bit  
12 chaotic. The first two priorities that we have as a  
13 patrol deputy is to ensure that no one is currently in  
14 danger, and get as much information as possible to relay  
15 to responding other deputies or law enforcement agents so  
16 they can set the perimeter and hopefully locate the  
17 suspects.

18 Q. And so when you responded that day, what task were  
19 you assigned?

20 A. I was assigned -- being the first deputy on scene is  
21 figure out what exactly is going on, provide that  
22 information to responding deputies, and to ensure or make  
23 sure the scene is secure for EMS to arrive on scene.

24 [Whereupon, Mr. Cooper confers with defense counsel]

25 Q. [Mr. Cooper] Deputy, I want to show you several

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 photos, State's Exhibit for I.D. purposes only 32, 33, 36  
2 and 37. I want to ask if you recognize these pictures.

3 [Whereupon, the witness is shown photographs]

4 A. I do.

5 Q. And what are they?

6 A. They are the victims that was involved in the  
7 incident that occurred on Tedder Street.

8 Q. Where did the pictures come from?

9 A. I'm going to assume that they came from body cam  
10 footage.

11 Q. Were you wearing a body cam that day?

12 A. Yes, sir.

13 Q. And was it recording while you were on-scene?

14 A. Yes, sir.

15 Q. And then did you watch that video when you were in  
16 our office previously?

17 A. Yes, sir.

18 Q. And you wear those on every call?

19 A. Yes, sir.

20 Q. Do those appear to be accurate depictions of how the  
21 scene was that day and the people you interviewed?

22 A. Yes, sir.

23 MR. COOPER: Your Honor, at this time, the State  
24 would offer those four exhibits, 32, 33, 36 and 37 into  
25 evidence.

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 MR. SUMMA: No objection.

2 MR. VOIGT: No objection, Your Honor.

3 THE COURT: State's 32, 33, 36 and 37 admitted  
4 without objection.

5 [Whereupon, State's Exhibit Numbers 32, 33, 36 and  
6 37 are admitted into evidence by the Court]

7 Q. [Mr. Cooper] These are going to come up before you  
8 on the screen.

9 [Whereupon, the photograph is published]

10 Q. I'm showing you State's Exhibit 32. Is this -- kind  
11 of orient us where we're at on Tedder Street right at the  
12 park?

13 A. So pulling into the mobile home park on Tedder  
14 Street, she was one of the first people I made contact  
15 with.

16 Q. Why did you make contact with her?

17 A. She was ---

18 Q. --- let me ask -- I'm sorry; let me ask it this way.  
19 Were there a majority of people on scene that did not  
20 speak English?

21 A. Yes. She was one of the first ones that approached  
22 us.

23 Q. Did she speak English?

24 A. Yes.

25 Q. When you arrive on a scene where there are a

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 majority of people that don't speak English, what do you  
2 try to do remedy that?

3 A. So unfortunately, myself, I don't speak Spanish. So  
4 any help I can get when it comes to bridging the gap,  
5 whether it's using a Google Translate on a phone, or  
6 hopefully someone that's bilingual on scene that can help  
7 translate, is a huge help for us as patrolmen.

8 So luckily, she was able to speak both Spanish and  
9 English.

10 Q. Was there an additional person that was there that  
11 would have helped you translate your interviews?

12 A. Yes, sir.

13 Q. Was she working with the Sheriff's -- did she work  
14 for the Sheriff's Office?

15 A. No, sir.

16 Q. Was it somebody that appeared to live in that  
17 complex?

18 A. She appeared to. I think overall, she was just  
19 trying to be a good citizen.

20 Q. And so how many people did you interview while you  
21 were on the scene? I've got your ---

22 A. --- I don't have an exact number of how many people  
23 I interviewed. But anyone that was willing to talk to me  
24 that day to provide any type of information, I was  
25 willing to speak to them.

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. How many victims did you -- did you identify?  
2 A. I believe I identified five victims, I think. I'd  
3 have to look.  
4 Q. Do you recall their names? Did you write it in the  
5 report?  
6 A. I wrote it in my report.  
7 Q. Would you identify those five victims for me?  
8 [Whereupon, the witness reviews documents]  
9 A. My first victim, the name is -- I can't make out the  
10 first name. Last name is Martinez.  
11 Q. [Mr. Cooper] Would that be Dulce Martinez?  
12 A. I believe so.  
13 Q. Okay.  
14 A. Victim two, Alberto Garcias [phonetic] Garcia.  
15 Third victim is -- I'm not sure I'm going to pronounce  
16 this right -- Emil Iana Barrios; I can't pronounce that.  
17 Q. I know the font is a little bad on the report. But  
18 would it be Emil Iana Barrios?  
19 A. It appears to be. The fourth victim is Rey  
20 Rodriguez. And the fifth victim is Blanco Gilberto  
21 [sic].  
22 Q. And while you were on the scene, did you have the  
23 occasion to speak with each of the victims?  
24 A. Yes, sir, for the most part. There was one that was  
25 being checked out by EMS by the time I was able to speak

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 to him.

2 Q. What did you learn about his injury?

3 A. That he was struck with a pistol to the facial area,  
4 which caused a laceration that needed to be medically  
5 attended to.

6 Q. Now, so you were speaking to several people. Were  
7 there additional people on the scene that day?

8 A. Yes, sir.

9 Q. Was it a crowded area?

10 A. Yes, sir.

11 Q. I'm showing you State's 33. Is this another view  
12 once y'all arrived on the scene?

13 A. Yes, sir.

14 Q. And is the individual in the red; is that somebody  
15 that you spoke to during this investigation?

16 A. Yes, sir.

17 Q. Showing you State's 36.

18 [Whereupon, the photograph is published]

19 Q. Is that one of the individuals that you interviewed  
20 while you were on scene?

21 A. Yes, sir.

22 Q. And then showing you State's 37.

23 [Whereupon, the photograph is published]

24 Q. Are these two other victims you interviewed while on  
25 the scene?

1 A. Yes, sir.

2 Q. And then just generally -- I'm not asking you tell  
3 what anybody told you.

4 But when you're on scene and you're interviewing  
5 people, what are the things that you're trying to capture  
6 in the moment? What are the things you're looking for?

7 A. In the moment I'm trying to identify everyone's role  
8 on scene, who's potential victims, who's potential  
9 witnesses, who's potential suspects, what occurred.

10 Then the incident before I arrived on scene, and  
11 pretty much gather as much information as possible,  
12 organize the process, and relay it to responding  
13 deputies.

14 Q. And with the exception of the one girl that spoke  
15 English, did you did have to have a translator for  
16 everybody else on scene?

17 A. Yes, sir.

18 MR. COOPER: Beg the Court's indulgence just one  
19 second.

20 [Whereupon, Mr. Cooper and Ms. Shealy confer]

21 Q. [Mr. Cooper] One quick question. This location,  
22 was it located in Charleston County?

23 A. Yes, sir.

24 Q. Is it part of the north area that y'all patrol?

25 A. Yes, sir.

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. I'm just showing you one more time State's 32.

2 [Whereupon, the photograph is published]

3 Q. Is that the one witness that spoke English when you  
4 arrived?

5 A. Yes, sir.

6 Q. Was there a separate person that was the one who was  
7 translating for you?

8 A. Yes, sir.

9 Q. Did that person appear to be involved in the crime,  
10 or did she just happen to be on the scene? The one ---

11 A. --- she ---

12 Q. --- that was translating?

13 A. The other person, the Good Samaritan, she wasn't  
14 involved in the incident so she was more of the  
15 translator that day.

16 Q. If you had to approximate, how old do you think the  
17 girl was that was translating for you? Not the  
18 witnesses, but the one who was translating when you ---

19 A. --- young. I would say anywhere between thirteen  
20 and sixteen.

21 Q. When you're on the scene after an investigation, you  
22 try to use what's available; right?

23 A. Yes, sir.

24 Q. To gather the facts while they're fresh?

25 A. That's correct.

1 Q. I have no further questions for you, sir. Please  
2 answer anything that either of the defense may have for  
3 you.

4 THE WITNESS: Okay.

5 MR. COOPER: Thank you.

6 THE COURT: Mr. Summa? No questions?

7 MR. SUMMA: No questions, Your Honor.

8 THE COURT: Alright. Mr. Voigt?

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Nicholas Vecchione-Cross-Examination by Mr. Voigt  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. Deputy, did you gather any physical evidence while  
4 on the scene?

5 A. No, sir.

6 Q. Thank you.

7 THE COURT: Any redirect?

8 MR. COOPER: Nothing on redirect, Your Honor. May  
9 he be excused?

10 THE COURT: Deputy Vecchione, please step down. Is  
11 there any objection to him being excused?

12 MR. VOIGT: No, Your Honor.

13 MR. SUMMA: I would like for him to stay, Your  
14 Honor, for the rest of the testimony today, probably.

15 [Whereupon, all counsel confer]

16 MS. SHEALY: I think we've agreed that ---

17 MR. SUMMA: --- he can be excused ---

18 MS. SHEALY: --- we will make him available.  
19 Instead of him waiting around this afternoon, he can go  
20 back to work.

21 THE COURT: Okay. Deputy, you can leave the  
22 courthouse but if you receive a call that you're needed,  
23 just please come back for us, okay?

24 THE WITNESS: I understand, Your Honor.

25 THE COURT: Alright. Thank you.

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

3           THE COURT:    Thank you.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 MS. SHEALY: The State would call Alberto Garcia.  
2 And, Your Honor, for this witness we will need the  
3 interpreter.

4 THE COURT: Okay.

5 THE INTERPRETER: Good afternoon, Your Honor.

6 THE COURT: Good afternoon.

7 THE INTERPRETER: Luna Gainer, court interpreter,  
8 sir.

9 THE COURT: Alright. Let's wait for the witness to  
10 come in.

11 [Whereupon, Mr. Garcia comes forward]

12 THE COURT: Alright. Ladies and gentlemen of the  
13 jury, as you can see, we have an interpreter here to  
14 interpret for this witness so this will slow us down  
15 somewhat in terms of the speed of the questions and  
16 answers.

17 But first we're going to swear in the interpreter  
18 and then have her interpret everything that's being said,  
19 so the witness can understand, and then she will relay  
20 his testimony back to the court reporter and all the  
21 parties involved in the case.

22 So first, if we could -- I will swear in Ms. Gainer.  
23 Raise your right hand.

24 [Whereupon, the interpreter is duly sworn by the  
25 Court]

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 THE CLERK OF COURT: Please place your left hand on  
2 the Bible and raise your right hand.

3 [Whereupon, Mr. Garcia is duly sworn by the Clerk of  
4 Court through the interpreter]

5 THE CLERK OF COURT: You may be seated.

6 THE COURT: Alright. Ms. Gainer, if you would move  
7 that microphone closer to you so the ---

8 THE INTERPRETER: --- yes, sir ---

9 THE COURT: --- so the court reporter can hear you.

10 [Whereupon, Ms. Gainer complies]

11 MS. SHEALY: Your Honor, at this time, the State  
12 would move into evidence State's Exhibits 11, 12, 13, 14,  
13 15, 16, 17, 18, 19, 20, 22, 23, 24. Oh, 21 and in. So  
14 all of those, Your Honor -- and I understand that I've  
15 shown them to defense counsel -- without objection.

16 THE COURT: Any objection to the exhibits she just  
17 cited coming in?

18 MR. SUMMA: No objection, Your Honor.

19 THE COURT: Mr. Voigt?

20 MR. VOIGT: No objection.

21 THE COURT: Alright. State's 11, 12, 13, 14, 15,  
22 16, 17, 18, 19, 20, 22, 23 and 24 are admitted without  
23 objection.

24 MS. SHEALY: Thank you, Your Honor.

25 [Whereupon, State's Exhibit Numbers 11, 12, 13, 14,

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 15, 16, 17, 18, 19, 20, 22, 23 and 24 are admitted into  
2 evidence by the Court]

3 MS. SHEALY: May I go ahead?

4 THE COURT: Yes, ma'am.

5 - - - - -

6 ALBERTO GARCIA,

7 Having Been First Duly Sworn,

8 was Examined and Testified as Follows:

9 DIRECT EXAMINATION

10 BY MS. SHEALY:

11 Q. Mr. Garcia, if you would please tell the jury where  
12 did you live in June of 2017?

13 A. [Through the interpreter] On Ashley Phosphate,  
14 Tedder Street.

15 Q. Ashley Phosphate what?

16 A. [Through the witness] Tedder Street.

17 Q. Tedder Street?

18 A. [Through the interpreter] Tedder Street.

19 Q. And how long had you lived there?

20 A. [Through the interpreter] Ten years.

21 Q. Did you live in different trailers within that  
22 mobile home park, or the same one the whole time?

23 A. [Through the interpreter] In two different  
24 trailers.

25 Q. How old are you, sir?

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

- 1 A. [Through the interpreter] Fifty-six years old.
- 2 Q. And did anyone live with you in your trailer in July
- 3 of 2017?
- 4 A. [Through the interpreter] Yes.
- 5 Q. Who was that?
- 6 A. [Through the interpreter] Rey. Mr. Rey.
- 7 Q. Is that Rey Rodriguez?
- 8 A. [Through the interpreter] Yes.
- 9 Q. And how did you meet Mr. Rodriguez?
- 10 A. [Through the interpreter] He's a friend. We are
- 11 from the same state from the State of Mexico.
- 12 Q. Okay. And how long had Mr. Rodriguez lived with you
- 13 in that trailer?
- 14 A. [Through the interpreter] Probably around four or
- 15 five months.
- 16 Q. Did you, and do you know a young woman named Dulce
- 17 Martinez?
- 18 A. [Through the interpreter] Yes. She's my friend's
- 19 daughter.
- 20 Q. Okay. And did you refer to her as your niece?
- 21 A. [Through the interpreter] Yes. Like family, yes.
- 22 Q. What about a young lady named Lucia or Lucy?
- 23 A. [Through the interpreter] Also from the same state.
- 24 She's from the State of Mexico.
- 25 Q. Okay. And what about a man named Gilberto Blanco?

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. [Through the interpreter] He's my friend.

2 Q. So focusing your attention, then, back to that day,  
3 could you describe what you were doing during the morning  
4 and noon hours at your trailer?

5 A. [Through the interpreter] At the trailer, we were  
6 having a breakfast. We made some food with my friends.  
7 And by then everything was already finished. I was just  
8 cleaning the stove and the kitchen.

9 Q. Okay. Let me approach you for a moment and show you  
10 some photographs, starting with State's Exhibit 11. On  
11 that screen there [indicates] the photo image will  
12 appear.

13 Okay. I'm going to change the way in which I do  
14 this. Mr. Cooper is going to go up to the Elmo, if  
15 that's okay, and that way we won't have a delay in the  
16 photos.

17 [Whereupon, the photograph is published]

18 Q. [Ms. Shealy] So this is State's Exhibit 11. Could  
19 you tell the jury, is that your trailer?

20 A. [Through the interpreter] Yeah. That's where I  
21 used to live.

22 Q. And looking at this item, can you tell the jury what  
23 that is?

24 A. [Through the interpreter] It's a chair. It's the  
25 chair that the individual placed on the door, kind of

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 like to make the door stop so that nobody could get out.  
2 Q. Okay. So you're talking about after the incident?  
3 A. [Through the interpreter] Yes. Yes.  
4 Q. Was that chair on the outside of your home before  
5 the incident occurred?  
6 A. [Through the interpreter] It was inside. It came  
7 out when we opened the door.  
8 Q. Okay. I'm showing you State's Exhibit 12.  
9 [Whereupon, the photograph is published]  
10 THE INTERPRETER: The interpreter corrects herself.  
11 When the door was opened.  
12 Q. [Ms. Shealy] Wait. Say that again. I'm sorry.  
13 A. [The interpreter] When the door was opened.  
14 Q. Can you -- I don't remember what the first part of  
15 the sentence was.  
16 A. [The interpreter] I believe the interpreter said  
17 when we opened the door. She should have said when the  
18 door was opened.  
19 Q. When the door was opened. Okay.  
20 A. [Through the interpreter] Yes, ma'am.  
21 Q. Okay. Showing you State's Exhibit Number 12.  
22 [Whereupon, the photograph is published]  
23 Q. Where did this door lead to inside your house?  
24 A. [Through the interpreter] Right there -- excuse me,  
25 when you come in, it's the kitchen. It's the kitchen on

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 the right side.

2 Q. Okay. And this area on the door -- let's see. Can  
3 you point to the area on the door for me?

4 A. [Through the interpreter] It's the little window of  
5 the door.

6 Q. Now, when you indicated that that door leads to the  
7 kitchen area, I'm going to show you State's Exhibit 16.

8 [Whereupon, the photograph is published]

9 Q. And can you take your finger, Mr. Garcia, and show  
10 us where the door is in that photograph? If you'll push  
11 -- if you'll point on that? Can you see it there?

12 A. [Through the interpreter] It's this one here  
13 [indicates].

14 Q. Okay. This area [indicates] is what?

15 A. [Through the interpreter] The kitchen. That's the  
16 kitchen there.

17 Q. Taking another look outside for just a second,  
18 State's Exhibit 13.

19 [Whereupon, the photograph is published]

20 Q. Would you please point to where the kitchen window  
21 is?

22 A. [Through the interpreter] The kitchen windows are  
23 in the back. This is the door that is on the side of the  
24 house, and this is the truck that belongs to my friend.

25 Q. Oh. Okay. So that's the back of the trailer?

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. [Through the interpreter] Yes. This is the door  
2 where we come into the house. This is the door where the  
3 individuals came in.

4 Q. This door? Can you have him point to the door,  
5 please?

6 A. [Witness indicates]

7 Q. That door?

8 A. [Through the interpreter] Yes. Yes.

9 Q. And going back just for a second to State's Exhibit  
10 16.

11 [Whereupon, the photograph is published]

12 Q. If you were to walk in this door and look to your  
13 left, is that depicted in State's 14?

14 A. [Through the interpreter] It's the a little room.  
15 It's what they call the living room.

16 Q. The living room. What does this [indicates] lead  
17 to?

18 A. [Through the interpreter] This is the hallway that  
19 takes you to the bedrooms.

20 Q. And then showing you State's 15.

21 [Whereupon, the photograph is published]

22 Q. If you were looking -- if you were looking this way  
23 [indicates], does that show you what's across?

24 A. [No response]

25 Q. Let me do it -- let me do it a little bit

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 differently. I'm sorry. I think I made it confusing.

2 Going back to State's 14.

3 [Whereupon, the photograph is published]

4 Q. Could you point in that picture to where the black  
5 sofa is?

6 A. [Through the interpreter] This [indicates] is a  
7 little sofa. This [indicates] is the TV. And this  
8 [indicates] is -- the hall. And this [indicates] is the  
9 hallway that leads to the bedroom.

10 So the first one is one bedroom, and then more -- in  
11 the back, there is more rooms.

12 Q. Then if I show you 15.

13 [Whereupon, the photograph is published]

14 Q. Is that the little sofa that you refer to?

15 A. [Through the interpreter] Yes, that's the same.

16 Q. Depicted there?

17 A. [Through the interpreter] Yes. It's the same one.  
18 This one [indicates].

19 Q. So as you go on the other side of those shelves,  
20 does this photograph show you that area? State's 17.

21 [Whereupon, the photograph is published]

22 A. [Through the interpreter] That's the area that they  
23 made us get together, all of us. Because this is the  
24 area that takes you to that place, so this is this part.  
25 And this is the table.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Okay. I showing you State's 18.

2 [Whereupon, the photograph is published]

3 Q. Looking at the chair that was there in 17, and then  
4 to 18, is that the chair?

5 A. [Through the interpreter] This chair [indicates]  
6 this is the chair where my friend was that -- this was at  
7 the end with Gilberto, and then what's his name -- also  
8 Rey; so, Rey and Gilberto. And then the young girl was  
9 on this side [indicates], and I was on the other side.

10 Q. And, Mr. Garcia, I'm going to get to that in just a  
11 moment. I'm just trying to familiarize the jury with  
12 your home. We'll get to that in just a minute.

13 [Whereupon, the photograph is published]

14 Q. On State's Exhibit 19, what area is this reflecting?

15 A. [Through the interpreter] It's the kitchen.

16 Q. And is that the pot that you had cooked in earlier  
17 that morning?

18 A. [Through the interpreter] Yes. Exactly. That's  
19 where I cooked.

20 Q. And State's Exhibit 20, the cleaning of the stove?

21 [Whereupon, the photograph is published]

22 A. [Through the interpreter] That's the stove that I  
23 was cleaning.

24 Q. State's 22, just a close in.

25 [Whereupon, the photograph is published]

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Okay. Now, looking back at the front door that  
2 y'all came in, that you used to go in and out, do you  
3 call that your front door?

4 A. [Through the interpreter] Yes.

5 Q. From the inside; I'm showing you State's 24.

6 [Whereupon, the photograph is published]

7 Q. Is that the inside part of that door?

8 A. [Through the interpreter] Yes. This is the inside.

9 And this is the front door.

10 Q. Okay. And when -- it appears that this center part  
11 is a different color than the rest of the window. Can  
12 you see through that window?

13 A. [Through the interpreter] Yes. This is clear and  
14 you can see through this window, and this is a piece of  
15 tape. This is a tape that was glued to the window.

16 Q. I'm just going to keep these here for one second.

17 Okay. Where were you and your friends gathered, where in  
18 your house were you gathered, when the men came in?

19 A. [Through the interpreter] My friends were right in  
20 the little kitchenette, you know, right in -- on the  
21 table, at the table, and I was cleaning the stove.

22 Q. And you were where? I'm sorry.

23 A. [Through the interpreter] At the stove.

24 Q. At the stove. Okay. Can you tell us what happened  
25 when the two men came into your house?

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. [Through the interpreter] They knocked on the door.  
2 They -- and then the young girl, Dulce, she was the one  
3 that opened because she thought somebody was picking her  
4 up. Yes.

5 They knocked at the door, and she opened, and there  
6 was no time. Immediately those two individuals went in,  
7 with a pistol in their hand, both of them. One looked at  
8 me and then he hit me, with the tip of the pistol, in the  
9 front of my head.

10 MS. SHEALY: Your Honor, at this time, could I ask  
11 that Mr. Garcia be able to come down to demonstrate for  
12 me?

13 THE COURT: That's fine.

14 MS. SHEALY: I know it's a little cumbersome with  
15 the interpreter, as well.

16 THE COURT: That's fine. Instruct him to step on  
17 down.

18 [Whereupon, the witness exits the witness stand]

19 THE COURT: And let me -- it might be a good idea to  
20 move that microphone to where -- in front of him so he  
21 can -- well, he just needs to -- the interpreter needs to  
22 speak in the microphone so the court reporter can hear.

23 MS. SHEALY: Okay.

24 THE COURT: Alright.

25 THE INTERPRETER: I can speak louder. The

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 interpreter can speak louder, Your Honor.

2 MR. SUMMA: I think I have a matter of law at this  
3 time.

4 THE COURT: Alright. Ladies and gentlemen of the  
5 jury, we have a matter of law that needs to be taken up  
6 outside of your presence. I'm going to send you to the  
7 jury room and ask that you do not discuss the case while  
8 you're in the jury room, and we will bring you back out  
9 as soon as we are finished taking up the matter of law.

10 [Whereupon, the jury exits the courtroom at 3:19  
11 p.m.]

12 MR. SUMMA: Thank you, Your Honor. And there's a  
13 picture they're seeking to introduce, as well. Maybe  
14 this is the appropriate time to address that at this  
15 time, too.

16 THE COURT REPORTER: Speak up, Mr. Summa. Speak up.

17 MR. SUMMA: There's a picture that they're trying to  
18 introduce later, as well. I'm fine talking about that  
19 now, as well.

20 We're not contesting that Mr. Alberto was -- we're  
21 not contesting that there was a pistol. We're not  
22 contesting any of that. I think that all this is going  
23 to serve -- and I'm assuming they're going to have him  
24 get in this, you know, awkward position. It just serves  
25 to inflame the passions of the jury. It's not really

1 probative. We're not contesting what happened in this  
2 particular instance. I don't understand what the  
3 probative value of it is.

4 So we would ask that it be excluded for being  
5 irrelevant and being unfairly prejudicial. He just  
6 testified that he was hit. He doesn't -- he doesn't need  
7 to do this big old demonstration that's going to inflame  
8 the passions of the jury.

9 THE COURT: Ms. Shealy ---

10 MS. SHEALY: --- Your Honor, I certainly think that  
11 I'm entitled to have a victim testify as to what happened  
12 in that house. Whether or not he agrees that these  
13 incidents happened, I have to prove it to the jury.

14 I'm not limited to someone sitting in a chair and  
15 describing something. I should have the opportunity to  
16 let them show the jury how the two were behaving, and  
17 what he was doing. I think its classic testimony.

18 THE COURT: Yeah. And assault and battery in the  
19 first degree is one of the pending charges here at issue  
20 in this trial. I certainly think that it's within the  
21 jury's province to determine whether this individual was,  
22 in fact, injured.

23 And while the defense may be willing to concede the  
24 point that there was an injury, I certainly think the  
25 State has the right to prove how it happened, and the

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 circumstances around -- surrounding the injury, to the  
2 jury. So for that part of I guess your objection, Mr.  
3 Summa, I'm going to overrule that part.

4 Now is there -- obviously there's a photograph ---

5 MS. SHEALY: --- there is ---

6 THE COURT: --- that shows his injury?

7 MS. SHEALY: Yes. I'll show you.

8 [Whereupon, Ms. Shealy proffers photograph to the  
9 Court]

10 MS. SHEALY: It's State's Exhibit 38 that was taken  
11 of him after EMS got there. I certainly think I'm  
12 entitled to show the injury his face.

13 THE COURT: Assuming he can lay the proper  
14 foundation, I don't see anything in this photograph that  
15 is unduly prejudicial. And, you know, this -- I would  
16 assume, based on looking at State's 38, that this is a  
17 photo of him at the hospital while he's in the midst of  
18 being treated.

19 The photograph certainly is not overly bloody.  
20 There's nothing that shocks the conscience about this  
21 photograph. I don't think it's being offered to inflame  
22 the passions of the jury. It just is a depiction of what  
23 Mr., assuming that he, again, lays the appropriate  
24 foundation; it goes to depict the condition he was in  
25 after this assault. And so I -- again, assuming the

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 foundation is laid properly, I don't see anything  
2 objectionable about State's 38.

3 MS. SHEALY: Thank you, Your Honor.

4 MR. VOIGT: Just note my exception to that, too.

5 THE COURT: Yes, sir. Both -- objections from both  
6 defense counsel is noted and overruled.

7 MR. SUMMA: And one more thing, Your Honor. My  
8 client has informed me he needs to use the restroom very  
9 briefly; he can wait a little bit, but just...

10 THE COURT: While the -- while the jury is already  
11 out, let's -- anybody that needs to take a five-minute  
12 break. And, if they'll take Mr. Crummey to the restroom.  
13 So we'll be -- we'll be at ease until 3:25.

14 MR. SUMMA: Thank you, Your Honor.

15 [Whereupon, Court is in recess from 3:25 to 3:31  
16 p.m.]

17 THE COURT: Please be seated.

18 [Whereupon, Mr. Garcia retakes the witness stand]

19 MS. SHEALY: Your Honor, we're ready, and our  
20 witness is back on the witness stand.

21 THE COURT: Bring us the jury.

22 MS. SHEALY: May I ask the translator something,  
23 Your Honor?

24 THE COURT: Sure.

25 MS. SHEALY: [to the interpreter] If I were to have

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 the witness here [indicates] and then you are near that  
2 microphone to repeat it facing the court reporter would  
3 that work out okay? Would you be able to hear him?

4 THE INTERPRETER: I think so. I mean if I can't  
5 then I will ---

6 MS. SHEALY: --- just tell us.

7 THE INTERPRETER: Yes, ma'am. Thank you.

8 [Whereupon, the jury enters the courtroom at 3:24  
9 p.m.]

10 THE BAILIFF: The jury is present, Your Honor.

11 THE COURT: Alright. Ladies and gentlemen, we will  
12 pick up where we left off.

13 MS. SHEALY: Okay. I'll ask that the witness step  
14 down with the interpreter.

15 [Whereupon, the witness and the interpreter exit the  
16 witness stand]

17 MS. SHEALY: Okay. So that the interpreter can get  
18 to the microphone, I'm going to have you stand towards me  
19 this way [indicates]. Make sure the translator can hear  
20 what you're saying.

21 CONTINUED DIRECT EXAMINATION

22 BY MS. SHEALY:

23 Q. Take one quick look behind you at State's Exhibit  
24 16.

25 A. [Whereupon, the photograph is published]

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. And tell us what happened when the two men came into  
2 your home.

3 A. [Through the interpreter] At that point they were  
4 armed, both of them. They looked at me and they hit me  
5 in the -- in front of my head, and asked me to take all  
6 of my money out of my pant, out of the pockets of my  
7 pants.

8 Q. Okay. So showing you State's Exhibit 16 again.

9 [Whereupon, the photograph is published]

10 Q. Will you -- just step up a little closer to the  
11 jury.

12 [Whereupon, the witness complies]

13 Q. [Ms. Shealy] Would you show us, please, where you  
14 were standing when they came in?

15 A. [Through the interpreter] In the corner of the  
16 kitchen in this area [indicates].

17 MS. SHEALY: Okay. And would you step back a little  
18 bit?

19 [Whereupon, the witness complies]

20 Q. [Ms. Shealy] Tell the jury, please, what did you  
21 notice about the two men first?

22 A. [Through the interpreter] None at all.

23 Q. Maybe the word notice is not right. Tell us how the  
24 two men appeared when they came into your house.

25 A. [Through the interpreter] Aggressive.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Can you show the jury the movements -- that -- there  
2 were two people?

3 A. [Through the interpreter] Two, yes.

4 Q. Were they the same height or different heights?

5 A. [Through the interpreter] No. Different. One was  
6 short and one was tall.

7 Q. Would you please show us how the tall one behaved  
8 when he came into your home? Show us.

9 A. [Through the interpreter] He was aggressive. He  
10 was the one that took the tip of the pistol and was the  
11 one that hit me in this part [indicates] of my forehead.

