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**May 27 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Florence County

Thomas A. Russo, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

DIANTE JA QUAN ROGERS,

APPELLANT.

APPELLATE CASE NO. 2020-000135

---

RECORD ON APPEAL

---

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**

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|                              |   |                           |
|------------------------------|---|---------------------------|
| State of South Carolina      | ) | Court of General Sessions |
|                              | ) | Twelfth Judicial Circuit  |
| County of Florence           | ) | Case No. 2019-GS-21-00934 |
|                              | ) |                           |
| The State of South Carolina, | ) |                           |
|                              | ) |                           |
| Plaintiff,                   | ) |                           |
|                              | ) |                           |
| -vs-                         | ) | Transcript of Record      |
|                              | ) |                           |
| Diante JaQuan Rogers,        | ) |                           |
|                              | ) |                           |
| Defendant.                   | ) |                           |
|                              | ) |                           |

---

January 13-17, 2020  
Florence, South Carolina

B E F O R E:

The Honorable Thomas A. Russo, Judge; and a jury

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

Edgar L. Clements III, Esquire  
Attorney for the Plaintiff

William Vickery Meetze, Esquire  
Tamara Greer, Esquire  
Attorneys for the Defendant

Krystal J. Smith  
Circuit Court Reporter

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| 22 |                              | or change in thought                   |            |            |
| 23 | ellipses . . .               | trailing off                           |            |            |
| 24 | [ph]                         | phonetically written                   |            |            |
| 25 | [sic]                        | written as said                        |            |            |

1 JANUARY 13, 2020

2 (WHEREUPON, the proceedings began at 11:20 a.m.)

3 THE COURT: All right. Ladies and gentlemen, we're  
4 going to go about the business of selecting a jury for our  
5 first case and I would recognize Solicitor Clements for the  
6 calling of the first case.

7 MR. CLEMENTS: Thank you, Your Honor. The State would  
8 call the State of South Carolina versus Diante J. Rogers.  
9 It's Indictment 2019-GS-21-934, Your Honor.

10 THE COURT: All right. Thank you, Solicitor.

11 Ladies and gentlemen, you heard the State call the case  
12 of the State of South Carolina versus Diante JaQuan Rogers  
13 and that is under Indictment 2019-GS-21-934.

14 Ladies and gentlemen, an indictment is simply a document  
15 or a piece of paper that contains the charges or the  
16 allegations made against a defendant. The contents of this  
17 indictment or the writings in this indictment are not  
18 evidence in this case and they are not to be considered as  
19 evidence for or against either side. It is merely the  
20 allegations that the State has made or the charge that the  
21 State has brought against Mr. Rogers.

22 To these allegations or to these charges, Mr. Rogers has  
23 pled not guilty. That plea of not guilty places upon him the  
24 presumption of innocence and it places upon the State the  
25 burden of proof. The State must prove the elements of these

1 charges beyond a reasonable doubt.

2 Now, I'm going to go through and tell you what the  
3 charges are that the State has brought against Mr. Rogers.  
4 I'd ask that you listen carefully as I go through these.

5 Under this indictment, Count I of the indictment charges  
6 Mr. Rogers with the offense of criminal conspiracy and the  
7 allegation is as follows. That Diante JaQuan Rogers did in  
8 Florence County on or about August the 28<sup>th</sup> of 2017 combine  
9 with and/or with other persons for the purpose of  
10 accomplishing a criminal or an unlawful object or an object  
11 that is neither criminal nor unlawful but done through  
12 criminal or unlawful means, to wit: a carjacking, in  
13 violation of Section 16-17-410 of the South Carolina Code of  
14 Laws, 1976, as amended.

15 Count II of the indictment charges Mr. Rogers with the  
16 offense of carjacking and that allegation is that Diante  
17 JaQuan Rogers did in Florence County on or about August the  
18 28<sup>th</sup> of 2017, with others, take and/or attempt to take one  
19 silver Impala from Katherine Wilson by force and violence or  
20 by intimidation while the victim was operating and/or in the  
21 vehicle by using their vehicle and hemmed in and blocked  
22 Katherine Wilson's vehicle at the intersection of Byrd and  
23 Kershaw Streets and attempted to take her car, causing great  
24 bodily injury to the victim, all in violation of Section  
25 16-3-1075(b)(2) of the South Carolina Code of Laws, as

1 amended.

2 Count III of the indictment charges Mr. Rogers with the  
3 offense of kidnapping and it alleges that Diante JaQuan  
4 Rogers did in Florence County on or about August the 28<sup>th</sup> of  
5 2017 unlawfully seize, confine, inveigle, decoy, kidnap,  
6 abduct or carry away one Katherine Wilson without authority  
7 of law in violation of Section 16-3-910 of the South Carolina  
8 Code of Laws, 1976, as amended.

9 Count IV of the indictment charges Mr. Rogers with the  
10 offense of murder and the allegation is that Diante JaQuan  
11 Rogers did in Florence County on or about August the 28<sup>th</sup> of  
12 2017, acting with others, shot the victim while trying to  
13 carjack her with malice aforethought through her arm and into  
14 a chest cavity and she died from her wounds on October the 8<sup>th</sup>  
15 of 2017 at McLeod Hospital in Florence County, all in  
16 violation of Section 16-3-10 of the South Carolina Laws,  
17 1976, as amended.

18 Count V charges Mr. Rogers with the following, that  
19 being discharging a firearm into a vehicle. The allegation  
20 is that Diante JaQuan Rogers did in Florence County on or  
21 about August the 28<sup>th</sup> of 2017, while acting in concert with  
22 others, did discharge or cause to be discharged unlawfully  
23 firearms at or into a vehicle while the victim sat in the  
24 driver's seat in violation of Section 16-23-440(b) of the  
25 South Carolina Code of Laws, 1976, as amended.

1           And Count VI of the indictment charges Mr. Rogers with  
2 possession of a firearm during the commission of a violent  
3 crime, and the allegation there is that Diante JaQuan Rogers  
4 did in Florence County on or about August 28<sup>th</sup> of 2017 in  
5 Timmons ville, while acting in concert with others, did  
6 possess a firearm or visibly display what appeared to be a  
7 firearm during the commission or attempted commission of a  
8 violent crime, kidnapping, carjacking, and murder, all in  
9 violation of Section 16-23-490 of the South Carolina Code of  
10 Laws, 1976, as amended.

11           Ladies and gentlemen, these are the charges or the  
12 allegations that the State has made against Mr. Rogers to  
13 which he has pled not guilty. Based on that limited  
14 information that I've just given you, is there any member of  
15 the jury panel who knows anything about this case prior to  
16 coming here today? If so, please stand.

17           (WHEREUPON, there was no response.)

18           THE COURT: Thank you. There are none.

19           I'm going to ask the attorneys to stand and introduce  
20 themselves, if you'd listen carefully, and I'll begin with  
21 the State.

22           MR. CLEMENTS: Thank you, Your Honor.

23           Good morning, ladies and gentlemen of the jury. My name  
24 is Ed Clements. I am the Solicitor for the 12<sup>th</sup> Judicial  
25 Circuit, which is Florence and Marion Counties.

1 anticipate it being an extremely lengthy trial and I have  
2 found that -- unless it's a fairly lengthy case, I have found  
3 that jurors tend to pay more attention to testimony when  
4 they're not trying to write or jot down things.

5 Sometimes as you're taking notes, as you're writing your  
6 notes, you may miss something that's being said, and so I  
7 think at least at this time I'm going to not allow any  
8 notetaking, but ask that you pay strict attention to all of  
9 the testimony as it comes through. And then once you begin  
10 your deliberations, you certainly will then be able to talk  
11 with one another and discuss the facts as you find the facts  
12 to be.

13 Before I turn it over for the attorneys and their  
14 opening statements, let me first inquire are there any  
15 objections or exceptions to the Court's opening remarks from  
16 the State?

17 MR. CLEMENTS: No, Your Honor.

18 THE COURT: Anything from the defense?

19 MR. MEETZE: No, Your Honor.

20 THE COURT: All right. Thank you, gentlemen.

21 Ladies and gentlemen, now if you'd please listen  
22 carefully and give the attorneys your close and undivided  
23 attention as they address you with their opening remarks.

24 Solicitor?

25 MR. CLEMENTS: Thank you, Your Honor. May it please the

1 Court.

2 THE COURT: Yes, sir.

3 OPENING STATEMENT ON BEHALF OF THE STATE

4 MR. CLEMENTS: Ladies and gentlemen, on August the 28th,  
5 2016, Ms. Katherine Revell Wilson had been to the grocery  
6 store. She was headed back home to Timmonsville to her house  
7 on Hill Street and then something that she would have never  
8 imagined in probably a million years happened. She got cut  
9 off and stopped.

10 Two young men got out of the car, came to her window,  
11 tried to take her car, and she rode off and they started  
12 shooting. She was hit. She went several blocks. She went  
13 to her friend, Mr. Lindwood Timmons' home a few blocks away.  
14 She had to pass her house to get there and I would submit she  
15 was going to where she thought there was some safety and she  
16 ended up there.

17 The police were called, EMS was called. She was taken  
18 to the hospital. She was shot in the left shoulder. The  
19 bullet passed through and stayed in her body and caused  
20 several injuries.

21 She fought bravely until October the 8th, 2017, at  
22 Carolinas Hospital where she gave up her fight. She was a  
23 brave woman. She was a strong woman. She didn't deserve to  
24 go out like that.

25 On August 28th, five young men were over in Mullins.

1 Ingleque McKay was a young, young man who had not reached the  
2 age of majority yet; Alfredo they called him, Alfred Lamar,  
3 Jr.; Juwan Smith; MINOR [REDACTED]; and Diante Rogers, who is  
4 seated right here by his defense team, who they called Little  
5 Bill.

6 They went and drove from Mullins to Timmonsville to  
7 bring Ingleque McKay home because his mother was demanding  
8 that he come home. He had been gone for a while. They went  
9 a few places in Timmonsville and visited some people and went  
10 by a tire shop.

11 And at some point in time -- and there may be a  
12 difference of opinion as to how this happened and you'll hear  
13 from the witness stand different witnesses, but I believe the  
14 evidence is going to show they had guns and when they were  
15 driving down the road close to Byrd and Kershaw that the  
16 silver Impala went by and Diante Rogers looked and said I  
17 want that Impala.

18 And they cut her off and Diante Rogers got out of the  
19 car. Then MINOR [REDACTED] got out of the car, who they called  
20 Gooney, and tried to take her car. They ended up shooting  
21 and we believe that the shooter -- we believe the evidence  
22 and the testimony will show that the shooter was Diante  
23 Rogers.

24 Part of what's going to be presented to you is that law  
25 enforcement went out. Capt. Mark Strickland from



1 Timmons ville picked up five shell casings and they were empty  
2 shell casings and he turned them in to the Florence County  
3 forensics officer and they then went to SLED to be tested,  
4 and you're going to hear what the results of those tests are.  
5 That they matched each other and they were all fired from the  
6 same weapon.

7       You're going to also hear that a bullet was retrieved  
8 from Ms. Wilson's body, the one that entered her left  
9 shoulder and went across her and lodged in her side. That  
10 that spent bullet that was retrieved and submitted to SLED  
11 and tested was determined to be fired by the same gun that  
12 fired the five shell casings that were out in the street on  
13 Kershaw and Byrd on that corner. All that matched.

14       What they didn't find is any guns that matched those  
15 shell casings and matched that bullet. They found a couple  
16 of guns. They tested them. They were not the weapon that  
17 was used.

18       That's basically what happened in a nutshell. In a very  
19 short period of time, people's lives were changed forever.  
20 Ms. Wilson's life was changed and ended and her family  
21 members' lives were changed forever.

22       And it's incumbent upon me because I have the burden of  
23 proof that I need to present facts to you that support a  
24 burden of a certain law and meet a certain standard that's  
25 called elements of an offense, and I'm going to tell you a

1 little bit about that.

2       You have a crime, it has different parts to the crime.  
3 I heard another lawyer over across the street one time when I  
4 first started practicing law say it's like baking a cake.  
5 You've got different ingredients. You've got flour, you've  
6 got sugar, you've got milk, you've got eggs, and I don't know  
7 what else because I don't know how to make a cake, but this  
8 -- these elements he's charged with have elements of offenses  
9 that I have to prove beyond a reasonable doubt, and I believe  
10 the facts and evidence we present will show that.

11       Criminal conspiracy is pretty simple. It's when more  
12 than one person gather together and agree to do something  
13 criminal, to commit a crime. I believe you're going to hear  
14 that and you're going to hear the facts that satisfy that  
15 element and satisfy conspiracy.

16       You're going to hear about discharging a firearm into a  
17 vehicle. You're going to hear testimony about that and  
18 you're going to see evidence about it and you're going to see  
19 the pictures of the car riddled with bullet holes and that  
20 will support those elements of the offense you have of  
21 shooting a car -- shooting into a car. It's fancy the way  
22 it's said in the law, but it's pretty simple. You took a gun  
23 and shot in a car and another person was in it and you were  
24 trying to take it from her.

25       So then you move from discharging a firearm into a

1 vehicle to where you have carjacking, and the statute for  
2 carjacking says that you either take or attempt to take a  
3 car, and they attempted to take Ms. Wilson's car, but she  
4 wasn't having none of it. She wouldn't let them have it and  
5 she got shot and she died.

6 And the elements of murder are to take someone's life  
7 with malice aforethought. If you commit a crime like  
8 carjacking and you shoot and you shoot into a car and you  
9 know, you know, you're trying to stop them, you've got an  
10 intent there. You've got malicious intent. You've got evil  
11 in your heart. And once you hear the facts and testimony,  
12 we'll meet the elements of murder.