12 Q. Can you show me how he did that, on me? I know  
13 you're shorter and I'm taller, but...

14 A. [Through the interpreter] Yeah, he's -- he's  
15 taller. He just like this [indicates] with the pistol.  
16 This is the part where he hit me the first time.

17 Q. Okay. And where did he hit you, physically?

18 A. [Through the interpreter] The first time here in  
19 this part [indicates], with the tip of the pistol.

20 Q. Was there a second time that he hit you?

21 A. [Through the interpreter] That was when I had taken  
22 all my money out and put it on the table.

23 Q. Well, I'll tell you what. We'll get to that in just  
24 a moment. Do you remember where Dulce was when they came  
25 into the house and he struck you; the tall man?

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 A. [Through the interpreter] Dulce was the one that  
2 opened the door. They came aggressively, both of them,  
3 and they pushed Dulce and then they asked all of us to  
4 get on our knees.

5 Q. Now, when you say they came in aggressively, what do  
6 you mean by that?

7 A. [Through the interpreter] Aggressively, that we  
8 should take all of our money out that we had and that we  
9 should go on our knees on the ground and that we  
10 shouldn't do anything, not to try anything.

11 Q. Could you describe the volume of their voice?

12 A. [Through the interpreter] Bad words. Aggressive  
13 words.

14 Q. Do you remember any of the English words?

15 A. [Through the interpreter] Yes. Saying bad words  
16 about the money. It was aggressive words. Bad words.

17 Q. I'm going to ask you, Mr. Garcia, to show the jury  
18 and say what you heard.

19 A. [Through the interpreter] They are bad words.  
20 Offensive words. Take out all your money and then the  
21 word that, because of respect, I won't say it.

22 Q. Did you move from that kitchen area to another area?

23 A. [Through the interpreter] They made us gather in  
24 that area around the table, that we should not do  
25 anything, just to go down and nobody should get out of

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 the house. One was threatening and the other was taking  
2 out the money from everyone.

3 Q. Okay. Which one was threatening, the tall one or  
4 the short one?

5 A. [Through the interpreter] The short one was  
6 threatening. And the taller one was the more aggressive.  
7 He was taking the money from everyone.

8 Q. And you've mentioned to us how the tall one appeared  
9 and his aggressiveness. Could you show us how the  
10 shorter one behaved?

11 A. [Through the interpreter] The short one was not  
12 saying many offensive words. It was the taller one that  
13 was saying the offensive words.

14 Q. And did the short one have a gun in his hand?

15 A. [Through the interpreter] Yes. He had the same  
16 caliber of a gun.

17 Q. Can you show towards me what the short one was doing  
18 with his gun?

19 A. [Through the interpreter] The short one had the  
20 pistol saying, don't move, don't move, don't go outside,  
21 nothing.

22 Q. Okay. Did you have money in your pocket?

23 A. [Through the interpreter] At that moment, I didn't  
24 realize I had \$250 in my pocket. And it was the taller  
25 one that realized this and he -- that's when he hit me

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 with the back of the pistol on this side here [indicates]  
2 that I still have discomfort here because of that.

3 Q. Okay. When you say that you didn't remember that  
4 you had money in a pocket, what pocket are you talking  
5 about?

6 A. [Through the interpreter] Of my shirt; in the  
7 pocket of my shirt.

8 Q. When you were told to take the money out of your  
9 pocket, did you take any out of your pant pocket?

10 A. [Through the interpreter] I had already taken  
11 everything out.

12 Q. Okay. And do you recall how much money you had?

13 A. [Through the interpreter] In the pockets of my  
14 pants I was carrying 2,500 pesos.

15 Q. And where did you have that money from?

16 A. [Through the interpreter] It's some savings,  
17 because I always have. It's 2,500 dollars, not pesos.

18 Q. Not pesos?

19 A. [Through the interpreter] Not pesos. Not pesos,  
20 no.

21 Q. Did you have a bank account at that time?

22 A. [Through the interpreter] No. No, not at the time.

23 Q. And where would you typically keep your money?

24 A. [Through the interpreter] That was some savings  
25 that I had to buy a small car for my job. That was the

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 idea that I had.

2 Q. Did some of your friends know that you were saving  
3 money for a car?

4 A. [Through the interpreter] No. No, none at all.

5 Q. Did you talk about your money with them?

6 A. [Through the interpreter] No. No, no.

7 Q. Okay. You were telling us, then, that the tall  
8 person struck you again?

9 A. [Through the witness] Se.

10 Q. Where did he strike you?

11 A. [Through the interpreter] It was with the butt of  
12 the gun. It was when he hit me in the part of my eye and  
13 my nose and this whole side of my face.

14 Q. Do you remember where you were in the kitchen when  
15 that happened?

16 A. [Through the interpreter] I was almost in the  
17 center of the table, where the table is.

18 Q. Okay. And showing you what's been marked as State's  
19 Exhibit 18.

20 [Whereupon, the photograph is published]

21 A. [Through the interpreter] I was in this area  
22 [indicates]. And with the blow that I received, I ended  
23 up falling and went all the way to the wall. And that's  
24 where you can see there were spots on the wall from --  
25 that came out of my head.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Okay. And where on the wall are you talking about?

2 A. [Through the interpreter] On this side here  
3 [indicates].

4 Q. Was that the last time you were struck by the tall  
5 person?

6 A. [Through the interpreter] Yes. After he took the  
7 money that I gave him from the pocket of my shirt and I  
8 gave him that, that's when they took the action of that.

9 MS. SHEALY: Okay. I think you can go back and sit  
10 up here so it's a little bit more comfortable.

11 [Whereupon, the witness and the interpreter retake  
12 the witness stand]

13 Q. [Ms. Shealy] Mr. Garcia, I don't think you've told  
14 us yet. You've indicated one was tall and one was  
15 shorter. What race were they?

16 A. [Through the interpreter] They were black.

17 Q. And in looking at the kitchen table, could you  
18 please point to the various areas that you remember the  
19 other guests being in?

20 A. [Through the interpreter] In this area [indicates]  
21 was Rey. Here [indicates] was Gilberto. When they  
22 gathered -- when they gathered us, then they ---

23 Q. --- when they what? I'm sorry.

24 A. [Through the interpreter] When they gathered us,  
25 they all were on this corner [indicates], Dulce and Lucy.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Okay. So you've shown us where Dulce was.

2 A. [Through the interpreter] In this area here

3 [indicates] ---

4 Q. --- I'm sorry. I'm having a hard time seeing it.

5 Let's -- let me erase it. If you'll take your time,

6 please, and make a bigger marking as to where you

7 remember everyone being.

8 A. [Through the interpreter] Rey was here [indicates].

9 Gilberto [indicates]. And here's [indicates] where he

10 gathered Lucia and Dulce.

11 Q. Okay. And when y'all were taking your money out of

12 your clothing, were y'all putting your money anywhere?

13 A. [Through the interpreter] On the table.

14 Q. Did anything happen with your cell phones?

15 A. [Through the interpreter] They also took those.

16 But he didn't take any of the cell phones.

17 Q. When they left, is he talking about?

18 A. [Through the interpreter] Yes. Because they -- one

19 of them they left right here [indicates], and they did

20 not take any of the cell phones.

21 Q. When you were describing earlier that they told

22 y'all to go on your knees, are you talking about the

23 areas that you've marked or was that later?

24 A. [Through the interpreter] That was before. That's

25 when all of us were on our knees on the ground.

1 Q. Okay. And at any point, do all of you move  
2 somewhere else?

3 A. [Through the interpreter] No. We no longer could  
4 do anything, when they were threatening us with the guns,  
5 because we were staying here [indicates].

6 The shorter one was still pointing the gun at us and  
7 the taller one had gone to the hallway into the rooms to  
8 look for more money.

9 Q. What happened after the taller one went back towards  
10 the bedrooms?

11 A. [Through the interpreter] He went very quickly. He  
12 took action to look for more money. And the shorter one  
13 is the one that stayed and was threatening that we should  
14 not yell or get out, none of us.

15 Q. That's what the shorter one was saying?

16 A. [Through the interpreter] Yes, the shorter one.

17 Q. Did either of them go in the kitchen looking for  
18 anything?

19 A. [Through the interpreter] The bigger one, he was  
20 the one that was looking where the utensils were in the  
21 kitchen to see if there was any kind of wallets because  
22 nobody had a wallet.

23 Q. Okay. I'm showing you State's Exhibit 21.

24 [Whereupon, the photograph is published]

25 Q. The diamond-shaped backdoor window, that leads to

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 the other side of the house?

2 A. [Through the interpreter] No. That's another door  
3 that has the exit on the back of the door.

4 Q. To the other side of the mobile home?

5 A. [Through the interpreter] Yes. This is the back of  
6 it.

7 Q. And the -- this is a little closet?

8 A. [Through the interpreter] This is a closet, and  
9 this is where the taller one was looking for money and he  
10 threw all this out. You can see it all thrown out.

11 Q. What about this cabinet here [indicates]? Did you  
12 have that open?

13 A. [Through the interpreter] No. They opened it,  
14 also.

15 Q. Did you later go back into your bedroom area after  
16 all of this was over with?

17 A. [Through the interpreter] Yes. We went to see what  
18 had happened, to see the clothing that was strewn  
19 everywhere.

20 MS. SHEALY: Beg the Court's indulgence just a  
21 moment.

22 THE COURT: Yes, ma'am.

23 [Whereupon, Ms. Shealy views documents]

24 MS. SHEALY: Your Honor, at this time, I believe  
25 without objection, the State would move to enter State's

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Exhibits 30 and 31.

2 THE COURT: Any objection?

3 MR. VOIGT: Without objection.

4 MR. SUMMA: Without objection, Your Honor.

5 THE COURT: State's 30 and 31 are admitted without  
6 objection.

7 [Whereupon, State's Exhibit Numbers 30 and 31 are  
8 admitted into evidence by the Court]

9 Q. [Ms. Shealy] Mr. Garcia, I'm showing you State's  
10 30.

11 [Whereupon, the photograph is published]

12 Q. Was that an area that looked different after the men  
13 left?

14 A. [Through the interpreter] That's how it ended up,  
15 because this is the room -- this was the bedroom.

16 Q. Okay. And showing you State's 31.

17 [Whereupon, the photograph is published]

18 Q. It'll come up right here [indicates]. Did that area  
19 look different after the men left?

20 A. [Through the interpreter] Yes. The drawers were  
21 all pulled out. You can tell that they looked in there.

22 Q. As you and the rest of your friends were in the  
23 kitchen area, what was the short person doing or saying  
24 when the tall man was in the back of the house?

25 A. [Through the interpreter] Not to try to do

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 anything. Not to go out, not to yell. He had us in that  
2 area, threatened.

3 Q. And after they -- after they left, did you have the  
4 occasion to go to the hospital later that night?

5 A. [Through the interpreter] At the moment, I went out  
6 and then the police came and the ambulance came out and  
7 at that -- at that moment, they took me.

8 Q. Okay. Let me -- let's talk about outside the  
9 trailer for a second. Could you tell the jury were you  
10 outside when the police came?

11 A. [Through the interpreter] Yes, I was.

12 Q. Was Gilberto, Lucia, Dulce and Rey also out there?

13 A. [Through the interpreter] Yes. We went out to see  
14 when the police arrived.

15 THE INTERPRETER: The interpreter is going to ask  
16 for a repetition.

17 MS. SHEALY: Okay.

18 A. [Through the interpreter] We were inside and when  
19 the police came, they said that we need to get out  
20 because they were going to search or look in the house.

21 Q. [Ms. Shealy] Let's go back for a moment when the  
22 demands were made for y'all to turn over your money. Did  
23 you see who else amongst your friends put money down?

24 A. [Through the interpreter] Yes.

25 Q. And could you tell the jury, please, which of your

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 friends did?

2 A. [Through the interpreter] Mr. Rey took out 1,200  
3 dollars. Mr. Gilberto took out 250 dollars. This is the  
4 money that we had. I mean, it's all we could do, since  
5 we had the gun pointed at us.

6 Q. Okay. Did you notice what happened with Lucia and  
7 Dulce?

8 A. [Through the interpreter] Yes. They were scared,  
9 and they were yelling that they were scared. And that's  
10 when the shorter one went in and hit her with -- in the  
11 head.

12 Q. Hit who?

13 A. [Through the interpreter] Dulce.

14 Q. Did you see that happen?

15 A. [Through the interpreter] Yes. Yes. Because she  
16 was saying to just leave us alone, that there was no more  
17 money, not to harm us.

18 Q. And the shorter one then struck her?

19 A. [Through the interpreter] Hit her in the head.  
20 Yes.

21 Q. Now, you went outside. Did you talk to the police  
22 when you went outside?

23 A. [Through the interpreter] Yes. Well, the ambulance  
24 came so I was not long with the police because the  
25 ambulance took me.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 Q. Did you see who was translating for people at the  
2 scene while you were out there?

3 A. [Through the interpreter] There was a man from the  
4 ambulance. I think he was from Puerto Rico or something  
5 like that. I think he was translating.

6 And also a young woman that also is a neighbor from  
7 the trailer park was also helping with translation.

8 Q. Did a police officer see you when you went to the  
9 hospital?

10 A. [Through the interpreter] Yes. After the ambulance  
11 took me, a detective came there to the hospital to  
12 interview me.

13 Q. And did you talk to him then?

14 A. [Through the interpreter] Yes. At the hospital.

15 Q. Do you remember when you saw a police officer next?

16 A. [Through the interpreter] No. Just the detective.

17 Q. Okay. I'm sorry. So detective and officer, I'm  
18 using those interchangeably.

19 A. [Through the interpreter] Okay.

20 Q. Okay. Do you remember where you saw a detective?

21 A. [Through the interpreter] At the hospital when I  
22 was in a bed.

23 Q. Do you remember whether anyone came to your home  
24 after this?

25 A. [Through the interpreter] I didn't notice anything

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 else because I came home very early in the morning coming  
2 back from the hospital.

3 Q. Okay. So when you were seeing the detective at the  
4 hospital, did he take a photograph of you?

5 A. [Through the interpreter] I took a picture of him?  
6 Or he took a picture of me?

7 Q. He took a picture of you?

8 A. [Through the interpreter] Yes.

9 Q. And showing you what's been marked as State's  
10 Exhibit 38.

11 [Whereupon, the witness is shown photograph]

12 Q. Before you put that up, is it -- who is this a  
13 photograph of?

14 A. [Through the interpreter] That's me.

15 Q. And where was it taken?

16 A. [Through the interpreter] At the hospital.

17 Q. Okay.

18 MS. SHEALY: Okay. Your Honor, at this time I  
19 believe subject to previous objections, I would offer  
20 this, State's 38.

21 MR. SUMMA: Objection noted please.

22 MR. VOIGT: Subject to my previous objection.

23 THE COURT: Your objections are noted and overruled.

24 The item is admitted over defense objection.

25 MS. SHEALY: Thank you.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 [Whereupon, State's Exhibit Number 38 is admitted  
2 into evidence by the Court]

3 Q. [Ms. Shealy] Mr. Garcia, could you point to your  
4 face -- it's a little hard to see -- and can you show the  
5 jury the various areas that you had been struck?

6 A. [Through the interpreter] The first one was right  
7 here [indicates] in this eye. That was before; when I  
8 was not remembering that I had the 250 in my shirt  
9 pocket. After that, that's when he hit me in this big  
10 hit that you see here [indicates] in the area of my face.

11 Q. Okay. And when you say he, you mean which one?

12 A. [Through the interpreter] The taller one. The  
13 aggressive one.

14 Q. Okay. When you were growing up, did you learn  
15 measurements in meters and centimeters, or inches and  
16 feet?

17 A. [Through the interpreter] In meters.

18 Q. Do you know how tall you are in inches and feet?

19 A. [Through the interpreter] I have no idea.

20 Q. Okay. Could you tell us whether the taller man was  
21 your height or taller?

22 A. [Through the interpreter] Taller a little bit.

23 Q. And the shorter man, was he shorter, or your height,  
24 or taller than you?

25 A. [Through the interpreter] About my shoulder. A

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Direct Examination by Ms. Shealy  
March 10, 2020

1 little bit shorter.

2 MS. SHEALY: Okay. Beg the Court's indulgence just  
3 a moment.

4 THE COURT: Yes, ma'am.

5 [Whereupon, Mr. Cooper and Ms. Shealy confer]

6 [Whereupon, Mr. Summa and Ms. Norris confer]

7 MS. SHEALY: I have no further questions of Mr.  
8 Garcia. Please answer any that the defense may have.

9 THE COURT: Cross-examination.

10 MR. SUMMA: Thank you, Your Honor.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. SUMMA:

3 Q. Mr. Alberto, this was a very scary situation for  
4 you.

5 A. [Through the interpreter] Yes.

6 Q. You were very stressed.

7 A. [Through the interpreter] I was at that hour, and  
8 also right now, because of remembering the people.

9 Q. Is it hard to remember the people?

10 A. [Through the interpreter] It's not -- it's not hard  
11 because it's in my mind, the case, what happened.

12 Q. Do you have, and back in 2017, were you struggling  
13 with an issue with your eye?

14 A. [Through the interpreter] No, not at all. I was  
15 fine.

16 Q. Do you remember having the police talk to you after  
17 the incident?

18 A. [Through the interpreter] Yes, I do remember.

19 Q. They came to your house; right?

20 A. [Through the interpreter] Yes.

21 Q. And they interviewed you?

22 A. [Through the interpreter] A detective, yes.

23 Q. And you wanted to tell them everything; right?

24 A. [Through the interpreter] Yes. I explained  
25 everything that happened, all the, what happened.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 Q. You, when you were talking to the police, obviously  
2 you wanted to tell them the truth; right?

3 A. [Through the interpreter] Of course ---

4 Q. --- because obviously ---

5 A. [Through the interpreter] --- exactly what  
6 happened.

7 Q. Because, obviously, you get in trouble if you don't  
8 tell the truth to police?

9 A. [Through the interpreter] No. It's just what  
10 happened. It's what happened.

11 Q. When you met with police, you told them that it was  
12 two black males; right?

13 A. [Through the interpreter] Yes, of course. Yes.

14 Q. And you told them that one was taller and one was  
15 shorter; right?

16 A. [Through the interpreter] That's right.

17 Q. Okay. Did you give them any other details about the  
18 individuals?

19 A. [Through the interpreter] No. Just that one was  
20 taller and the other one was shorter or younger.

21 Q. You told the police that -- they asked you did you  
22 get a good look at them; right?

23 A. [Through the interpreter] Yes.

24 Q. And you said that you saw them a little bit but you  
25 didn't want to look at them too much because you didn't

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 want to scare them; right?

2 A. [Through the interpreter] Yes. For the same reason  
3 that I didn't want them to be able to recognize me at  
4 that time.

5 Q. And you told them at the time that the tall guy was  
6 five ten; right?

7 A. [Through the interpreter] Yes. I told him more or  
8 less the height of the door. The detective was telling  
9 me how high the door was, so I was telling him what the  
10 taller one was.

11 Q. Okay. And you told them that -- when they asked you  
12 did you get a good look at them, you told them that you  
13 had an issue with your eye; right?

14 A. [Through the interpreter] One of them.

15 Q. So going back. So you did have an issue with your  
16 eye?

17 A. [Through the interpreter] Honestly, I'm not so sure  
18 about that, because I was not looking at his face so  
19 much.

20 Q. Mr. Alberto, would you mind coming up to me, like  
21 you did with the State's attorney, just to talk about  
22 height for a second?

23 A. [Through the interpreter] Okay.

24 MR. SUMMA: Thank you.

25 [Whereupon, the witness and interpreter exit the

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 witness stand]

2 Q. [Mr. Summa] The tall individual, do you think he  
3 was short -- was he shorter than me?

4 THE COURT REPORTER: Mr. Summa, I'm sorry. You're  
5 going to need to speak up a little bit because you're ---

6 MR. SUMMA: --- yes, ma'am. I'm sorry.

7 A. [Through the interpreter] Yes. Shorter.

8 Q. [Mr. Summa] The tall one was shorter than me?

9 A. [Through the interpreter] Maybe the same. Maybe  
10 the same.

11 Q. The shorter one, was he shorter than you?

12 A. [Through the interpreter] A little. I mean, to my  
13 shoulder, or almost. That was his height.

14 MR. SUMMA: I think you can go back -- go back.  
15 Thank you.

16 [Whereupon, the witness and interpreter retake the  
17 witness stand]

18 Q. [Mr. Summa] Mr. Alberto, were either -- was either  
19 individual wearing a hat?

20 A. [Through the interpreter] I don't remember, but I  
21 think they did not.

22 Q. Was either individual wearing a hooded sweatshirt?

23 A. [Through the interpreter] No. No hood. They  
24 didn't have any.

25 MR. SUMMA: Beg the Court's indulgence.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 THE COURT: Yes, sir.

2 [Whereupon, Mr. Summa and Ms. Norris confer]

3 Q. [Mr. Summa] Now, Mr. Alberto, you said earlier that  
4 you don't remember whether you told the officer whether  
5 you had an issue with your eye or not; is that correct?

6 A. [Through the interpreter] On the side where I had  
7 the blow, I didn't have any problem.

8 Q. Okay. But you did have an issue with the other eye?

9 A. [Through the interpreter] With the other? Yes, I  
10 did have problems with the other one, yes.

11 Q. Okay. And just to be clear, it's your eye, not the  
12 perpetrator's eyes?

13 A. [Through the interpreter] Yes. I have damaged my  
14 left eye. Now my right eye is now damaged from the blow.

15 Q. Okay. And just to be clear, your left eye was  
16 damaged before this?

17 A. [Through the interpreter] Yes, before.

18 Q. Okay. And you did not get a good look at their  
19 face; right?

20 THE INTERPRETER: I'm sorry, counselor. Could you  
21 speak up?

22 MR. SUMMA: I'm sorry.

23 Q. [Mr. Summa] You did not get a good look at their  
24 face; right?

25 A. [Through the interpreter] I didn't look at them in

1 the eyes, honestly, because -- it's kind of like a fear.

2 Q. Thank you.

3 MR. SUMMA: No further questions.

4 THE WITNESS: [Through the interpreter] Thank you.

5 THE COURT: Mr. Voigt?

6 MR. VOIGT: Thank you, Your Honor.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Voigt  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. Mr. Garcia, I just have a few questions of you.

4 A. [Through the interpreter] Go ahead.

5 Q. Thank you. How long had you been cooking food that

6 morning?

7 A. [Through the interpreter] Two hours in the morning.

8 Just the breakfast.

9 Q. Okay. And was that just for you and the friends who

10 were gathered there?

11 A. [Through the interpreter] Yes. It's the ones that

12 were eating there. Dulce, Lucia, the family.

13 Q. And what do you do for a living, Mr. Garcia?

14 A. [Through the interpreter] I work in construction.

15 Q. You told the Solicitor that both men had the same

16 caliber of gun. Do you remember saying that?

17 A. [Through the interpreter] Yeah. Well, I mean, so

18 probably. I don't know much about guns but they looked

19 the same, like .9mm.

20 Q. Okay. And I think you told both the Solicitor and

21 Mr. Summa that the shorter one came up to your shoulder?

22 Is that about right?

23 A. [Through the interpreter] Yes. About the height of

24 the shoulder, almost.

25 Q. Almost?

1 A. [Through the interpreter] Uh-huh.

2 Q. Now, which one of them was the one that went through  
3 your utensils and the things in the kitchen?

4 A. [Through the interpreter] The taller one.

5 Q. Okay. Was he the same one that went through the  
6 items in the bedroom that the State showed you in State's  
7 31?

8 A. [Through the interpreter] Yes, the same.

9 Q. Okay. You testified that the police came out to  
10 your home after the incident and a detective visited you  
11 in the hospital?

12 A. [Through the interpreter] Exactly.

13 Q. When was the next time anybody from the Sheriff's  
14 Office contacted you?

15 A. [Through the interpreter] Right the next day, after  
16 I came back from the hospital to the house.

17 Q. Okay. So that was July 24th?

18 A. [Through the interpreter] I don't remember right  
19 now exactly. It was between the 24 and the 25th, between  
20 those two days.

21 Q. Okay. And after that time that they visited you,  
22 did anybody from the Sheriff's Department visit you, in  
23 relation to this, after that?

24 A. [Through the interpreter] They continued visiting  
25 me, the detectives.

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Cross-Examination by Mr. Voigt  
March 10, 2020

1 Q. Okay. Did they take more statements from you?

2 A. [Through the interpreter] Yes. Of the case, of how  
3 everything happened. I mean, like the actual kidnapping.

4 Q. When was the last time somebody from the Sheriff's  
5 Department contacted you?

6 A. [Through the interpreter] Several times. Also,  
7 when we had a hearing they came to visit me at the house  
8 for me to come to that hearing.

9 Q. Okay.

10 MR. VOIGT: I have no further questions.

11 THE COURT: Any redirect?

12 MS. SHEALY: Just briefly, Your Honor.

13

14

15

16

17

18

19

20

21

22

23

24

25



State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Redirect Examination by Ms. Shealy  
March 10, 2020

1 construction or have worked construction?

2 A. [Through the interpreter] I do yard work,  
3 construction; different things.

4 Q. And when you were asked how tall the shorter person  
5 was, would you tell the jury when those two guys came in  
6 there...

7 A. [Through the interpreter] From the fear of having  
8 seen the gun, I told the police that the shorter one was  
9 about the height of my shoulder maybe a little shorter.

10 Q. Obviously, you did not measure them.

11 A. [Through the interpreter] No. No, no, no. Just  
12 looking.

13 Q. And compared to the taller one, he was the shorter  
14 one?

15 A. [Through the interpreter] One is shorter and one's  
16 taller. I mean, you could see right away the difference.

17 Q. When they came into your house, you went down on  
18 your knees; is that right?

19 A. [Through the interpreter] Yes. They told us to get  
20 on our knees. After they made us take all the money out,  
21 they put us on our knees and not to turn our heads to  
22 look at them.

23 Q. I have no further questions. Thank you.

24 THE WITNESS: [Through the interpreter] Thank you.

25 THE COURT: Anything else from the defense?

State v Daquan J. Crummey & Denali D. White  
Alberto Garcia (through interpreter)-Redirect Examination by Ms. Shealy  
March 10, 2020

1 MR. VOIGT: Not from me, Your Honor.

2 MR. SUMMA: Not from me, Your Honor.

3 THE COURT: Alright. Mr. Garcia, you can step down.  
4 Thank you for being here.

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

7 MR. COOPER: Judge, our next witness is also going  
8 to need the services of a translator. I don't know if  
9 she may need a break before we do that?

10 THE INTERPRETER: I'm doing okay right now, Your  
11 Honor. But thanks for asking. Appreciate that.

12 THE COURT: Alright.

13 MR. COOPER: The State ---

14 THE COURT: --- go ahead.

15 MR. COOPER: I'm sorry.

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

1 MR. COOPER: The State calls Rey Rodriguez.

2 [Whereupon, Mr. Rodriguez comes forward]

3 THE CLERK OF COURT: Please place your left hand on  
4 the Bible, and raise your right.

5 [Whereupon, Mr. Rodriguez is duly sworn by the Clerk  
6 of Court through the interpreter]

7 [Whereupon, the witness takes the witness stand]

8 - - - - -

9 REY RODRIGUEZ,

10 Having Been First Duly Sworn,

11 was Examined and Testified as Follows:

12 DIRECT EXAMINATION

13 BY MR. COOPER:

14 Q. Mr. Rodriguez, do you go by Rey?

15 A. [Through the interpreter] Yes.

16 Q. Rey, will you tell the jury back in July, 2017,  
17 where did you live?

18 A. [Through the interpreter] I don't know the address.

19 Q. Did you live in a trailer park?

20 A. [Through the interpreter] Yes.

21 Q. Who did you live with?

22 A. [Through the interpreter] With Mr. Alberto.

23 Q. Did you live with anybody else there?

24 A. [Through the interpreter] No, just the two of us.

25 Q. How did you know Alberto?

1 A. [Through the interpreter] Through a friend. Just a  
2 friend.

3 Q. What kind of work did you do at that time?

4 A. [Through the interpreter] Finishing.

5 Q. Is that like construction type of work?

6 A. [Through the interpreter] Yes.

7 Q. I'm going to show you some pictures on the screen in  
8 front of you.

9 [Whereupon, the photograph is published]

10 Q. [Mr. Cooper] Is that the trailer you lived in back  
11 in July of 2017?

12 A. [Through the interpreter] Yes, that's right.

13 Q. Whose vehicle? Whose white truck is that?

14 A. [Through the interpreter] Mine.

15 Q. I want to take your attention to the morning of the  
16 incident, July 23rd, 2017. What had you been doing that  
17 morning?

18 A. [Through the interpreter] I went to the flea  
19 market. I bought groceries, like vegetables.

20 Q. And when you got back home, were there other people  
21 at your house?

22 A. [Through the interpreter] Yes.

23 Q. Who was there?

24 A. [Through the interpreter] Dulce, Alberto, Gilberto.  
25 And Lucy, who is not present here today.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

- 1 Q. But the other four are?
- 2 A. [Through the interpreter] Yes.
- 3 Q. Had you met Dulce before that day?
- 4 A. [Through the interpreter] We have seen each other.
- 5 Q. Had you met Gilberto before that day?
- 6 A. [Through the interpreter] Yes. While I was living  
7 there.
- 8 Q. What all were y'all doing that morning once you got  
9 back to the trailer?
- 10 A. [Through the interpreter] We were about to eat.
- 11 Q. Was Alberto cooking?
- 12 THE INTERPRETER: Sorry?
- 13 Q. [Mr. Cooper] Was Alberto cooking?
- 14 A. [Through the interpreter] Yes, he had cooked.
- 15 Q. Is he a good cook?
- 16 A. [Through the interpreter] Yes.
- 17 Q. Do you remember what y'all were having that morning?
- 18 A. [Through the interpreter] Barbeque.
- 19 Q. Does he make it well?
- 20 A. [Through the interpreter] Yes.
- 21 Q. I want to show you State's Exhibit 18.  
22 [Whereupon, the photograph is published]
- 23 Q. Is that the kitchen at your house?
- 24 A. [Through the interpreter] Yes.
- 25 Q. Were you all in there that morning?