13 You've got possession of a weapon during the commission  
14 of a violent crime. Well, murder is a violent crime.  
15 Possession of a weapon if you shot and fired it and pulled it  
16 out from your waist or whatever and shot at another person,  
17 you're possessing it when you commit a violent crime and  
18 somebody dies. So those are the elements of that offense.

19 And lastly, I think I've gone through five of them. The  
20 last one is kidnapping. Kidnapping is when you restrain  
21 somebody from going where they want to go. When you head  
22 them off at the pass in the roadway and drive in front of  
23 them and stop their progress and pull guns on them, that's  
24 preventing them from going where they want to go and holding  
25 them hostage, even if it's for minutes. It doesn't have to

1 be hours or days or months or weeks. It can be minutes. If  
2 someone stops you from going where you want to go and holds  
3 you against your will, that's kidnapping.

4 But those are the six charges that you have to consider  
5 if you listen to this evidence, but there's more law that  
6 you're going to have to apply to these facts as well.

7 One the judge touched on, the credibility of the  
8 witnesses. Credibility just means believability. You will  
9 listen to the witnesses up there under oath tell what they  
10 saw, what they observed, what they heard, and some of them  
11 what they did. And one of the things that you will hear  
12 about and I believe the law will be charged on you is the  
13 hand of one is the hand of all, and that's also called  
14 accomplice liability.

15 But the law of the hand of one is the hand of all is you  
16 go with somebody to do something and they do it, you're  
17 responsible for it if you're there with them. You know, if  
18 two people go -- Judge Russo and I decided we're going to  
19 knock over a bank and in the process he's not going to shoot  
20 anybody, never intended to, but I shoot somebody and they're  
21 killed, the hand of one being the hand of all means that he'd  
22 be responsible for that death as well.

23 When people are acting together and acting in concert,  
24 that shows an agreement, which is a conspiracy, and then if  
25 you do it together and you act together, the hand of one is

1 the hand of all. So the man who had the gun in his hand and  
2 fired the shots under the hand of one, hand of all can be  
3 guilty. The person standing beside him, the person driving  
4 him there, they can be just as guilty under the hand of one,  
5 hand of all, but that's -- that's part of the law we're going  
6 to ask you to consider at the end of this trial.

7 It's not going to be a lengthy matter. It's pretty cut  
8 and dried. Nobody is disagreeing that Ms. Wilson died.  
9 Nobody is disagreeing that Ms. Wilson died from gunshot  
10 wounds, but what we do have a disagreement about and we have  
11 to determine here in this next day or days or two is who did  
12 it.

13 Who did it? Once you hear all of the evidence and hear  
14 all of the testimony and see what evidence we have, you'll go  
15 back and the judge will tell you it's time to deliberate and  
16 he's going to give you the law to apply to those facts that  
17 you heard while we were having testimony.

18 And if I said anything different about the law than the  
19 judge said, don't pay attention to what I said about the law.  
20 Take the law that he gives to you, but I gave it to you as  
21 truly as I could.

22 These facts, who did what, where they were positioned,  
23 what they were doing, that's for you to decide. We're going  
24 to present evidence of it. And some things are going to be  
25 agreed upon by different witnesses and some may not, but what

1 I'm going to ask you to do is focus on those things that can  
2 be agreed.

3 I already told you nobody disagrees that Ms. Wilson is  
4 dead and she died as a result of a gunshot, but the other  
5 facts that we put up that people agree on, I would ask that  
6 you accept those and find those to be proof beyond a  
7 reasonable doubt that Diante Rogers is guilty of murder,  
8 kidnapping, carjacking, possession of a weapon during the  
9 commission of a violent crime, discharging a firearm into a  
10 vehicle, and conspiracy. I believe that's what the evidence  
11 will show and I believe that's the verdict that you will  
12 return.

13 Thank you.

14 THE COURT: Thank you, Solicitor.

15 Mr. Meetze?

16 MR. MEETZE: Thank you, Your Honor. May it please the  
17 Court.

18 THE COURT: Yes, sir.

19 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

20 MR. MEETZE: First off, I'd like to introduce myself  
21 again. As I said earlier, my name is Vick Meetze and I work  
22 for the Florence County Public Defender's Office and I'm here  
23 proudly representing Diante Rogers in this case.

24 I'm going to redirect a few things and there's certain  
25 things in this case that you'll probably hear a number of

1 times and a lot of times that happens not just to be  
2 repetitive or not just to hear ourselves speak, but because  
3 there are certain things in a criminal case that you hear  
4 over and over again and it's because they're just that  
5 important. So you probably heard some of them already and  
6 after I get done talking as we move forward, you won't be  
7 done hearing about them. Again, that's because of their  
8 importance.

9       There's no question that what brings us all here today  
10 is an absolute terrible tragedy. There's no doubt about  
11 that. Nobody is excusing that whatsoever.

12       And you know there's family hurting and us as humans  
13 wish we could just touch them and make that hurt go away, but  
14 we can't. Our emotions can lead us in directions from time  
15 to time under certain circumstances, but here our emotions  
16 have to remain in check. Our emotions have to be set aside  
17 and we have to decide cases on evidence and on testimony  
18 presented and exhibits.

19       And as you've been told, testimony will come from this  
20 witness stand. Even though I'm sitting in this chair right  
21 now, I'm not under oath and I'm not telling y'all anything  
22 that would be considered evidence.

23       But witnesses will sit here. Some of y'all are close to  
24 this location in the courtroom. Some of you are much further  
25 away. Sometimes witnesses can be nervous or maybe talk fast,

1 can be difficult to hear or difficult to understand because  
2 they may talk fast.

3 As examiners of witnesses, myself and Mr. Clements will  
4 do the best we can to try to rein that kind of thing in so  
5 that you can hear and understand the testimony as best that  
6 you can, but it's very important that you also pay attention  
7 because you're going to hear a lot of things in this case.  
8 You might hear a lot of things that are going to be -- there  
9 will be discrepancies with it and that's what your job is and  
10 that's what your function is, as you've already heard, and  
11 again it's one of those things that is just that important.

12 A large part of your job is to determine the  
13 believability or credibility of witnesses and you're going to  
14 hear a lot of witnesses that have -- that were at the same  
15 place say different things happened and you're going to have  
16 to shovel through that and make a determination as to whether  
17 or not they can be believed.

18 You will be charged on the law with regards to all of  
19 that. What is credibility? What -- you know, to give sort  
20 of a roadmap, the judge's instructions sort of serve as a  
21 roadmap that you're to use and guide you through your  
22 deliberations on all these issues and, again, we'll touch on  
23 those issues as we move forward as well, but whatever -- as  
24 Mr. Clements said, whatever the judge charges you as the law  
25 on these things, that's obviously what you use as your



1 roadmap, not what necessarily I say or not necessarily what  
2 Mr. Clements says.

3 But another principle that I want to talk to you about  
4 is presumption of innocence. You've probably all heard that.  
5 Maybe I would imagine most of you watch TV or otherwise have  
6 heard of the presumption of innocence. Someone is presumed  
7 innocent until they're proven guilty, and those aren't just  
8 words. They are a principle. It is a principle of law that  
9 is as solid as concrete. It's a -- it's a principle that  
10 pertains to everybody, but it's something that's easy to take  
11 for granted because a lot of folks don't ever find themselves  
12 where they're charged with something criminally to where that  
13 presumption applies to them.

14 But as Mr. Diante Rogers sits here right now, he is  
15 innocent as anybody else in this courtroom and he'll be  
16 cloaked in that innocence until such time as the State is  
17 able to prove him guilty beyond a reasonable doubt. And  
18 again, these aren't just words. They are principles and they  
19 are ironclad. They are absolute.

20 Which brings me to another principle of our law, which  
21 is proof beyond a reasonable doubt. That's the standard of  
22 proof that the State has in a criminal case.

23 We are here in Circuit Court and there is two branches  
24 of Circuit Court. There's General Sessions, which is where  
25 we are now, also known as criminal court, and there's Common

1 Pleas court, which is also referred to as civil court. Both  
2 have jury trials. Both have jury trials in this very  
3 courtroom. Both jury trials have jurors of twelve people.  
4 In order for juries in each of those branches to return a  
5 verdict, those verdicts must be unanimous.

6 But the difference is burdens of proof. In a civil  
7 case, the burden of proof is what's called in the law by a  
8 preponderance of the evidence, which essentially means that  
9 it's more likely than not that one party is involved in a  
10 particular accident or whatever it may be. It's like a 41 --  
11 excuse me -- 51 percent to 49 percent.

12 If you think of the scales of justice and, in a civil  
13 case, the sides put their evidence onto those scales. Once  
14 all of their evidences is in, if those scales tilt ever so  
15 slightly in one direction, then that's the side that a jury  
16 -- that a jury would rule in favor of in a civil case.

17 But in criminal court, it's different. The proof is  
18 beyond a reasonable doubt, and you'll be charged on that as  
19 well, but proof beyond a reasonable doubt requires much more  
20 evidence. There's good reason for that.

21 In civil court, not all the time, but most of the time  
22 you're dealing with money, financial. Someone has been in a  
23 wreck, slip and fall at a grocery store or something like  
24 that to where somebody is at fault. Somebody may have  
25 breached a duty of some kind and one side sues the other

1 because they've been -- you know, they're out of money for  
2 whatever reason and they're trying to be made whole or be  
3 compensated for their loss.

4 And that's certainly important and I'm not going to say  
5 that it's not, but in criminal court, in General Sessions  
6 court, you're dealing with people's lives. You're dealing  
7 with their very liberties, and it just doesn't get any more  
8 important than that. The stakes don't get any higher than  
9 that. That's why the proof in General Sessions court, in  
10 criminal court, is so much more powerful, proof beyond a  
11 reasonable doubt, because it doesn't get any more important  
12 than dealing with people's lives.

13 We certainly appreciate your attention in this case. It  
14 isn't going to be -- it shouldn't last too terribly long, but  
15 there's going to be important testimony to be able to hear  
16 and decipher and make decisions on. Y'all's responsibility  
17 in this cases, regardless of what kind of case they are, it's  
18 an awesome responsibility. We certainly as officers of the  
19 Court don't take that lightly. We appreciate your attention  
20 in the case.

21 Once you've heard all of the evidence, gotten the charge  
22 on the law, I'll be back to talk to you again and, at that  
23 time, I'm going to ask that you bring back the only verdict  
24 in this case based on this evidence that speaks the truth and  
25 that's going to be a verdict of not guilty. Thank you.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 THE COURT: Thank you, Mr. Meetze.

2 Solicitor, you may call your first -- first witness.

3 MR. CLEMENTS: Thank you, Your Honor. May it please the  
4 Court. We would like to call Mr. Lindwood Timmons.

5 THE COURT: All right. Mr. Lindwood Timmons, please  
6 come around, sir.

7 THE CLERK: Sir, if you will, please step up to the  
8 witness stand and place your left hand on the Bible and raise  
9 your right hand. Do you swear the testimony you give in this  
10 case to be the truth, the whole truth, and nothing but the  
11 truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Please be seated and state your full name  
14 for the record.

15 THE WITNESS: My name is Lindwood Timmons.

16 LINDWOOD TIMMONS, being first  
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q: Could you please spell your name for the court reporter?

21 A: L-i-n-d-w-o-o-d T-i-m-m-o-n-s.

22 Q: Mr. Timmons, where do you live?

23 A: [REDACTED] Gregory Street in Timmonsville.

24 Q: And how long have you lived there?

25 A: About three and a half years.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 Q: How long have you lived in Timmonsville itself?

2 A: Same time.

3 Q: Same time?

4 A: Right.

5 Q: Before you moved to Timmonsville, where did you live?

6 A: Geneva, Florida.

7 Q: Okay.

8 A: It's right outside of Orlando.

9 Q: And what brought you to Timmonsville?

10 A: Returning home.

11 Q: Is that where you were raised?

12 A: I was born and raised down in Effingham.

13 Q: Yes, sir.

14 A: Below -- it's called Friendfield. I don't know if

15 anybody knows where that is.

16 Q: And you've still got family in Friendfield?

17 A: Yes, sir. I've got family throughout the general area.

18 Q: Yes, sir. How long had you -- well, let me ask you

19 this. Did you know Ms. Wilson?

20 A: Yes. Yes, I did.

21 Q: How long did you know Ms. Wilson?

22 A: I met her probably three or four months after I moved to

23 Timmonsville. We moved there in May of 2016 and I met her

24 during the summer of that same year.

25 Q: And you and your wife were friends of hers?

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: Y'all have a good strong relationship?

3 A: Yeah. I used to help her around the house, in the yard  
4 and stuff, and we'd talk about different things.

5 Q: Okay. Did you ever know Ms. Wilson to ever have any  
6 enemies of any sort?

7 A: Not that I know of.

8 Q: Okay. She was not that type of person, was she?

9 A: No. She appeared to be a good neighbor type person.  
10 She treated everybody with respect.

11 Q: Were you at home on the day or the afternoon of August  
12 28th, 2017?

13 A: Yes, sir.

14 Q: Can you tell this jury what you were doing and then what  
15 happened that was unusual?

16 A: I was in my shop. I've got a little barn in the  
17 backyard and I was doing some work out there and I heard a  
18 car horn repeatedly blowing. I thought at first it was --  
19 you know how an alarm goes off on a car. And it persisted;  
20 so I went out there. I thought it was my car; so I went out  
21 there.

22 And as I exited the barn, I saw Mrs. Wilson's car  
23 sitting on the driveway and, as I approached the car, I  
24 noticed it was running, but what got my attention was I saw  
25 what appeared to be a hole in the window. The driver's

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 window was shattered and had a little hole, sort of like when  
2 you take a hammer or something and hit glass. And as I  
3 approached the car --

4 Q: Let me ask you first, you said it was shattered?

5 A: Right.

6 Q: Was it shattered and falling out of the window or was it  
7 shattered still intact?

8 A: No, it was still intact. It was rolled partially down  
9 and it was shattered. There was a hole in it maybe two  
10 inches in diameter or smaller, but at that time it had not  
11 fallen out of the -- the door.

12 Q: Okay. And what else did you notice?

13 A: Well, after I approached her and got a little closer, I  
14 noticed she was just kind of dazed and so I asked her if she  
15 was okay and she said no. And as I looked around, I noticed  
16 an open wound approximately here on her -- on her arm and so  
17 I asked her what had happened.

18 MR. MEETZE: Objection, Your Honor.

19 A: And she said --

20 THE COURT: All right.

21 MR. CLEMENTS: May we approach, Your Honor?

22 THE COURT: Yeah.

23 (WHEREUPON, a bench conference was held in the presence  
24 of the jury but out of the hearing of the jury off the  
25 record, after which the proceedings resumed as follows.)

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 THE COURT: All right. All right. Solicitor, do you --  
2 I'm going to overrule the objection. Your purposes of this  
3 would be under the rule for excited utterance?

4 MR. CLEMENTS: Yes, sir.

5 THE COURT: I'll overrule the objection and allow the  
6 question.

7 MR. CLEMENTS: Okay.

8 BY MR. CLEMENTS:

9 Q: Mr. Timmons, do you remember what you were about to say?  
10 You asked her what happened?

11 A: I asked her what had happened and she said that she was  
12 not too sure what had happened. She said that her car got  
13 jammed up at the stop sign and she saw two young men  
14 approaching her car. And as they approached, one of them  
15 produced a gun, a handgun, and at that time she proceeded to  
16 try and take off with the car and, as she took off, she heard  
17 some shots and she just floored it and kept going until she  
18 got to my house.

19 Q: Now, was your house on the route that she would reach  
20 your house sooner than she would reach her own house or did  
21 she have to pass her house to get to you?

22 A: She passed her house to get to me.

23 Q: Okay. And was there anyone at her house that day?

24 A: I really don't know. I didn't -- I didn't ever go to  
25 her house that day.



## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 Q: Okay. Would she have known you were home by anything  
2 outside or that she could see?

3 A: I don't know other than my vehicles were there, but  
4 normal I parked. I don't have a garage; so I usually park in  
5 the -- in the carport in the driveway. But I was not  
6 outside. The cars were in the driveway.

7 Q: The cars were present?

8 A: Right.

9 Q: Okay. How far exactly do you live from Ms. Wilson?

10 A: Approximately 200 feet.

11 Q: 200 feet?

12 A: I would say approximately that.

13 Q: You live on Gregory Street. Did she also live on  
14 Gregory Street?

15 A: No. She lived on Hill Street. I live on the corner of  
16 Hill and Gregory, and she lives on the corner of Hill and I  
17 can't remember the name of the street that runs down the side  
18 of her house. It's like a driveway.

19 Q: Park? Would it be Park?

20 A: No.

21 Q: Byrd?

22 A: No. It's going -- coming north.

23 Q: Okay. Kershaw?

24 A: No. That's -- that's west. This is more a driveway.

25 Q: Okay.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 A: Her house is more -- more of a driveway. There's only  
2 one house that sits back in there off of that driveway.

3 Q: Okay.

4 A: And her house is on -- she actually has a Hill Street  
5 address.

6 Q: Okay. I'm going to show you what's been marked State's  
7 Exhibit 1 for identification. Are you able to recognize that  
8 or see what that is?

9 A: Yes. Yes, sir. I understand that.

10 Q: What is -- what is this?

11 A: That's a city map of the area that I live in.

12 Q: Okay. Timmonsville?

13 A: Right.

14 MR. CLEMENTS: Your Honor, at this time, we'd move  
15 State's Exhibit 1 into evidence.

16 THE COURT: Any objection?

17 MR. MEETZE: No, Your Honor.

18 THE COURT: All right. State's Exhibit 1 is in evidence  
19 without objection.

20 (WHEREUPON, State's Exhibit Number 1, map of part of  
21 Timmonsville, was admitted into evidence.)

22 BY MR. CLEMENTS:

23 Q: Does this map, State's Exhibit 1, does it show the  
24 location where you live? Does it show Gregory Street?

25 A: Yes, sir.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 Q: And does it show Hill Street?

2 A: It shows Hill, yes.

3 Q: Okay.

4 A: Sure.

5 Q: I'm going to show you what's marked State's Exhibit  
6 Number 2. Do you recognize that and tell us what that is?

7 A: This is the back door panel of Ms. Wilson's car.

8 Q: Which side?

9 A: The driver's side.

10 Q: Okay.

11 Q: I'll show you State's Exhibit 3. Can you tell me first  
12 do you recognize what that is and then, two, can you tell us  
13 what it is?

14 A: That's the left or driver's side of Mrs. Wilson's car  
15 from the left rear quarter panel standing right behind the --  
16 the left rear tire.

17 Q: Okay. I'll show you what's been marked State's Exhibit  
18 Number 4. Do you recognize that? Can you tell us what that  
19 is?

20 A: That's the driver's door of Mrs. Wilson's car.

21 Q: Okay.

22 A: As taken by someone standing right by the open door.

23 Q: Okay.

24 MR. CLEMENTS: Your Honor, we'd move State's Exhibits 2,  
25 3, and 4 into evidence at this time.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 MR. MEETZE: Can I see which ones, what those exactly  
2 are? I'm sorry.

3 (WHEREUPON, counsel conferred off the record.)

4 MR. MEETZE: Judge, Mr. Clements and I have been over  
5 these pictures. I don't have any objection to them. I just  
6 didn't know which they were --

7 THE COURT: Okay.

8 MR. MEETZE: -- since they hadn't been marked. So --

9 THE COURT: All right. So 2, 3, and 4?

10 MR. CLEMENTS: Yes, sir.

11 THE COURT: All right. Those are in evidence without  
12 objection.

13 (WHEREUPON, State's Exhibits Number 2, 3, and 4,  
14 photographs, were admitted into evidence.)

15 BY MR. CLEMENTS:

16 Q: Mr. Timmons, can you back up a minute and explain to us?  
17 You said there was a hole about this size, two inches maybe,  
18 in the glass?

19 A: Right.

20 Q: On the driver's side front door?

21 A: Right.

22 Q: But yet there was cracks that had gone all through the  
23 glass and it had shattered?

24 A: Right. When automotive glass is shattered, you know,  
25 the film holds it together. So the fragments were still kind

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 of in place at that time when I first approached it. The  
2 whole window was actually in place, although it was shattered  
3 at the time that I first approached the car.

4 Q: Okay. Opening the door to get her out, opening the door  
5 to move anything out, what would be likely to happen to that  
6 glass?

7 A: Well, what did happen is that it fell out as the -- as  
8 the first responders came. I didn't open it. The first  
9 responders came and I could see -- I could see enough. The  
10 window was down maybe that far a little bit; so I could  
11 communicate with her without opening the door or anything.

12 Q: Right.

13 A: But once the first responders came and they opened the  
14 door and started moving things around, then the glass fell  
15 out.

16 Q: And then that made the door appear like it was in  
17 State's Exhibit 4?

18 A: Right. Right. That's what happened, yeah.

19 Q: Okay. I'm going to ask you a little bit about State's  
20 Exhibit 3 or State's Exhibit 2. State's Exhibit 2 I think  
21 you testified was the passenger backseat on the driver's  
22 side? Passenger --

23 A: Right.

24 Q: -- backseat?

25 A: That's the rear passenger door on the driver's side.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 Q: Okay. Now, what -- what is there that you notice, if  
2 anything?

3 A: Well, what got my attention is there's a -- there's  
4 another bullet hole going through that -- through that panel  
5 slightly -- well, just above the door handle.

6 Q: Okay.

7 A: There's a bullet hole that actually goes through the --  
8 the panel.

9 Q: And State's Exhibit 3, do you see that bullet hole?

10 A: Yes, sir. There's another bullet hole between the rear  
11 window and the gas filler tank in the rear quarter of the  
12 car. So as you -- as you look at the car, below the rear  
13 windshield and the -- the side window of the car, there's  
14 another bullet hole going into the car.

15 Q: So that bullet hole was pretty close to that gas tank?

16 A: Approximately 15 to 18 inches.

17 Q: Where it fills up?

18 A: About 12 to -- 15 to 18 inches maybe.

19 Q: Okay. And you didn't do any further examination for  
20 bullets inside the car and you had the window down. You  
21 could just -- what were you trying to do? Were you trying to  
22 render aid to her or what were you doing?

23 A: Well, I was trying to find out what -- what to do. I  
24 mean I -- that was a first time for me and so I wasn't sure  
25 what her situation was until I saw the wound and at that

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 point the only thing I knew to do was dial 9-1-1 and get her  
2 some help.

3 Q: And you did that?

4 A: Yes, sir.

5 Q: As you dialed 9-1-1, did you walk away from her or did  
6 you stay there with her?

7 A: No, I stayed there. The next thing I did was got her  
8 number from -- from her. She was able to use her -- her  
9 right hand and she went into her purse and got her son's  
10 number, Steve's number, and gave me Steve's number so I could  
11 call him.

12 Q: Okay.

13 A: But I stayed there with her until the first responders  
14 got there.

15 Q: Okay. And then after the first responders got there,  
16 what did you do? Did you leave, go inside or just stay  
17 outside?

18 A: No. I stood there just to -- just to kind of make  
19 myself available if they had any issues because I didn't know  
20 exactly what her status was. So I didn't know if they had  
21 some questions or whatever. So I made myself available until  
22 they all got her transferred from the car to the ambulance,  
23 and then I shared a few comments with the police officers.  
24 They had some basic questions.

25 Q: Okay. Did you tell the police officers what she told

1 you?

2 A: Yes.

3 Q: And explain what had happened?

4 A: Best I could. I told them basically what -- what she  
5 was able to help me to understand.

6 Q: Okay. Did they come later and take any more formal  
7 statement?

8 A: Yes, sir.

9 Q: Or left it like it was there on the scene?

10 A: No. They came and -- and provided me with a witness  
11 statement form and I filled out a statement and gave it to  
12 them.

13 Q: All right. How far away was the corner of Byrd and  
14 Kershaw to your house?

15 A: Actually, three travel blocks. You come across from  
16 Kershaw to Hill Street and then come up from Hill Street to  
17 --

18 Q: Do you want to see the map again?

19 A: To Park Street. No, I got it. You come across from  
20 Kershaw and then you come north two blocks to my -- to my  
21 corner of Gregory and Hill.

22 Q: Okay.

23 A: So it's actually three -- three travel blocks.

24 Q: Okay. So not that far at all?

25 A: No, it's not.



## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 Q: Did you hear anything before she came up? You heard the  
2 horn. Did you hear anything?

3 A: No, sir. I had no idea. I was inside the shop doing  
4 something; so I didn't hear a thing until I heard the car  
5 horn.

6 Q: Okay. About how long was it before the responders --  
7 the first responders were able to come get her and transport  
8 her to the hospital?

9 A: I'd say probably 5 to 10 minutes, I'd say, at the most.  
10 They had a little trouble locating because my driveway is  
11 actually on Hill Street and when I give my address, it's on  
12 Gregory Street. So her car was in my driveway and they  
13 turned on Gregory and I had to kind of run out there.

14 Q: And wave them down?

15 A: And get their attention, yeah.

16 Q: All right.

17 MR. CLEMENTS: I beg the Court's indulgence one moment.

18 THE COURT: Yes, sir.

19 BY MR. CLEMENTS:

20 Q: Mr. Timmons, you said that you got Ms. Wilson's phone  
21 number for her son, Steve. Were you able to get in contact  
22 with him?

23 A: Yes, sir. I left him a message at first and then I  
24 called him back and I was able to get through to him and told  
25 him what was going on.

## LINDWOOD TIMMONS - DIRECT BY MR. CLEMENTS

1 Q: Okay. How old was Ms. Wilson?

2 A: She was in her mid to late 80s, as best I recall.

3 Q: Okay. And is that -- is that as close -- you never ask  
4 a lady her age, do you?

5 A: No. Actually, I didn't ever asked her, but no. She was  
6 somewhere close to my mother's age and my mother was past her  
7 90s.

8 Q: Okay.

9 A: So she was in her mid to eight -- mid to late 80s.

10 Q: Okay. Eighty-eight sound like that could be it?

11 A: That sounds good.

12 Q: Okay.

13 MR. CLEMENTS: Mr. Timmons, thank you for being here  
14 today. Thank you for helping Ms. Wilson that day. Please  
15 answer any questions that Mr. Meetze may have.

16 THE WITNESS: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. MEETZE:

19 Q: Hey, Mr. Timmons. Outside of what you've testified to  
20 here today, that's the extent of your essentially involvement  
21 in this case?

22 A: Yes, sir.

23 Q: You didn't see what happened?

24 A: No, sir.

25 Q: Prior to Ms. Wilson arriving at your house?

## LINDWOOD TIMMONS - CROSS BY MR. MEETZE

1 A: No, sir.

2 Q: Okay. As you testified, you didn't hear -- until you  
3 heard the car horn coming from the direction of your  
4 driveway, you didn't hear anything that happened prior to  
5 that either?

6 A: No, sir.

7 Q: And what you've testified to here today with regards to  
8 what she told you when you came out to her, that's the extent  
9 of any conversation you were able to have with her?