1 A. [Through the interpreter] Yes.

2 Q. Where were you sitting? You can draw on the screen.

3 A. [Through the interpreter] I was first -- well, here  
4 [indicates]. Then when they knocked at the door, I stood  
5 here [indicates].

6 Q. Before we get to the knock on the door, I want to  
7 get you to describe where everybody else was sitting at  
8 the table.

9 A. [Through the interpreter] Oh. Alberto was in the  
10 kitchen. I was here [indicates]. Lucy around here  
11 [indicates].

12 Q. And you can touch the screen.

13 A. [Through the interpreter] Dulce here [indicates].  
14 No, I'm sorry. Dulce -- Lucy [indicates], Dulce  
15 [indicates] and Gilberto [indicates]. And Alberto was by  
16 the stove.

17 Q. And that's going around the table where they were  
18 sitting?

19 A. [Through the interpreter] Uh-huh.

20 Q. Will you describe for the jury what happened when  
21 you heard that knock at the door?

22 A. [Through the interpreter] Dulce opened the door.  
23 Well, she looked on the door because she was expecting  
24 her ride. And then the African-American man looked and  
25 he came in, and he had a gun in his hands.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

- 1 Q. Two of them?
- 2 A. [Through the interpreter] Yes.
- 3 Q. Did they both have guns?
- 4 A. [Through the interpreter] Both of them.
- 5 Q. Describe how they came in.
- 6 A. [Through the interpreter] They came in and they put  
7 a gun, like this [indicates], to Dulce.
- 8 Q. Will y'all stand up just so the jury can see better?  
9 [Whereupon, the witness complies]
- 10 A. [Through the interpreter] He opened the door like  
11 this, and inside. And then they asked us to sit down,  
12 all of us.
- 13 And then he would say, money, money, money, money.  
14 And then he told us to go down on the ground.
- 15 Q. I want to get -- I want him to slow down just a  
16 little bit. So when they came in, they first put the gun  
17 at Dulce?
- 18 A. [Through the interpreter] Dulce.
- 19 Q. Could you understand what they were saying?
- 20 A. [Through the interpreter] No.
- 21 Q. Was she having to translate for you?
- 22 A. [Through the interpreter] Yes, she did.
- 23 Q. And do you remember what they were wanting you to  
24 do?
- 25 A. [Through the interpreter] That we should sit down.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. Did they want you to sit down, or did they tell you  
2 to get on the ground?

3 A. [Through the interpreter] First that we should sit  
4 down. Then they threw us on the ground. Then they told  
5 us to get on our knees. And they were asking for money.

6 Q. Did you give money?

7 A. [Through the interpreter] And then at the end --

8 THE INTERPRETER: The interpreter couldn't hear,  
9 Your Honor, because both of them were talking at the same  
10 time.

11 A. [Through the interpreter] Then they put us against  
12 the wall.

13 Q. [Mr. Cooper] So back when you were on your knees,  
14 was that when -- I'm sorry -- was that when they were --  
15 they were demanding your money?

16 A. [Through the interpreter] Yes.

17 Q. Did you give money?

18 A. [Through the interpreter] Yes.

19 Q. Did you see Lucia give money?

20 A. [Through the interpreter] Yes, she did also.

21 Q. Did you see Dulce give money?

22 A. [Through the interpreter] Also they took it from  
23 her.

24 Q. They took it from her?

25 A. [Through the interpreter] Yes.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. Did you see Gilberto give money?

2 A. [Through the interpreter] Yes, I saw that, too.

3 Q. And what about Alberto?

4 A. [Through the interpreter] Also they took it off of  
5 him.

6 Q. Did they take anything else?

7 A. [Through the interpreter] Just money.

8 Q. Did they make you put your phones on the table?

9 A. [Through the interpreter] All of them. All of --  
10 all of them on the -- on the table.

11 Q. And once you each gave money, what happened after  
12 that?

13 A. [Through the interpreter] They were asking for more  
14 money. That's why they hit Mr. Alberto.

15 Q. And that was when y'all all were kneeling on the  
16 ground?

17 A. [Through the interpreter] We were sitting.

18 Q. Okay. After you gave money, they still wanted some  
19 more?

20 A. [Through the interpreter] Yes.

21 Q. Did one of them start going around the house looking  
22 for money?

23 A. [Through the interpreter] Yes, the taller one.

24 Q. The taller one?

25 A. [Through the interpreter] He went inside the rooms.

1 Q. He went all throughout the house?

2 A. [Through the interpreter] Yes. There's only two  
3 bedrooms.

4 Q. And what was happening while y'all were still in the  
5 kitchen and he was going through the house?

6 A. [Through the interpreter] The other one had us at  
7 gunpoint.

8 Q. Was he saying anything?

9 A. [Through the interpreter] No. Just that we should  
10 not move.

11 Q. And they had the guns pointed at you?

12 A. [Through the interpreter] Yes.

13 Q. What were you thinking at the time?

14 A. [Through the interpreter] Not -- well, I mean,  
15 because they were saying that they were going to kill us.

16 Q. What happened after the taller one came back from  
17 the bedrooms?

18 A. [Through the interpreter] He was asking for more  
19 money.

20 Q. Did y'all have more money to give?

21 A. [Through the interpreter] Nothing.

22 Q. How much did you give?

23 A. [Through the interpreter] 1,300.

24 Q. What happened after that?

25 A. [Through the interpreter] Well, since they didn't

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

1 find anything, they left.

2 Q. And so the two suspects, one was taller than the  
3 other?

4 A. [Through the interpreter] Yes.

5 Q. And when you grew up did you learn meters and  
6 centimeters, or feet and inches?

7 A. [Through the interpreter] I was doing masonry in  
8 Mexico, construction.

9 Q. When you talk about height, the height of somebody,  
10 do you do that in feet and inches or meters and  
11 centimeters?

12 A. [Through the interpreter] Meters and centimeters.

13 Q. About how tall do you think the tall one was?

14 A. [Through the interpreter] About a meter eighty,  
15 about a meter ninety, more or less.

16 Q. And how else -- how else would you describe him?

17 A. [Through the interpreter] Well, I saw them close  
18 up.

19 Q. And so you know what he looked like?

20 A. [Through the interpreter] Yes.

21 Q. After that incident, did you go to a hearing?

22 A. [Through the interpreter] Yes. The police came.

23 Q. After the -- did you go to a hearing after one of  
24 them had been arrested?

25 A. [Through the interpreter] Yes.

1 Q. Was that where they would appear on TV?

2 A. [Through the interpreter] Yes. Right there.

3 Q. And would they appear one at a time?

4 A. [Through the interpreter] First one, and then the  
5 other.

6 Q. And did you recognize the one that was the tall one  
7 in this case?

8 A. [Through the interpreter] Yes.

9 Q. And was that a few weeks after this incident?

10 A. [Through the interpreter] A month after. Three  
11 weeks. And then a month later, the other one.

12 Q. How did you remember him?

13 A. [Through the interpreter] Because the detectives  
14 let us know.

15 Q. I'm sorry. How did you remember what he looked  
16 like? How are you sure?

17 A. [Through the interpreter] Because I saw them close  
18 up.

19 Q. Were they pointing guns at you?

20 A. [Through the interpreter] Yes.

21 Q. Did one of them point a gun at your head?

22 A. [Through the interpreter] Yes.

23 Q. Was that the taller one or the shorter one?

24 A. [Through the interpreter] The taller one. And the  
25 shorter one in my ribs.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. The shorter one pointed a gun at your rib?

2 A. [Through the interpreter] Yes.

3 Q. And it was the taller one that you saw on TV at that  
4 hearing?

5 MR. SUMMA: Judge, I object.

6 A. [Through the interpreter] Yes.

7 MR. SUMMA: He needs to tell his story and him not  
8 be leading him.

9 THE INTERPRETER: Can I sit down?

10 MR. COOPER: Oh. Yeah. Sorry. Sorry.

11 THE COURT: Mr. Cooper?

12 MR. COOPER: Yes, sir.

13 THE COURT: Don't ask questions that suggest the  
14 answer.

15 Q. [Mr. Cooper] The person you saw on the TV at the  
16 hearing, was that the first or second one that got  
17 arrested?

18 A. [Through the interpreter] The first one.

19 Q. Did you hire an attorney after this incident?

20 A. [Through the interpreter] Yes.

21 Q. What kind of an attorney?

22 A. [Through the interpreter] Immigration.

23 Q. Did you ask something of us when you met with us?

24 A. [Through the interpreter] No. I don't remember  
25 well.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Direct Examination by Mr. Cooper  
March 10, 2020

1 Q. Did you ask about a U visa?

2 A. [Through the interpreter] Oh. Yes.

3 Q. And what was your understanding of what a U visa  
4 was?

5 A. [Through the interpreter] A permit to work.

6 Q. Right after the incident happened; did you stay and  
7 talk to the police?

8 A. [Through the interpreter] Yes.

9 Q. And then we mentioned the hearings. You've been  
10 involved and cooperative every step of the way; right?

11 A. [Through the interpreter] Yes.

12 MR. COOPER: Beg the Court's indulgence just one  
13 second.

14 THE COURT: Yes, sir.

15 [Whereupon, Mr. Cooper and Ms. Shealy confer]

16 Q. [Mr. Cooper] Rey, thank you. I've got no further  
17 questions for you. If you'll answer anything they may  
18 have for you.

19 THE COURT: Cross-examination.

20 MR. SUMMA: Thank you, Your Honor. May it please  
21 the Court?

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 CROSS-EXAMINATION

2 BY MR. SUMMA:

3 Q. Mr. Rodriguez, at the time of the incident, like Mr.

4 Alberto you were very scared; right?

5 A. [Through the interpreter] Yes.

6 Q. You were up against the wall; right?

7 A. [Through the interpreter] Yes.

8 Q. Now, you said that you spoke with the police after

9 this incident; right?

10 A. [Through the interpreter] Yes.

11 Q. They interviewed you?

12 A. [No response].

13 Q. They interviewed you?

14 A. [Through the interpreter] Yes.

15 Q. And you told them everything that you saw; right?

16 A. [Through the interpreter] Yes.

17 Q. You told them that there were two black males?

18 A. [Through the interpreter] Two black males.

19 Q. One taller and one shorter?

20 A. [Through the interpreter] Yes.

21 Q. What other details did you give them?

22 A. [Through the interpreter] Other details? I mean,

23 that we were afraid because a firearm makes you scared.

24 Because we were like, you know, in a closed place. There

25 was no way out.

1 Q. Sure. You told the police, among other things, that  
2 the defendants were -- well, let me put it this way. The  
3 first time you said you recognized this defendant was  
4 after he was in jail; right?

5 A. [Through the interpreter] Yes.

6 Q. You told the police that the people who assaulted  
7 you were wearing a hoodie; right?

8 A. [Through the interpreter] Yes.

9 Q. And they asked you if you would ever -- or excuse  
10 me; they asked you, if we showed you a six-pack lineup,  
11 you would probably be able to recognize the defendant;  
12 right?

13 A. [Through the interpreter] Yes.

14 Q. But you never were shown a six-pack lineup, were  
15 you?

16 A. [Through the interpreter] They were passing one by  
17 one.

18 Q. I guess when I say six-pack, I mean the procedure  
19 that police use where they show you multiple photographs  
20 and they ask you to identify who robbed you.

21 A. [Through the interpreter] They showed us on TV.

22 Q. Right. But that was after he was in jail; right?

23 A. [Through the interpreter] Yes.

24 Q. And the detectives told you, this is the guy?

25 A. [Through the interpreter] No. He told us to go

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 identify him.

2 Q. After he was in jail?

3 A. [Through the interpreter] Yes. When he had been  
4 arrested.

5 Q. Did he show you six photographs in a row?

6 A. [Through the interpreter] There were several people  
7 on the TV.

8 Q. Where were you when this was happening?

9 A. [Through the interpreter] Right there in court.  
10 The one that is near the jail.

11 Q. Okay. So you were in a courthouse; right?

12 A. [Through the interpreter] Yes.

13 Q. You weren't at a police station?

14 A. [Through the interpreter] No. It's next to the  
15 jail. You know where the jail is? Right next to it.

16 Q. It was not a police station?

17 A. [Through the interpreter] No. It was like a court  
18 like this.

19 Q. I guess did you ever -- were you ever given an  
20 opportunity where you were shown multiple photographs, on  
21 a piece of paper, where you circled one?

22 A. [Through the interpreter] No.

23 Q. Okay. So when you say you saw it on TV that was for  
24 his bond hearing; right?

25 A. [Through the interpreter] I just know that it was

1 court. I didn't know anything else.

2 Q. Okay. So you weren't aware that it was after  
3 someone had been arrested for this case and it was a  
4 proceeding to determine their bond amount?

5 A. [Through the interpreter] I mean, we were told by  
6 the detective that they had caught someone that had the  
7 characteristics that we had given them.

8 Q. And what were those characteristics?

9 A. [Through the interpreter] That's when they passed  
10 the people on the TV. So they showed several people, but  
11 at the end they showed him.

12 Q. Okay. I guess one more time. What was the physical  
13 description you gave police?

14 A. [Through the interpreter] That the person that  
15 assaulted us was black, and one of them has the hair like  
16 Rasta --

17 THE COURT REPORTER: Had hair like?

18 THE INTERPRETER: Rasta.

19 Q. [Mr. Summa] You had said before that he was wearing  
20 a hoodie; right?

21 A. [Through the interpreter] Yes. He had one of those  
22 sweatshirts that had a hood.

23 Q. Was his hood on or off?

24 A. [Through the interpreter] Yes, he had it on.

25 Q. Okay. No further questions. Oh. Beg the Court's

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Cross-Examination by Mr. Summa  
March 10, 2020

1 indulgence.

2 [Whereupon, Mr. Summa and Ms. Norris confer]

3 Q. [Mr. Summa] You eventually met with the Solicitor's  
4 Office and told them that you recognized the person you  
5 think did this; right?

6 A. [Through the interpreter] Yes.

7 Q. And that was less than a month ago; right?

8 A. [Through the interpreter] Yes.

9 Q. Okay. You didn't tell them you recognized the guy  
10 before that; right?

11 A. [Through the interpreter] No.

12 Q. And at that time, when you told them I recognize the  
13 guy, you had already hired an immigration attorney; is  
14 that correct?

15 A. [Through the interpreter] Yes.

16 Q. And you had him ask them for a visa?

17 A. [Through the interpreter] Yes.

18 Q. Thank you. No further questions.

19 THE COURT: Mr. Voigt?

20 MR. VOIGT: Thank you.

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. Mr. Rodriguez, do you believe that you need a U visa  
4 to stay in the United States?

5 A. [Through the interpreter] Yes.

6 Q. Are you afraid of being deported because you're not  
7 here legally?

8 A. [Through the interpreter] Well, yes, I'm afraid.  
9 But not to be deported.

10 Q. Okay.

11 A. [Through the interpreter] I don't like conflict.

12 Q. I understand. Are you in the United States legally?

13 A. [Through the interpreter] No.

14 Q. How long have you been in the United States?

15 A. [Through the interpreter] Six years.

16 Q. When was the first time you talked to police  
17 officers about this what happened to you on July 23rd?

18 A. [Through the interpreter] The same day.

19 Q. Okay. Did you talk to them the next day?

20 A. [Through the interpreter] No, not the next day.

21 Q. Have they ever come back and talked to you about the  
22 facts of the case?

23 A. [Through the interpreter] No.

24 Q. When Mr. Garcia went to the hospital, did you stay  
25 in the house?

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Cross-Examination by Mr. Voigt  
March 10, 2020

1 A. [Through the interpreter] Yes.

2 Q. Were the police still there after he went in the  
3 ambulance?

4 A. [Through the interpreter] Yes. The police  
5 remained, taking statements from all of us that were in  
6 the house.

7 Q. Okay. Did they take pictures of the house, such as  
8 this one right here [indicates]?

9 A. [Through the interpreter] Yes. Yes.

10 Q. Did they test anything in the house?

11 A. [Through the interpreter] They placed like a black  
12 powder.

13 Q. Okay. So they placed a black powder over areas  
14 where they thought things had been disturbed?

15 A. [Through the interpreter] Yes.

16 Q. Okay. About how long did the police remain at the  
17 house after Mr. Garcia was taken to the hospital?

18 A. [Through the interpreter] About two hours.

19 Q. Okay. When the door opened originally and the men  
20 came in, were you seated at this table that we see here  
21 in this picture?

22 A. [Through the interpreter] Yes.

23 Q. Were those items that are on the table in  
24 approximately the same place as they had been earlier?

25 A. [Through the interpreter] Yes.

1 Q. And what are those items?

2 A. [Through the interpreter] Food.

3 Q. Okay. Was that the food that Mr. Garcia had been  
4 preparing?

5 A. Yes.

6 Q. Does he sell food out of that house?

7 A. [Through the interpreter] No. It was family food.

8 Q. Okay. Family food. Okay.

9 Approximately how much money did you have taken from  
10 you?

11 A. [No response]

12 Q. Approximately how much money did you have taken from  
13 you?

14 A. [Through the interpreter] 1,300.

15 Q. 1,300. And how did you acquire that money?

16 A. [Through the interpreter] Working.

17 Q. Okay. Did you have a bank account at that time?

18 A. [Through the interpreter] No.

19 Q. Was that money you had saved up over time?

20 A. [Through the interpreter] Yes. I had just been  
21 paid my two-week period.

22 Q. Okay.

23 MR. VOIGT: Okay. No further questions, Your Honor.

24 THE COURT: Any redirect?

25 MR. COOPER: No, Your Honor.

State v Daquan J. Crummey & Denali D. White  
Rey Rodriguez (through interpreter)-Cross-Examination by Mr. Voigt  
March 10, 2020

1 THE COURT: Mr. Rodriguez, you can step down. Thank  
2 you for being here.

3 MS. SHEALY: Your Honor, may Mr. Rodriguez and Mr.  
4 Garcia be excused?

5 MR. SUMMA: No objection, Judge.

6 MR. VOIGT: No objection.

7 THE COURT: If they chose to leave, they may.

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

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE INTERPRETER: Your Honor, Court indulgence, the  
2 interpreter would like a break at this moment.

3 THE COURT: Yes, ma'am. How much time do you need,  
4 ma'am?

5 THE INTERPRETER: Ten minutes.

6 THE COURT: Alright.

7 THE INTERPRETER: Unless it's just a very short what  
8 we have left, I'm happy to proceed.

9 MS. SHEALY: I don't know that it will be very  
10 short, for purposes of our direct.

11 THE COURT: How do ---

12 MS. SHEALY: Would you like for us to approach?

13 THE COURT: I would.

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

16 THE COURT: Ladies and gentlemen, since it is very  
17 close to five o'clock, and if we were to call another  
18 witness to the stand it would likely take us well past  
19 the five o'clock hour, I've decided after consulting with  
20 the attorneys that we're going to break for the day.

21 I would ask you to come back, be ready to go by nine  
22 o'clock in the morning, and we'll resume testimony at  
23 that time. Again, I have to caution you not to discuss  
24 this case with anyone, not to do any research via  
25 electronic means or otherwise, and do not discuss the

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 10, 2020

1 case amongst yourselves when you get here in the morning  
2 in the jury room. And I thank you for being so  
3 attentive here all day, and we will see you tomorrow  
4 morning at nine o'clock. Thank you.

5 [Whereupon, the jury exits the courtroom at 4:58  
6 p.m.]

7 THE COURT: Anything before we adjourn for the day?

8 MR. COOPER: Not from the State, Judge.

9 MR. SUMMA: No, Your Honor.

10 MR. VOIGT: No, Your Honor.

11 THE COURT: Alright. We will be in recess until  
12 nine o'clock tomorrow morning. Thank you very much.

13 [Whereupon, jury trial adjourns at 5:00 p.m.]  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

State v Daquan J. Crummey & Denali D. White  
Certificate of the Court Reporter  
March 10, 2020

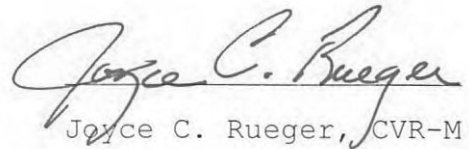
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official  
Circuit Court Reporter for the Ninth Judicial Circuit of  
the State of South Carolina, do hereby certify that the  
foregoing is a true, accurate, and complete Transcript of  
Record of the proceedings had and evidence introduced in  
the trial of the captioned case, relative to appeal, in  
the Court of General Sessions for Charleston County,  
South Carolina on the 10th day of March, 2020.

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

June 3, 2020



Joyce C. Rueger, CVR-M

Court Reporter





## INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	418
GILBERTO BLANCO	
Direct Examination by Ms. Shealy	419
Cross-Examination by Mr. Summa	435
DULCE MARTINEZ (In Camera)	
Direct Examination by Ms. Shealy	441
Cross-Examination by Mr. Summa	443
Cross-Examination by Mr. Voigt	444
GABRIELLA RAIRAN (In Camera)	
Direct Examination by Ms. Shealy	447
Cross-Examination by Mr. Summa	450
Cross-Examination by Mr. Voigt	451
MOTION TO SUPPRESS PHOTOGRAPHS	462
DULCE MARTINEZ (Through Interpreter)	
Direct Examination by Ms. Shealy	482
Cross-Examination by Mr. Summa	550
Cross-Examination by Mr. Voigt	576
Redirect Examination by Ms. Shealy	600
Recross-Examination by Mr. Summa	614
MOTION TO RECONSIDER IDENTIFICATION	
Remarks by Mr. Voigt	616
Remarks by Mr. Summa	616
Remarks by Ms. Shealy	617
CERTIFICATE OF THE COURT REPORTER	629

## INDEX TO EXHIBITS

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Photo	
2	Photo	
3	Photo	
4	Photo	
5	Photo	
6	Photo	
7	Photo	
8	Photo	
9	Photo	
10	Photo	
11	Photo	
12	Photo	
14	Photo	
15	Photo	
16	Photo	
17	Photo	
18	Photo	
19	Photo	
20	Photo	
21	Photo	429
22	Photo	
23	Photo	
24	Photo	

## INDEX TO EXHIBITS (continued)

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	
26	Photo	
27	Photo	
28	Photo	
29	Photo	
30	Photo	
31	Photo	
32	Photo	
33	Photo	
34	Photo	
35	Photo	
36	Photo	
37	Photo	
38	Photo	
39	Photo	
40	Photo	509
41	Photo	
42	Photo	
43	Photo	
44	Photo	517
45	Photo	
46	Photo	
47	Photo	
48	Photo	

## INDEX TO EXHIBITS (continued)

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	
50	Photo	
51	Photo	
52	Photo	
53	Photo	
54	Photo	
55	Photo	
56	Photo	
57	CD-911 call	500
58	Stall High School yearbook	
59	Photo lineup-Crummey	
60	Photo lineup-White	
61	Crummey's iPhone	
62	USB drive-Crummey phone extraction	
63	iPhone extraction report	
64	iPhone extraction report	
65	IMG 1108	
66	White's Samsung phone	
67	CD-White's phone extraction	
68	Cellebrite Extraction	
69	Oxygen Samsung Extraction report	
70	Oxygen Samsung Extraction report	
71	Oxygen Samsung Extraction report	
72	Oxygen Samsung Extraction	

## INDEX TO EXHIBITS (continued)

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

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
73	CD-T-Mobile records		
74	FBI CAST cell phone mapping		
75	T-Mobile Certification		
76	FB Certification		
77	FB Certification		
78	CD-Jail calls-Crummey		
79	CD-Jail Video-Crummey & White		
80	FB Certification		
81	FB Certification		
82	FB Certification		
83	FB photo-Hikeyoungin Nali	466	521
84	FB posting-Runacheckup Youngn	470	512
85	FB posting-Crummey	472	515
86	FB posting	477	
87	Lineup photo	481	536
88	Lineup photo	481	538
89	DVD-body cam interview-Martinez	504	504

## INDEX TO EXHIBITS (continued)

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

DEFENDANT CRUMMEY

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
3	C.D. Lineup w/Martinez	556	556
4	C.D.-Martinez stmt.	562	563**

(\*\* Portion only of C.D. was admitted)

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

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

PROCEEDINGS

THE COURT: Alright. Are there any matters that we need to address before we bring in the jury?

MR. COOPER: Not from the State, Judge.

MR. SUMMA: Not from Mr. Crummey.

MR. VOIGT: No, Your Honor.

THE COURT: Alright. Bring us the jury.

[Whereupon, the jury enters the courtroom at 9:11 a.m.]

THE BAILIFF: The jurors are all present, Your Honor.

THE COURT: Thank you very much. Good morning, ladies and gentlemen of the jury. Thank you for returning promptly, and we are ready to resume the State's case. The State may call its next witness.

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 MS. SHEALY: Yes. Gilberto Blanco.  
2 And we'll have the interpreter again, Your Honor.  
3 THE COURT: Yes, ma'am.  
4 THE INTERPRETER: Good morning, Your Honor.  
5 THE COURT: Good morning.  
6 [Whereupon, Mr. Blanco comes forward]  
7 THE CLERK OF COURT: Please place your left hand on  
8 the Bible, and raise your right.  
9 [Whereupon, Mr. Blanco is duly sworn by the Clerk of  
10 Court]  
11 THE CLERK OF COURT: You may be seated.  
12 [Whereupon, the witness takes the witness stand]  
13 - - - - -  
14 GILBERTO BLANCO,  
15 Having Been First Duly Sworn,  
16 was Examined and Testified as Follows:  
17 DIRECT EXAMINATION  
18 BY MS. SHEALY:  
19 Q. Mr. Blanco, would you tell the jury, please, how old  
20 are you?  
21 A. [Through the interpreter] Thirty-nine years old.  
22 Q. And back in 2017, were you friends with Alberto  
23 Garcia?  
24 A. [Through the interpreter] Yes.  
25 Q. Tell the jury, if you would, would you go over to

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 his trailer sometimes?

2 A. [Through the interpreter] Yes. When he would make  
3 meals that were typical of his region, or his place of  
4 birth, he would invite me. He would tell me, come and  
5 eat with us.

6 Q. Okay. Focusing your attention, then, to July 23rd  
7 of 2017. Did you go to Alberto's trailer that morning or  
8 early afternoon?

9 A. [Through the interpreter] It wasn't very early. It  
10 was before noon.

11 Q. Okay. And was Dulce Martinez there? Dulce?

12 A. [Through the interpreter] Yes.

13 Q. Tell the jury if you knew Dulce very well.

14 A. [Through the interpreter] I had seen her in two or  
15 three occasions before.

16 Q. She was much younger than you?

17 A. [Through the interpreter] Yes.

18 Q. What about Lucia? Was she a friend of yours?

19 A. [Through the interpreter] Yes.

20 Q. Have you had any contact with her lately?

21 A. [Through the interpreter] I have seen her in the  
22 stores and we say hi to each other.

23 Q. Okay. Do you see her socially?

24 A. [Through the interpreter] No.

25 Q. What about Rey Rodriguez? Were you friends with

1 him?

2 A. [Through the interpreter] Yes.

3 Q. When you got over there, what happened once you  
4 arrived there? Did y'all eat?

5 A. [Through the interpreter] Yes, we ate. And the  
6 kitchen was already clean. And at that time is when they  
7 arrived, those -- the two young men came to the house.

8 Q. Okay. Would you tell the jury whether you saw them  
9 come into the house?

10 A. [Through the interpreter] Yes.

11 Q. And could you describe that to the jury?

12 A. [Through the interpreter] Yes. I was just in front  
13 of the front door of the house. The young girl, this  
14 girl Dulce, was waiting for her ride to come pick her up.  
15 And she was looking into the front window.

16 She thought that her ride had arrived. And all of a  
17 sudden, she came close to the door. I don't know whether  
18 she opened the door or just looked through but as soon as  
19 she got close to the door, the guys came in.

20 And they pulled the door out towards the outside and  
21 pushed her inside. And they yelled very loud.

22 Q. What were they yelling?

23 A. [No response]

24 Q. It's okay for you to use the words they used.

25 A. [Through the interpreter] They were saying

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 something like don't fucking move, don't fucking move.

2 Q. Were both of them speaking in that way?

3 A. [Through the interpreter] Yes.

4 Q. And would you tell the jury, please, whether they  
5 had anything in their hand?

6 A. [Through the interpreter] Yes. They were both  
7 armed.

8 Q. How were they holding the guns? Can you stand up  
9 and show us?

10 [Whereupon, the witness stands]

11 A. [Through the interpreter] Yes. They were doing  
12 something like this [indicates].

13 Q. And what were they saying as they did that?

14 A. [Through the witness] Put all your money on the  
15 table.

16 [Through the interpreter] Put all your money on the  
17 table.

18 Q. So do you know some English?

19 A. [Through the interpreter] A little. I don't  
20 understand all of the words, but I do understand a  
21 little.

22 Q. At that point, showing you State's Exhibit 18, this  
23 is the kitchen area?

24 [Whereupon, the photograph is published]

25 A. [Through the interpreter] Yes.

1 Q. When the two men told y'all -- what did they say  
2 about the money? Give -- what did they say about the  
3 money again?

4 A. [Through the interpreter] For us to -- for us to  
5 put the money on the table.

6 Q. And do you remember at that point where you were in  
7 relationship to that room?

8 A. [Through the interpreter] Yes.

9 Q. Could you point on that screen and show us where you  
10 were?

11 A. [Through the interpreter] I was exactly right here  
12 [indicates].

13 Q. So you had moved from near the door to that area?

14 A. [Through the interpreter] No. I was just looking  
15 straight to the door.

16 Q. Oh. To the front door. I'm sorry. Okay.

17 A. [Through the interpreter] Yes.

18 Q. If you would, Mr. Blanco, describe for the jury when  
19 they're telling you that, to put the money on the table,  
20 what did each of you start doing?

21 A. [Through the interpreter] I put my money that I had  
22 right here [indicates] in my pocket, I put it on the  
23 table. But they were requiring more money.

24 Q. When you say they were requiring more money, what  
25 were they saying?

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the witness] All your money.

2 [Through the interpreter] All your money.