10 A: Yes, sir. That's it.

11 Q: All right.

12 MR. MEETZE: Judge, I don't have any further questions.

13 THE COURT: Thank you, sir.

14 Anything on redirect?

15 REDIRECT EXAMINATION

16 BY MR. CLEMENTS:

17 Q: Mr. Timmons, Mr. Meetze asked you what she said to you.  
18 Again, what did she say happened?

19 A: She said that when the two cars approached the stop  
20 sign, she got blocked in, and I couldn't get any more than  
21 that. That she got blocked in and then two young men  
22 approached her car walking, got out of the car and approached  
23 her car and one of them pulled out a gun. And at that point,  
24 she didn't ask any questions. She just started trying to get  
25 her car out of the -- out of the blockage and she floored it

## LINDWOOD TIMMONS - REDIRECT BY MR. CLEMENTS

1 and took off and she said that's -- she heard what appeared  
2 to be gunshots and that was it.

3 Q: Okay.

4 MR. CLEMENTS: Thank you, Mr. Timmons.

5 THE COURT: All right. Thank you very much, Mr.  
6 Timmons. You may step down, sir.

7 MR. CLEMENTS: Your Honor, we'd ask that he be released  
8 from his subpoena.

9 THE COURT: Any objection, Mr. Meetze?

10 MR. MEETZE: No, Your Honor.

11 THE COURT: Thank you, sir. You're free to go.

12 MR. CLEMENTS: Your Honor, we'd like to call Andrew  
13 Legette.

14 THE COURT: All right. Mr. Legette, if you'd please  
15 come around to be sworn, sir.

16 THE CLERK: Sir, if you will please step up to the stand  
17 and place your left hand on the Bible and raise your right  
18 hand. Do you swear the testimony you give in this case will  
19 be the truth, the whole truth, and nothing but the truth, so  
20 help you God?

21 THE WITNESS: I do.

22 THE CLERK: Please be seated and state your full name  
23 for the record.

24 THE WITNESS: Lt. Andrew Legette.

25 ANDREW LEGETTE, being first

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. CLEMENTS:

4 Q: Lt. Legette, can you tell this jury where you work?

5 A: Timmons ville Police Department.

6 Q: How long have you worked for the Timmons ville Police  
7 Department?

8 A: January the 30th will be three years.

9 Q: Okay. So that means you started -- this coming January  
10 30th?

11 A: Yes, sir.

12 Q: So you were new on the force on August 28th, 2017; is  
13 that correct?

14 A: That's correct.

15 Q: How much experience did you have then?

16 A: Prior to Timmons ville, I have six years' experience in  
17 law enforcement.

18 Q: Where at?

19 A: Previously with Horry County Police Department. Before  
20 that, Lake City Police Department and then Cumberland County,  
21 North Carolina.

22 Q: Okay. All right. And did you have a reason to be  
23 called out to a serious situation on the 28th of August of  
24 2017?

25 A: Yes, sir.

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 Q: About what time of day was that?

2 A: It was around 6 p.m.

3 Q: And what kind of call was it and how did you receive it?  
4 Over the radio? Telephone? How?

5 A: Dispatch give out a call of shots fired was the first  
6 call. It was given out at the corner of Kershaw and Byrd.  
7 As we went towards that call, a second call came out as  
8 having a victim with a gunshot wound on another street a  
9 little ways over.

10 Q: All right. And what did you make from that that you  
11 observed?

12 A: Well, the first call, when the shots fired call came  
13 out, I headed down Byrd Street. I had another officer that  
14 was behind me. I witnessed -- what I saw was two black males  
15 walking on Byrd Street. Then that's when the second call  
16 came out as we had a victim with a gunshot wound on Gregory.

17 So as we were passing, what I was starting trying to  
18 look for was maybe somebody that might've been shooting in  
19 the area. We diverted from that and went to Gregory Street  
20 where we had a call, you know, with a victim.

21 As we get to Gregory Street, central dispatch gives out  
22 a description of possibly who had injured the victim on  
23 Gregory Street, which matched the description of the two  
24 suspects I had previously saw on Byrd Street. So I left the  
25 other officer on Gregory and went back to Byrd to try to

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 determine if they were suspects or witnesses or what they  
2 were doing.

3 Q: Okay. Did you encounter the two people?

4 A: Yes, sir, I did.

5 Q: Okay. And they -- were they suspects?

6 A: No, sir. They were witnesses.

7 Q: Okay. All right. Did you take a statement from them  
8 then?

9 A: I took -- I took just an initial field interview  
10 statement off a notepad at the time.

11 Q: Okay.

12 A: And that later on brought back, you know, formal  
13 volunteer statements.

14 Q: Okay. And who -- who were these two people?

15 A: The first one was a Raheem Simon and then the other one  
16 was a Jonathan Boone.

17 Q: Okay. Now, about how old were these people that you  
18 talked with?

19 A: I want -- Mr. Boone was a juvenile or he was close to  
20 maybe 16, 15 or 16, and Mr. Simon was of age. He was an  
21 adult.

22 Q: Okay. All right. So you -- after you talked to them,  
23 where did you do -- what did you do? Where did you go?

24 A: I left there and went back to the other officer that was  
25 on Gregory Street where the victim was.

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 Q: Okay. And were you the first one there on the scene?

2 A: No, sir.

3 Q: Law enforcement? Who got there before you?

4 A: There was a first responder with either EMS or fire  
5 there first.

6 Q: Okay.

7 A: Law enforcement wise, me and the other officer were the  
8 first.

9 Q: You and Rhames?

10 A: Rhames. Yes, sir.

11 Q: He was your lieutenant at the time?

12 A: At the time, yes, sir, he was my lieutenant.

13 Q: Okay. And y'all got there about together?

14 A: Yes, sir.

15 Q: When you got there, had they taken her out of the car  
16 yet?

17 A: No, sir.

18 Q: Okay. What was going on and what did you do  
19 specifically?

20 A: When we arrived, I noticed a silver Impala sitting in a  
21 driveway. I could tell that there was bullet holes in the  
22 car. There was shattered glass. There was an elderly female  
23 sitting in the driver's seat. I stepped around to kind of  
24 just get a peek to see what was -- what was going on and it  
25 looked what appeared to be some type of wound to her left



1 shoulder.

2 EMS at the time was attending her. They just hadn't  
3 taken her out of the car yet. They were getting all their  
4 stuff together, you know, I guess the stretcher and stuff.  
5 After that, my lieutenant give me the instructions to start a  
6 crime scene log and to also start roping off the property  
7 because at the time that's what we considered was going to be  
8 the crime -- one of the crime scenes.

9 Q: Okay. And you secured that spot?

10 A: Yes, sir.

11 Q: And who else arrived on the scene after EMS and the fire  
12 and law enforcement?

13 A: Other than me and Lt. Rhames, after that came  
14 Investigator Strickland and also Florence County forensics  
15 showed up.

16 Q: Who called them?

17 A: Who called forensics?

18 Q: Yeah.

19 A: That would've been Lt. Rhames.

20 Q: Okay. All right. And you called them to come process  
21 the car?

22 A: Yes, sir.

23 Q: Okay. Did you stay there while that was getting done?

24 A: Yes, sir.

25 Q: All right. How about the scene out where you talked to

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 the two young individuals? Did you send anybody to that  
2 scene?

3 A: No, sir, I didn't.

4 Q: Why not?

5 A: Because at the time, Lt. Rhames -- you know, I was going  
6 under his direction just to stay there and secure the scene  
7 on Gregory.

8 Q: Okay. To your knowledge, did anybody else go to Byrd  
9 and Kershaw that day?

10 A: No, sir. Not to my knowledge that day.

11 Q: When did they go, if you know?

12 A: To my knowledge, it would have been the next morning.

13 Q: And did you go?

14 A: No, sir.

15 Q: Who went?

16 A: That would've been Investigator Strickland.

17 Q: Okay. All right. Did you have any other duties other  
18 than to secure the crime scene around where Ms. Wilson was in  
19 the car?

20 A: No, sir.

21 Q: Okay. Did you stay until forensics from Florence County  
22 was done?

23 A: Yes, sir, I did.

24 Q: All right. Did you ever have a chance to talk to Ms.  
25 Wilson at all?

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 A: No, sir.

2 Q: Did anybody brief you on what she had said?

3 A: Yes, sir. When we got to the scene, me and Lt. Rhames,  
4 I think Lt. Rhames was talking to Mr. Timmons and was asking  
5 him what she had told him and Lt. Rhames advised me that, you  
6 know, he was told that Ms. Wilson had -- there was an  
7 attempted carjacking at the corner of Byrd and Kershaw and in  
8 the process of the carjacking --

9 MR. MEETZE: Objection, Your Honor.

10 A: -- she was shot.

11 THE COURT: Hold on.

12 MR. MEETZE: I would object to this as hearsay.

13 MR. CLEMENTS: He was just telling what his lieutenant  
14 briefed him on, what they had, from my understanding.

15 THE COURT: All right.

16 MR. CLEMENTS: It's not being --

17 THE COURT: I'm going to sustain the objection.

18 MR. CLEMENTS: It's not being said for -- it's just for  
19 what he was told, not that it's the truth of the matter  
20 asserted.

21 THE COURT: Okay. All right. I'll overrule if it's not  
22 being offered for the truth of the matter asserted.

23 MR. CLEMENTS: All right.

24 BY MR. CLEMENTS:

25 Q: This is just what you were told; is that correct?

## ANDREW LEGETTE - DIRECT BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: Okay. And did you have to do anything to follow up on  
3 that at that time?

4 A: No, sir.

5 Q: So what was the next bit of duty you had on this the  
6 next day or the next week or whenever?

7 A: The only other thing that I was told to do after  
8 Florence County finished their forensics, I left and went  
9 back to the police department and did what we call our  
10 initial officer's report.

11 Q: Okay?

12 A: And then I was done.

13 Q: That was it? You didn't do anything else on this case?

14 A: No, sir. I turned it over to investigations.

15 Q: Okay.

16 MR. CLEMENTS: Please answer any questions Mr. Meetze  
17 has.

18 THE WITNESS: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. MEETZE:

21 Q: Is it Sgt. Legette?

22 A: Lieutenant.

23 Q: Lieutenant. I'm sorry.

24 A: Yes, sir.

25 Q: I was looking at your report.

1 A: Okay.

2 Q: I guess you might have been a sergeant.

3 A: Right. At the time, yes, sir.

4 Q: Okay.

5 A: I was.

6 Q: I apologize. I mean no offense --

7 A: Yes, sir.

8 Q: -- to misquote somebody's rank in the police department  
9 or whatever. You said at this point you've been with  
10 Timmons ville police for about three years?

11 A: Yes, sir.

12 Q: So at that point you had been there for something  
13 between probably six months and a year or so, in that range?

14 A: Yes, sir.

15 Q: Okay. And as a member of a law enforcement group, in  
16 your case Timmons ville Police Department, there's certain  
17 protocols that y'all follow; correct?

18 A: Yes, sir.

19 Q: And again, I'm just -- if I'm wrong, certainly let me  
20 know, but in this case -- we'll take this case as an example.  
21 You had first responders that responded to -- the initial  
22 scene that y'all had responded to would've been on Mr.  
23 Timmons' house on Gregory Street?

24 A: Yes, sir.

25 Q: And that's where Ms. Wilson ended up driving her

## ANDREW LEGETTE - CROSS BY MR. LEGETTE

1 vehicle?

2 A: Yes, sir.

3 Q: And from there, you were sent out to the other scene on  
4 Byrd Street where the young boys were?

5 A: Well, I went back to that scene because central  
6 dispatch, when they give out the call, they -- at the time,  
7 they matched the description of -- of could have possibly  
8 been the suspects. So I went back to determine if they were  
9 suspects or witnesses and, when I got back, I determined they  
10 were witnesses. They stated what they saw to me.

11 Q: As this case was developing and it was clear from the  
12 start that there was going to be -- need to be an  
13 investigator called on this case; correct?

14 A: Yes, sir.

15 Q: And that's part of the protocol; correct?

16 A: Right. Yes, sir.

17 Q: And once an investigator gets to the scene, the  
18 investigator sort of takes control of the investigation, so  
19 to speak?

20 A: Yes, sir.

21 Q: And anything that he needs for first responders to do,  
22 you would do; correct?

23 A: Right. Yes, sir, if he asked me.

24 Q: And in your case, you went out and there where two young  
25 men on Byrd Street; correct?

## ANDREW LEGETTE - CROSS BY MR. LEGETTE

1 A: Yes, sir.

2 Q: And you went out and you spoke to them?

3 A: Right.

4 Q: You had your body camera on when you did that?

5 A: Yes, sir.

6 Q: And that was -- the conversation you had with them was

7 recorded?

8 A: Yes, sir.

9 Q: Correct? Okay. And they told you what they saw;

10 correct?

11 A: Right. Yes, sir.

12 Q: And I think you identified one of those as a juvenile?

13 A: Right.

14 Q: Correct?

15 A: Yes, sir.

16 Q: And the other you identified as an adult. However, he

17 was still young?

18 A: Right. Yes, sir.

19 Q: Still a teenager age wise?

20 A: Yes, sir.

21 Q: Okay. And they told you what they saw; correct?

22 A: Yes, sir.

23 Q: You did not -- beyond that conversation that you

24 recorded with them, you weren't involved in taking any other

25 statements from them; correct?

## ANDREW LEGETTE - CROSS BY MR. LEGETTE

1 A: No, sir.

2 Q: And I think you testified that someone else would've  
3 taken that responsibility as part of the investigation;  
4 correct?

5 A: Yes, sir.

6 Q: And as a law enforcement officer, you're certainly  
7 trained in various aspects of law enforcement; correct?

8 A: Yes, sir.

9 Q: And part of that training is how to -- the  
10 responsibilities of a first responder type of individual;  
11 correct?

12 A: Yes, sir.

13 Q: How to collect evidence; correct?

14 A: Yes, sir.

15 Q: How to preserve evidence; correct?

16 A: Yes, sir.

17 Q: How to speak to witnesses?

18 A: Yes, sir.

19 Q: Correct?

20 A: Yes, sir.

21 Q: And all of those things are important to do; correct?

22 A: Yes, sir.

23 Q: Because cases are -- they don't -- things don't happen  
24 one day and make their way to court for a resolution within a  
25 week or two or a month even; correct?



## ANDREW LEGETTE - CROSS BY MR. LEGETTE

1 A: Right. Yes, sir.

2 Q: It takes a long time for those to move from point A to  
3 point Z, so to speak; correct?

4 A: Yes, sir.

5 Q: And it's important that you're as thorough as you can  
6 with regards to an investigation; correct?

7 A: Yes, sir.

8 Q: And even if you've got a smaller part of an  
9 investigation than maybe somebody else, it's still important  
10 to do and be as thorough as you can; correct?

11 A: Yes, sir.

12 Q: Because you're not the only person that's going to be  
13 hearing your -- what you did?

14 A: That's correct.

15 Q: Correct?

16 A: That's correct.

17 Q: You're going to -- as you testified to, you ended up  
18 doing a report on this case; correct?

19 A: Yes, sir.

20 Q: And that's something that would have to be turned over  
21 to a lead investigator; correct?

22 A: Yes, sir.

23 Q: So he can have knowledge of what had been done prior to  
24 him getting there; correct?

25 A: Yes, sir.

## ANDREW LEGETTE - CROSS BY MR. LEGETTE

1 Q: And because our memories -- as time goes on, our  
2 memories don't get better; correct?

3 A: Right. Yes, sir.

4 Q: And that's part of the preservation of evidence so that  
5 as time goes on we have that memorialized so we can remember  
6 better what happened a year or two years or more later;  
7 correct?

8 A: Yes, sir.

9 Q: Because generally our memories are better closer in time  
10 to when something happened than further off; correct?

11 A: Yes, sir.

12 Q: And you indicated that you spoke to the young boys on  
13 Byrd Street?

14 A: Yes, sir.

15 Q: That was on your body cam?

16 A: Right.

17 Q: Also there, did you participate at all in marking that  
18 as a crime scene with yellow tape or anything like that?

19 A: No, sir.

20 Q: How about at Mr. Timmons' house on Gregory Street? You  
21 did there?

22 A: I did. Yes, sir.

23 Q: Okay. And you stayed there for how long?

24 A: Approximately a couple more hours.

25 Q: Gotcha.

1 A: Yes, sir.

2 Q: And once essentially your responsibilities were done  
3 there --

4 A: Right.

5 Q: You didn't -- you went back and did your report and  
6 essentially until you've come to testify today, that's been  
7 your involvement in this case; correct?

8 A: That's correct.

9 Q: Obviously, you didn't see what happened?

10 A: Right.

11 Q: Correct?

12 A: No, sir, I didn't.

13 Q: You weren't involved in any search of a vehicle or  
14 anything like that?

15 A: No, sir.

16 Q: Okay. All right.

17 MR. MEETZE: I don't have any further questions.

18 THE COURT: Anything on redirect?

19 MR. CLEMENTS: No, Your Honor. Well, hold on one  
20 second. Your Honor, we'd ask that he be excused from his  
21 subpoena.

22 THE COURT: All right. Any objection?

23 MR. MEETZE: Judge, at this point in time, I would  
24 object to that. We may have a need to recall him.

25 MR. CLEMENTS: That's fine. We'll withdraw our request.

1 THE COURT: Okay. All right. Thank you, sir. You may  
2 step down.

3 THE WITNESS: Yes, sir.

4 THE COURT: And I don't know that he has to sit in the  
5 courtroom this afternoon, but just be available if he's  
6 needed back.

7 MR. MEETZE: That's correct.

8 THE COURT: Okay. Thank you, sir.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: Yeah. Solicitor, we're going to take a  
11 short break --

12 MR. CLEMENTS: Thank you.

13 THE COURT: -- right here.

14 So, ladies and gentlemen, let's take about 10 or 15  
15 minutes. When you step back in your jury room, if you need  
16 anything, let Ms. Frances know. Please have no conversation  
17 about the case. We'll bring you back out shortly. Okay?

18 (WHEREUPON, the jury exited the courtroom at 3:51 p.m.)

19 (WHEREUPON, that was a break in the proceedings from  
20 3:52 p.m. until 4:09 p.m., after which the proceedings  
21 resumed as follows.)

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

23 MR. CLEMENTS: We're ready, Your Honor.

24 THE COURT: Is the defense ready?

25 MR. MEETZE: Yes, Your Honor.

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 THE COURT: Ms. Frances, please bring them in.

2 THE BAILIFF: Yes, sir.

3 (WHEREUPON, the jury entered the courtroom at 4:11 p.m.)

4 THE COURT: All right. Ladies and gentlemen, if you  
5 recall, when we took the break, we were on the State's case  
6 and would recognize Solicitor Clements for the State's next  
7 witness.

8 MR. CLEMENTS: May it please the Court, Your Honor. We  
9 would call Mr. Bert White.

10 THE COURT: All right. Mr. White, if you'd please come  
11 around to be sworn, sir.

12 THE CLERK: Sir, if you'll please place your left hand  
13 on the Bible and raise your right hand. Do you swear the  
14 testimony you give in this case to be the truth, the whole  
15 truth, nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated and state your full name  
18 for the record.

19 BERT WHITE, being first duly  
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. CLEMENTS:

23 Q: State your name for the record, please, Mr. White?

24 A: Hubert Wilson White, Jr.

25 Q: Okay. That's good. I believe everybody can hear you.

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 You speak up well. Thank you, sir. Mr. White, where do you  
2 live?

3 A: Timmonsville.

4 Q: How long have you lived there?

5 A: All my life, since 1951.

6 Q: And what business do you run there?

7 A: I'm owner and operator of a convenience store on the  
8 corner of Main and Brockington.

9 Q: Okay. And how long have you been running that store?

10 A: Since March of 1990.

11 Q: And were you in Timmonsville on the 28th of August of  
12 2017?

13 A: Yes.

14 Q: Did you leave and go anywhere?

15 A: Yes. I left and went out to the country to visit a  
16 friend of mine.

17 Q: To the big metropolis of Cartersville?

18 A: That's right. I went to Cartersville.

19 Q: Yes, sir. Where do you live in Timmonsville?

20 A: I live on --

21 Q: What street?

22 A: I live on Brockington Street.

23 Q: Yes, sir.

24 A: Three blocks from my business.

25 Q: When you went to Cartersville, about how long did you

1 stay?

2 A: Probably about an hour.

3 Q: All right. When you left Cartersville, where did you  
4 go?

5 A: Back to my store.

6 Q: And about what time of day was that?

7 A: It was late afternoon.

8 Q: Okay. When you came from Cartersville to Timmons ville,  
9 you can take Highway 76 and go straight there, doesn't it?

10 A: Yeah. I didn't go that way though.

11 Q: Okay. Which way? Tell the jury which way you did go.

12 A: I came the back way down -- I can't think of the name of  
13 the road right now.

14 Q: From what direction to what town?

15 A: I came from Cartersville to --

16 Q: Kershaw Street?

17 A: Yeah. To Kershaw.

18 Q: I'm going to show you what's been marked State's Exhibit  
19 Number 1. Do you know what that is?

20 A: It looks like a map of Timmons ville.

21 Q: Okay. I'm going to show you State's Exhibit 17. Do you  
22 recognize that?

23 A: Yeah. That looks like the vehicle I saw that particular  
24 day.

25 Q: Okay.

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 Q: Okay. And State's Exhibit 18?

2 A: Yeah. That looks like the same vehicle that I saw that  
3 day.

4 Q: Does it have a tag on it?

5 A: It has a paper tag on it that I got the number off of.

6 Q: All right.

7 THE CLERK: Do you want this so everybody can see?

8 MR. CLEMENTS: Yeah. If I turn it upside down, it'll be  
9 straight. Face down? Face up?

10 THE CLERK: It should be face up.

11 THE COURT: Face up.

12 MR. CLEMENTS: Face up?

13 THE COURT: There it is. You need to do the focus.

14 It's just way out of focus. It's probably the buttons down  
15 there.

16 BY MR. CLEMENTS:

17 Q: All right. Mr. White, can you see that on your screen  
18 there?

19 A: Yep.

20 Q: Can you show me that -- this map, State's 1, shows where  
21 you live. Can you point that out to us?

22 A: Where I live at?

23 Q: Yeah. Does it point out Brockington Street or does it  
24 not do it?

25 A: Let me find Brockington. Where I live, I live right --



## BERT WHITE - DIRECT BY MR. CLEMENTS

1 Q: You've got a little marker you can mark it with.

2 A: It ain't quite on the -- on the map. I live right  
3 there.

4 Q: It goes up here, doesn't it? It comes down here, right  
5 there?

6 A: That's my store.

7 Q: That's your store?

8 A: Yeah.

9 MR. MEETZE: Your Honor, can we approach?

10 THE COURT: Yes, sir.

11 A: That's the store location there. I live down the other  
12 side.

13 (WHEREUPON, a bench conference was held in the presence  
14 of the jury but out of the hearing of the jury off the  
15 record, after which the proceedings resumed as follows.)

16 MR. CLEMENTS: All right. I'm a 20th-century man, Mr.  
17 White, and all this 21st-century stuff buffaloes me.

18 THE WITNESS: Uh-huh.

19 MR. CLEMENTS: Where did you touch it, Judge?

20 THE COURT: If you -- if you just touch the screen, you  
21 can -- you can draw a line or you can do a -- I mean you can  
22 draw on it -- on this. It's a touchscreen and you can just  
23 draw on it, but if you need to erase it like I just had to  
24 do, there's other buttons to touch. But if all you want Mr.  
25 Brockington [sic] to do is draw a line to show where he was

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 coming from or whatever, then he can just on the map on the  
2 screen just do that.

3 BY MR. CLEMENTS:

4 Q: Can you show where Kershaw Street is where you were  
5 coming into town?

6 A: Okay. Kershaw? Let me find it.

7 THE COURT: You can probably make that map bigger too,  
8 Solicitor.

9 MR. CLEMENTS: Well, I don't know how to do that.

10 THE COURT: By zooming in on it.

11 BY MR. CLEMENTS:

12 A: Okay. I came in right here, this right up here.

13 Q: Okay. And you were headed towards -- can you tell us  
14 where Kershaw intersects with Byrd Street?

15 A: Right -- right there.

16 Q: All right. You said you were coming down Kershaw Street  
17 and there was a car stopped in the middle of the road?

18 A: Yeah.

19 Q: Where at?

20 A: Probably about right there.

21 Q: All right.

22 MR. CLEMENTS: Is that showing up?

23 THE COURT: No. He's got to mark it maybe with an X or  
24 whatever.

25 THE WITNESS: I touched it and a little X showed up

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 there. What else you want me to do?

2 THE COURT: Well, it's not showing on the other ones.

3 All right. Let me ask you this. Do you see this line? Wait  
4 a minute. It's not making it. All right. You see that  
5 line?

6 MR. CLEMENTS: Yes, sir.

7 THE COURT: All right. You've got to go to the top  
8 right-hand corner, press that button, and you'll see some  
9 options. The very top box where there's a little pin, press  
10 that, and then it'll -- it'll do that. Now let me erase my  
11 line. Okay. She got it.

12 All right. Well, Mr. Brockington, have you got that  
13 little button up there? Have you got some options?

14 THE WITNESS: Yeah, I done touched it, I think.

15 THE COURT: Okay. If you touch that top one, then you  
16 can draw on it. There you go.

17 THE WITNESS: That's Brockington Street and my last name  
18 is White.

19 THE COURT: I'm sorry. I keep calling you Mr.  
20 Brockington.

21 THE WITNESS: Okay.

22 THE COURT: Mr. White.

23 BY MR. CLEMENTS:

24 A: This is where I'm coming in. Well, this is not drawing  
25 for me.

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 Q: That's okay. We can see the movement there. And then  
2 where is -- where is the intersection with Byrd Street?

3 THE COURT: There you go.

4 BY MR. CLEMENTS:

5 A: There you go, right there, stopped right there.

6 Q: That's where you saw the car stopped in the middle of  
7 the road?

8 A: Right there in the middle of the road.

9 Q: All right. And when you saw the car stopped in the  
10 middle of the road, what did you do?

11 A: I stopped. I mean I couldn't --

12 Q: Couldn't go anywhere?

13 A: No. No, sir.

14 Q: What happened next?

15 A: Those two fellows came out of the woods and got in the  
16 car.

17 Q: What did they look like?

18 A: Young black males.

19 Q: Same size, same height?

20 A: No, one of them was kind of tall and the other one was a  
21 little shorter.

22 Q: Okay. Did you know either one of them?

23 A: No. I hadn't never seen either one of them. I didn't  
24 recognize either one of those kids and I know most all the  
25 kids in town.

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 Q: You know all the kids in town? You've been there?

2 A: I've been on that -- on that corner right over there for  
3 30 years. I know most all of them.

4 Q: Yes, sir. But you didn't know them?

5 A: I didn't recognize these two fellows.

6 Q: Okay. So what did they do?

7 A: They jumped in the car and the car sped off.

8 Q: What did you do?

9 A: Well, I mean it was raining at this time and I figured  
10 something's kind of fishy about this situation. Kids jumping  
11 out of the woods, running and jumping in a car in -- in the  
12 midst of the rain. So I decided I would get their license  
13 plate number.