3 Q. When they said all your -- all your money, what were  
4 they doing with the guns?

5 A. [Through the interpreter] They were always pointing  
6 it at us.

7 Q. What happened when they kept demanding? What were  
8 other people doing?

9 A. [Through the interpreter] To -- from Alberto, they  
10 took his money off of his pocket. And they wanted to  
11 reach his wallet, and he kind of like he didn't want them  
12 to touch his wallet, and that's when they assaulted him.

13 Q. Okay. When you say they assaulted him, was one guy  
14 a different height than the other guy?

15 A. [Through the interpreter] Yes.

16 Q. Which one assaulted him?

17 A. [Through the interpreter] The taller one.

18 Q. Was Dulce helping out at all with the language,  
19 since she speaks English?

20 A. [Through the interpreter] Yes. Well, she was  
21 seeing that they were asking us to put our backs towards  
22 -- I mean our front towards the wall.

23 So that part, I did understand it, so I put my front  
24 towards the wall. The part that I did not understand was  
25 when they asked us to get on our knees, and that's what

1 Dulce was telling us.

2 Q. Now, you told us that the tall one struck Mr.  
3 Alberto. Did you see how many times that happened?

4 A. [Through the interpreter] Yes. There were two  
5 times.

6 Q. And could you describe what you saw regarding the  
7 two guys and Dulce?

8 A. [Through the interpreter] Yes. He was pulling her  
9 hair out, and they were telling her to shut up.

10 Q. And when you say pulling her hair out, can you --  
11 can you show me what you mean, what hand gesture they  
12 used towards her head?

13 A. [Through the interpreter] Yes. The weapon, he  
14 never put it down or anything. He was always pointing it  
15 like this [indicates].

16 Q. Show me how he was pointing it.

17 A. [Through the interpreter] Like this [indicates].

18 Q. And the tip of the gun, when you're showing us, was  
19 that -- what was that towards?

20 A. [Through the interpreter] To her head.

21 Q. And you said he pulled her hair?

22 A. [Through the interpreter] Yes.

23 Q. Can you -- can you show us with your hand how his  
24 hand did? Stand back up for us. It's a little hard for  
25 everybody to see.

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 [Whereupon, the witness stands]

2 A. [Through the interpreter] He was holding her hair  
3 like this [indicates], and in the back of her head he had  
4 the gun.

5 Q. [Ms. Shealy] What was being said by him ---

6 A. [Through the interpreter] --- he was moving his  
7 hands.

8 Q. I'm sorry. Could you repeat that?

9 A. [Through the interpreter] He was holding his hands.  
10 Like this [indicates]. He was holding her hair.

11 Q. And what was he saying while he did that?

12 A. [Through the interpreter] He was saying bad words  
13 to her.

14 Q. What was he saying?

15 A. [Through the witness] Shut up, bitch.

16 A. [Through the interpreter] Shut up, bitch.

17 Q. When they demanded money, did you see what Dulce or  
18 Lucia put on the table? Did you notice that?

19 A. [Through the interpreter] No.

20 Q. Were you focusing on yourself at that point?

21 A. [Through the interpreter] Yes. I was very  
22 traumatized.

23 Q. Did they demand you do anything with cell phones?

24 A. [Through the interpreter] For us to put them on the  
25 table.

1 Q. As the money was going on the table, could you tell  
2 the jury whether the money was put somewhere by either of  
3 the two guys? What did they do with the money?

4 A. [Through the interpreter] They took it. They took  
5 it and they put it in their pockets.

6 Q. At any point, does one of the two go to a different  
7 area of the house?

8 A. [Through the interpreter] Yes.

9 Q. Which one?

10 A. [Through the interpreter] The taller one.

11 Q. And tell us, then, what was the younger -- the  
12 shorter one, excuse me, doing with y'all while the taller  
13 one went into the other part of the house?

14 A. [Through the interpreter] He remained pointing to  
15 us with the gun so that no one would get out.

16 Q. You had mentioned that they instructed y'all to  
17 kneel. At what point was that?

18 A. [Through the interpreter] That was before he would  
19 start searching around the house.

20 Q. And tell the jury when the two guys were in the  
21 kitchen with you, did you take your time to look at them  
22 and their faces?

23 A. [Through the interpreter] I only saw them when they  
24 came in.

25 Q. Will you tell the jury why you didn't stare at them?

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] I was afraid.

2 [Whereupon, the photograph is published]

3 Q. Okay. Now, the photograph in front of you, the door  
4 that's in the kitchen area with the diamond shape, does  
5 that lead to the other side of the trailer?

6 A. [Through the interpreter] Yes.

7 Q. Would you tell the jury whether, when the guys were  
8 in the house, if you saw a neighbor open that door?

9 A. [Through the interpreter] I heard the door close.  
10 But I think what happened is that somebody opened the  
11 door. As soon as they saw what's going on inside, they  
12 left.

13 I don't know whether that was the same person that  
14 ended up calling the police.

15 Q. Okay. What happened with the two guys that had come  
16 in once that door opens and closed?

17 A. [Through the interpreter] They -- at that point was  
18 when they left the house.

19 Q. Now, you told us about the tall one going in the  
20 back of the house where the bedrooms were. Did you see  
21 anyone go into the kitchen looking around for money?

22 A. [Through the interpreter] It was the same him. It  
23 was that -- himself. Before he went to search the rooms,  
24 he was opening the cupboards on the -- in the kitchen.

25 Q. And showing you --

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 MS. SHEALY: Your Honor, I'm not sure this one got  
2 marked yesterday, State's Exhibit 21. I just want, out  
3 of just an abundance of caution make sure. It's without  
4 objection.

5 THE COURT: State's Number 21 is admitted without  
6 objection.

7 [Whereupon, State's Exhibit Number 21 is admitted  
8 into evidence by the Court]

9 [Whereupon, the photograph is published]

10 Q. [Ms. Shealy] This kitchen -- did Alberto's kitchen  
11 look like that before the tall man went in there?

12 A. [Through the interpreter] No. As I said before,  
13 the kitchen was already cleaned up because we had already  
14 eaten.

15 Q. Now, you had mentioned to us earlier about the tall  
16 guy having the gun and jerking Dulce's head. I don't  
17 remember if I asked you did anyone strike Dulce's head.

18 A. [Through the interpreter] Yes. He did hit her with  
19 the butt of the gun.

20 Q. When the two guys left the house after that door  
21 opened and closed, tell the jury in what way they left.  
22 Did they turn towards the door? How did they exit  
23 physically?

24 A. [Through the interpreter] Yes. They left, but not  
25 exactly at the moment that the door had opened and closed

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 but instead, kind of like they were like hurrying up  
2 because they realized kind of like somebody had seen what  
3 was happening.

4 Q. Okay. After they left, did you ultimately go  
5 outside the trailer?

6 A. [Through the interpreter] Yes.

7 Q. And were you still present when the police arrived?

8 A. [Through the interpreter] Yes.

9 Q. And they got there pretty quickly?

10 A. [Through the interpreter] Yes.

11 Q. I'm showing you State's Exhibit 36.

12 [Whereupon, the photograph is published]

13 Q. Is that a picture of you outside afterwards?

14 A. [Through the interpreter] Yes.

15 Q. I'm showing you State's 37.

16 [Whereupon, the photograph is published]

17 Q. Is that Rey?

18 A. [Through the interpreter] Yes.

19 [Whereupon, the photograph is published]

20 Q. And is that Lucia?

21 A. [Through the interpreter] Yes, that's Lucia.

22 Q. And showing you State's 33. Is this Dulce?

23 A. [Through the interpreter] Yes.

24 Q. Oh. I'm sorry. 33. 33?

25 [Whereupon, the photograph does not show up]

1 MS. SHEALY: I can just hold it up, Judge.  
2 Q. [Ms. Shealy] Is that Dulce?  
3 A. [Through the interpreter] Yes.  
4 Q. How about come stand down here for me for a second.  
5 [Whereupon, the witness exits the witness stand]  
6 Q. [Ms. Shealy] So showing you -- come out this way  
7 just a little bit -- showing you State's 33. This is  
8 Dulce and she's holding her head?  
9 [Whereupon, the photograph is published]  
10 A. [Through the interpreter] Yes.  
11 Q. Did other people from the park start coming outside  
12 that had not been inside with y'all?  
13 A. [Through the interpreter] Yes. They are neighbors.  
14 Q. So the guys that are standing back this way  
15 [indicates] weren't in the house that day?  
16 A. [Through the interpreter] No.  
17 Q. If I could ask you, if that were the door that the  
18 guys came in and the guy -- and the door that the guys  
19 left from -- can you -- can you show the jury in what way  
20 the tall guy walked back towards the door to leave? Did  
21 he walk forward or backwards?  
22 A. [Through the interpreter] No. He was walking  
23 backwards ---  
24 Q. Show us. Show us how he went ---  
25 A. [Through the interpreter] --- and he was continuing

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 to point like this [indicates]. He was continuing to  
2 point like this [indicates]. And when they left inside,  
3 they left the door in the other side of the door so that  
4 it wouldn't be open easily.

5 Q. What do you mean by that?

6 A. [Through the interpreter] Yes. They put a chair  
7 outside, right on the handle of the door.

8 MS. SHEALY: Okay. You can come back over this way  
9 for us.

10 Q. [Ms. Shealy] Showing us -- showing you State's  
11 Exhibit Number 12.

12 [Whereupon, the photograph is published]

13 Q. Okay. It's up on the screen. What is that?

14 A. [Through the interpreter] Oh. That's the chair  
15 that they left there.

16 Q. And they had propped it where?

17 A. [Through the interpreter] Right here [indicates] in  
18 the -- yes.

19 Q. So you couldn't get out?

20 A. [Through the interpreter] When we opened the door,  
21 the chair fell down.

22 Q. In the kitchen area --

23 MS. SHEALY: Let me just find that picture real  
24 quick.

25 [Whereupon, Ms. Shealy views photographs]

1 Q. [Ms. Shealy] State's 18.

2 [Whereupon, the photograph is published]

3 Q. On this back wall, is that where Alberto, Lucia,  
4 Dulce, you and Rey were commanded to go?

5 A. [Through the interpreter] Yes. That's the wall.

6 Q. Okay. I want you -- if you'll do this. You turn  
7 toward -- you turn this way so the jury can see.

8 [Whereupon, the witness complies]

9 Q. [Ms. Shealy] Tell the jury, please, what were the  
10 guys with the guns telling y'all to do in this area  
11 [indicates]?

12 A. [Through the interpreter] First, they demanded the  
13 money. Then they told us -- rather, the male; I'm not  
14 sure whether they told the women as well, but we were  
15 there.

16 Q. And they told you to go to that area?

17 A. [Through the interpreter] With our faces to the  
18 wall and then on our knees, on our knees with our hands  
19 -- with our hands in the air --

20 THE INTERPRETER: The interpreter corrects herself.

21 Q. [Ms. Shealy] So if this were this wall, show the  
22 jury, what did you do upon their command? This  
23 [indicates] is the wall.

24 A. [Through the interpreter] They said for us to get  
25 on our knees with our hands on our heads like this

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Direct Examination by Ms. Shealy  
March 11, 2020

1 [indicates].

2 MS. SHEALY: I have no further questions.

3 A. [Through the interpreter] I was -- I was very  
4 scared.

5 Q. Thank you. Answer anything the defense may have.

6 THE COURT: Mr. Summa?

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MR. SUMMA:

3 Q. Mr. Blanco, you actually had the opportunity to  
4 speak to police pretty shortly after the incident; right?

5 A. [Through the interpreter] Yes.

6 Q. They interviewed you; right?

7 A. [Through the interpreter] Yes.

8 Q. Do you remember how much time they spent  
9 interviewing you?

10 A. [Through the interpreter] I think about eight or  
11 ten minutes.

12 Q. Did that seem like a long time to you?

13 A. [Through the interpreter] No.

14 Q. They asked you a bunch of questions; right?

15 A. [Through the interpreter] Yes.

16 Q. And something really scary happened to you, so you  
17 wanted to tell them the truth; right?

18 A. [Through the interpreter] Yes.

19 Q. You told them that you were scared?

20 A. [Through the interpreter] Yes.

21 Q. You told them what the robbers did?

22 A. [Through the interpreter] Yes.

23 Q. And they asked you what they looked like; right?

24 A. [Through the interpreter] Uh-huh. Yes, of course.

25 Q. And you said that you would maybe be able to pick

State v Daquan J. Crummey & Denali D. White  
Gilberto Blanco-Cross-Examination by Mr. Summa  
March 11, 2020

1 | them out of a lineup; right?

2 | A. [Through the interpreter] Yes.

3 | Q. Did they ever do a photographic lineup with you?

4 | A. [Through the interpreter] No.

5 | Q. Did they ask you how tall one of the suspects was?

6 | A. [Through the interpreter] Yes.

7 | Q. And you told the officer that he was seven feet  
8 | tall; right?

9 | A. [Through the interpreter] Yes. I think I did tell  
10 | him that. But we don't have -- I thought that I was six  
11 | feet tall, but because we measure in meters.

12 | Q. What is the Spanish word for feet?

13 | A. [Through the interpreter] Pies.

14 | Q. Pies.

15 | A. [Through the interpreter] Feet. Pies

16 | Q. If I played you a recording of the statement that  
17 | you made to police, would it refresh your recollection?

18 | A. [Through the interpreter] I do remember that I told  
19 | him that I thought that he was tall, that I thought that  
20 | he was seven feet tall.

21 | Q. Oh. So you do remember telling him that he was  
22 | seven feet tall, or you don't remember?

23 | A. [Through the interpreter] That I did tell him.  
24 | Yes.

25 | Q. So you told the police that the man was seven feet

1 tall; right?

2 A. [Through the interpreter] Something like that.

3 Yes.

4 MR. SUMMA: Court's indulgence one second.

5 THE COURT: Yes, sir.

6 [Whereupon, Mr. Summa and Ms. Norris confer]

7 MR. SUMMA: No further questions.

8 THE COURT: Mr. Voigt?

9 MR. VOIGT: One moment, Your Honor.

10 [Whereupon, Mr. Voigt confers with his client]

11 MR. VOIGT: No questions, Your Honor.

12 THE COURT: Thank you, Mr. Voigt. Any redirect?

13 MS. SHEALY: No, Your Honor. And we would ask that  
14 he be excused.

15 THE COURT: Mr. Blanco, you can step down. Thank  
16 you for being here. And you can -- you're excused.

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

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 MS. SHEALY: I'm sorry, Your Honor. Dulce Martinez.

2 THE INTERPRETER: Your Honor, does this witness need  
3 an interpreter?

4 THE COURT: She does not.

5 THE INTERPRETER: Thank you, Your Honor. Your  
6 Honor, may the interpreter approach?

7 THE COURT: Hold on one second. Ms. Shealy?

8 MS. SHEALY: Yes. She asked yesterday if the  
9 interpreter could be here. She knows a lot of English,  
10 but she just doesn't want to get messed up on her words.  
11 And I've spoken to the interpreter about that.

12 THE COURT: So are -- I guess, from a practical  
13 standpoint, is she going to -- is the interpreter going  
14 to interpret everything or are we just -- is she just  
15 going to be needed to ---

16 MS. SHEALY: --- I think -- I think I can simplify  
17 that, if I may.

18 THE COURT: Go ahead.

19 MS. SHEALY: Ms. Martinez, ask the interpreter to  
20 interpret something for you if you don't understand it.

21 MS. MARTINEZ: Okay.

22 MS. SHEALY: Is that -- or do you need it all to be  
23 interpreted ---

24 THE INTERPRETER: --- Your Honor, may the  
25 interpreter approach?

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 MS. SHEALY: Okay.

2 THE COURT: Yes, ma'am.

3 [Whereupon, an off-the-record bench conference is  
4 held with the attorneys and the interpreter]

5 THE COURT: Ladies and gentlemen of the jury, at  
6 this time we're going to take up a matter of law outside  
7 your presence. I'm going to ask you to go to the jury  
8 room for a moment. Please do not discuss the case  
9 amongst yourselves. And we will bring you back out as  
10 soon as we are able to. Thank you.

11 [Whereupon, the jury exits the courtroom at 9:52  
12 a.m.]

13 THE COURT: Alright. Ms. Shealy?

14 MS. SHEALY: Your Honor, we spoke about this briefly  
15 at the bench and decided to do it in a hearing fashion.

16 Ms. Martinez speaks a lot of English and every time  
17 that I have spoken with her, she has been able to use her  
18 English. She has been in the courtroom as a victim since  
19 the beginning of the trial.

20 And I think it was either yesterday afternoon or  
21 this morning -- I can't remember which one it was -- it  
22 was either this morning or yesterday afternoon that she  
23 said could she use the services of the interpreter, too.  
24 And I then have brought that to the Court's attention.

25 We can query her as to why she thinks that's

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 necessary. It's certainly no advantage to the State. It  
2 would only be an advantage to her. She has seen people  
3 testify. And we can just address it with her if you  
4 would allow me to make that record, as to why she thinks  
5 it's necessary.

6 THE COURT: Alright. Have her come up, please.  
7 And I understand the objection, but I feel like it's  
8 important that we take some testimony from the witness to  
9 determine -- so I can determine whether...

10 MR. SUMMA: Sure. I just -- I'd like to hear  
11 further on it.

12 THE COURT: Right.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez-In-Camera-Direct Examination by Ms. Shealy  
March 11, 2020

1 [Whereupon, Ms. Martinez comes forward]

2 THE CLERK OF COURT: Please place your left hand on  
3 the Bible, and raise your right.

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

6 THE CLERK OF COURT: You may be seated.

7 [Whereupon, the witness takes the witness stand]

8 THE CLERK OF COURT: And for the record, please  
9 state your full name, spelling both your first and your  
10 last.

11 THE WITNESS: My name is Dulce Yisel Martinez-  
12 Garcia. My first name is spelled D-U-L-C-E. Second  
13 name, Y-E -- Y-I-S-E-L. First last name, M-A-R-T-I-N-E-  
14 Z. Second last name, G-A-R-C-I-A.

15 MS. SHEALY: May I go forward, Your Honor?

16 THE COURT: Sure.

17 - - - - -

18 DULCE Y. MARTINEZ-GACIA,

19 Having Been First Duly Sworn,

20 was Examined and Testified as Follows:

21 IN-CAMERA-DIRECT EXAMINATION

22 BY MS. SHEALY:

23 Q. Ms. Martinez, did you ask a member of our staff to  
24 tell me that you would like the use of an interpreter  
25 while you testify?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez-In-Camera-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. I did.

2 Q. And can you describe for the Court why you feel like  
3 that's necessary?

4 A. Some words I get. Like, I am not very used to like  
5 speaking like all English like daily at home so sometimes  
6 I get mixed up with some of my words or.

7 Q. You do what? I'm sorry.

8 A. I get mixed up with some of my words. Or sometimes  
9 I do not know like how to say a word, like translate from  
10 Spanish to English, so I kind of have to replace that  
11 word with something else but -- and it ends up making no  
12 sense.

13 Q. And so you said in your home. Do you speak solely  
14 Spanish?

15 A. Yes.

16 Q. You've been in our country for how long?

17 A. About seven years.

18 Q. And was that brought to your attention as you sat in  
19 court during this -- the beginning of the trial?

20 A. [No response]

21 Q. Did you realize, once the trial started, that you  
22 might need some assistance from an interpreter?

23 A. Yes.

24 Q. Answer any questions the defense may have. Okay?

25 A. Yes, ma'am.





1 come up with the trial that you've been watching that you  
2 didn't understand in English?

3 A. Most of like your statements. Like some of the  
4 questions that some of you guys make. So I just like  
5 have to ask the victim advocate like what they mean, like  
6 why, what are they trying to say.

7 Q. Okay. When I asked you questions -- was it  
8 yesterday? I think it may have been yesterday I ---

9 A. --- yes ---

10 Q. --- asked you questions. Was there questions that  
11 you didn't understand?

12 A. Yes. Because I asked you to restate a question.

13 Q. Okay. And when I restated the question, were you  
14 able to understand the meaning of my question?

15 A. Yeah. Because you -- like you basically restated in  
16 basic words.

17 Q. Okay. Basic words? You understand basic English  
18 words?

19 A. Yes.

20 Q. As long as they don't get too complicated,  
21 elaborate, or esoteric, you understand them?

22 A. I would probably say so.

23 MR. VOIGT: Thank you.

24 MS. SHEALY: Your Honor, after she steps down, I'd  
25 like to call our victim advocate, Gabi Rairan.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez-In Camera-Cross-Examination by Mr. Voigt  
March 11, 2020

1 THE COURT: You can step down.

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

4 THE COURT REPORTER: What's that name again, Ms.  
5 Shealy?

6 MS. SHEALY: Gabi, G-A-B-I, Rairan. I'm going to  
7 have to get her to spell it for you.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Gabiella Rairan-In-Camera-Direct Examination by Ms. Shealy  
March 11, 2020

1 [Whereupon, Ms. Rairan comes forward]

2 THE CLERK OF COURT: Please place your left hand on  
3 the Bible, and raise your right.

4 [Whereupon, Ms. Rairan is duly sworn by the Clerk of  
5 Court]

6 THE CLERK OF COURT: You may be seated.

7 [Whereupon, the witness takes the witness stand]

8 THE CLERK OF COURT: And for the record, please  
9 state your full name, spelling both your first and your  
10 last.

11 THE WITNESS: My full name is Gabriella Rairan.  
12 First name is G-A-B-R-I-E-L-L-A. The last name is  
13 Rairan, R-A-I-R-A-N.

14 - - - - -

15 GABRIELLA RAIRAN,

16 Having Been First Duly Sworn,

17 was Examined and Testified as Follows:

18 IN-CAMERA-DIRECT EXAMINATION

19 BY MS. SHEALY:

20 Q. Ms. Rairan, if you would please tell the Court where  
21 you're employed.

22 A. The Charleston County Solicitor's Office.

23 Q. In what capacity?

24 A. I'm a victim advocate.

25 Q. When there are cases in our office that have

State v Daquan J. Crummey & Denali D. White  
Gabiella Rairan-In-Camera-Direct Examination by Ms. Shealy  
March 11, 2020

1 Spanish-speaking victims or witnesses, are you typically  
2 assigned to those cases?

3 A. Yes, ma'am.

4 Q. And during the pendency of this case, have you had  
5 the occasion to speak to Dulce Martinez both on the phone  
6 and during interviews frequently?

7 A. Yes.

8 Q. If you would describe to the Court whether she ever  
9 needs your assistance in translating something that's  
10 been asked in English to Spanish so that she can  
11 understand.

12 A. Yes. In fact, even on the phone we'll have a  
13 conversation in English but she'll tell me she doesn't  
14 understand it and then we've gone to Spanish.

15 Q. You switched to Spanish?

16 A. Yes.

17 Q. And has this been an isolated event, or does this  
18 happen pretty regularly?

19 A. Well, our communication has been a lot recently, so  
20 I'd say regularly within the past two weeks or so.

21 Q. And over the past week, have you had more contact  
22 with her than you had along the way?

23 A. Yes.

24 Q. Since y'all have been in court, have you had to  
25 translate something for her?

1 A. Yes.  
2 Q. Answer any questions the defense may have.  
3 MR. SUMMA: Just briefly.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State v Daquan J. Crummey & Denali D. White  
Gabriella Rairan-In-Camera-Cross-Examination by Mr. Summa  
March 11, 2020

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

IN-CAMERA CROSS-EXAMINATION

BY MR. SUMMA:

Q. What percent of time would you say that you speak to her in English versus Spanish? Rough estimate is fine.

A. Rough estimate? Seventy-thirty. Seventy percent English, thirty percent Spanish.

Q. Okay. Do you talk to her in Spanish out of convenience because you both speak Spanish, that's your first language, or is it because there might be a difficulty in translation?

A. I would say that it's difficulty in translation. I mean, I leave it up to her discretion, whatever she wants to speak.

Q. Okay. Can you describe an example of when there was an issue? If you can't think of one, that's fine.

A. I can't think of one specifically, no.

Q. Okay.

MR. SUMMA: No further questions.



State v Daquan J. Crummey & Denali D. White  
Gabriella Rairan-In-Camera-Cross-Examination by Mr. Voigt  
March 11, 2020

1 into a courtroom sometimes is confronted with terms and  
2 expressions that are not used in any common language;  
3 right?

4 A. Sure.

5 Q. Thank you.

6 MR. VOIGT: No further questions, Your Honor.

7 MS. SHEALY: Your Honor, I'd ask that she be able to  
8 step down.

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

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MS. SHEALY: There is a statute, 17-1-50 that  
2 articulates that if necessary for the administration of  
3 justice, an interpreter should be provided. I think,  
4 obviously -- I don't know why it would be to anyone's --  
5 to anyone's detriment that she be able to understand the  
6 words comfortably before she answers.

7 And Ms. Rairan has indicated that thirty percent of  
8 the time she has to switch to the Spanish language to  
9 make sure that she understands. And I can assure you Ms.  
10 Rairan is not discussing with her legal concepts. It's  
11 the use of language. And we have an interpreter here.  
12 It causes no delay. The greatest delay has been this  
13 hearing. We'd be halfway through the materials now.

14 THE COURT: Well, I've done some quick research on  
15 this issue and I have found a case. It is State v.  
16 Rogers, 361 S.C. 178. It's a 2004 case. It dealt with  
17 an individual, a victim, who did not have an interpreter  
18 at the outset of the victim's cross-examination.

19 It became apparent that there were communication  
20 issues, and at that point the Court appointed an  
21 interpreter who was not qualified to -- and this was a  
22 hearing-impaired individual, the Court appointed an  
23 individual, so I guess to translate through sign language  
24 in that case, in the middle of the cross-examination.  
25 I guess I'm wrestling with two issues. One, the fact

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 that when she testified, she didn't express any  
2 difficulty in understanding what was going on. And then  
3 if she were to testify today and it became apparent that  
4 she was having trouble understanding, whether it would be  
5 proper to allow an interpreter to assist at that point.

6 It seems to me that this case, State v. Rogers, does  
7 allow for an interpreter to come in if the witness is  
8 having difficulty understanding what's going on. The  
9 Court found no error in the decision of the trial judge  
10 in that instance.

11 MS. SHEALY: May I respond to that briefly, Your  
12 Honor?

13 THE COURT: Sure.

14 MS. SHEALY: Here's my concern. We are then  
15 allowing her to be the arbiter of what she understands  
16 and what she doesn't understand in her second language.  
17 So in other words, she will hear something, assume she  
18 understands it, and then answer.

19 I mean, I just think the most precautionous thing to  
20 do is to allow her to have an interpreter in her native  
21 tongue translate from English to Spanish, because she may  
22 be answering something thinking she understands it and  
23 she got it wrong. You know, it would -- it would be only  
24 up to her to be able to figure out what she doesn't  
25 understand, Judge.

1 MR. SUMMA: Judge, this is the first time this has  
2 come up. We had a, it wasn't long ago we had a Biggers  
3 hearing. It was a very important hearing as to whether  
4 or not her identification was reliable. And there was no  
5 interpreter. Now the State is saying that she might not  
6 have testified correctly, perhaps.

7 She's never had an issue thus far. I think the real  
8 reason the State wants to bring in an interpreter is to  
9 try and explain away her, you know, her inconsistencies  
10 throughout this entire matter through -- using a language  
11 barrier.

12 MS. SHEALY: Your Honor, I ---

13 MR. SUMMA: --- so I don't -- you know, I respect  
14 her position, and I understand. But, you know, I just --  
15 it hasn't been necessary. I mean, we just had a very  
16 important hearing where it wasn't an issue. And so I  
17 don't think they've shown that it's necessary. I think  
18 they're showing that it might be useful.

19 MS. SHEALY: First of all, Your Honor, in addressing  
20 his argument, I really resent the fact that he thinks  
21 there's a manipulative effort behind ---

22 THE COURT: --- listen, listen, listen. I  
23 understand where it is. I don't -- I don't -- I  
24 understand where's he's coming from, I understand where  
25 you're coming from. I don't -- I don't need to hear the

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 personal feelings. We just need to get to the heart of  
2 this issue. And, you know, these are the type matters  
3 when I asked if there was anything before -- anything we  
4 needed to address before we brought the jury in, these  
5 are the kind of issues that I'm thinking about.

6 So and I know -- I know this is not anybody's fault,  
7 but these are the kind of things I'd like to address  
8 before we get started in the day. Mr. Voigt, do you want  
9 to be heard?

10 MR. VOIGT: Oh Judge, I actually agree with what Mr.  
11 Summa has said, and I would join in that. Perhaps it's  
12 not to cast dispersions, but there is no right of a  
13 victim to understand what a lawyer is asking them  
14 perfectly in any language that they speak.

15 I've been using people on purpose for twenty-five  
16 years. I intend to do it, no matter what they speak. I  
17 mean, I do it unintentionally, and sometimes I do it  
18 intentionally. But there's no right -- and it -- and I  
19 say that more just to be flippant than anything else.

20 But the -- what -- another -- the real problem I  
21 have with all interpreters is no one in this room, with  
22 the possible exception of two people behind the bar who  
23 were Spanish speakers, know the accuracy of the Spanish  
24 translation. When we make a court record, no matter how  
25 many times I've stumbled or used wrong words or interrupt

1 myself or go on digressions, our court reporter makes an  
2 exact, an exact transcription of whatever I say, whatever  
3 comes out of the witness' mouth. When we use a  
4 translator, no matter how qualified, no matter how well-  
5 intentioned, we lose that gap.

6         So the question that I ask often is not exactly the  
7 question that's translated. We allow that because we  
8 want greater communication. But clearly, some of these  
9 witnesses, that's necessary. I mean, it would be  
10 impossible to actually get any meaningful answers out of  
11 them if we were -- if I were to talk to them, or even if  
12 Ms. Shealy were to talk to them.

13         But every time a translator is used, there is --  
14 there's chaos in the system. And we can't catch it. I  
15 can't catch it, my three years of high-school Spanish  
16 can't catch it. And I would prefer -- because that -- I  
17 sat here through the Biggers hearing. I didn't seem to  
18 -- people always ask me to rephrase questions.

19         I didn't get any particular perception that she was  
20 -- that this witness was not understanding what I was  
21 saying, what Mr. Summa was saying, or what the State was  
22 saying. I think it was clear. I think it can be clear.  
23 And I'm done.