14 Q: Were you able to do that?

15 A: Yeah. I followed them down to the only stoplight in  
16 town and by that time I had gotten hold to me a pencil and a  
17 piece of paper and I wrote it down.

18 Q: And what kind of license plate was it?

19 A: It was a paper tag, a temporary tag.

20 Q: I'll show you State's Exhibit --

21 A: Yes.

22 Q: -- Number 18. Do you recognize that?

23 A: Well, that looks like it. I mean I couldn't be sure  
24 because I don't remember what the number was, but that --  
25 that very well could be it.

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 Q: Did the number you got, you gave to law enforcement?

2 A: I couldn't tell you. Now, that's been two years -- just  
3 about two years ago.

4 Q: You didn't give the number to law enforcement?

5 A: Yeah. The number -- the number that I wrote down I gave  
6 to the law enforcement.

7 Q: Right. I wasn't asking you what it was.

8 A: Huh?

9 Q: I said I didn't ask you what number it was.

10 A: Oh, okay.

11 Q: Because it would be hard to remember that.

12 A: Yeah. I don't know that.

13 Q: And law enforcement followed up on it; is that correct?

14 A: That's what I was told.

15 Q: State's Exhibit 17, does that look familiar to you at  
16 all?

17 A: That resembles the car that I saw.

18 A: Okay. But without the paper tag nor the number, you  
19 can't say for certain. After you wrote down their paper tag  
20 number, what did you do next?

21 A: Well, we were at the intersection of 76.

22 Q: At the stoplight?

23 A: And Brockington. It's the only stoplight in town. They  
24 took a left and went next to Florence. So I took a right and  
25 went back where I saw them, first encountered them. I said

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 -- I said to myself something's going on here. I need to see  
2 what's going on. Not need to see. I'm going back to see if  
3 I can see anything.

4 So I went back and as soon as I turned on Park Street,  
5 there was a mailbox laying in the middle of the road. So I  
6 drove up to that mailbox and there was a man at his house.  
7 He had come out and he was standing there looking at it and  
8 he said that somebody ran over it, this lady. He knew where  
9 she lived at and he told me. So I went around and I went  
10 over there in that -- in that general direction and I could  
11 -- when I got over there, I saw two police officers over  
12 there and I told them what I -- what I done, seen and done  
13 and gave them the number, and that's about it.

14 Q: About how far -- where you saw them come out of the  
15 bushes, about how far was it from Kershaw and Byrd to the  
16 stop sign?

17 A: Probably about a half a block.

18 Q: Okay. Do you know which two houses were there?

19 A: Yeah.

20 Q: And do you remember which houses?

21 A: They were in between a brick house and a wood board  
22 house.

23 Q: Is that the old Carmichael house and the old Mellette  
24 [ph] house?

25 A: Yeah. The old Carmichael house that the principal of my

## BERT WHITE - DIRECT BY MR. CLEMENTS

1 high school lived in one of them and the superintendent of  
2 the high school lived in the brick house, Mr. Mellette.

3 Q: And after that, giving that information to law  
4 enforcement, did you have anything else to do with this case?

5 A: No.

6 MR. CLEMENTS: Thank you, Mr. White. If you would,  
7 please answer any questions Mr. Meetze might have.

8 THE WITNESS: Okay.

9 MR. MEETZE: I'm not sure I learned this thing, but I'm  
10 going to try. Let me put this back up there. All right.

11 CROSS-EXAMINATION

12 BY MR. MEETZE:

13 Q: Mr. White, I just want to sort of get a few things  
14 clear. The first time you saw the white BMW was basically at  
15 that where Byrd Street and Kershaw Street meet; is that  
16 right?

17 A: Yes.

18 Q: Okay. And what direction were they traveling? Like, if  
19 you just say on this map, y'all are both -- both cars at that  
20 time were on Kershaw Street; is that right?

21 A: Right.

22 Q: Okay.

23 A: Heading in the same direction.

24 Q: In the same direction?

25 A: Yeah.



## BERT WHITE - CROSS BY MR. MEETZE

- 1 Q: All right. And what direction was that?
- 2 A: That would be heading next to 76.
- 3 Q: All right. So heading towards 76, which is -- is there
- 4 a name for that street in Timmonsville?
- 5 A: Smith Street.
- 6 Q: Smith Street? Okay. So heading towards Smith Street on
- 7 Kershaw. You were right behind them at that intersection
- 8 where Byrd Street and Kershaw Street meet; is that correct?
- 9 A: Yeah.
- 10 Q: All right. And that is where you saw the two black
- 11 males get into the BMW; is that right?
- 12 A: Yes.
- 13 Q: Okay. But that is not where you wrote down the license
- 14 number; correct?
- 15 A: No.
- 16 Q: All right. Tell me where y'all went from there to where
- 17 you ended up writing --
- 18 A: The license plate number?
- 19 Q: Yes, sir.
- 20 A: At the -- at the stoplight. That's on -- at Smith and
- 21 Brockington.
- 22 Q: Okay. So straight down Kershaw Street straight to Smith
- 23 Street and then took a left?
- 24 A: No. They took a left on Byrd Street.
- 25 Q: They took a left on Byrd Street?

## BERT WHITE - CROSS BY MR. MEETZE

1 A: Yeah.

2 Q: Okay. And where did they turn to go over to Smith  
3 Street?

4 A: Go all the way down to Brockington and take a right.

5 Q: Okay.

6 A: And that Brockington runs into Smith.

7 Q: Okay. And so it was at Brockington and Smith that you  
8 --

9 A: I wrote down the license plate number.

10 Q: Okay. And they turned to head in the direction of  
11 Florence?

12 A: Yeah.

13 Q: And you --

14 A: I turned. They turned. They turned to the left going  
15 next to Florence and I turned back to the right and circled  
16 back around and came back where I just encountered them at.

17 Q: Gotcha. Okay. And you ended up giving a statement to  
18 the police about all this; is that right?

19 A: Yes.

20 Q: And you wrote that statement down; correct? You gave a  
21 written statement, in other words?

22 A: I think I did.

23 Q: Okay.

24 MR. MEETZE: Your Honor, may I approach the witness?

25 THE COURT: Yes, sir.

1 BY MR. MEETZE:

2 Q: Okay. I'll hand you this and see if you recognize that.  
3 Is that your handwriting?

4 A: Yes.

5 Q: Okay. So you gave a written statement to the police  
6 about this case; is that right?

7 A: Uh-huh.

8 Q: Is that a yes, sir, or a no?

9 A: Yes.

10 Q: Okay. Now, the activities that you've testified to  
11 happened on August the 28th of 2017; is that right?

12 A: August 28th? Yes, it is.

13 Q: Okay. Now, you did not do that written statement on  
14 August the 28th or --

15 A: The 27th.

16 Q: But December is what that says; correct??

17 A: That's what it says.

18 Q: Okay?

19 A: It says December the 20th.

20 Q: 27th of 2018; correct?

21 A: Well, it says December 20.

22 Q: Of what year?

23 A: It's not on here.

24 Q: Oh.

25 A: It's messed up. Look at it.

## BERT WHITE - CROSS BY MR. MEETZE

1 Q: That's correct. December the 27th. It's dated December  
2 of sometime.

3 A: Sometime.

4 Q: So it was 2017 or later, but certainly no earlier than  
5 December 27th of 2017. Now, in this statement, you tell them  
6 about being behind the BMW; correct?

7 A: Yes.

8 Q: And that you saw the two black males jump in the car;  
9 correct?

10 A: Yeah. Yes, sir.

11 Q: And you did not -- you didn't write anything in that  
12 statement with regard to -- other than describing them as  
13 black males, you did not give any other description of them  
14 with regards to height or clothes or long hair, short hair,  
15 anything like that; correct?

16 A: No.

17 Q: Okay. And once you got to the part where you wrote down  
18 the license number, that's where your written statement ends;  
19 correct?

20 A: (No verbal response.)

21 Q: You didn't write anything in there about them turning  
22 left towards Florence and you going back around to Hill  
23 Street and all that; correct?

24 A: (No verbal response.)

25 Q: Okay.

## BERT WHITE - REDIRECT BY MR. CLEMENTS

1 MR. MEETZE: Thank you, Mr. White.

2 Your Honor, I don't have any further questions.

3 THE COURT: Anything on redirect?

4 MR. CLEMENTS: Yes, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. CLEMENTS:

7 Q: Mr. White, at that time when you did that statement, did  
8 anybody ask you how tall or how short they were or asked you  
9 about their clothes or anything else?

10 A: I don't think so.

11 Q: And when they had you write that statement, did they  
12 question you and have you write the answers or did they just  
13 give you a piece of paper and say, here, write down what  
14 happened?

15 A: I think that's more like they just told me to write down  
16 what I saw.

17 Q: All right. And it's easier to tell a detailed story  
18 than to write it all down, isn't it?

19 A: Yeah.

20 MR. MEETZE: Objection, Your Honor.

21 THE COURT: All right. Sustained.

22 MR. MEETZE: Calls for speculation.

23 BY MR. CLEMENTS:

24 Q: Let me ask you this you. Do you -- do you enjoy or like  
25 writing long stuff?

## BERT WHITE - REDIRECT BY MR. CLEMENTS

1 A: No.

2 Q: Thank you. I don't either.

3 A: I can't spell very well anyway.

4 MR. MEETZE: Objection.

5 THE COURT: All right. Thank you, sir. You may step  
6 down.

7 Solicitor, let me ask y'all something real quick.

8 (WHEREUPON, a bench conference was held in the presence  
9 of the jury but out of the hearing of the jury off the  
10 record, after which the proceedings resumed as follows.)

11 THE COURT: All right. You may call your next witness.

12 MR. CLEMENTS: Your Honor, we would call Mr. Matt Floyd.

13 MR. SELF: Self.

14 MR. CLEMENTS: Self. Excuse me.

15 THE CLERK: Please place your left hand on the Bible and  
16 raise your right hand. Do you swear the testimony you give  
17 in this case to be the truth, the whole truth, and nothing  
18 but the truth, so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Please be seated and state your full name  
21 for the record.

22 THE WITNESS: Matthew Self.

23 MATTHEW SELF, being first duly  
24 sworn, testified as follows:

25 DIRECT EXAMINATION

## MATTHEW SELF - DIRECT BY MR. CLEMENTS

1 BY MR. CLEMENTS:

2 Q: Mr. Self, can you tell us where you work?

3 A: I currently work at Sumter County EMS, Lifeguard  
4 Ambulance Service, and Timmons ville Rescue Squad.

5 Q: Okay. Does that keep you busy?

6 A: Yes, sir.

7 Q: Now, back in 2017 in August, around August 28th, were  
8 you working in Timmons ville at all?

9 A: Yes, sir, I was.

10 Q: Where were you living?

11 A: I live in Florence.

12 Q: On which side of Florence?

13 A: The west side off of Cashua.

14 Q: Okay. Pretty close to Timmons ville?

15 A: Yes, sir.

16 Q: Okay. Do you recall anything that happened a little  
17 unusual on the late afternoon of August 28th, 2017?

18 A: I went -- I went by Oh Joe's Tire Shop to get my -- get  
19 air put in my tire due to my tire being low on air. At that  
20 time, I noticed a white BMW pull up. A black gentleman got  
21 out of the vehicle, approached the gentleman that was filling  
22 my tire.

23 Q: Okay.

24 A: I'm not sure what they were talking about and then he  
25 got back in the vehicle.

## MATTHEW SELF - DIRECT BY MR. CLEMENTS

1 Q: Okay. Do you know what he looked like?

2 A: Young gentleman. I want to say about teen, 16, 17,  
3 somewhere in that age range.

4 Q: Okay.

5 A: Had -- it's a little bit hard because it was about two  
6 years ago.

7 Q: Okay. Small? Big?

8 A: Short. Skinny.

9 Q: Okay. So it wasn't the defendant, was it?

10 A: At this time, I couldn't tell at this time because of  
11 the year difference.

12 Q: Okay. All right. After you got air put in your tire,  
13 what did you do?

14 A: I proceeded to go home where I met with my family and we  
15 ended up going back up to the squad building because my kids  
16 wanted to see the ambulances, and that's when I was up at the  
17 squad billing and heard the call come out for a GSW.

18 Q: Now, when you say the squad building, the squad building  
19 for who?

20 A: Timmonsville Rescue.

21 Q: Okay. And when you say GSW, what does that stand for?

22 A: Gunshot wound.

23 Q: Okay. So you were there when the call came out for a  
24 gunshot wound?

25 A: Yes, sir. I knew the ambulance was at McLeod at the



## MATTHEW SELF - DIRECT BY MR. CLEMENTS

1 time when they were dispatched. I asked over the radio if  
2 they would like me to first respond in the QRV, which is a  
3 quick response vehicle, at which time they gave me permission  
4 to respond. I responded lights and siren to the scene,  
5 waited until the scene was secured by law enforcement before  
6 arriving on scene.

7       Upon arrival, I found an elderly female in the driver's  
8 seat of the vehicle. The window was shattered, but still  
9 intact. Had what appeared to be holes possibly made by  
10 gunshots on the driver's side. I opened the door. When I  
11 opened the door, the window shattered and fell to the ground  
12 the rest of the way.

13       I found an elderly female dazed, but alert and oriented,  
14 and had a -- what appeared to be a gunshot type wound to the  
15 left shoulder with minimal bleeding noted. At that time, I  
16 assessed the shoulder by feeling it, noted heavy pressure was  
17 bone-on-bone, indicating that it was fractured. I then  
18 placed a five by nine dressing over the wound, taped it.  
19 Assessed the patient's lung sounds. I found them to be  
20 clear.

21       I called the ambulance over the radio and advised them  
22 what category the patient was. At that time, they arrived on  
23 scene. I turned patient care over to them and assisted them  
24 getting the patient onto the stretcher.