24         MS. SHEALY: Your Honor, I ---

25         THE INTERPRETER: --- I'm sorry to interrupt. This

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 interpreter is a certified interpreter and I stand a  
2 hundred percent by my interpretation in court. I  
3 understand that sometimes you have qualified interpreters  
4 or so-called qualified interpreters, and I understand Mr.  
5 Voigt's point. But I just want to put on the record that  
6 I stand by my interpretation throughout the trial and if  
7 there's any doubt ---

8 THE COURT: --- I don't have any question about your  
9 -- about your qualifications.

10 THE INTERPRETER: Thank you, Your Honor. Thank you,  
11 sir ---

12 THE COURT: --- I know you're a court-qualified  
13 interpreter. I'm just ---

14 THE INTERPRETER: Thank you, sir.

15 THE COURT: I'm just wrestling with protecting the  
16 victim's rights and protecting the rights of these two  
17 defendants and making sure that they receive a fair  
18 trial.

19 I'm going to follow the procedure that was used in  
20 this case, State v. Rogers. I'm going to ask the  
21 interpreter to stay and if it becomes apparent that there  
22 is any language barrier, I think that at that point in  
23 time we could have the interpreter sworn and have her  
24 assist. I just think that's a commonsense, practical way  
25 to handle this, unless the defense wants -- would rather

1 just go from the interpreter from the beginning.

2 MR. SUMMA: Court's indulgence.

3 [Whereupon, Mr. Summa and Ms. Norris confer]

4 MR. VOIGT: I've made up my mind that I prefer the  
5 Court's method --

6 THE COURT REPORTER: I'm sorry, Mr. Voigt. Repeat.

7 MR. VOIGT: I prefer the Court's method of handling  
8 this.

9 MR. SUMMA: Well, we would prefer if they want, you  
10 know -- I think that's better. I mean, I think that she  
11 understands English. I think she's been, like I said,  
12 English the entire time for two and a half years, up  
13 until this moment. With that being said, I don't want  
14 her to switch languages in the middle.

15 THE COURT: Alright. I think given the disagreement  
16 amongst the defense counsel, I think this record will  
17 likely be cleaner if we -- if we go -- and I know I'm  
18 reversing myself.

19 But since the one defendant would rather go one way  
20 or the other without a translator at all or with a  
21 translator the whole time, the State obviously wants and  
22 believes a translator is necessary, I think it is in the  
23 interest of justice and in the interest in making sure  
24 that both the State and defense receive a fair trial, and  
25 since the defendant -- or, excuse me -- the victim has

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 testified that English is her second language and that  
2 even though she appears to have a very good understanding  
3 of English and based on her testimony and the testimony  
4 of the victim's advocate that she does sometimes need  
5 assistance, I think in an abundance of caution, we'll --  
6 we will use the interpreter's services for her entire  
7 testimony.

8 MS. SHEALY: Thank you, Your Honor.

9 THE COURT: I assume -- while we've got the jury out  
10 of the room, I assume that this witness will be the  
11 witness that the Facebook photographs are offered  
12 through?

13 MS. SHEALY: Yes, Your Honor.

14 THE COURT: Okay. I know Mr. Summa had indicated  
15 that he was going to make a motion under 403 with regard  
16 to some of the photographs that were -- that were shown  
17 during the Biggers hearing yesterday, or two days ago,  
18 whenever it was.

19 I think it's probably a good use of our time, while  
20 the jury is out of the room, to take up those issues. If  
21 there's -- and I'm sure that there's going to be a motion  
22 made on the fact that multiple pictures are cumulative.  
23 So -- but if you -- if the three of you can come to some  
24 agreement on the Facebook photos that are agreeable to  
25 all of you, I would prefer that. So why don't y'all, Ms.

1 Shealy, if you'd get the Facebook photos that you intend  
2 to offer. If y'all would look at them together and see  
3 if y'all can come to an agreement. And I'm going to step  
4 off the bench for about five minutes.

5 MR. VOIGT: Can I just clarify something for the  
6 record?

7 THE COURT: Sure.

8 MR. VOIGT: Please note my exception to the Court's  
9 ruling. At this time, I'll renew my motion for a  
10 severance.

11 THE COURT: Your motion -- both motions are noted,  
12 both motions are preserved, and both motions are  
13 respectfully denied.

14 MR. VOIGT: Thank you, Your Honor.

15 THE COURT: And I'm going to take a recess until  
16 about 10:20. The Court is in recess.

17 [Whereupon, Court is in recess from 10:19 a.m. to  
18 10:30 a.m.]

19 THE COURT: Please be seated. Thank you.  
20  
21  
22  
23  
24  
25

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 MR. SUMMA: I recently told the State that I would  
2 agree to one of their photos. But upon second thought I  
3 really don't. Sorry.

4 THE COURT: So how many photos do we have that...

5 MR. COOPER: Judge, I think when we were still in  
6 the courtroom we had the ones we agreed to. Mr. Summa is  
7 indicating he's now changed his mind.

8 MR. SUMMA: I think this is the first time I  
9 suggested that -- my apologies.

10 [Whereupon, the State and defense counsel confer]

11 MS. SHEALY: Judge, if you'll just give me one  
12 moment to grab some water.

13 THE COURT: Sure.

14 MS. SHEALY: We thought we had it mostly worked  
15 out, but apparently that's changed since I went to the  
16 restroom.

17 [Whereupon, the State and defense counsel confer]

18 MS. SHEALY: We're waiting on one other copy to come  
19 back, but I think we can go ahead and...

20 [Whereupon, the State and defense counsel confer]

21 MS. SHEALY: Okay. Judge, State's Exhibit 55 that  
22 came in just for a court hearing ---

23 THE COURT: --- right ---

24 MS. SHEALY: --- okay? This is how it appears.

25 [Whereupon, Ms. Shealy provides photograph to the

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 Court]

2 MS. SHEALY: So that's State's 55, which is the  
3 Facebook page that Dulce Martinez snapshotted when she  
4 realized that was one of robbers. I then redacted it  
5 here, taking out what I had assumed they would think was  
6 offensive.

7 MR. VOIGT: Well, that's not ---

8 MS. SHEALY: --- actually, this is not the final  
9 copy of this. But we're getting it for you. We had to  
10 go run a color copy. I took out the money stuff at the  
11 bottom and whatever was at the top. The reason I need  
12 the second page is it reflects when she screenshotted it.

13 What I didn't see, because I literally didn't see  
14 it, on that picture right there it says trigger happy. I  
15 black-marked it and we've taken it to get a copy so it  
16 won't be so obvious that something had been -- it's my  
17 understanding Mr. Voigt did not have an objection to the  
18 redaction of this.

19 MR. VOIGT: I don't have an objection to the  
20 redacted copy of that.

21 MS. SHEALY: Okay. So...

22 THE COURT: Alright. So these were marked as 55 and  
23 56 --

24 MS. SHEALY: Oh. Okay.

25 THE COURT: Originally. So I guess the redacted

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 copy would need -- both would need to be 55 and 56, just  
2 so it's similar or ---

3 MS. SHEALY: Okay. Maybe what we could...

4 THE COURT: Would it throw your -- I don't want to  
5 throw the numbers off the ones that already got marked.  
6 So since ---

7 MS. SHEALY: --- I don't mind that, actually.

8 THE COURT: Since this is two pages, let's treat  
9 them as separate.

10 MS. SHEALY: May I make a suggestion, just to ---

11 THE COURT: --- sure ---

12 MS. SHEALY: --- just to throw it out there. Just  
13 so the record is clear later, and that will be known as  
14 the one that we've discussed in a hearing, we don't mind  
15 giving this a new number and it being 1, since it's 1 ---

16 MR. VOIGT: I have no objection to that.

17 MS. SHEALY: It might be clearer for the record. I  
18 just wish I had a stapler.

19 MR. VOIGT: Could you make it like 400 so it's...

20 THE COURT: Alright. So ---

21 MS. SHEALY: --- okay. That's that one ---

22 THE COURT: --- just so the record is clear, the two  
23 photographs, which will be re-marked as State's Number 1,  
24 the redacted copy presented to Mr. Voigt is going to be  
25 in without objection?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 MR. VOIGT: That's correct.

2 THE COURT REPORTER: Judge, we already have a  
3 State's 1. I mean, you know, on the original list, I  
4 know -- it hasn't been introduced, but it's a ---

5 MS. SHEALY: --- oh you're going to have to pick it  
6 up wherever we're finished labeling. Let me give you  
7 that number.

8 THE COURT REPORTER: Yes. I -- I think that would  
9 be confusing to give it a 1. We could -- Judge the last  
10 one they used, the last number they've used, was 82. So  
11 we ---

12 MS. SHEALY: --- so we'd make it ---

13 THE COURT REPORTER: --- could make it an 83.

14 MS. SHEALY: And we can refer to this as the  
15 Hikeyoungun Nali Facebook, two pages. It'll be what  
16 number again?

17 THE COURT REPORTER: It would be -- if that's okay,  
18 Judge, to do...

19 THE COURT: Whatever's best ---

20 MR. VOIGT: --- 83 ---

21 THE COURT: --- whatever is best for you to keep it  
22 ---

23 THE COURT REPORTER: --- Okay. 83.

24 MR. VOIGT: 83?

25 THE COURT REPORTER: I think that's cleaner than

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 trying to go back and change something that's already  
2 been...

3 MR. VOIGT: I'll stipulate to 83.

4 THE COURT REPORTER: 83. Okay.

5 THE COURT: Thank you, Mr. Voigt.

6 THE COURT REPORTER: And that's Runacheckup Youngn?

7 Is that ---

8 MS. SHEALY: --- Judge ---

9 THE COURT: --- no. This is Hikeyoungin Nali, is  
10 how it's...

11 MR. VOIGT: Just like it sounds.

12 THE COURT: H-I-K-E-Y-O-U-N-G-I-N space capital N-A-  
13 L-I. Capital N.

14 THE COURT REPORTER: Thank you. And that's 83?

15 THE COURT: It's going to be 83.

16 THE COURT REPORTER: Are you introducing it now, or  
17 are we waiting until later?

18 THE COURT: It's going to be -- it's going to come  
19 in without objection, but she'll offer it.

20 THE COURT REPORTER: She'll offer it.

21 [Whereupon, State's Exhibit Number 83 is marked for  
22 identification by the court reporter]

23 MS. SHEALY: Judge, I'm going to ask a question to  
24 see if I can get some direction from the defense  
25 attorneys.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 THE COURT: Sure.

2 MS. SHEALY: I've got a host of officers out there.  
3 If they think they're going to be kind of lengthy with  
4 Dulce after I finish with her, we think we're not going  
5 to get any further than that, I would like to send them  
6 and have them come back at whatever time you suggest.

7 MR. SUMMA: I guess my cross would be twenty  
8 minutes, maybe. I don't know what -- I don't know what  
9 matters -- or at least our side.

10 MS. SHEALY: Well, we'll ---

11 THE COURT: --- well, it seemed to me like the  
12 Biggers hearing took -- seemed like it took about forty-  
13 five minutes. So if -- certainly, you'll go into a  
14 little more detail in terms of the facts in front of the  
15 jury. It's 10:34 now. I can't imagine that we would be  
16 finished with her before noon.

17 So, if we finish around noon, we'll break for lunch  
18 and then we can start back up. And I don't see how we --  
19 I don't see how we won't get close to noon before --  
20 especially with -- the interpreter is going to make  
21 things take a little bit longer. So I think that's fine.

22 MS. SHEALY: Okay. Thank you. And I guess the  
23 earliest we could -- I just want to make sure they're  
24 here -- so the earliest probably would be?

25 THE COURT: If we break at -- if we break at noon,

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 the earliest we would come back is 1:30.

2 MS. SHEALY: Okay. So the next one...

3 [Whereupon, Mr. Cooper and Ms. Shealy confer]

4 MS. SHEALY: Okay. There's a similar one, Judge,  
5 with Mr. Crummey's Facebook account. We are waiting for  
6 it to come back with the back sheet prepared. And I can  
7 get Mr. Summa to look at it again. I think at one point  
8 he was going to agree, and I think he's changed his mind.

9 But, similarly, I took out something that had a  
10 bunch of money and other items from the bottom. And then  
11 there's a back page that I also took something out, but  
12 it does have the time and date that Dulce screenshotted  
13 it.

14 THE COURT: Mr. Summa, what do you say about this  
15 proposed photograph?

16 MR. SUMMA: Well, she's obviously going to testify  
17 that she found it on Facebook. We're not contesting that  
18 she found it on Facebook. I think there's an implication  
19 here.

20 I think the jury is going to look at it, see that  
21 has money, and just imply that, oh, that's the money or  
22 something like that. And obviously there's money  
23 involved in this case. But, you know, I just don't -- I  
24 just think the probative is very low. I think there's a  
25 danger of unfair prejudice when you have the defendant

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 with a bunch of cash that is not being offered to show he  
2 has the cash.

3 THE COURT: Well, in this -- in this photograph,  
4 there are two individuals. Someone tell me which is --  
5 which is purportedly Mr. Crummey?

6 MR. SUMMA: On the left.

7 THE COURT: On the left?

8 MS. SHEALY: The tall -- I'm sorry.

9 THE COURT: Well, he -- the individual standing  
10 beside him is actually holding the money. Mr. Crummey  
11 has a cell phone, apparently -- well, yeah, that's a cell  
12 phone.

13 MR. SUMMA: He's holding money up as if it were a  
14 cell phone.

15 MS. SHEALY: But, Judge, I mean, obviously for I.D.  
16 purposes, she's looking at a picture ---

17 THE COURT: --- well, and if she can testify that  
18 this is the picture that she saw, and it's been redacted  
19 to take out any obviously really unduly prejudicial  
20 information, I'm going -- assuming she testifies that  
21 this is what she saw when she you know, lays the  
22 appropriate foundation, I don't see anything inherently  
23 unduly prejudicial with this photograph and I would be  
24 inclined to let it in. And I'll note your objection.

25 MR. SUMMA: Thank you.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 MS. SHEALY: Thank you, Judge.

2 THE COURT: So that would be 84.

3 MS. SHEALY: Is that right, Daniel?

4 MR. COOPER: 84. Yes.

5 THE COURT REPORTER: What number?

6 MS. SHEALY: 84.

7 THE COURT REPORTER: New number? And tell me again  
8 what that is. That's a...

9 MS. SHEALY: It is a Facebook posting with the name  
10 -- you might want to put this in. It's Runa --

11 THE COURT REPORTER: Runacheckup Youngn.

12 [Whereupon, State's Exhibit Number 84 is marked for  
13 identification by the court reporter]

14 [Off the record momentarily]

15 MS. SHEALY: Okay. This is also found on Mr.  
16 Crummey's Facebook. Dulce Martinez saw the picture and  
17 realized it was the two guys. She makes a screenshot of  
18 it on July 27th.

19 MR. VOIGT: I think there are two problems with that  
20 photograph and why they're -- it's more prejudicial than  
21 probative. One is the hand gestures that my client is  
22 making, which are nonstandard hand gestures that may be  
23 interpreted as either invitations to violence or gang  
24 signs. I think there is also, in that particular  
25 picture, the short man, the one crouching, is holding

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 what appears to be a Black & Mild or a blunt of some  
2 sort, which may give rise to an inference that they're  
3 smoking dope or doing drugs or something otherwise  
4 improper.

5 MS. SHEALY: Responding to that, Judge, it's a  
6 picture he chose to put on Facebook. That's no more a  
7 drug than it is a cigarette. Let's just say they thought  
8 it was marijuana. Marijuana compared to a burglary  
9 first, two assaults, and armed robbery ---

10 MR. VOIGT: --- my client didn't chose to put that  
11 on Facebook. That's not from my client's Facebook. Am I  
12 right?

13 THE COURT: I think ---

14 MS. SHEALY: That's correct. It's from the other.

15 THE COURT: Go ahead, Mr. Summa.

16 MR. SUMMA: Excuse me. Right. I just don't --- I  
17 don't see the probative value of it. I mean, she's going  
18 to testify. There's going to be already one on Facebook  
19 at this point. I mean, they're making signs, there's --  
20 you know, what the jury will assume is a marijuana  
21 cigarette in that -- it's not a drug case.

22 But it's just going to -- what they're going to  
23 gather from that is, oh, these guys are bad guys, look at  
24 them making bad signs and using drugs. It's going to --  
25 it's not going to help any fact or issues.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 THE COURT: Well, I think the probative value is  
2 that it shows that these two individuals know each other.  
3 It is something that is on Facebook for the world to see.

4 I'm going to allow this photo. But I will stress to  
5 the prosecution don't talk about any -- don't refer to  
6 any what may be gang signs, don't refer to any marijuana.  
7 I think the jury ---

8 MS. SHEALY: --- I do not intend to.

9 MR. SUMMA: The jury can -- the jury will have to  
10 make their own determination of what they think is  
11 occurring in this photograph. But I think the probative  
12 value does outweigh the prejudicial effect and I'm going  
13 to allow this photo, along with the timestamp. And I  
14 believe that would be State's 85.

15 And I will note both defense counsel's objection and  
16 respectfully overrule your objections.

17 [Off the record momentarily]

18 [Whereupon, State's Exhibit Number 85 is marked for  
19 identification by the court reporter]

20 MS. SHEALY: And then the final one, Judge, which  
21 was previously marked as State's Exhibit 53 for I.D. came  
22 from Mr. Crummey's account. Dulce Martinez screenshotted  
23 it -- not screenshot it -- on July 29th.

24 THE COURT: Okay. What is the probative value of  
25 this one?

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 MS. SHEALY: She indicates that he had a hat on and  
2 she will describe that's how his hat was on, slightly to  
3 the side like that. You will notice that when you look  
4 at that Judge that his head right -- if you were just  
5 looking at the top of his head, it would look like a  
6 curved hairstyle.

7 And the defense, as they have indicated, and intend  
8 to present a witness who says that the hair looked  
9 differently than how Ms. Martinez explains it. Also,  
10 they have made a big deal about the fact that he had the  
11 wild dread things at the top.

12 When he has a hat on, you cannot see those. And so  
13 I think it's valuable for the jury to see how he sports a  
14 hat, how he wears a black hat, you can't see the top of  
15 his head.

16 THE COURT: Let me see the first photo of the -- I  
17 guess the front page of his Facebook.

18 MS. SHEALY: This one is blue, so it does not have  
19 the same effect as the black one.

20 [Whereupon, Ms. Shealy proffers photograph to the  
21 Court]

22 MR. SUMMA: Judge, may I see that at some point,  
23 too, Judge --

24 THE COURT REPORTER: I can't hear you, Mr. Summa.

25 MR. SUMMA: Oh. I was requesting ---

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 THE COURT REPORTER: --- if you were -- if you were  
2 speaking, I can't hear you. If you were speaking, I  
3 can't hear you.

4 [Whereupon, counsel confer]

5 THE COURT: Mr. Summa, I assume you want to be heard  
6 on this.

7 MR. SUMMA: Yes. I guess they're trying to show how  
8 -- I mean, the two different photos are wearing it  
9 differently, two different types of color hat. I mean, I  
10 think that photo is from 2015. I don't know if the State  
11 is going to present evidence of when that photo was  
12 actually taken or when it was posted on Facebook  
13 originally.

14 Again, I don't think the probative value is -- at  
15 all. I think it's prejudicial because it shows making a  
16 gang sign again. The State is not alleging that Mr.  
17 Crummey is in a gang. I think it's just being offered --  
18 it just makes him look bad. I don't know if it's  
19 probative at all.

20 MS. SHEALY: Judge, I don't -- if I could take a  
21 look at it. I don't know if I could -- I don't care  
22 about the gang signs. I could redact it. I don't know  
23 if I can, though.

24 MR. SUMMA: Who would we get to redact it?

25 MS. SHEALY: Well, I don't know. We could put a

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 white strip right there [indicates]. Do a -- like, you  
2 know, do it like evenly...

3 MR. VOIGT: And draw an arrow pointing to the white  
4 strips so they would know not to concentrate.

5 MS. SHEALY: Well, or you could make it look like a  
6 piece of paper; it's just that the margin would be  
7 further.

8 MR. SUMMA: I just don't see the probative value of  
9 it.

10 MS. SHEALY: I think it's very important here,  
11 Judge, because...

12 MR. SUMMA: Do we know when it was taken or when it  
13 was -- like when that was posted?

14 MS. SHEALY: Doesn't really matter, does it? I  
15 mean, that's how he looks if he has a hat on his head,  
16 whether it was taken two minutes before ---

17 MR. SUMMA: --- well, the issue what ---

18 MS. SHEALY: --- or three years before ---

19 MR. SUMMA: --- the issue is what these guys looked  
20 like back on July 23rd, 2017. If that photo is from  
21 years before, I mean, how many guys are on Facebook  
22 wearing black hats between 2015 and 2017?

23 MS. SHEALY: All that's ripe for cross-examination.

24 [Whereupon, all counsel confer]

25 THE COURT: If she can testify that that was the way

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 he was wearing the hat when he came into the -- or when  
2 he allegedly came into the residence that evening or that  
3 afternoon, I do not -- I don't like the -- I wouldn't  
4 want you to redact the -- his hands out of the photo.  
5 But I'm not going to state that this is admissible.

6       Assuming she can lay the appropriate foundation and  
7 tie it factually to what occurred on the day of the  
8 incident, I do think there's probative value in it. I  
9 think if you can redact it, it is not -- and get these --  
10 get his hands out of the photo, it would not be removing  
11 those what could be considered gang symbols would go to  
12 the probative value outweighing the prejudicial effect.

13       So assuming she can -- she can lay the foundation,  
14 I'm going to reserve judgment on that. But I would like  
15 it redacted to take his -- to take his hands out.

16       MS. SHEALY: Okay.

17       THE COURT: Alright?

18       MS. SHEALY: I'll get -- give some instruction about  
19 that.

20       THE COURT: Yes.

21       THE COURT REPORTER: And to be clear, what number  
22 would that be?

23       MS. SHEALY: It would be ---

24       MR. COOPER: --- it will be 85.

25       MS. SHEALY: --- 85.

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 THE COURT REPORTER: That's still the same one we've  
2 been talking about?

3 THE COURT: No, no, no, no, no, no, no. That would  
4 be -- that would be 86. I've got 85.

5 THE COURT REPORTER: Okay. Thank you. That's why  
6 I'm asking. So that will be 86.

7 [Whereupon, State's Exhibit Number 86 is marked for  
8 identification by the court reporter]

9 [Off the record momentarily]

10 MS. SHEALY: Okay. Judge, if you'll just indulge us  
11 just a moment just to make sure we've got -- so I'm going  
12 to return State's 55 because it was a Court's exhibit,  
13 only.

14 [Off the record momentarily]

15 MS. SHEALY: You're wanting us to get started before  
16 all that gets back, or do you want us to get it all  
17 settled?

18 THE COURT: I would -- I mean, are there -- are  
19 there going to be any other photographs that are Facebook  
20 related that...

21 MS. SHEALY: No, sir.

22 THE COURT: Alright. So any other ---

23 MS. SHEALY: --- the only thing I'm nervous about is  
24 I'm delegating on delegating. And, so I would like to  
25 see them, even if we just take a second. But Mr. Cooper

State v Daquan J. Crummey & Denali D. White  
Motion to Suppress Photographs  
March 11, 2020

1 could probably check it for us. I just don't want to  
2 present it and then there be a problem.

3 THE COURT: I want to -- I want to bring the jury  
4 back in no later than 11:00. So if we could -- we can  
5 get the photos ready so there won't be ---

6 MS. SHEALY: --- Mr. Cooper is going to go ---

7 THE COURT: --- anymore stops and starts, that would  
8 be fine.

9 [Whereupon, all counsel confer]

10 THE COURT: Well, I think at this point, any other  
11 photographic evidence from the Facebook pages -- I mean,  
12 unless there is some specific -- some specific relevance  
13 to what occurred on the day of this home invasion, I  
14 think any other photos for identification purposes would  
15 be cumulative evidence at this point.

16 So I commend both parties -- or commend the State  
17 for not offering any more because I think -- I think it  
18 would -- we would be getting into cumulative evidence  
19 that wouldn't serve any real -- any real relevant  
20 purpose. So we're going to stand at ease until eleven  
21 o'clock and we will bring the jury back in at that time.

22 MS. SHEALY: Thank you, Your Honor.

23 THE COURT: Court is in recess.

24 [Whereupon, Court is in recess from 10:56 a.m. to  
25 11:04 a.m.]

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 THE COURT: Please be seated.

2 MS. SHEALY: Judge, we've had another issue arise.  
3 The interpreter has reminded me that she when initially  
4 committing to be able to be here, would only be available  
5 until 1:30 today.

6 THE COURT: Okay.

7 MS. SHEALY: She can come back at -- what time?

8 THE INTERPRETER: 4:00.

9 MS. SHEALY: 4:00.

10 THE INTERPRETER: Your Honor, I'm writing a couple  
11 of colleagues of mine just in case they are available to  
12 come and relieve me after 1:30.

13 THE COURT: Well, is Ms. Dulce Martinez the last  
14 witness who needs an interpreter?

15 MS. SHEALY: Yes.

16 THE COURT: Okay. So if we start now, I'd hope we  
17 would be finished with her testimony by one o'clock.

18 Madam Interpreter, will that give you enough time to  
19 get where you need to be?

20 THE INTERPRETER: Yes, sir. If I'm -- I'm happy to  
21 stay until even 1:15.

22 THE COURT: Okay. Well, let's ---

23 THE INTERPRETER: --- absolutely.

24 THE COURT: Okay. Anything else before we bring the  
25 jury in?

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 MS. SHEALY: One thing is we're trying to find the  
2 actual lineups, Judge. The court reporter does not have  
3 them.

4 [Off the record momentarily]

5 THE COURT: We've found the actual physical lineup  
6 pages. The disk, we have the disk.

7 THE COURT REPORTER: The law clerk has -- their  
8 person has the disk. He came up and got it. I thought  
9 they had it.

10 THE COURT: Alright.

11 MS. SHEALY: Okay. So just in an abundance of  
12 caution I'm going to just show this to the defense.

13 [Whereupon, counsel confer]

14 THE COURT REPORTER: So are you marking this as the  
15 next?

16 MS. SHEALY: Yes. Judge, the two lineups that were  
17 previously marked as Court's Exhibits, can I just put on  
18 the record they were previously 6 and -- or, can I just  
19 do that now?

20 THE COURT: Just go ahead and -- just go ahead and  
21 mark them as the next State's.

22 THE COURT REPORTER: 87.

23 MS. SHEALY: So Court's Exhibit Number -- previously  
24 marked as Number 6 is now Number 87, and Court's Exhibit  
25 Number 7 is now Number 88.

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 [Off the record momentarily]

2 [Whereupon, State's Exhibit Numbers 87 and 88 are  
3 marked for identification by the court reporter]

4 [Off the record momentarily]

5 MS. SHEALY: Judge, the State is ready.

6 MR. SUMMA: We're ready, Judge.

7 THE COURT: Mr. Voigt, are you ready?

8 MR. VOIGT: I am, Your Honor.

9 THE COURT: Thank you, sir. Bring us the jury,  
10 please.

11 [Whereupon, the jury enters the courtroom at 11:11  
12 a.m.]

13 THE BAILIFF: Your Honor, the jury is complete.

14 THE COURT: Thank you, ladies and gentlemen. And I  
15 certainly appreciate your patience with us while we deal  
16 with these legal matters, but we are now in a position to  
17 resume the State's case. Ms. Shealy?

18 MS. SHEALY: Thank you.

19

20

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 MS. SHEALY: Ms. Martinez, if you'll come back to  
2 the stand, and Madam Interpreter.

3 [Whereupon, Ms. Martinez comes forward]

4 [Whereupon, Ms. Martinez is duly sworn by the Clerk  
5 of Court]

6 THE CLERK OF COURT: Please be seated.

7 [Whereupon, the witness takes the witness stand]

8 - - - - -

9 DULCE Y. MARTINEZ-GARCIA,

10 Having Been First Duly Sworn,

11 was Examined and Testified as Follows:

12 DIRECT EXAMINATION

13 BY MS. SHEALY:

14 Q. I'm going to call you Dulce. Is that okay?

15 A. [Through the interpreter] Yes, ma'am.

16 Q. Just to start off, you had asked for the assistance  
17 of an interpreter?

18 A. [Through the interpreter] Yes.

19 Q. But you can speak a lot of English; is that correct?

20 A. [Through the interpreter] Correct.

21 Q. Tell us how old you are now.

22 A. [Through the interpreter] Eighteen.

23 Q. And how long have you lived in the United States?

24 A. [Through the interpreter] Approximately six and a  
25 half years.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. Are you in school currently?

2 A. [Through the interpreter] Yes.

3 Q. And what grade are you in?

4 A. [Through the interpreter] Twelfth grade of high  
5 school.

6 Q. Okay. When you were in ninth grade, where did you  
7 go to school?

8 A. [Through the interpreter] Stahl High School.

9 Q. And focusing your attention, then, back to June --  
10 or excuse me -- July 23rd of 2017 tell the jury where you  
11 -- where you were that morning.

12 A. [Through the interpreter] I was at Mr. Alberto's  
13 house.

14 Q. And how did you know Mr. Alberto?

15 A. [Through the interpreter] He was a good friend of  
16 my dad's.

17 Q. Had you been there previously?

18 A. [Through the interpreter] Yes.

19 Q. And had you ever gone over there with your father?

20 A. [Through the interpreter] Yes.

21 Q. Now, how old were you in July of 2017?

22 A. [Through the interpreter] I had just turned  
23 sixteen.

24 Q. How did you get to Mr. Alberto's that morning?

25 A. [Through the interpreter] My uncle took me.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. And, in general, was Alberto's a safe place for you  
2 to go?

3 A. [Through the interpreter] Yes.

4 Q. When you first got there, who else was there?

5 A. [Through the interpreter] At that moment there was  
6 only Miss Lucia, Mr. Alberto, and myself.

7 Q. Okay. And did others join you?

8 A. [Through the interpreter] Of course.

9 Q. And who was that?

10 A. [Through the interpreter] Mr. Gilberto and Mr. Rey.

11 Q. Did you eat while you were over there?

12 A. [Through the interpreter] Yes.

13 Q. Did you have your phone with you that day?

14 A. [Through the interpreter] Yes.

15 Q. And is that the same phone that you still have?

16 A. [Through the interpreter] It's not the same  
17 cellular, but it's the same number.

18 Q. Okay. What was your telephone number?

19 A. [Through the interpreter] It's 843-642-0580.

20 Q. After eating, what were your plans?

21 A. [Through the interpreter] My cousin was supposed to  
22 pick me up. And then go home.

23 Q. And had your cousin ever been over there before?

24 A. [Through the interpreter] No. He only -- this was  
25 the first time that he was coming on vacation from

1 California.

2 Q. Okay. How did he know how to get there? What were  
3 you having to do to tell him?

4 A. [Through the interpreter] I sent him the address  
5 but since he got lost, he was calling me to find the  
6 house.

7 Q. Okay. At any point, do you go somewhere in the  
8 trailer to see if you see him coming?

9 A. [Through the interpreter] Yes. I went to the  
10 window in the front of the kitchen to see if I could see  
11 him.

12 Q. Okay. I'm showing you State's Exhibit 13. And  
13 it'll come up on the screen.

14 [Whereupon, the photograph is published]

15 Q. Is that window depicted in that photograph?

16 A. [Through the interpreter] Yes.

17 Q. And from the inside, showing you State's Exhibit 19,  
18 can you tell us whether that window is depicted in that  
19 photograph?

20 A. [Through the interpreter] Yes. At that time, it's  
21 blocked with a piece of wood. But that's -- it's right  
22 there. It's like a cutting board for vegetables.

23 Q. Oh. Show us -- show us where you're talking about.

24 A. [Witness complies]

25 Q. Oh. That's a cutting board in front of the window?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Yes.

2 Q. When you approached the window, were you able to  
3 look out?

4 A. [Through the interpreter] Yes.

5 Q. How did you do it if the cutting board was there?

6 A. [Through the interpreter] It was not there. It was  
7 not there because he had just washing it.

8 Q. Okay. He was washing it while you approached the  
9 window?

10 A. [Through the interpreter] It was her, Miss Lucy.

11 Q. Was cleaning ---

12 A. [Through the interpreter] Yes.

13 Q. When you looked -- I'm sorry. When you looked  
14 outside the window, could you tell the jury if anything  
15 struck your attention?

16 A. [Through the interpreter] Yes.

17 Q. What drew your attention?

18 A. [Through the interpreter] The two guys walking like  
19 about a road on the other side.

20 Q. And when you say about a road on the other side,  
21 what do you mean?

22 A. [Through the interpreter] On the other side of the  
23 trailer park.

24 Q. Okay. When you say the other side of the trailer  
25 park, are there several roads that run through the

1 trailer park?

2 A. [Through the interpreter] Yes. There are three.

3 But where the trailer was, it was in the center one and  
4 there was -- on the other side there was the other row  
5 -- road.

6 Q. Okay. Showing you what's been marked as State's  
7 Exhibit 9.

8 [Whereupon, the photograph is published]

9 Q. I'm not sure if you can tell where the trailer is,  
10 but could you tell us what area the trailer was in?

11 A. [Through the interpreter] Yes. The trailer we were  
12 in was this one [indicates].

13 Q. And where did you see the two guys?

14 A. [Through the interpreter] Approximately, if you  
15 look at the window on the side, you could see them  
16 walking on the other side.

17 Q. Okay. And could you describe whether they were  
18 similarly tall or if there was a difference between them?

19 A. [Through the interpreter] No. One of the boys was  
20 taller and the other one was a little bit shorter, about  
21 a head shorter.

22 Q. Okay. And could you recognize them, or did you  
23 recognize them, from where you were?

24 A. [Through the interpreter] Yes.

25 Q. Where did you recognize them from?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] One of them I had seen  
2 before in front of the auto shop where my dad used to  
3 work in -- on Dorchester.

4 And the other one, I have seen him before at school.  
5 Or the way I thought, I thought I had seen him before in  
6 school.

7 Q. So they looked familiar?

8 A. [Through the interpreter] Yes.

9 Q. You indicated your father worked at a shop on  
10 Dorchester Road?

11 A. [Through the interpreter] Yes.

12 Q. Tell us what -- you may have already said it, but if  
13 you didn't, what ethnicity were they?

14 A. [Through the interpreter] The boys?

15 Q. Yes.

16 A. [Through the interpreter] African-American.

17 Q. What did you do after you looked out the window?  
18 Did you see your cousin at all?

19 A. [Through the interpreter] No. I mean, it seemed  
20 strange for me to see them, so I simply came back and sat  
21 down.

22 Q. Okay. And when you say it was strange to see them,  
23 had you ever seen them at the trailer park before?

24 A. [Through the interpreter] No. That's why I thought  
25 it was strange.

1 Q. Are there many black families that live in that  
2 trailer park that you know of?

3 A. [Through the interpreter] Right there where I  
4 normally was, I would see like maybe -- maybe one person  
5 or two people walking around, but not them.

6 Q. Okay. When you went away from the window, what area  
7 of the trailer did you go to?

8 A. [Through the interpreter] I went to sit in the area  
9 of the -- of the kitchen; or the dining room, rather.

10 Q. And did something draw you to the front door?

11 A. [Through the interpreter] I heard the knock, yes,  
12 and so I thought it was my cousin so I went to open the  
13 door.

14 Q. Okay. And tell the jury, if you would, is there an  
15 area on that door that allows you to see outside?

16 A. [Through the interpreter] Yes.

17 MS. SHEALY: Beg the Court's indulgence just a  
18 moment.

19 THE COURT: Yes, ma'am.

20 [Whereupon, Ms. Shealy views photographs]

21 Q. [Ms. Shealy] Okay. So I'm showing you State's 32.

22 [Whereupon, the photograph is published]

23 A. [Through the interpreter] Okay.

24 Q. --- Will you -- there the door is open; is that  
25 right?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Yes.

2 Q. Okay. And showing you State's Exhibit 24.

3 [Whereupon, the photograph is published]

4 Q. In that photograph, is that how the door appears  
5 when it's closed?

6 A. [Through the interpreter] Correct.

7 Q. From the inside, showing you State's Exhibit Number  
8 16 -- well, hold on; I'm sorry. Let's stay there. Show  
9 us, if you would, where in that diamond shape you can see  
10 out onto the front stoop.

11 A. [Through the interpreter] Under this piece of tape  
12 [indicates].

13 Q. And then from inside, State's Exhibit 16.

14 [Whereupon, the photograph is published]

15 Q. Show us where -- can you see the doorknob for the  
16 door in that photograph?

17 A. [Through the interpreter] Yes.

18 Q. Will you point that out for us?

19 A. [Witness complies]

20 Q. Tell us how -- what happened once they came in and  
21 how they came in.

22 A. [Through the interpreter] When I stood up because I  
23 heard the knock, I held the doorknob -- well, I was  
24 thinking it was my cousin, so I opened it a little bit.  
25 But when I looked through the little piece of window that

1 you can see through, I saw that it was them and so I got  
2 scared and I pulled the door in. But I think they saw me  
3 doing that and I think they pulled it stronger.

4 Q. What happened after they pulled it stronger?

5 A. [Through the interpreter] They went in and they  
6 took their weapons out of their pants.

7 Q. When you say they took their weapons out of their  
8 pants, can you stand up -- stand up and show us? Just  
9 where you are.

10 A. [Witness complies]

11 A. [Through the interpreter] Yes. When he was like  
12 this [indicates] he just opened his jacket and took it  
13 out like this.

14 Q. Which one was that?

15 A. [Through the interpreter] Both of them.

16 Q. Okay. When they took the guns out of their pants,  
17 what did they do with them? You can sit back down.

18 [Whereupon, the witness complies]

19 A. [Through the interpreter] They started pointing it  
20 at us.

21 Q. [Ms. Shealy] And when you say at us, who all are  
22 you talking about?

23 A. [Through the interpreter] I'm talking about Mr.  
24 Alberto, Mr. Rey, Mr. Gilberto, Miss Lucia, and myself.

25 Q. When they were pointing the gun, can you show us how

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 they were pointing their guns towards y'all?

2 A. [Through the interpreter] They were only doing like  
3 this [indicates].

4 Q. Okay. And what kind of clothing did they have on?

5 A. [Through the interpreter] Mostly, the taller one,  
6 he was dressed completely in black and he had a -- a hat.

7 Q. Okay. And what type of hat are you talking about?

8 A. [Through the interpreter] Like the baseball type.

9 Q. Could you tell us how it was on his head?

10 A. [Through the interpreter] Turned around.

11 Q. Did the shorter one have a hat on?

12 A. [Through the interpreter] Not that I remember.

13 Q. And what kind of clothing did the shorter one have  
14 on?

15 A. [Through the interpreter] He had a grey t-shirt and  
16 like a short or pants that were black.

17 Q. Describe for us, once they're in there, once they've  
18 got the guns out, what then happens.

19 A. [Through the interpreter] They started like  
20 demanding the money.

21 Q. What were they saying?

22 A. [Through the interpreter] That we should give them  
23 all the money and to put all of the money on the table.

24 Q. And were you the only English-speaking person of  
25 your friends?

1 A. [Through the interpreter] Yes.

2 Q. What, if anything, did you do to communicate to the  
3 others?

4 A. [Through the interpreter] I had to interpret  
5 everything that the young men were saying.

6 Q. And you told your friends?

7 A. [Through the interpreter] Sadly, yes.

8 Q. Did you have any money on you?

9 A. [Through the interpreter] Yes.

10 Q. And what did you do with your money?

11 A. [Through the interpreter] I took it off my pants  
12 and put it on the table.

13 Q. Did you see what the others were doing?

14 A. [Through the interpreter] The rest of them were  
15 taking their money out.

16 Q. Was anything else asked of y'all to put on the  
17 table?

18 A. [Through the interpreter] Well, before the money,  
19 it was the cell phones.

20 Q. So cell phones first, and then money?

21 A. [Through the interpreter] Yes.

22 Q. Could you tell where anyone else was getting their  
23 money from?

24 A. [Through the interpreter] Yes. Mr. Gilberto was  
25 taking money out of his pockets, and also from the pocket

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 that he had in his t-shirt. And Mr. Rey took out only  
2 the money that he had in his pockets of his pants and in  
3 his wallet. And Miss Lucy, they took the money that she  
4 had in her skirt.

5 Q. What do you mean they took it from her skirt?

6 A. [Through the interpreter] They put their hand in  
7 her pocket.

8 Q. Did you see how much money came out of hers?

9 A. [Through the interpreter] No.

10 Q. And did you already tell us about Mr. Gilberto?

11 A. [Through the interpreter] Yes. But not about Mr.  
12 Alberto.

13 Q. You did not see what happened with Mr. Alberto?

14 A. [Through the interpreter] Yes. Alberto was the  
15 first one that took the money out of his t-shirt and out  
16 of his pants.

17 Q. As y'all were putting your money on the table, could  
18 you tell the jury what were the two guys saying to y'all?

19 A. [Through the interpreter] To give them all their  
20 damn money.

21 Q. Did they appear to be satisfied from what y'all put  
22 on the table?

23 A. [Through the interpreter] No. Every time that we  
24 would give them -- well, I mean, we gave them all the  
25 money and they were demanding more.

1 Q. Okay. If you would, tell us whether they gave you  
2 any instruction as to how to position yourself.

3 A. [Through the interpreter] Yes. They were  
4 threatening us with their weapon and they told us to get  
5 on our knees.

6 Q. At any point prior to that, had anybody been hurt by  
7 the intruders?

8 A. [Through the interpreter] Yes.

9 Q. Can you describe that for us?

10 A. [Through the interpreter] Yes. They struck Mr.  
11 Alberto on his right eye.

12 Q. And what else happened?

13 A. [Through the interpreter] After we were already on  
14 our knees, the taller man went to search the house.

15 Q. They told what? I'm sorry.

16 A. [Through the interpreter] The taller man went to  
17 search the house.

18 Q. Okay. When he went to search the house, what was  
19 the position of the five of you and the short guy?

20 A. [Through the interpreter] Well, we were all very  
21 anxious, and I was just telling my friends not to be  
22 afraid. And at that time, the shorter one was telling us  
23 not to move and he was pointing us his gun.

24 Q. At any point, did the taller man go into the kitchen  
25 area?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Yes.

2 Q. At any point, did either of the guys tell you to  
3 tell the others something?

4 A. [Through the interpreter] Yes. He even said for us  
5 to all turn around so that we can look towards the wall.

6 Q. Who said that?

7 A. [Through the interpreter] The taller young man.

8 Q. And did you then tell the others?

9 A. [Through the interpreter] Yes.

10 Q. At any point, does either of the persons approach  
11 you and harm you?

12 A. [Through the interpreter] Yes. The taller young  
13 man took me by the hair and hit me in the right side of  
14 my head.

15 Q. And when you say hit you, can you demonstrate that  
16 on your own head? Would you stand up for us?

17 A. [Through the interpreter] Yes.

18 [Whereupon, the witness complies]

19 A. [Through the interpreter] He hit me like this  
20 [indicates] with the tip of the weapon.

21 Q. On the back of your head?

22 A. [Through the interpreter] Yes.

23 Q. You can sit back down.

24 [Whereupon, the witness complies]

25 Q. Did that -- did that break the surface, or did it

1 not bleed?

2 THE INTERPRETER: I'm sorry. Could you repeat?

3 Q. [Ms. Shealy] Did that break the surface, or did it  
4 not bleed?

5 A. [Through the interpreter] No. It just got like  
6 swollen, and then I had a very strong headache.

7 Q. Okay. Now, you've indicated that they hit Mr.  
8 Alberto once. Did the occasion come that he got hit  
9 again?

10 A. [Through the interpreter] Yes.

11 Q. And when did that happen, as you remember?

12 A. [Through the interpreter] That was when they had  
13 already found the wallet in his t-shirt. They hit him in  
14 the other eye.

15 Q. Hit him in another eye?

16 A. [Through the interpreter] Yes.

17 Q. Would you describe for the jury whether they were  
18 using soft or loud voices while they were inside?

19 A. [Through the interpreter] Very high and more than  
20 anything aggressive voices.

21 Q. And when you say high, does that mean loud? Or just  
22 what does that mean?

23 A. [Through the interpreter] Loud and yelling.

24 Q. When they were communicating, were they looking to  
25 you since you understood English?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Yes. They would look at  
2 me directly. But I had to look at them. I was forced to  
3 because I was afraid that they could do something if I  
4 didn't look at them.

5 Q. Because they were speaking to you?

6 A. [Through the interpreter] Yes, directly to me.

7 Q. So after the tall guy had gone to the -- into the  
8 kitchen and the rest of the house, were all of y'all  
9 standing in the kitchen at that wall?

10 A. [Through the interpreter] No. We were already  
11 execution-style, looking at the wall.

12 Q. Okay. I'm showing you State's 18.

13 [Whereupon, the photograph is published]

14 Q. Show us the wall that y'all were standing at.

15 A. [Witness indicates]

16 Q. And when I say standing, were you standing or  
17 kneeling?

18 A. [Through the interpreter] Kneeling.

19 Q. Do you remember about where you were on that wall?

20 A. [Through the interpreter] Yes. I wasn't right like  
21 in front of it, but I was around here.

22 Q. Around where?

23 A. [Witness indicates]

24 Q. Okay. The door with the diamond-shaped window in  
25 this picture, did anything significant happen at that

1 door?

2 A. [Through the interpreter] Yes. A neighbor came in  
3 unexpectedly. I mean, didn't come in, just opened the  
4 door and closed it.

5 Q. And what happened after that occurred?

6 A. [Through the interpreter] The guys noticed that  
7 somebody had already seen them, so they hurried up to  
8 pick up all the things and then they left running.

9 Q. Did you see which way they ran?

10 A. [Through the interpreter] Yes. I was still able to  
11 see that they were running towards the back.

12 Q. Towards the what?

13 A. [Through the interpreter] The back.

14 Q. I'm showing you State's Exhibit Number 9.

15 [Whereupon, the photograph is published]

16 Q. Can you draw a line -- draw a line of direction that  
17 they ran?

18 A. [Through the interpreter] Yes. [Indicates].

19 Q. After that, what did you do?

20 A. [Through the interpreter] I called the police.

21 Q. And when you say the police, do you mean 911?

22 A. [Through the interpreter] Yes.

23 MS. SHEALY: Your Honor, at this time, I would offer  
24 State's Exhibit 57 and ask to play the 911 call.

25 MR. VOIGT: No objection.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 MR. SUMMA: [No response]

2 THE COURT: State's 57 is admitted without  
3 objection.

4 [Whereupon, State's Exhibit Number 57 is admitted  
5 into evidence by the Court]

6 MS. SHEALY: Thank you, Your Honor. For purposes of  
7 the record, Judge, just because that disk has other 911  
8 calls on it, we're starting it at 000 and playing to 600.

9 [Whereupon, State's Exhibit Number 57 is played for  
10 the jury]

11 Q. [Ms. Shealy] Wait, let's pause it.

12 [Whereupon, State's Exhibit Number 57 is paused]

13 Q. I did not remember that you spoke quite that quickly  
14 on it. Did you hear what you said thus far?

15 A. [Through the interpreter] Yes. That they had come  
16 in and robbed.

17 Q. Okay. And did you mention that you had seen them on  
18 the street?

19 A. [Through the interpreter] Of course.

20 MS. SHEALY: Okay. We may have to interrupt it just  
21 so we can make sure we're hearing what you said. Let's  
22 back it up a little bit. And maybe turn it down.

23 MR. SUMMA: Your Honor, I just ask that if they're  
24 going to play it, they just play the whole thing rather  
25 than stopping it and starting it.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 THE COURT: Ms. Shealy, it might be better for us to  
2 play the entire tape and then if you have specific  
3 questions you want to follow up after it is played, I  
4 think it's probably better to play this ---

5 MS. SHEALY: --- okay, I'll do that ---

6 THE COURT: --- in its entirety and then ---

7 MS. SHEALY: --- okay, we'll do that. Thank you.

8 And just maybe start from the beginning, on ---

9 THE COURT: --- start it from the beginning and let  
10 it play until its end.

11 [Whereupon, State's Exhibit Number 57 is played for  
12 the jury]

13 Q. [Ms. Shealy] Okay. So, Dulce, after you placed  
14 that phone call, did the police arrive pretty soon after  
15 that?

16 A. [Through the interpreter] Yes.

17 Q. And would you explain to the jury whether or not  
18 people from other trailers started coming outside?

19 A. [Through the interpreter] Of course, because it was  
20 something very unexpected, very weird.

21 Q. In the 911 recording he asked how many people were  
22 injured and you told him about Mr. Al -- told them about  
23 Mr. Alberto.

24 A. [Through the interpreter] Yes.

25 Q. You didn't mention the area of your head. Why is

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 that?

2 A. [Through the interpreter] Because I was not  
3 bleeding, so I thought it wasn't -- like it wasn't a big  
4 deal.

5 Q. Because they were asking about EMS?

6 A. [Through the interpreter] Yes.

7 Q. And you mentioned on 911 about their putting the  
8 money in a plastic bag. Can you tell us about that?

9 A. [Through the interpreter] Yes. It was a bag that  
10 looked like it was a Walmart bag.

11 Q. Once the police arrived, did you cooperate with them  
12 and talk to the officers who arrived at the scene?

13 A. [Through the interpreter] Yes. Always.

14 Q. And could you tell the jury whether you gave them a  
15 description of what happened and what the guys looked  
16 like?

17 A. [Through the interpreter] Yes.

18 Q. And you told us that one was tall and one was  
19 shorter; is that right?

20 A. [Through the interpreter] Yes.

21 Q. When the police got there, were you still upset  
22 about the event?

23 A. [Through the interpreter] Yes. But mostly I was  
24 very upset because it was an altercation of like life or  
25 death.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 MS. SHEALY: Beg the Court's indulgence, Your Honor.

2 [Whereupon, Mr. Cooper and Ms. Shealy confer]

3 Q. [Ms. Shealy] Do you remember one of the first  
4 officers asking you to give him a description while you  
5 were outside?

6 A. [Through the interpreter] I think so. It was a --  
7 kind of like a chubby officer; he was a white officer.

8 MS. SHEALY: Okay. And, Your Honor, at this time, I  
9 would offer that portion of her -- of the body cam where  
10 she gives the description.

11 THE COURT: What -- has that been marked?

12 MS. SHEALY: It has not yet. It's State's Exhibit  
13 89. We would just be offering her initial description to  
14 the officer as he arrived.

15 MR. SUMMA: Objection, Your Honor. We have --  
16 features. She's testified as to that.

17 THE COURT REPORTER: Speak up.

18 MS. SHEALY: I think it follows just like the 911  
19 call. They get there and then it -- and she's giving a  
20 description to the officer.

21 MR. SUMMA: The 911 call gave that description.  
22 It's just bolstering.

23 THE COURT: Mr. Voigt?

24 MR. VOIGT: It's also hearsay. I mean, it's also  
25 hearsay. It's an out-of-court statement introduced for

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 the truth of the matter asserted, it's cumulative. I --  
2 there's like four different ways it shouldn't come in.

3 MS. SHEALY: Your Honor, in the 911 call she was not  
4 asked about the height of the individuals. She gives the  
5 height to the officers after they arrive. And certainly  
6 we think that this is an excited utterance. It is right  
7 in the midst of this having happened, calling 911,  
8 walking outside, the police arrive. It is her best  
9 description of what she has just seen ---

10 MR. SUMMA: --- Judge, I think this is becoming a  
11 matter of law.

12 THE COURT: I'm ready to rule on it. This is a --  
13 this would be a present-sense impression I think is a  
14 hearsay exception. And over the defense objection, I'm  
15 going to allow it.

16 MS. SHEALY: Thank you, Your Honor. This disk will  
17 be 89.

18 [Whereupon, State's Exhibit Number 89 is marked for  
19 identification by the court reporter]

20 THE COURT: State's 89 will be admitted over defense  
21 counsel objection.

22 [Whereupon, State's Exhibit Number 89 is admitted  
23 into evidence by the Court]

24 [Whereupon, State's Exhibit Number 89 is played for  
25 the jury]

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. [Ms. Shealy] Now, did you -- the 911 --

2 MS. SHEALY: And, Judge, that was on video...

3 MR. COOPER: It started at 13:20:29 and ended at  
4 13:20:57.

5 MS. SHEALY: It is video file?

6 MR. COOPER: The 5th video.

7 MS. SHEALY: The 5th video.

8 Q. [Ms. Shealy] So after you talked to the police  
9 while they were outside, were they talking to everyone  
10 who had been inside with you?

11 A. [Through the interpreter] I think so, because  
12 afterwards, I mean, like five minutes afterwards, I went  
13 in the ambulance.

14 Q. Okay. Did the officers ask you if you felt like you  
15 needed to go?

16 A. [Through the interpreter] Yes. But mostly it was  
17 the lady from the EMS because I told her that he was  
18 holding my head. So I had to tell her.

19 Q. Okay. Did anyone require you to call a family  
20 member about whether you should go by ambulance?

21 A. [Through the interpreter] Yes. My uncle.

22 Q. Okay. And after that happened, you rode to the  
23 hospital?

24 A. [Through the interpreter] Yes.

25 Q. Who else was in the ambulance with you?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Mr. Alberto and myself.

2 MS. SHEALY: Excuse me just a second.

3 [Whereupon, Mr. Cooper and Ms. Shealy confer]

4 Q. [Ms. Shealy] Okay. So once y'all got to the  
5 hospital, did you see a detective in the case?

6 A. [Through the interpreter] Yes. Detective Khan.

7 Q. And did you talk to him for very long while you were  
8 up there?

9 A. [Through the interpreter] I don't remember how long  
10 I spoke with him, but I did speak with him for quite some  
11 time.

12 Q. Okay. After that -- well, let me ask you. When  
13 talking to him, did you tell him -- what did you tell him  
14 about whether you recognized either of them?

15 A. [Through the interpreter] I told him the  
16 description. And then he asked me how I knew them, and  
17 so I told him how I knew them.

18 Q. And how did you think you knew them?

19 A. [Through the interpreter] The taller boy, I had  
20 told him that I had seen him before in front of the shop  
21 of my dad's.

22 Q. Okay. What about the shorter person?

23 A. [Through the interpreter] I mentioned to him that I  
24 have seen him before at school.

25 Q. When doctor -- when Detective Khan left from the

1 hospital, did y'all -- did he ask you to do anything, or  
2 did he indicate anything he'd like for you to try to  
3 figure out?

4 A. [Through the interpreter] Yes. He told me if I  
5 knew anything else, or any information I had, to give him  
6 a call or send him a message.

7 Q. Would you tell the jury whether you knew either of  
8 their names?

9 A. [Through the interpreter] At that time, no.

10 Q. When was the next time that you saw Detective Khan?

11 A. [Through the interpreter] July 30th of 2017, I  
12 think.

13 Q. Okay. Where did you see him?

14 A. [Through the interpreter] It was -- I think --  
15 well, I don't know what the place is, but it's an office.

16 Q. Okay. And after that, did you go anywhere with  
17 Detective Khan?

18 A. [Through the interpreter] Yes. I went to -- we  
19 went to -- well, currently, before that we knew that it  
20 -- that it -- I knew him, he went to Stahl High School.

21 Q. Before you went his office building?

22 A. [Through the interpreter] Yes. Yes.

23 Q. Did you meet him there, or did he pick you up?

24 A. [Through the interpreter] I met him there.

25 Q. Okay. Would you tell the jury what the purpose of

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 y'all going to Stahl High School was?

2 A. [Through the interpreter] To look for the person in  
3 the class book for the year.

4 Q. And when you met him there, did he have a partner  
5 with him when y'all were there?

6 A. [Through the interpreter] Apparently, it was  
7 Detective Sharpe.

8 Q. Is this [indicates] a yearbook from Stahl High  
9 School?

10 A. [Through the interpreter] Yes.

11 MS. SHEALY: Your Honor --

12 Q. [Ms. Shealy] Just tell us if you would, just for --  
13 just for identification purposes, State's Exhibit 58 for  
14 I.D.

15 [Whereupon, the witness is shown exhibit]

16 Q. Tell the jury whether this is the year -- one of the  
17 yearbooks you looked through.

18 A. [Through the interpreter] Yes.

19 Q. And as you looked through it, could you tell the  
20 jury whether anyone's picture made you pause?

21 A. [Through the interpreter] Yes.

22 Q. Tell us about that.

23 A. [Through the interpreter] The person that was in  
24 the incident, I thought it was the person I was going to  
25 find in the book, but I found someone with very similar

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 characteristics.

2 Q. With similar characteristics?

3 A. [Through the interpreter] Physical characteristics.

4 Q. I'm showing you State's Exhibit 40.

5 [Whereupon, the witness is shown photograph]

6 Q. Could you tell us whether there is a picture --

7 MS. SHEALY: Oh. Your Honor, I'm sorry. At this  
8 time, I need to move this into evidence without  
9 objection.

10 THE COURT: When you say this, which one do you  
11 mean?

12 MS. SHEALY: State's Exhibit 40.

13 THE COURT: 40? Alright. Number 40 is in without  
14 objection.

15 [Whereupon, State's Exhibit Number 40 is admitted  
16 into evidence by the Court]

17 Q. [Ms. Shealy] Okay. So in looking at State's  
18 Exhibit 40, would you point to the picture that made you  
19 pause?

20 A. [Through the interpreter] Yes.

21 Q. And did you look at it for a bit?

22 A. [Through the interpreter] Yes. I stared at it for  
23 a long time.

24 Q. Did you conclude whether or not that was the person  
25 that had been in the house?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Yes. I realized that the  
2 person that was there was not the same person that was in  
3 the incident.

4 Q. Okay. That was there in the yearbook?

5 A. [Through the interpreter] I don't understand.

6 Q. You just -- tell us again. What conclusion did you  
7 come to when you saw the photograph in the yearbook?

8 A. [Through the interpreter] Basically, it was not the  
9 same person.

10 Q. That was in the trailer earlier?

11 A. [Through the interpreter] Exactly.

12 Q. And the person's name in the photograph was what?

13 A. [Through the interpreter] Jaquan Coakley.

14 Q. Okay. So when you and Detective Sharpe and  
15 Detective Khan left Stahl, what did Detective Khan ask  
16 you to do?

17 A. [Through the interpreter] The same thing he said  
18 when he left the hospital, just to remain alert and to  
19 let him know if I found anything.

20 Q. So tell the jury, if you would, what did you do over  
21 the course of the next few days?

22 A. [Through the interpreter] Honestly, nothing. But  
23 it was when I decided to go into my Facebook account.

24 Q. What happened?

25 A. [Through the interpreter] Right in the main page,

1 like out of the blue, the taller young man appeared.

2 Q. And did you take a screenshot of that image?

3 A. [Through the interpreter] Yes. Because, I mean, I  
4 could have just continued on with my normal day, but that  
5 page was marked in my head.

6 Q. Okay. So you screenshotted it at that time?

7 A. [Through the interpreter] No. I went to the  
8 profile and then I did.

9 Q. Okay. So you -- probably everybody is familiar with  
10 Facebook. But you went deeper into his account?

11 A. [Through the interpreter] Of course.

12 Q. And showing you the profile picture, State's Exhibit  
13 84.

14 [Whereupon, the witness is shown photograph]

15 Q. Could you point out the person that you had seen in  
16 the trailer --

17 [Whereupon, Mr. Cooper and Ms. Shealy confer]

18 Q. Let me get you to step down for me so we can  
19 approach and I'll just show the jury.

20 [Whereupon, the witness exits the witness stand]

21 THE COURT: Ms. Shealy ----

22 MS. SHEALY: --- you know what? Let me see if I can  
23 put it on -- yeah; I'll try that.

24 THE COURT: And before we do that, that is?

25 MS. SHEALY: 84.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 THE COURT: 84. And that's in without objection?

2 MR. SUMMA: Correct. Or subject to our previous  
3 objection.

4 THE COURT REPORTER: 84?

5 THE COURT: 84.

6 [Whereupon, State's Exhibit Number 84 is admitted  
7 into evidence by the Court]

8 Q. [Ms. Shealy] I'm showing you this image --

9 MS. SHEALY: I'm going to -- Judge, is it okay if  
10 she comes over so she can point?

11 THE COURT: Just make sure that you keep your voices  
12 up so the court reporter and the jury can hear you.

13 MR. VOIGT: She can -- Judge, she can ---

14 MS. SHEALY: --- oh, I'm sorry. It's up there ---

15 MR. VOIGT: --- it's up there.

16 MS. SHEALY: You can go back to the stand.

17 [Whereupon, the witness returns to the stand]

18 Q. [Ms. Shealy] Now you can point for us. Who did you  
19 recognize in that photo?

20 A. [Witness indicates]

21 Q. And who was he?

22 A. [Through the interpreter] He was the tall boy.

23 Q. There's a shorter person next to him. Do you know  
24 him or have you ever seen him?

25 A. [Through the interpreter] I have heard that he had

1 passed away.