25 Q:    Okay. I'm going to show you what's been marked State's

## MATTHEW SELF - DIRECT BY MR. CLEMENTS

1 Exhibit 3 and 4. State's Exhibit 3, can you recognize that  
2 and tell us what that is?

3 A: That is the elderly patient's car that she was sitting  
4 in the driver's seat of.

5 Q: Okay. How about State's Exhibit 4?

6 A: That's where I had the door open, the window is  
7 shattered, and the glass has fallen out of the window.

8 Q: Okay. Did you get her out of the car or did you leave  
9 her in the car until the ambulance got there?

10 A: I left her in the car.

11 Q: Okay. You were there on the scene by yourself, weren't  
12 you?

13 A: Yes, sir.

14 Q: Okay. Once the ambulance came and you turned over care  
15 to them, was that the remainder of your duty and service in  
16 this matter?

17 A: Yes, sir.

18 Q: Okay.

19 MR. CLEMENTS: Matthew, please answer any questions Mr.

20 --

21 THE WITNESS: Gladly.

22 MR. CLEMENTS: -- Meetze may have.

23 CROSS-EXAMINATION

24 BY MR. MEETZE:

25 Q: Mr. Self, you -- you gave a written statement about

## MATTHEW SELF - CROSS BY MR. MEETZE

1 things you saw involved in this case; is that right?

2 A: Yes, sir.

3 Q: Do you have a copy of that statement?

4 A: I gave it back to Mr. Ed.

5 Q: Okay. The -- did you have an opportunity to review that  
6 statement before you testified?

7 A: Yes, sir.

8 Q: Okay. That statement was -- involved what you saw  
9 basically while you were at the tire shop, Oh Joe's; correct?

10 A: Yes, sir.

11 Q: It didn't deal with anything you did with regards to  
12 helping Ms. Wilson; correct?

13 A: No, sir.

14 Q: Okay. And in -- you gave that statement -- I'll hand it  
15 to you. I'll hand you mine.

16 MR. MEETZE: May I approach the witness, Your Honor?

17 THE COURT: Yes, sir.

18 MR. MEETZE: I'm going to --

19 THE WITNESS: Thank you.

20 MR. MEETZE: -- hand you that.

21 BY MR. MEETZE:

22 Q: And this indicates that you did this statement and  
23 that's your handwriting; correct?

24 A: Yes, sir.

25 Q: So you wrote that yourself?

## MATTHEW SELF - CROSS BY MR. MEETZE

- 1 A: Yes, sir.
- 2 Q: Nobody told you what to say; correct?
- 3 A: No, sir.
- 4 Q: They gave you as much time as you needed to write down
- 5 every detail you could remember; correct?
- 6 A: Yes, sir.
- 7 Q: They didn't -- they weren't hurrying you along,
- 8 pressuring you to get done? They gave you all the time you
- 9 needed; correct?
- 10 A: No, sir.
- 11 Q: All right. And that was on August the 29th at around
- 12 2:40 in the afternoon; is that right?
- 13 A: About 4 -- 4:15 -- 4:30 in the afternoon.
- 14 Q: Okay. Well --
- 15 A: 1615 and 1630 is military time.
- 16 Q: I gotcha. I'm looking at one that says 1440.
- 17 A: 14?
- 18 Q: As far as when you gave the written statement, not when
- 19 you --
- 20 A: Oh, yes, sir, 1430. I apologize.
- 21 Q: Okay. Sure. That's fine. And your statement says that
- 22 you work with Timmonsville Rescue; correct?
- 23 A: Yes, sir.
- 24 Q: And that you say around 4:15 or 4:30 in the afternoon
- 25 you went to Oh, Joe's tire place; correct?

## MATTHEW SELF - CROSS BY MR. MEETZE

1 A: Yes, sir.

2 Q: And that that's on Highway 76 and you went there to put  
3 air in your tire?

4 A: Yes, sir.

5 Q: Is that right? And your statement indicates that while  
6 you were there you noticed a white four-door BMW with a  
7 temporary tag pull in; correct?

8 A: What appeared to be a four-door.

9 Q: Right. You indicate that a young black male around 15  
10 or 16 years old got out of the backseat and approached the  
11 black male that was filling your tire with air; correct?

12 A: Yes, sir.

13 Q: And was asking him about something that was going on  
14 that night is what you put on there. You didn't hear what  
15 was being said?

16 MR. CLEMENTS: Object to hearsay, Your Honor.

17 THE COURT: All right. Hold on. I'm going to let him  
18 answer the question because he wasn't asking for what he told  
19 him.

20 MR. CLEMENTS: Yes, sir.

21 MR. MEETZE: Okay.

22 BY MR. MEETZE:

23 Q: I'm just asking if this is what your statement said?

24 A: Yes. That's what I wrote. I did not hear what it was  
25 in regards to.

## MATTHEW SELF - CROSS BY MR. MEETZE

1 Q: Sure. You described the fellow that was filling your  
2 tires as that he had long dreads in his hair; correct?

3 A: Yes, sir.

4 Q: You indicated that while he was talking to the 15- or  
5 16-year-old that got out that there were three other black  
6 males sitting in the white BMW; correct?

7 A: Yes, sir.

8 Q: You informed the investigator the next day about what  
9 you saw; correct?

10 A: Yes, sir.

11 Q: The investigator showed you a picture and asked if you  
12 could identify that picture?

13 A: Yes, sir.

14 Q: Is that right? Were you able to identify that picture?

15 A: I was able to identify with the best judgment.

16 Q: At that time?

17 A: Yeah.

18 Q: Okay. And you identified the picture he showed you as  
19 the young black male that you saw get out of the car and  
20 speak to the black male with dreads that was filling your  
21 tire up; correct?

22 A: Yes, sir.

23 Q: Okay.

24 MR. MEETZE: May I approach the witness, Your Honor?

25 THE COURT: Yes, sir.

## MATTHEW SELF - CROSS BY MR. MEETZE

1 BY MR. MEETZE:

2 Q: I'm going to show you this picture. You can hold it if  
3 you want to.

4 A: Yeah.

5 Q: Do you recall whether or not that's the picture that you  
6 were shown to identify?

7 A: Yes, sir.

8 Q: It was?

9 A: Yes, sir.

10 Q: And you identified the individual in this picture as the  
11 individual that came up and spoke to the guy with dreads that  
12 was filling your tires with air?

13 A: Yes, sir.

14 Q: Okay. Your -- and this was, again, the very next day;  
15 correct?

16 A: I believe the date on the -- my statement is on is the  
17 29th.

18 Q: Correct. Okay. They -- you don't mention anybody else  
19 getting out of the car?

20 A: No, sir.

21 Q: While you were there? Okay.

22 MR. MEETZE: I don't have any further questions, Judge.

23 THE COURT: Anything on redirect?

24 REDIRECT EXAMINATION

25 BY MR. CLEMENTS:

## MATTHEW SELF - REDIRECT BY MR. CLEMENTS

1 Q: Did you see the car go anywhere else in the vicinity,  
2 like the Dollar General or a store or anything like that?

3 A: No, sir, I did not.

4 Q: I'm going to show you State's Exhibit 18. Does that  
5 look familiar at all to you?

6 A: Yes, sir. It does look like the BMW I saw at Oh Joe's.

7 Q: Okay. I'm going to show you what's marked as State's  
8 Exhibit 17. Does that look familiar to you?

9 A: Yes, sir. It looks like the BMW I saw at Oh, Joe's.

10 Q: How many doors on it?

11 A: However, that is a two-door. As I said earlier, it  
12 appeared to be a four-door.

13 Q: Okay.

14 A: I could have been mistaken.

15 Q: Okay.

16 A: That day I was not paying a hundred percent attention to  
17 that.

18 Q: Okay.

19 MR. CLEMENTS: Thank you. No further questions.

20 THE COURT: Anything further?

21 MR. MEETZE: No, Your Honor.

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

23 MR. CLEMENTS: Your Honor, we'd ask that he be relieved  
24 from his subpoena.

25 THE COURT: Any objection?



1 MR. MEETZE: No, Your Honor.

2 THE COURT: All right. Thank you, sir. You're free to  
3 go.

4 All right. Ladies and gentlemen, I think this would be  
5 a good stopping point for today.

6 Now, a little bit different than when you went to lunch  
7 because now you are about to leave and go home for the  
8 evening and your family, friends or loved ones may be curious  
9 as to whether or not you've been selected to be on a jury and  
10 what's the case about and who does it involve and all those  
11 things, just standard questions that folks typically are  
12 curious about.

13 What you need to tell them is that, yes, you have been  
14 selected to be on a jury, but that's all you can say. What  
15 the case is about, who it's about, is all information that  
16 they'll be curious about, but that you really don't need to  
17 answer. You need to let them know that you are in a case,  
18 you will have to be back in the morning to continue, and that  
19 you're not allowed to discuss the case.

20 Saying something as innocent as it involves a young man  
21 by the name of Diante Rogers or saying that it is about a  
22 shooting over in Timmonsville back in 2017, saying innocent  
23 things like that could possibly elicit a response that may  
24 compromise your ability to be fair and impartial.

25 So it's very important that you just ask your family,

1 friends or loved ones, whoever is concerned or interested,  
2 that you're not allowed to discuss the case, but to be  
3 patient because at the close of the case when it's all over  
4 and it's said and done, then you'll be able to freely talk  
5 about it to whoever would like to listen. But until that  
6 time, you're under strict instructions to not discuss the  
7 case.

8       If you can -- now, I realize it's an important case  
9 going on here, but when you leave here and you go back into  
10 your lives, there's things going on. There's a big football  
11 game tonight. A lot of people are going to stay up and  
12 watch. I'm going to ask you to the extent you can get a good  
13 night's rest, try to do that. There are countless studies  
14 that show our minds operate at a much higher and more  
15 efficient level when we're well rested, but I'm not going to  
16 ask you not to watch the ballgame if that's what you're  
17 interested in.

18       But what I am going to do is I'm going to -- we're going  
19 to back up our start time in the morning in case you want to  
20 stay up late and wake up a little later. So we're going to  
21 -- I'm going to ask you -- typically, I get you to come in  
22 between 9 and 9:30. I'm going to ask you to be in tomorrow  
23 at 10. Okay? So if you would, please be back here tomorrow  
24 in your jury room ready to go at 10 o'clock and we will pick  
25 up where we left off. Okay?

1           So I want everyone else to please remain seated while  
2 the members of the jury are excused. I'll see you back here  
3 at 10 o'clock tomorrow morning, folks.

4           (WHEREUPON, the jury exited the courtroom at 4:51 p.m.)

5           MR. CLEMENTS: May we approach, Your Honor?

6           THE COURT: Yes, sir.

7           (WHEREUPON, a bench conference was held off the record,  
8 after which the proceedings resumed as follows.)

9           THE COURT: All right. Well, we'll -- we'll then be at  
10 ease until 10 o'clock tomorrow morning. Court will be in  
11 recess until then.

12           (WHEREUPON, a bench conference was held off the record,  
13 after which the proceedings resumed as follows.)

14           THE COURT: All right. I just want to clear up  
15 something if we can. I know at one time you said, you know,  
16 we've looked at the pictures and we don't have any problem  
17 with the pictures. Are they in evidence without objection?  
18 Because --

19           MR. CLEMENTS: Some are in evidence without objection.

20           THE COURT: Well, I've only got four in evidence  
21 officially.

22           MR. MEETZE: Yeah. He's going to --

23           THE COURT: But you're showing 17 and 18 to the jury and  
24 they're not in evidence.

25           MR. MEETZE: I don't think he's shown any of them to the

1 jury.

2 THE COURT REPORTER: 17 and 18.

3 MR. MEETZE: Oh, has he? I gotcha.

4 THE COURT: I just want to know if -- I mean if y'all  
5 can stipulate to the --

6 MR. CLEMENTS: We can move it in now. I'm just trying  
7 to move it in --

8 MR. MEETZE: Yeah.

9 MR. CLEMENTS: -- with laying the foundation.

10 MR. MEETZE: Yeah. I'm fine with that. I'm not  
11 objecting to those pictures coming in, not the ones he's  
12 shown me and you're not -- those are the only one you're  
13 intending on entering?

14 MR. CLEMENTS: Yeah.

15 MR. MEETZE: I don't have any objection to that.

16 THE COURT: All right. So the ones you've shown Vick  
17 that he doesn't have any problem with, is that, like, 1  
18 through a certain number?

19 THE COURT REPORTER: 22.

20 MR. CLEMENTS: Yes.

21 THE COURT: So are all 22 -- you've seen all those?

22 MR. MEETZE: Yes, sir.

23 THE COURT: All right. So are we on the record?

24 THE COURT REPORTER: It's still running.

25 THE COURT: All right. So is it --

1 MR. CLEMENTS: I'd move them into evidence, Your Honor.

2 MR. MEETZE: No objection.

3 THE COURT: Without objection.

4 MR. MEETZE: That's right.

5 THE COURT: All right. So what we're going to do is  
6 State's Exhibits 1 through 22 are into evidence without  
7 objection and then y'all can use those freely as you --

8 MR. CLEMENTS: Yes, sir.

9 THE COURT: -- want to use them. All right.

10 MR. CLEMENTS: All right.

11 (WHEREUPON, State's Exhibit Number 1, map, and State's  
12 Exhibits Number 2 through 22, photographs, were admitted  
13 into evidence.)

14 THE COURT: Thanks, guys.

15 MR. MEETZE: Thank you.

16 (WHEREUPON, the proceedings adjourned for the day at  
17 4:54 p.m.)

18 JANUARY 14, 2020

19 (WHEREUPON, the proceedings resumed at 10:21 a.m.)