2 Q. Okay. So was he the person in the trailer that day?

3 A. [Through the interpreter] No.

4 Q. Going back to the -- going back to the -- could you  
5 tell, when you saw that, if you had actually friended him  
6 at some point?

7 THE INTERPRETER: Counselor, would you repeat that  
8 for the interpreter?

9 MS. SHEALY: I'm sorry.

10 Q. [Ms. Shealy] When you saw his profile page, could  
11 you tell whether or not y'all had friended each other at  
12 some point?

13 A. [Through the interpreter] Yes.

14 Q. And do you remember if you had friended him, or if  
15 he friended you?

16 A. [Through the interpreter] It was probably me  
17 because I was the one always adding, honestly, whoever  
18 was coming to my page.

19 Q. When you say coming to the page -- you can see I'm  
20 checking out the jury -- most people understand what that  
21 means. But could you explain what you mean by that?

22 A. [Through the interpreter] Possibly. It appears  
23 like people you know.

24 Q. Appears not at your suggestion but just by Facebook?

25 A. [Through the interpreter] Because probably we might

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 have had friends in common.

2 Q. Mutual friends?

3 A. [Through the interpreter] Yes.

4 Q. And also showing you the second page of State's  
5 Exhibit 84. Could you tell the jury what date you  
6 screenshotted it?

7 A. [Through the interpreter] Yes. On the 26th of July  
8 of 2017, at 8:45 p.m.

9 Q. When looking further on his Facebook page, did you  
10 look at many pictures?

11 A. [Through the interpreter] Yes.

12 Q. Could you tell the jury whether some of those  
13 pictures had shorter people in them?

14 A. [Through the interpreter] Yes.

15 Q. Did you take a look at the ones who were shorter  
16 than him?

17 A. [Through the interpreter] Yes.

18 Q. And you told us that you excluded Mr. Coakley as not  
19 being the shorter one. Did that happen ---

20 A. [Through the interpreter] --- yes ---

21 Q. --- when you were going through Mr. Crummey's  
22 Facebook, as well?

23 A. [Through the interpreter] Correct.

24 Q. Showing you what has been previously marked as  
25 State's Exhibit 85.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 [Whereupon, the photograph is published]

2 THE COURT: And for the record, State's 85 is  
3 admitted over defense objection.

4 [Whereupon, State's Exhibit Number 85 is admitted  
5 into evidence by the Court]

6 Q. [Ms. Shealy] Will you tell the jury, when you came  
7 across the image of State's Exhibit 85, what happened  
8 when you saw this photo?

9 A. [Through the interpreter] I realized that these  
10 were the two young men that had been in the incident that  
11 happened to us.

12 Q. And would you tell us, please, looking at the second  
13 page of State's 85, when did you screenshot that?

14 A. [Through the interpreter] 27th of July, 2017.

15 Q. Now, you described to us earlier that the taller man  
16 had a hat on.

17 A. [Through the interpreter] Yes.

18 Q. Could you tell us whether you remember how it was  
19 positioned?

20 A. [Through the interpreter] It was turned backwards.

21 Q. Okay.

22 MS. SHEALY: Your Honor, at this time, may we  
23 approach just for a second?

24 THE COURT: Yes.

25 [Whereupon, an on-the-record bench conference is

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 held as follows:]

2 THE COURT: Yes?

3 MS. SHEALY: Your Honor, I think at this time it  
4 would be appropriate for us to be able to show this.

5 THE COURT: That's not backwards.

6 MS. SHEALY: It actually -- oh, is that the lip of  
7 it right there [indicates]?

8 MR. SUMMA: Uh-huh.

9 MS. SHEALY: Okay.

10 [Whereupon, on-the-record bench conference  
11 concludes]

12 Q. [Ms. Shealy] Now, on the night that you first saw  
13 the Facebook site of Mr. Crummey, you told us previously  
14 that you screenshotted it at 20:45?

15 A. [Through the interpreter] Yes.

16 Q. Did you text anyone that evening?

17 A. [Through the interpreter] Yes.

18 Q. And could you tell the jury who that was?

19 A. [Through the interpreter] Officer Khan.

20 Q. Okay. Showing you what's been previously marked as  
21 State's 44.

22 MS. SHEALY: Your Honor, I would offer this at this  
23 time.

24 MR. VOIGT: I'm not aware of a hearsay objection --  
25 rather a hearsay exception that would allow that so I

1 would object to it.

2 MS. SHEALY: Your Honor, we're offering it as to the  
3 timing of the communication. It's not offered for the  
4 truth of anything in Mr. Khan's response.

5 THE COURT: For what it's worth, I'll allow it over  
6 defense objection.

7 MR. VOIGT: Okay.

8 THE COURT REPORTER: That's Number 44?

9 MS. SHEALY: This is 44.

10 [Whereupon, State's Exhibit Number 44 is admitted  
11 into evidence by the Court for limited purposes and will  
12 not go back to the jury]

13 [Whereupon, the photograph is published]

14 Q. [Ms. Shealy] Okay. Dulce, if you would, please,  
15 tell us, what is this an image of?

16 A. [Through the interpreter] This is a text I sent  
17 Detective Khan.

18 Q. Okay. And in looking at the date -- can you see the  
19 date from where you are?

20 A. [Through the interpreter] Yes.

21 Q. What is that date?

22 A. [Through the interpreter] July 26, 2017.

23 Q. And what time is it?

24 A. [Through the interpreter] 8:59 p.m.

25 Q. Okay. And indicate to the jury, please, what you

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 sent him.

2 MR. VOIGT: Objection. I was told this was just for  
3 the time, not for the context of the message.

4 MS. SHEALY: I indicated that it was to show when it  
5 is that she contacted Detective Khan.

6 MR. VOIGT: You've done that.

7 THE COURT: Well, she can testify as to the  
8 information she relayed to Detective Khan. I think  
9 you've accomplished the timing aspect. And she can  
10 testify as to what she -- what she did.

11 I think the text -- the screenshot of the text is  
12 cumulative. She can testify as to what she did, but I  
13 think you've served the purpose for offering State's 44.  
14 So I'll sustain the objection as to keeping the  
15 screenshot on screen. She can testify as to what she  
16 did, but...

17 Q. [Ms. Shealy] What did you do, Dulce, at 20:59 on  
18 July 26th of 2017?

19 A. [Through the interpreter] I sent a text to  
20 Detective Khan letting him know that I had found the  
21 boys.

22 Q. And do you remember when it was that you heard back  
23 from Mr. Khan, Detective Khan?

24 A. [Through the interpreter] I think it was the 30th  
25 or the 31st of that same month, July.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. Okay. After -- tell us what you told Detective Khan  
2 about where you found who they were.

3 A. [Through the interpreter] I mentioned to him that I  
4 had found them on Facebook.

5 Q. Okay. And did you give him any information how he  
6 could find it on Facebook?

7 A. [Through the interpreter] Yes. I only gave him the  
8 name.

9 Q. And when you say the names, you mean the Facebook  
10 name?

11 A. [Through the interpreter] Yes. Off his page.

12 Q. And what was that name?

13 A. [Through the interpreter] Runthatcheckup Youngn  
14 [sic].

15 THE INTERPRETER: The interpreter is using phonetic  
16 pronunciation.

17 Q. [Ms. Shealy] Okay. I'm showing you again State's  
18 84.

19 [Whereupon, the photograph is published]

20 Q. Could you point out where the Facebook name is?

21 A. [Witness indicates]

22 Q. And that's the name that you provided to Detective  
23 Khan?

24 A. [Through the interpreter] Yes.

25 Q. Now, once you went on his Facebook page, would you

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 describe to the jury over the course of the evening where  
2 you found it and the days that followed were you looking  
3 at his account?

4 A. [Through the interpreter] Yes. Mostly, I was just  
5 checking and taking pictures just so that my suspicion  
6 wouldn't be bad.

7 Q. Okay. So were you using care in looking at the  
8 photographs?

9 THE INTERPRETER: I'm sorry. Could you repeat it  
10 one more time?

11 Q. [Ms. Shealy] Were you using care in looking for the  
12 photographs? Were you careful when you looked at the  
13 photographs?

14 A. [Through the interpreter] Yes, because I didn't  
15 want to blame somebody that was not.

16 Q. And in going through his Facebook, did you come  
17 across someone that you believed was the shorter of the  
18 two individuals?

19 A. [Through the interpreter] Yes.

20 Q. I'm showing you what has been previously admitted as  
21 State's Exhibit 83.

22 [Whereupon, the witness is shown photograph]

23 Q. Could you tell us whether -- what this is an image  
24 of?

25 A. [Through the interpreter] This is the shorter guy.

1 Q. Okay. And tell us what it reads right there  
2 [indicates].

3 A. [Through the interpreter] It says that we had 103  
4 friends in common.

5 MS. SHEALY: Put it up here for a second.

6 THE COURT: And this is State's 83?

7 MS. SHEALY: State's 83.

8 THE COURT: And it's in without objection? Is that  
9 my understanding?

10 MR. VOIGT: That's correct, Judge.

11 THE COURT: Number 83 is in without objection.

12 [Whereupon, State's exhibit number 83 is entered  
13 into evidence by the Court]

14 [Whereupon, the photograph is published]

15 Q. [Ms. Shealy] This is the image that you  
16 screenshotted?

17 A. [Through the interpreter] Yes. Correct.

18 Q. And this one you screen -- made a screenshot of on  
19 what date?

20 A. [Through the interpreter] July 29th, 2017.

21 Q. When -- regarding State's 85, when you saw in it the  
22 picture of the shorter guy, were you able to tell what  
23 his given name was?

24 [Whereupon, the photograph is published]

25 A. [Through the interpreter] No.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. So as you were looking through Facebook, did you  
2 ultimately find him?

3 A. [Through the interpreter] Yes.

4 Q. Did you also look at other pictures on his account?

5 A. [Through the interpreter] Yes.

6 Q. And did you use the same practice in looking through  
7 his, the attention to it, as you had with Mr. Crummey?

8 MR. VOIGT: Objection. Bolstering.

9 MS. SHEALY: I haven't asked her about her level of  
10 care with his. I can rephrase it.

11 THE COURT: Rephrase the question.

12 MR. VOIGT: I have a slightly -- if that's where  
13 she's going with this, I have a slightly different  
14 objection. But I'll wait to hear the question.

15 Q. [Ms. Shealy] Dulce, when you found the Facebook  
16 page of who the shorter guy was, did you use any caution  
17 in looking through his photographs?

18 A. [Through the interpreter] Yes, because I had  
19 mentioned before the young man from the yearbook looked  
20 very similar, so I was looking how he looked in the face.  
21 I mean, I didn't want to pick out the person that was  
22 not.

23 Q. Okay. What was the next thing you were asked to do  
24 by Detective Khan?

25 A. [Through the interpreter] He asked us to see each

1 other in an office so that we can pick up from a picture  
2 of like to recognize, something like that.

3 Q. So tell me, the best can remember, how Detective  
4 Khan indicated what you needed to do.

5 A. [Through the interpreter] Like a face lineup.

6 Q. Did you, in fact, go to the County to do that?

7 A. [Through the interpreter] Yes.

8 Q. And while at the County, did you go into a smaller  
9 room and someone showed you the lineup?

10 A. [Through the interpreter] Yes.

11 Q. Was Detective Khan in the room?

12 A. [Through the interpreter] No.

13 MS. SHEALY: Your Honor, at this time, I would offer  
14 what has been previously marked as State's 57.

15 [Whereupon, Solicitors and defense counsel confer]

16 MS. SHEALY: Your Honor, can we approach for a  
17 second?

18 THE COURT: Sure.

19 [Whereupon, an on-the-record bench conference is  
20 held as follows:]

21 MS. SHEALY: This is regarding what has previously  
22 been marked as Court's Exhibit 8 that we intend to mark  
23 as State's Exhibit 57. This is the lineup process. I  
24 think I'm entitled to put it in. Mr. Voigt indicated he  
25 was going to object as it relates to his client.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 MR. VOIGT: I think that it's an out-of-court  
2 statement that is being introduced for the truth of the  
3 matter asserted, and the truth of the matter asserted is  
4 that she made an identification of my client. She can  
5 testify to that up here. She can point to the documents,  
6 if she wants to, and say that she circled the picture and  
7 signed her name, all those things.

8 What I don't know that we get to play that to the  
9 jury because it's quintessentially an out-of-court  
10 statement and its quintessential hearsay.

11 MS. SHEALY: Your Honor, it would be our position  
12 that this is the best evidence of what happened in that  
13 room, it's recorded, and that the jury should be entitled  
14 to see the process itself instead of just having it  
15 hinted at by questions from either -- all sides.

16 MR. VOIGT: If it's of excluded hearsay is --  
17 because the jury has to make a -- it has to make judgment  
18 about her credibility.

19 THE COURT: I think you have to lay a foundation.  
20 You'll have to go over the lineup with her first and then  
21 question the validity of the procedure. Then it may  
22 become relevant to rebut that fact.

23 But I think you've got to ask about the physical  
24 lineup first and offer those items. And depending on --  
25 I just -- I think you've got to go that way first and if

1 she lays a foundation, then it -- then it may come in.

2 But just ask her about the lineups.

3 MS. SHEALY: Okay. I'll try to do that kind of  
4 thing.

5 MR. SUMMA: And, Judge, I really need -- I'm really  
6 sorry. I'm going to need a two-minute break. I'm going  
7 to need like a two-minute break sometime soon. I'm  
8 sorry.

9 MS. SHEALY: Whenever he needs a break.

10 THE COURT: Alright. Mr. Voigt?

11 MR. VOIGT: Oh. I'm sorry.

12 THE COURT: We've got -- we've got this interpreter  
13 until 1:15, so I know I can't ask the interpreter, but we  
14 need to take that two-minute break now and then do what  
15 we can with her and then we'll break for lunch.

16 [Whereupon, on-the-record bench conference  
17 concludes]

18 THE COURT: Ladies and gentlemen of the jury, we're  
19 going to take a brief recess. I'm going to ask you to go  
20 to your jury room and we will have you back out shortly.  
21 We'll send the bailiffs in to bring you back in the  
22 courtroom. I'm going to ask you not to discuss this case  
23 amongst yourselves while you're in the jury room, and  
24 we'll get you out as soon as we can. Thank you.

25 [Whereupon, the jury exits the courtroom at 12:35

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 p.m.]

2 THE COURT: We'll stand at ease for a few minutes.

3 MS. SHEALY: Judge, I'm just going to hand these  
4 back to the court reporter. Those are the two that we  
5 did not -- you did not let that in and ---

6 THE COURT: --- right. Well, I think you did -- you  
7 did put in the -- you did put in 44 for purposes of the  
8 timing.

9 THE COURT REPORTER: You did.

10 MS. SHEALY: But if they take it back there with  
11 them, they'll be able to see the language. I thought you  
12 kind of modified the admission of it.

13 THE COURT: Well, I -- I guess I did. So, yeah,  
14 you're correct.

15 MS. SHEALY: Okay.

16 THE COURT: Give that back to her.

17 THE COURT REPORTER: Is it introduced? 44 is  
18 introduced, is what I have.

19 MS. SHEALY: It was -- I'm sorry.

20 THE COURT: She referred to it to talk about the  
21 timing, but it does not need to go back.

22 THE COURT REPORTER: Alright. I'm going to...

23 [Off the record momentarily while the court reporter  
24 and Mr. Cooper review exhibits]

25 MS. SHEALY: Ms. Martinez needs to use the

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 restroom. Is it okay if she goes now?

2 THE COURT: Everybody that needs to go needs to go  
3 now.

4 [Whereupon, the witness exits the witness stand]

5 THE COURT: Ms. Martinez, while you're off the  
6 stand, you cannot talk to anybody about your testimony.

7 [Whereupon, a recess is taken from 12:38 p.m. to  
8 12:45 p.m.]

9 THE COURT: Let's go ahead and get the jury back in.  
10 Is everybody ready to go?

11 [Off the record momentarily]

12 THE COURT: Let's bring the jury in.

13 [Whereupon, the jury enters the courtroom at 12:48  
14 p.m.]

15 [Whereupon, Ms. Martinez retakes the witness stand]

16 THE BAILIFF: Your Honor, the jury is complete.

17 THE COURT: Thank you. We're ready to proceed.

18 DIRECT EXAMINATION (resumes)

19 BY MS. SHEALY:

20 Q. Dulce, we were talking about when you went to the  
21 Sheriff's Department for them to show you some lineups.  
22 Do you recall going there?

23 A. [Through the witness] Yes.

24 [Through the interpreter] Yes.

25 Q. And when you were brought into a room to look at

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 lineups, do you remember a Detective McCauley, a younger  
2 man?

3 A. [Through the interpreter] Yes ---

4 Q. --- that showed it to you?

5 A. [Through the interpreter] Correct.

6 Q. When you first got in there, did he go over a form  
7 with you?

8 A. [Through the interpreter] Yes, which I thought it  
9 was just like a summary.

10 Q. Okay. Did he then ask you to initial a variety of  
11 statements that were on the form?

12 A. [Through the interpreter] Of course.

13 Q. I'm showing you what's been marked as State's  
14 Exhibit 87 and 86.

15 [Whereupon, the witness is shown exhibits]

16 Q. The typed form on each, 87 and 88, are they the  
17 same?

18 A. [Through the interpreter] Yes, it's the same  
19 information.

20 Q. And when you were at the Sheriff's Office, did  
21 Detective McCauley read each of these items aloud to you?

22 A. [Through the interpreter] Yes. And that's what I  
23 thought it was just like a summary.

24 Q. Okay. And when you say summary, you're talking  
25 about the lineup procedure?

1 A. [Through the interpreter] Yes. When he was trying  
2 to explain to me, I thought it was what we're supposed to  
3 be doing.

4 Q. Okay. So in showing you, on State's Exhibit 87 and  
5 88, did Detective McCauley read to you that: I'm going  
6 to show you a series of photographs, physical lineup, of  
7 individuals or an array of six photographs of  
8 individuals. The photographs that I'm about to show you  
9 are placed in no special order?

10 A. [Through the interpreter] Correct.

11 Q. Do you remember Detective McCauley reading that to  
12 you?

13 A. [Through the interpreter] Yes.

14 Q. And on each of these two forms, whose initials are  
15 those by that line?

16 A. [Through the interpreter] Those are mine.

17 Q. Going to number two on both forms. Did Detective  
18 McCauley read to you that these photographs may or may  
19 not be the person who committed the crime, it is just as  
20 important to clear innocent people as it is to identify  
21 possible suspects?

22 MR. SUMMA: Judge, can we just show the video?

23 MR. VOIGT: And I would object to that.

24 THE COURT: Hold up one second. Counsel, come up,  
25 please.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 [Whereupon, an on-the-record bench conference is  
2 held as follows:]

3 THE COURT: Alright. I think Rule 801(d) covers  
4 this situation. Obviously, the video, this is a prior  
5 statement by the witness. I think it is hearsay unless  
6 there is some objection or some -- that's inconsistent  
7 with her testimony.

8 I think the rule looks out for it if on cross there  
9 was some challenge that she's making an inconsistent  
10 statement here today as to what she made -- compared to  
11 what she made at the time the lineup was given. So I...

12 MS. SHEALY: And it's the State's position that this  
13 is the best evidence. I mean like we could put ---

14 THE COURT: --- well, but the best-evidence rule  
15 doesn't ---

16 MS. SHEALY: --- I'm not saying technically, I ---

17 THE COURT: --- doesn't trump the rules of hearsay.

18 MS. SHEALY: But she's here for cross-examination if  
19 they wanted to ask anything.

20 THE COURT: But I'm reading the rule and it talks  
21 about -- it says: the declarant testifies at trial or  
22 hearing is subject to cross-examination concerning the  
23 statement and the statement is, (a) considered  
24 inconsistent with declarant's testimony or, (b),  
25 consistent with declarant's testimony, is offered to

1 rebut an express or implied charge -- charge against a  
2 declarant or recent fabrication or improper influence  
3 were noted.

4 MR. VOIGT: Normally we do the detective first to  
5 get this part out. But you can do it this way. If she  
6 recognizes her signature and recognizes it and understood  
7 it, that's all the testimony you need. You can introduce  
8 it, and then I think it speaks for itself. You don't  
9 have to be the transcriber of it. I'm not going to tell  
10 you how to do it, but ---

11 THE COURT: --- I mean, somebody really having any  
12 question that she was read these words, she understood  
13 what she was doing. I mean...

14 MR. VOIGT: My legal challenges to the  
15 identification have nothing to do with the procedure that  
16 the officers made in that room. In other words, it is  
17 facially a good identification procedure on it's -- on  
18 its surface.

19 And in the Court's ruling, I think the Court  
20 indicated that the cross-examination and with the State's  
21 own testimony, we could back up Facebook, and then the  
22 jury could get that identification the weight that it  
23 required.

24 I think you just have her identify her signature  
25 that she understood the form that she was read all these

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 things, and I think we can move on to what it is she did.

2 MS. SHEALY: I'll go through each of those to make  
3 sure she --

4 MR. VOIGT: --- you did ---

5 MS. SHEALY: --- I mean, I've got to let them know  
6 that she was read them and ---

7 MR. VOIGT: --- yeah.

8 THE COURT: I mean I just -- with the objection.  
9 And I think this rule is what governs this and...

10 MR. VOIGT: It's the law, Judge. The law has been  
11 real clear for a real long time ---

12 THE COURT: --- if there's no -- if there's no real  
13 objection or real question that she was read these --  
14 read these instructions and understood them, I don't -- I  
15 don't think that reciting this form to her verbatim is  
16 absolutely necessary if there's going to be no objection.

17 She says she was read the form and she understood it  
18 and she wasn't told who to identify or wasn't promised  
19 anything to identify anybody, wasn't forced or coerced, I  
20 mean, I think that's all you need to do. But I'm not  
21 going to tell you how to try the case.

22 But I think the rule -- the rule backs up what Mr.  
23 Voigt is saying. Even though that would likely be the  
24 fastest way to do it, I think I'm constrained by 801(d).

25 MS. SHEALY: I'll just try to get there quickly.

1 [Whereupon, on-the-record bench conference  
2 concludes]

3 Q. [Ms. Shealy] Okay. Let's see. I'm sorry, but I  
4 don't remember exactly where we got. So regarding entry  
5 two: [Reading] These photographs may or may not be the  
6 person who committed the crime.

7 It is just as important to clear innocent people as  
8 it is to identify possible suspects. Whether or not you  
9 identify someone, the police will continue to  
10 investigate.

11 Detective McCauley ready that to you?

12 A. [Through the interpreter] Yes.

13 Q. And the D.M. by number two on both forms, who did  
14 that?

15 A. [Through the interpreter] I did.

16 Q. Number three: [Reading] After you are done, I will  
17 not be able to provide you with any feedback or comment  
18 on the results of the process.

19 A. [Through the interpreter] Correct.

20 Q. McCauley read it?

21 A. [Through the interpreter] Yes.

22 Q. You initialed it?

23 A. Yes.

24 Q. Number four: [Reading] Do not discuss this  
25 identification procedure or the results with other

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 witnesses in this case.  
2 A. [Through the interpreter] Correct.  
3 Q. Your initials to number four?  
4 A. [Through the interpreter] Yes.  
5 Q. Number five: [Reading] Focus on the event, the  
6 place, the view, the lighting, your frame of mind, et  
7 cetera; take as much time as you need.  
8 A. [Through the interpreter] Okay.  
9 Q. Your initials by five?  
10 A. [Through the interpreter] Yes.  
11 Q. And Detective McCauley had read that to you?  
12 A. [Through the interpreter] Yes.  
13 Q. Number six: [Reading] People may not appear  
14 exactly as they did at the time of the event because  
15 features such as clothing style, hair color, hair style,  
16 et cetera, may change even in a short period of time.  
17 A. [Through the interpreter] Okay.  
18 Q. McCauley read it, you understood it?  
19 A. [Through the interpreter] Yes.  
20 Q. Number seven: [Reading] As you look at the  
21 photographs, tell me if you recognize the person in them.  
22 A. [Through the interpreter] Yes.  
23 Q. Okay. So regarding State's Exhibit 87, is this the  
24 line -- one of the first -- this is the first lineup you  
25 were shown?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 A. [Through the interpreter] Yes.

2 Q. And could you tell the jury whether you recognized a  
3 person that had been in the house on July 23rd of '17?

4 A. [Through the interpreter] Of course.

5 Q. Okay. Where is he in that lineup?

6 A. [Through the interpreter] In the second line of the  
7 bottom. The one in the center.

8 Q. And how did you indicate that on the lineup itself?

9 A. [Through the interpreter] They asked me to put a  
10 circle.

11 Q. And what is this [indicates] at the bottom of that  
12 page?

13 A. [Through the interpreter] It's my name and the  
14 date.

15 MS. SHEALY: Your Honor, I would request permission  
16 just to publish this to the jury. I can go up there or I  
17 can just walk it real quick.

18 THE COURT: Are y'all -- that's --

19 MS. SHEALY: That's State's Exhibit 87, Your Honor.  
20 We would offer it into evidence, if I haven't already.

21 MR. SUMMA: Can you just put it on that so my client  
22 can see it?

23 MS. SHEALY: Sure.

24 MR. VOIGT: Subject to my previous objection.

25 THE COURT: Number 87 offered by the State is

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 admitted over defense's objection.

2 [Whereupon, State's Exhibit Number 87 is admitted  
3 into evidence by the Court]

4 Q. [Ms. Shealy] Dulce, can you see the photographs?

5 A. [Through the interpreter] Yes.

6 Q. And if you would, please, with your finger, indicate  
7 who you identified in that lineup.

8 A. [Through the interpreter] Him [indicates].

9 Q. And do you see that individual in the courtroom?

10 A. [Through the interpreter] Yes.

11 Q. Can you describe for the jury where he's seated?

12 A. [Through the interpreter] In the back of the table  
13 of the right side.

14 MS. SHEALY: Okay. Your Honor, I'd ask that the  
15 record reflect that she had identified Denali White.

16 THE COURT: The record shall reflect.

17 MR. VOIGT: I'm not sure that actually is accurate.  
18 But that's...

19 MS. SHEALY: Are you questioning who she identified?

20 MR. VOIGT: No. I...

21 MS. SHEALY: I'm talking about in the courtroom.

22 MR. VOIGT: I know. I've never liked that. But  
23 that's okay. Move on.

24 Q. [Ms. Shealy] The form that we went over, Dulce,  
25 State's Exhibit 87, these [indicates] are the initials

1 that you had indicated?

2 A. [Through the interpreter] Correct.

3 Q. And there is space at the bottom of the form for you  
4 to be able to write anything. Do you see that?

5 A. [Through the interpreter] Yes.

6 Q. Okay. Could you tell -- is that your handwriting on  
7 the form?

8 A. [Through the interpreter] Yes.

9 Q. Would you tell the jury, please, what you wrote?

10 A. [Through the interpreter] That he was the accessory  
11 of the person that had assaulted us.

12 Q. Okay. Can you read that out loud?

13 MR. VOIGT: Objection, Judge. It's on the board.  
14 It's in evidence. It's the best -- now it is actually  
15 the best evidence of what she wrote. It's right there.

16 MS. SHEALY: Judge, nobody can see it.

17 THE COURT: Well, she -- you read it and she said  
18 yes.

19 MS. SHEALY: But it wasn't the exact language.

20 THE COURT: How about this. Read it to her and ask  
21 her if you read it to her accurately.

22 Q. [Ms. Shealy] Dulce, looking at the language on the  
23 bottom of the form, tell me whether I'm reflecting what  
24 you wrote: [Reading] Number five was the  
25 person/accomplice of the person who robbed us.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. [Through the interpreter] Correct.

2 Q. Regarding State's Exhibit 88, when you were shown  
3 this lineup, could you indicate to the Court whether you  
4 were able to identify anyone from that lineup?

5 A. [Through the interpreter] Yes.

6 Q. How did you indicate that on the form?

7 A. [Through the interpreter] I made a circle, just  
8 like in the previous one.

9 Q. And what does it say on the side?

10 A. [Through the interpreter] My name and the date.

11 Q. Showing you the top page of the form. Whose  
12 handwriting is the information at the bottom in?

13 A. [Through the interpreter] Also mine.

14 MS. SHEALY: Your Honor, if I haven't already, I'll  
15 move these into evidence.

16 THE COURT: Any objection, Mr. Summa?

17 MR. SUMMA: Subject to prior objections, but no  
18 other objection.

19 THE COURT: Number 88 is admitted, subject to the  
20 prior objections made by defense counsel.

21 [Whereupon, State's exhibit number 88 is entered  
22 into evidence by the Court]

23 Q. [Ms. Shealy] And, Dulce, for the jury's benefit,  
24 that's the form itself; is that correct?

25 [Whereupon, the exhibit is published]

1 A. [Through the interpreter] Correct.

2 Q. And tell me whether I'm correct that this is what  
3 you wrote at the bottom: [Reading] Number three was the  
4 main one from the robbery that happened to all of us.

5 I know him because I've seen him before at school  
6 and he used -- also used to be in front of my dad's work.

7 A. [Through the interpreter] That's what I wrote.

8 Q. Okay. And in showing you page 2 of State's 88,  
9 could you circle on your screen -- I'm sorry. Circle on  
10 your screen who you identified.

11 A. [Through the interpreter] This one [indicates].

12 Q. And is this your name and the date?

13 A. [Through the interpreter] Yes.

14 Q. Now, of the two men that were in the trailer that  
15 day, the one we just saw, is he the person that you  
16 described as the tall man or the short one?

17 A. [Through the interpreter] The one that we just saw,  
18 I had described him as the tall one.

19 Q. And regarding State's 87 and the one you circled, is  
20 he the tall or the short one?

21 A. [Through the interpreter] The shorter one.

22 Q. Okay. Now, on State's 88, you indicate on this form  
23 that this person is the one you knew from your father's  
24 -- being outside your father's work and going to school  
25 with him. Is that accurate?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 THE COURT REPORTER: Wait. I didn't hear an answer.

2 MS. SHEALY: I'm sorry.

3 A. [Through the interpreter] Yes. Well, what was the  
4 question?

5 Q. [Ms. Shealy] On this form you indicated that the  
6 person you circled you knew from being outside your  
7 father's work and that he went -- let me get the exact  
8 language.

9 [Whereupon, Ms. Shealy views documents]

10 Q. [Ms. Shealy] You say: [Reading] He was the man  
11 from the robbery that happened to all of us. I know him  
12 because I've seen him before at school and he also used  
13 to be in front of my dad's work. Is that accurate?

14 A. [Through the interpreter] No.

15 Q. In what way is it not accurate?

16 A. [Through the interpreter] In the way that I  
17 described him that he was the person that I had seen in  
18 school that really I was talking about the shorter one.

19 Q. So the one that you thought you had seen at school,  
20 is he depicted on State's Exhibit 87?

21 A. [Through the interpreter] Yes.

22 Q. Now, regarding the taller one that you had seen  
23 outside your father's store, do you see that individual  
24 in the courtroom?

25 A. [Through the interpreter] Yes.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. Where is he?

2 A. [Through the interpreter] He's the one at the table  
3 with the glasses.

4 Q. Did the person who came into your trailer that night  
5 have glasses on?

6 A. [Through the interpreter] No.

7 Q. Since the arrest of Mr. Crummey and Mr. White, have  
8 you looked into getting a U visa?

9 A. [Through the interpreter] Yes, because I was told.

10 Q. And who were you told by?

11 A. [Through the interpreter] A victim advocate from  
12 the first hearing.

13 Q. Is that someone from the Sheriff's Department?

14 A. [Through the interpreter] I don't remember, but it  
15 was somebody who helped me go to court to hear the first  
16 case.

17 Q. Okay. And would you tell the jury, did you know  
18 anything about a U visa when you called 911 that night?

19 A. [Through the interpreter] No.

20 Q. Did you know anything about the U visa when you went  
21 to Stahl with Detective Khan?

22 A. [Through the interpreter] No.

23 Q. Did you know anything about the U visa when you were  
24 looking through your Facebook and making screenshots?

25 A. [Through the interpreter] No.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 Q. Did you know anything about it when you texted  
2 Detective Khan?

3 A. [Through the interpreter] No.

4 MS. SHEALY: Beg the Court's indulgence just a  
5 moment.

6 THE COURT: Yes, ma'am.

7 [Whereupon, Mr. Cooper and Ms. Shealy confer]

8 Q. I have no further questions. Please answer any that  
9 these lawyers have.

10 THE COURT: One second before we start cross-  
11 examination. Let me see the lawyers real quick.

12 [Whereupon, an on-the-record bench conference is  
13 held as follows:]

14 THE COURT: The interpreter is going to leave at  
15 1:30 --

16 THE COURT REPORTER: I'm sorry, Judge. I can't hear  
17 you. I'm sorry.

18 THE COURT: I said the interpreter is going to leave  
19 by 1:30. And what do y'all -- what do y'all want to do?

20 MR. VOIGT: She said she had to leave by 1:15.

21 MS. SHEALY: She's changed it to 1:30.

22 THE COURT: She said, though, that she could leave  
23 and come back at 4:00. I mean, I don't -- I don't want  
24 to start with cross-examination and then break in the  
25 middle, and I don't necessarily think it's proper to have

1 her leave the stand and then call another witness --  
2 other witnesses. So we may ---

3 MS. SHEALY: --- let me just bring up one thing real  
4 quick. Did she say -- so she said she could come back at  
5 4:00 and your -- what would your inclination be? To keep  
6 her here, or do we need to inquire whether she's  
7 available in the morning?

8 THE COURT: She said she -- she said she could be  
9 back at 4:00. My inclination is that I think we should  
10 break until four o'clock. I don't see any point in  
11 starting cross-examination right now, especially since  
12 it's lunch time and she's got to be somewhere no later --  
13 she told me earlier that -- said she could be here. But  
14 I don't want to make her do that so. So let me bring her  
15 up here before we make a ---

16 MS. SHEALY: Okay.

17 THE COURT: Madam Interpreter, if you could please  
18 approach the bench.

19 [Whereupon, the interpreter complies]

20 THE COURT: Did you say you could be back by four  
21 o'clock?

22 THE INTERPRETER: Definitely.

23 THE COURT: Okay. What I plan on doing is recess  
24 now and I'm going to ask you to be back at 4:00 and we'll  
25 resume this trial at four o'clock.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 THE INTERPRETER: Thank you, sir.

2 MS. SHEALY: Judge, just for purposes of our several  
3 witnesses, cut everybody else loose until tomorrow, you  
4 think?

5 THE COURT: I think so.

6 MS. SHEALY: Thank you.

7 [Whereupon, on-the-record bench conference  
8 concludes]

9 THE COURT: Ladies and gentlemen, of the jury, we're  
10 going to break now for lunch before we start with the  
11 cross-examination of this witness. And due to some  
12 scheduling matters, we're not going to be able to resume  
13 this trial until four o'clock this afternoon, and that's  
14 what we plan to do.

15 So I'm going to send you to your jury room but  
16 instruct you that you don't talk about this case amongst  
17 yourselves or with anybody else while you're on this  
18 extended break, and ask you to be back in your jury room  
19 by four o'clock this afternoon and we'll resume testimony  
20 at that time. Thank you very much.

21 [Whereupon, the jury exits the courtroom at 1:13  
22 p.m.]

23 THE COURT: Ms. Martinez, I wanted to instruct you  
24 that while we are on break, you can't talk about your  
25 testimony with anybody, whether it be members of the

1 Solicitor's Office, friends, or family. You can't  
2 discuss your testimony. You are still under oath. And  
3 that's my instruction to you while we're on this break.  
4 Do you understand??

5 THE WITNESS: [Through the interpreter] Yes, sir.

6 THE COURT: Alright.

7 MS. SHEALY: Your Honor, I'm sorry. Would it be  
8 okay, or does anybody have an objection, to her talking  
9 to our victims' advocate while ---

10 MR. VOIGT: --- yes.

11 MR. SUMMA: --- yes.

12 MS. SHEALY: Okay.

13 THE COURT: I mean, if the victims' advocate is ---

14 MS. SHEALY: --- victim's advocate.

15 THE COURT: I think I've given her pretty explicit  
16 instructions, so she needs to be back ready to go at four  
17 o'clock and does not need to talk about her testimony  
18 with anybody.

19 And it would probably be a better practice if she  
20 does not speak directly with any agent of the Solicitor's  
21 Office or the Sheriff's Office. So that would be my  
22 instruction.

23 And, folks, if we could be back at -- if we could be  
24 back around 3:45 just to make sure there are no other  
25 issues, because we're only going to have about, at most,

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1 an hour and a half this afternoon. So I want to make  
2 sure that we don't waste any time that the jury is here.  
3 So court personnel be back at 3:45.

4 MS. SHEALY: Should we inquire of the interpreter if  
5 she is available in the morning, in case theirs takes  
6 longer than that?

7 THE COURT: Madam Interpreter, just in case the  
8 cross-examination takes longer than...

9 THE INTERPRETER: After four o'clock, I'm completely  
10 available, Your Honor.

11 THE COURT: Okay.

12 THE INTERPRETER: Yes, sir.

13 THE COURT: Thank you.

14 THE INTERPRETER: Thank you, sir.

15 THE COURT: Appreciate it.

16 THE INTERPRETER: Thank you, Your Honor.

17 THE COURT: Alright. Court will be in recess until  
18 3:45.

19 [Whereupon, Court is in recess from 1:16 p.m. to  
20 1:19 p.m.]

21

22

23

24

25

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Direct Examination by Ms. Shealy  
March 11, 2020

1

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 [Whereupon, counsel reenter the courtroom]

2 THE COURT: Ms. Shealy?

3 MS. SHEALY: Judge, in that we were told that we  
4 could have no contact with Ms. Martinez, I asked if I  
5 confronted everyone here my victim's advocate could just  
6 inquire what we can get her for lunch.

7 She's nineteen years old, down here by herself, et  
8 cetera. And if that's okay -- and Mr. Summa indicated he  
9 didn't have a problem. She can just inquire right here.

10 MR. VOIGT: I don't have an objection.

11 THE COURT: Okay. I think -- I think to the extent  
12 that communication needs to be made to get the witness  
13 some lunch, then I think that is appropriate. But after  
14 that, just put her where you would keep a witness.

15 And y'all are all officers of the Court. Just don't  
16 have any contact with her; certainly no contact with her  
17 regarding her testimony and certainly no preparation for  
18 her impending cross-examinations.

19 But I think telling the victims' advocate what she  
20 wants for lunch is certainly appropriate and that would  
21 be what I would rule.

22 MS. SHEALY: Thank you, Your Honor.

23 THE COURT: Alright? Thank you, guys. Thank you.  
24 Thank y'all for coming back.

25 [Whereupon, Court is in recess from 1:23 p.m. to

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 3:52 p.m.]

2 THE COURT: Be seated. Thank you.

3 MS. SHEALY: Are you looking to the State if we have  
4 anything ---

5 THE COURT: --- I was just -- just looking if  
6 anything -- if there's anything we need to address in the  
7 ---

8 MS. SHEALY: --- I don't -- I don't think so, from  
9 the ---

10 THE COURT: --- few minutes before ---

11 MS. SHEALY: --- State's perspective right now.

12 MR. VOIGT: We just need our translator and we're  
13 good.

14 MR. SUMMA: I don't have anything.

15 THE COURT: While we're in here -- this doesn't need  
16 to be on the record.

17 [Off the record momentarily]

18 THE COURT: We can -- we can stand at ease until the  
19 interpreter gets here. If y'all would just let me know  
20 as soon as she gets here.

21 MS. SHEALY: Yes, sir.

22 THE COURT: Alright. Thank you.

23 [Whereupon, Court is in recess from 3:57 p.m. to  
24 3:59 p.m.]

25 THE COURT: You can bring us the jury.

State v Daquan J. Crummey & Denali D. White  
Proceedings  
March 11, 2020

1 [Whereupon, the jury enters the courtroom at 4:01  
2 p.m.]

3 THE BAILIFF: Your Honor, the jury is complete.

4 THE COURT: Thank you, sir. Ladies and gentlemen,  
5 thank you for your prompt return to the courthouse as  
6 instructed. And we are ready to resume the trial. If  
7 Ms. Martinez would come forward and re-take the stand  
8 along with Madam Interpreter.

9 [Whereupon, the witness re-takes the witness stand]

10 THE COURT: Ladies, for the record, you are still  
11 under oath.

12 THE INTERPRETER: Yes, sir.

13 THE COURT: Cross-Examination.

14 MR. SUMMA: Thank you, Your Honor. May it please  
15 the Court?

16 THE COURT: Yes, sir.

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MS. SUMMA:

3 Q. Ms. Martinez, I believe you testified on direct that  
4 you wrote what you wrote during the lineup procedure  
5 because you were confused?

6 A. [Through the interpreter] Correct.

7 MR. SUMMA: Your Honor, I'd like to publish what's  
8 been marked as Court's Exhibit 8 and enter it into  
9 evidence. It's a video of ---

10 THE COURT: --- I remember. But I think she's --  
11 she has -- she hasn't denied making an inconsistent  
12 statement yet or equivocated at all. So I think under  
13 Rule 613, the extrinsic evidence, at least at this point,  
14 is -- she's admitted to the inconsistent statement. So I  
15 don't think at this point, based on her testimony, that's  
16 proper.

17 MR. SUMMA: We would just argue ---

18 MS. SHEALY: --- should we approach, Your Honor?

19 THE COURT: Please approach.

20 [Whereupon, an on-the-record bench conference is  
21 held as follows:]

22 THE COURT: I'm relying on 613(b), extrinsic  
23 evidence or prior inconsistent statement by a witness is  
24 not admissible unless the witness has advised that the  
25 substance of the statement, the time and place it was

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 allegedly made, and the person to whom it was made given  
2 the opportunity to explain or deny the statement.

3 At this point, she has admitted the inconsistency so  
4 I don't think we're there yet.

5 MR. VOIGT: I agree.

6 MR. SUMMA: We would just say that, for the record,  
7 she's been -- she's indicated that she was confused; she  
8 didn't know what was going on. Our theory is that she  
9 knew completely what was going on. I think the video  
10 will help clear that up.

11 THE COURT: Ask her about the specific instances of  
12 what is inconsistent and if she denies it or is hesitant  
13 to admit, then you possibly could get there. I just  
14 don't think you're there yet.

15 MR. SUMMA: Okay.

16 [Whereupon, on-the-record bench conference  
17 concludes]

18 Q. [Mr. Summa] Ms. Martinez, you agreed that you wrote  
19 on what's been previously admitted into evidence --

20 MR. SUMMA: Your Honor, if may I approach the table?

21 THE COURT: Certainly.

22 MR. SUMMA: And publish what's been previously  
23 marked as State's Exhibit 88.

24 [Whereupon, the exhibit is published]

25 Q. [Mr. Summa] Now just to be clear, and I want to make

1 sure I show the whole thing, this was written in your  
2 handwriting; right?

3 A. [Through the interpreter] Of course.

4 Q. And at the time, you were talking to the police;  
5 right?

6 A. [Through the interpreter] How do you mean?

7 Q. You wrote this down with the police?

8 A. [Through the interpreter] I think they were  
9 officers.

10 Q. The situation that you were in, you were also being  
11 interviewed; right?

12 A. [Through the interpreter] Yes.

13 Q. They were asking you questions about what had  
14 occurred?

15 A. [Through the interpreter] Yes.

16 Q. And after you circled one of the photos, you wrote  
17 this; right?

18 A. [Through the interpreter] Yes.

19 Q. And would you agree that it says that you knew  
20 number three from school; right?

21 A. [Through the interpreter] No.

22 Q. It does not say that you knew number three from  
23 school?

24 A. [Through the interpreter] Yes, I did write it, but  
25 the -- that writing is incorrect in terms of the person.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 Q. So you wrote it there and you said that you wrote  
2 number three is the one I went to school with, because  
3 you were confused about what was going on; is that  
4 correct?

5 A. [Through the interpreter] Mostly, yes, confused,  
6 nervous. And also because -- well, at that age, you  
7 know, when you are only sixteen years old, you are scared  
8 of everything.

9 Q. So you were not calm. Is what you're saying?

10 A. [Through the interpreter] Something like that. But  
11 not at the same time internally.

12 Q. Okay. But you were confused?

13 A. [Through the interpreter] Somewhat.

14 Q. When you wrote this, you were confused?

15 A. [Through the interpreter] Yes, because that  
16 statement does not belong to that person.

17 MR. SUMMA: Your Honor, at this time, 88 -- what's  
18 been marked as Court's Exhibit 8, which is the video.

19 THE COURT: Y'all approach, please.

20 [Whereupon, an on-the-record bench conference is  
21 held as follows:]

22 THE COURT: I believe that even though she has  
23 admitted to being confused, she did say she was scared.  
24 I think you can admit it to show her demeanor, so I think  
25 you can admit it to impeach her testimony here today.

1 MS. SHEALY: Your Honor, are we playing it in its  
2 entirety?

3 THE COURT: Yes, play it in its entirety.

4 MR. VOIGT: Note my objection; my previously-made  
5 motion. Just because it's making a record.

6 THE COURT: Yes.

7 [Whereupon, all counsel confer over the video]

8 MR. SUMMA: I'm seeking to admit literally the  
9 entire video -- so from the moment she enters the room  
10 until when she -- the interview is concluded. The whole  
11 thing lasts twenty minutes.

12 MS. SHEALY: I think -- it appears why this is  
13 cumbersome. I need to figure it out. And you may have a  
14 separate objection. But on the video, there's --

15 THE COURT REPORTER: Ms. Shealy, you need to come up  
16 closer, I'm sorry, if we're getting this --

17 MS. SHEALY: I just want to make sure that you're  
18 talking about only that which was admitted for the  
19 Biggers hearing.

20 MR. SUMMA: No. I'm seeking to admit the entire  
21 interview, because I feel like they're intertwined.  
22 She's interviewed, there's the lineup procedure in the  
23 middle of it, and then there's stuff afterwards that I'm  
24 going to want to impeach her with anyway.

25 MR. VOIGT: I think you need to lay more foundation

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 for the -- more than ---

2 THE COURT: --- I think we're at the point where you  
3 could -- you could play the inner -- the lineup process  
4 that we've seen in the Biggers hearing because of what  
5 she said about being scared and nervous.

6 You could put that part in to impeach that  
7 testimony. The entire video, I don't think we're -- I  
8 think you need to play the part that was shown in the  
9 Biggers hearing.

10 [Off the record momentarily]

11 MR. SUMMA: But the Court's Exhibit is the whole  
12 thing.

13 MS. SHEALY: Has more than just the lineup on it.

14 THE COURT: Just start it at the appropriate time  
15 when the lineup procedure begins, just like we did in the  
16 pretrial hearing.

17 MS. SHEALY: That'll be for him to do.

18 [Whereupon, Mr. Summa and Ms. Norris confer]

19 MR. SUMMA: Yeah. Got it. Okay?

20 [Whereupon, on-the-record bench conference  
21 concludes]

22 MR. SUMMA: So could we mark Court's Exhibit 8 as a  
23 Defense Exhibit 1?

24 THE COURT REPORTER: They have a couple of I.D.s  
25 from pretrial. It could be 3.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 THE COURT: Defense 3.

2 THE COURT REPORTER: So we're changing Court's 8 to  
3 Defense 3?

4 THE COURT: Defense 3.

5 MR. SUMMA: Thank you.

6 [Off the record momentarily]

7 [Whereupon, Court's Exhibit Number 8 is remarked as  
8 Defendant Crummey Exhibit Number 3 for identification by  
9 the court reporter]

10 THE COURT: Mr. Voigt, I will note your objection to  
11 the introduction of Defense 3, pursuant to the previous  
12 objection you made on prior motions, and I will  
13 respectfully overrule your objection.

14 MR. VOIGT: Thank you very much.

15 THE COURT: Yes, sir.

16 [Whereupon, Defendant Crummey Exhibit Number 3 is  
17 admitted into evidence by the Court]

18 [Whereupon, Defendant Crummey Exhibit Number 3 is  
19 played for the jury]

20 Q. [Mr. Summa] So going back to State's Exhibit 88,  
21 what you're saying is that you meant to put the fact that  
22 you -- you meant to put the sentence where it says, I  
23 know him because I've seen him at school, on the other  
24 paper?

25 A. [Through the interpreter] My intention of writing

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 that I knew him from school was not to put it on the  
2 other sheet. But it wasn't that I knew him from school,  
3 either. It was just a mistake.

4 Q. So when you said, I know him because I've seen him  
5 before at school that was a mistake?

6 A. [Through the interpreter] Of course, because I was  
7 referring to the other fellow. But I wasn't going to  
8 write that in that sheet, either.

9 Q. Why weren't you going to write it on that sheet,  
10 either?

11 A. [Through the interpreter] Because I was not  
12 thinking at that time.

13 Q. Okay. So the detective in the video told you on the  
14 first sheet to write how you knew the person; right?

15 A. [Through the interpreter] Correct.

16 Q. This is State's Exhibit 87.

17 [Whereupon, the photograph is published]

18 Q. And obviously you didn't write that you knew this  
19 person from school; right?

20 A. [Through the interpreter] Correct.

21 Q. But you're saying that what you wrote on this sheet  
22 you should have written on this sheet; is that correct?

23 A. [Through the interpreter] Yes. I should have  
24 written it in there, but I did not do it. And why I have  
25 my personal theory as to how I made this mistake, because

1 I -- you can hear in the recording that I told the  
2 detective that I knew someone else from school who was in  
3 the same sheet where person number three was located.

4 Q. So when you were describing -- when you were writing  
5 this out, you weren't just describing one person, you  
6 were describing two different people from this lineup; is  
7 that correct?

8 A. [Through the interpreter] Yes. I mean, because  
9 probably -- well, not probably.

10 That I was talking to him before about all this,  
11 that I thought that I saw him, that -- and that I saw  
12 him, but right next to him was somebody that might have  
13 been in school with me. And maybe that's why I had  
14 written that, possibly.

15 Q. So when you were writing this, I know him because  
16 I've seen him before at school and he also used to be in  
17 front of my dad's work, you were describing two people in  
18 that six-pack lineup?

19 A. [Through the interpreter] No. I was describing  
20 him, but I was referring to that part that he was in the  
21 front of my dad's store.

22 And what happened is that I wrote it in the paper  
23 because I had been commenting to him that I knew someone  
24 else who had gone to school with me that was also  
25 appearing on that lineup.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 Q. Is that person on this lineup, the person you went  
2 to school with?

3 A. [Through the interpreter] Also.

4 Q. Which one is it that you went to school with?

5 A. [Through the interpreter] Okay. Just to be clear,  
6 I'm not talking about the suspect who is the shorter  
7 person. I'm talking about someone else, who was this  
8 one. And he's also -- well, he is in the yearbook.

9 Q. Okay. So I'm sorry to keep repeating. I'm just  
10 trying to straighten this out.

11 To be clear, when you said -- you testified that  
12 when you said, I know him because I've seen him at school  
13 and he also used to be in front of my dad's work, you're  
14 describing two different people; right?

15 A. [Through the interpreter] Yes. And I might have  
16 written it accidentally because in the other testimony, I  
17 did say that the shorter young fellow is the one that I  
18 had seen in my school before.

19 Q. Okay. But it's -- this is all very hard to  
20 remember, right, because it happened two and a half years  
21 ago; right?

22 A. [Through the interpreter] There are things that you  
23 never forget.

24 Q. That's true. But the specific procedure and what  
25 you were doing at the time and why you wrote what you

1 wrote, it's tough to remember that; right?

2 A. [Through the interpreter] As I said before, I was  
3 commenting to the detective that I had seen someone else  
4 who I -- whom I had been in school with.

5 And that's why I was writing that. I mean, that  
6 happened. But you're writing something as you're  
7 talking. It's an accident.

8 Q. So what you wrote was an accident?

9 A. [Through the interpreter] Only the part where I  
10 said that he was going to school with me.

11 Q. People make mistakes; right?

12 A. [Through the interpreter] Of course. We're human.

13 Q. So you testified on direct -- and you're doing -- I  
14 know you're doing the best you can to tell the truth to  
15 this jury; right?

16 A. [Through the interpreter] Correct.

17 Q. Because they're going to have to make a very  
18 important decision based on your testimony; right?

19 A. [Through the interpreter] Correct.

20 Q. And you testified earlier that you knew -- when you  
21 saw the two individuals bust in your home, you knew both  
22 of them?

23 A. [Through the interpreter] Not knowing them, but  
24 like just having seen them before, like -- like that.  
25 Just seeing them.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 Q. Okay. To clarify, when you testified earlier, you  
2 said that you had seen both individuals before; right?

3 A. [Through the interpreter] Yes.

4 Q. Now, going back to the interview with the police,  
5 there was an interview along with this lineup; right??

6 A. [Through the interpreter] Of course.

7 Q. And at the time, when things were fresh in your  
8 mind, you wanted to tell the police everything; right?

9 A. [Through the interpreter] Of course.

10 Q. You wanted to be completely truthful with them?

11 A. [Through the interpreter] Always. But when the  
12 nervousness got you, you commit mistakes.

13 Q. At the time when you were talking to the police, you  
14 told them that you recognized one of them but the other  
15 one you had never seen before?

16 A. [Through the interpreter] I don't remember that.

17 Q. Okay. If we play the video of your statement to  
18 police shortly after the incident, would that refresh  
19 your recollection?

20 A. [Through the interpreter] Probably. But as I was  
21 telling him, nervousness usually gets you and probably I  
22 did say that.

23 And so since the incident had just happened, anybody  
24 could say just the way I said it and be mistaken and like  
25 -- just like I did. And I'm accepting that.

1 Q. But you don't remember exactly what you said?

2 A. [Through the interpreter] I don't remember what I  
3 said because, rather, I remember the hit in the head.

4 MR. SUMMA: Your Honor, we'd like to play part of  
5 the interview.

6 MS. SHEALY: Your Honor, our position would be if  
7 he's can play part of the interview, he should play the  
8 whole interview.

9 THE COURT: What do you say, Mr. Voigt?

10 MR. VOIGT: I believe that counsel has laid a  
11 foundation for a very specific part of the interview and  
12 I wouldn't object to that part being played. I would  
13 object to those parts that are beyond the scope of what  
14 counsel just laid a foundation for.

15 MR. SUMMA: I don't care.

16 THE COURT: I think at this point, limit the portion  
17 that you show to the questions regarding that she had  
18 never seen one of the guys before, which she's somewhat  
19 admitted to being mistaken. So just limit it to that  
20 portion. Don't play the whole -- the whole statement.

21 MR. SUMMA: Absolutely. Could we mark this as  
22 Defense 4?

23 [Whereupon, Defendant Crummey Exhibit Number 4 is  
24 marked for identification by the court reporter]

25 MR. SUMMA: Permission to publish, Your Honor?

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 THE COURT: Defense number 4 is admitted. But for  
2 the record, the portion that he's going to play  
3 concerning this issue is admitted. The whole -- the  
4 whole interview is not yet in.

5 [Whereupon, Defendant Crummey Exhibit Number 4 is  
6 admitted into evidence by the Court]

7 [Whereupon, Defendant Crummey Exhibit Number 4 is  
8 played for the jury]

9 Q. [Mr. Summa] Does that help you remember what you  
10 told detective at the time?

11 A. [Through the interpreter] Yes. That's me and I  
12 said it.

13 Q. And of course people make mistakes.

14 A. [Through the interpreter] Of course.

15 Q. And it was -- it was a scary, traumatic thing for  
16 you; right?

17 A. [Through the interpreter] Correct.

18 Q. It's not crazy to think that you might have made a  
19 mistake?

20 A. [Through the interpreter] Exactly.

21 Q. And you told the police at that time that you knew  
22 one of them but another one you had never seen before?  
23 In that interview.

24 A. [Through the interpreter] Yes. I know now who I  
25 was referring to. I was referring to the shorter young

1 man.

2 Q. Okay. So it's your testimony today that it was the  
3 short one that you remembered from school?

4 A. [Through the interpreter] Yes. Because I even went  
5 to look for him at school in the book year -- in the  
6 yearbook.

7 But we found somebody that resembled him very much.  
8 I mean, everybody can see it in the picture it looked  
9 just like him.

10 Q. Now, obviously, you can understand why the jury  
11 might think that you were identifying and saying that the  
12 tall one is the one you went to school, based on State's  
13 Exhibit 88; right?

14 MS. SHEALY: I object to the form of that question.

15 MR. SUMMA: Okay.

16 THE COURT: That's a compound question. Let's break  
17 it up into smaller parts so she can understand the  
18 question better.

19 MR. SUMMA: My mistake.

20 Q. [Mr. Summa] You would say that this says number  
21 three and then it says, this is the one I know from  
22 school; right?

23 A. [Through the interpreter] That's what I wrote.

24 Q. Okay. And number three is the tall one; right?

25 A. [Through the interpreter] Yes.

State v Daquan J. Crummey & Denali D. White  
Dulce Martinez (through interpreter)-Cross-Examination by Mr. Summa  
March 11, 2020

1 Q. Okay. But your testimony today is that it's the  
2 short one that you knew from school; right?

3 A. [Through the interpreter] I didn't know him. I had  
4 seen him at school, like I said before.

5 Q. Okay. Well, you recognized him from school?

6 A. [Through the interpreter] Yes. That's the correct  
7 word.

8 Q. Okay. Now, you called 911 in this case; right?

9 A. [Through the interpreter] Yes.

10 Q. And in the 911 call, just like on State's Exhibit  
11 88, the lineup, you told the police that it was the tall  
12 one you knew from school; right?

13 A. [Through the interpreter] I don't remember that.

14 Q. If we played the 911 call, would it refresh your  
15 recollection?

16 A. [Through the interpreter] Yes.

17 MR. SUMMA: Permission to play what's been  
18 previously marked as State's 57.

19 THE COURT: Granted.

20 MR. SUMMA: Thank you.

21 [Whereupon, State's Exhibit Number 57 is played for  
22 the jury]

23 Q. [Mr. Summa] So you would agree that on the 911  
24 call, just like on State's Exhibit 88, you said it was  
25 the tall one that you knew from school; right?

1 A. [Through the interpreter] No. You can -- can you  
2 play it again so you can listen to it well?

3 A. Sure.

4 MR. SUMMA: With the Court's permission?

5 THE COURT: You can play it again.

6 [Whereupon, State's Exhibit Number 57 is played for  
7 the jury]

8 Q. [Mr. Summa] So did you say on the 911 call that it  
9 was the tall one who was wearing the hat and that's the  
10 one I know?

11 A. [Through the interpreter] Yes, I said that. But  
12 what you heard on the call was that I know one of them  
13 from school but I don't know his name.

14 So the other thing is that I know one of them, but I  
15 never said which one is the one I know from school. And  
16 if you ask me, I said both of them wear -- wearing black,  
17 but I never said which one I knew from school.

18 Q. You didn't say which one you knew from school, but  
19 you said the one with the hat on is the one you knew;  
20 right?

21 A. [Through the interpreter] Yes.

22 Q. And you said the one with the hat on is the tall  
23 one; right?

24 A. [Through the interpreter] Yes.

25 Q. So it's fair to say the one you knew was the tall