20 THE COURT: All right. Is there anything we need to  
21 take up from the State before we get started?

22 MR. CLEMENTS: Not from the State, Your Honor.

23 THE COURT: Anything from the defense?

24 MR. MEETZE: No, Your Honor.

25 THE COURT: All right. Let's bring the jury in, please.

1 (WHEREUPON, the jury entered the courtroom at 10:22  
2 a.m.)

3 THE COURT: All right. Folks, welcome back. I hope  
4 everyone had a good evening and are ready to get back to work  
5 here today.

6 We -- excuse me. I find myself talking low again.

7 If you recall yesterday when we broke, we were on the  
8 State's case and so we're going to pick up where we left off  
9 and would recognize Mr. Clements on behalf of the State for  
10 the State's next witness.

11 MR. CLEMENTS: Thank you, Your Honor. If it please the  
12 Court, Your Honor, we'd like to call to the witness stand  
13 Officer Eric Barnes from the Florence County Sheriff's Office  
14 forensic unit.

15 THE COURT: All right. Officer Barnes, if you'd please  
16 come around to be sworn, sir.

17 THE CLERK: If you will, please step up to the stand and  
18 place your left hand on the Bible and raise your right hand.  
19 Do you swear the testimony you give in this case to be the  
20 truth, the whole truth, and nothing but the truth, so help  
21 you God?

22 THE WITNESS: I do.

23 THE CLERK: Please be seated and state your full name  
24 for the record.

25 THE WITNESS: My name is Cpl. Eric Wayne Barnes. I'm

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 with the forensic crime scene unit with the Florence County  
2 Sheriff's Office.

3 ERIC BARNES, being first duly  
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CLEMENTS:

7 Q: You're a corporal now?

8 A: Yes, sir.

9 Q: Cpl. Barnes, how long have you worked in law  
10 enforcement?

11 A: A little over 15 years.

12 Q: And have you worked anywhere other than the Florence  
13 County Sheriff's Office?

14 A: I have.

15 Q: Tell this jury where you've worked and what experience  
16 you gained from that?

17 A: I worked at Marion PD for about two years prior to  
18 coming to Florence County. I did property crimes, pretty  
19 much a little bit of everything over there.

20 Q: And then you came to Florence County?

21 A: I did.

22 Q: Have you been with Florence County and the forensics  
23 unit the entire time?

24 A: Not the entire time. Probably about going on nine years  
25 now approximately.

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 Q: Can you please tell this jury what -- what distinguishes  
2 a forensics officer from, like, a patrol officer or an  
3 investigator? What -- what's your particular niche and what  
4 do you do?

5 A: We particularly go to crime scenes, like homicide,  
6 suicide, death investigation, stuff like that, and we collect  
7 evidence. We'll look at the overall variables from each  
8 incident, you know, to try to determine what's happened and  
9 we collect evidence for evidentiary value and also we process  
10 items, like latents, DNA, stuff like that.

11 Q: Is it an unusual thing for you to go process a crime  
12 scene for another agency other than the Sheriff's Office?

13 A: No, it's not. Sometimes --

14 Q: Why is that?

15 A: Sometimes the smaller agencies don't have the -- the  
16 crime scene units, you know, with our particular training to  
17 be able to accommodate for something, depending on certain  
18 crimes like shootings and stuff of that nature; so they  
19 request our outside help.

20 Q: Were you dispatched or otherwise told to go to a crime  
21 scene in the town of Timmons ville on August the 28th, 2017?

22 A: That's correct.

23 Q: And who directed you to go there?

24 A: I was notified by central dispatch that Timmons ville PD  
25 was requesting us.



## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 Q: Okay. And how -- what did you do? Where did you  
2 respond to?

3 A: I responded to [REDACTED] Gregory Street, Timmonsville, South  
4 Carolina.

5 Q: Can you tell this jury what did you find and who did you  
6 find when you got there?

7 A: When I arrived, I met with Investigator Mark Strickland  
8 and Officer Andrew Legette and they advised me that a 2010  
9 Chevy Impala had been shot several times and was parked in  
10 the driveway and that the victim had been transported to  
11 Carolinas at the time.

12 Q: When you process a crime scene like that, what's --  
13 what's the first step that you take?

14 A: First of all, we kind of walk through the scene to try  
15 to see what we have and then we start taking photos, 360  
16 degrees all the way around, then middle range, close up, and  
17 then go inside the car and process, whatever needs to be  
18 done.

19 Q: How long did it take you to do a walk around or walk  
20 through on this scene?

21 A: Usually just a few minutes because it was a small scene  
22 where the car was in the driveway.

23 Q: Did they have crime scene tape up to separate an area to  
24 keep people out?

25 A: Yes, sir.

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 Q: Can you tell us what exactly did you find physically  
2 there at the scene?

3 A: With the car?

4 Q: Yeah.

5 A: With the car, I observed it had close to, if I'm not  
6 mistaken, four -- four holes from where projectiles had  
7 struck the vehicle. The trunk area, the back passenger  
8 window was busted out, the front driver window was busted,  
9 and I think a round had struck right above where the gas tank  
10 is.

11 Q: Was the victim still on the scene when you first got  
12 there?

13 A: No. She had already been transported to the hospital  
14 prior to my arrival.

15 Q: And did you take pictures of this scene?

16 A: I did.

17 Q: I'm going to show you what's already been marked in  
18 evidence as State's Exhibit 2 through 20 and I'm going to ask  
19 you can you identify these and did you take these  
20 photographs?

21 A: That is correct. I took those.

22 MR. CLEMENTS: Your Honor, I think we moved them into  
23 evidence. I believe that was outside the presence of the  
24 jury so I'd like to reaffirm that State's Exhibit 2 through  
25 20 --

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 THE COURT: All right.

2 MR. CLEMENTS: -- is into evidence.

3 MR. MEETZE: We have no objection, Your Honor.

4 THE COURT: All right. So all those Exhibits 1 through  
5 20 are in evidence without objection.

6 BY MR. CLEMENTS:

7 Q: What type tools do you use in a crime scene?

8 A: It all depends on the -- the scene and what it calls  
9 for.

10 Q: Okay. How about when you take photographs? Do you use  
11 your cell phone or what type of camera?

12 A: No. At that time, we was using a Nikon D90 digital  
13 camera to take photos as digital photographs of the scene.

14 Q: Is that a good quality camera?

15 A: It used to be. We got a newer one.

16 Q: The technology --

17 A: For the time it was.

18 Q: Technology is racing past us, isn't it?

19 A: Every day.

20 Q: I'm trying to figure out how to focus this thing, which  
21 I did not figure out yesterday. At least I got it turned on  
22 this time. There it is. I'm going to show you what's been  
23 marked as State's Exhibit 2. Can you tell me what that  
24 picture depicts and why you took that picture?

25 A: That picture right there shows were a projectile had

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 struck right above the door handle in the rear driver's side  
2 right below where the driver's side window is.

3 Q: Is that hole marked in any way in that picture?

4 A: It is.

5 Q: What is that below it?

6 A: That is a -- that's a -- I'm drawing a blank here.  
7 That's the -- we have little stickers that has a -- the  
8 metering, you know, the centimeters and millimeters and  
9 inches and how -- how long the -- the marking is where the  
10 projectile struck the sheet-metal on the outside of the  
11 vehicle.

12 Q: So that's a measuring stick?

13 A: Yes, sir.

14 Q: For lack of a better term?

15 A: Yes, sir.

16 Q: Okay. And is that the car that the victim was in?

17 A: That is correct.

18 Q: Now, State's Exhibit 3, Cpl. Barnes, and if you'll  
19 explain to the jury why you took that picture and what it  
20 depicts?

21 A: That shows another entrance where a projectile had  
22 struck right above the fender well, the rear driver's side  
23 fender well, right above where the gas tank fill handle is.

24 Q: Okay. Do you have -- do you know how to point out  
25 something on that photograph with the little tool --

1 A: No.

2 Q: -- with your finger or whatever you use?

3 A: Right here?

4 Q: Yeah. Is that -- is that one of the bullet holes?

5 A: That is correct.

6 Q: Where is the other one?

7 A: Right here.

8 Q: Okay. Could you tell anything at this point in time

9 what direction they were coming from or anything of the

10 nature?

11 A: I believe it was more toward the rear, like it was

12 moving, but I put the trajectory rods in. That kind of shows

13 you at the time of when that projectile struck that vehicle

14 what the angle was at that particular time.

15 Q: Okay. And you have photographs of that; correct?

16 A: I do.

17 Q: And these photographs, these aren't all the photographs

18 you took, is it?

19 A: That's not. That's correct.

20 Q: You all take many, many more, don't you?

21 A: Absolutely.

22 Q: And what's the purpose of taking so many?

23 A: To document the scene.

24 Q: Completely?

25 A: Completely.

1 Q: Okay.

2 A: So we don't try to miss anything.

3 Q: You mentioned something earlier about 360 degrees.

4 Explain that for the jury?

5 A: That's when we go all the way completely around, like,  
6 the vehicle. That way you get different views all the way  
7 around and not just from one side. You know, it gives you  
8 more of a three-dimensional look of the whole perimeter of  
9 the vehicle or the scene.

10 Q: I'm going to show you State's Exhibit 4. Tell me what  
11 that depicts and why you took that photo?

12 A: That's with the driver's door open. You can see where  
13 the glass had been busted out from a projectile. Also, you  
14 see a little bit of blood around the doorframe next to the  
15 doorjamb.

16 Q: State's Exhibit 5, what does that depict and why did you  
17 take that picture?

18 A: That's the driver's seat. It shows some of the broken  
19 glass from the driver's door and also some of the blood from  
20 the victim that had soaked onto the driver's seat near the  
21 edge.

22 Q: State's Exhibit 6, same question?

23 A: That's blood near the bottom of the door, doorjamb.

24 Q: That's on the doorjamb where the blood leaked down?

25 A: That's correct.

1 Q: And which door?

2 A: The driver's door.

3 Q: State's Exhibit 7, same question?

4 A: That's where a projectile had traveled through that  
5 seat.

6 Q: And it came through the seat?

7 A: That's correct.

8 Q: State's Exhibit 8?

9 A: That's a metered shot of where the projectile traveled  
10 through that seat next to the seatbelt.

11 Q: What did you do as far as items inside the car? Do you  
12 search those and what do you typically do?

13 A: I did. We -- we try to document anything and everything  
14 inside the vehicle. There was groceries. I think her  
15 pocketbook. I think it had, like, seven dollars, Social  
16 Security card, checkbook, and other miscellaneous items  
17 inside.

18 Q: And how much groceries?

19 A: Probably just a few bags.

20 Q: Okay. State's Exhibit 9, what does that depict and what  
21 is that a picture of?

22 A: The seven dollars that was inside the victim's wallet.

23 Q: That's all she had --

24 A: That's all she had.

25 Q: -- at the time?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: That's all she had.

2 Q: Okay. State's Exhibit 10, can you tell us what that  
3 depicts and what's significant about that?

4 A: That's showing the different angles of the -- the way  
5 the projectiles had struck the vehicle. For example, the one  
6 right here by the trunk. And also at the -- right above  
7 where the gas panel door is, it shows an upward to downward,  
8 like you were standing up the way it would go. Also, the  
9 same with the rear driver's side door.

10 Q: Okay. Did the way those angles line up show some  
11 movement?

12 A: Yeah. The car was leaving, changing trajectory as it  
13 was motioning away.

14 Q: State's Exhibit Number 11, explain that to us, please?

15 A: That's another view of where the trajectory rods were  
16 inside of the -- one is above the door handle, the trunk, and  
17 also the left rear quarter panel.

18 Q: Okay. State's Exhibit Number 12, did you take that  
19 picture?

20 A: I did.

21 Q: What does it depict?

22 A: Another view of where the trajectory rods were inserted  
23 where the projectiles had struck the vehicle.

24 Q: Can you -- can you tell us -- and you used the term  
25 trajectory rod, and I apologize. I want to get you to define



## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 that first for a layperson like me who may not completely  
2 understand what that is, but explain what a trajectory rod  
3 is, how you use it, and how it's helpful to you in processing  
4 a crime scene?

5 A: You insert the trajectory rod in the way the hole goes  
6 into whatever surface it goes into or whatever place it goes  
7 into and it helps. It determines the way the bullet had  
8 traveled as it entered into the vehicle, kind of show you  
9 where -- where the bullet came from and going towards. It  
10 gives you an idea which angle during the time the projectile  
11 was fired from the firearm.

12 Q: Okay. I'm going to ask you, if you would, if you'll  
13 step down a second.

14 A: Okay.

15 Q: And the picture showed it a little bit, but I want you  
16 to explain. If I was Ms. Wilson sitting in the car, where  
17 pretty much would be the angle of that first bullet hole from  
18 right here?

19 A: The first one would be in that door, the rear door and  
20 then the trunk as it -- as the angle, like if you're walking  
21 forward, it would kind of change.

22 Q: So the first one comes from that angle like that, almost  
23 90 degrees?

24 A: (No verbal response.)

25 Q: And then it was like --

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: It came in like that.

2 Q: And then?

3 A: Right through the trunk.

4 Q: Okay. All right. Thank you.

5 (WHEREUPON, the witness returned to the stand.)

6 Q: Other than taking photographs and using those trajectory  
7 rods, you said you also kind of inventoried sort of what was  
8 in the car?

9 A: That's correct.

10 Q: And she had been shopping. How much money was she  
11 carrying on her after that?

12 A: Approximately seven dollars in US currency.

13 Q: Okay. After you -- well, let me ask you this. What  
14 else did you do to process the car?

15 A: I think that's pretty much it. After that, I went and  
16 searched it, opened everything up and see the way the  
17 trajectory had traveled through the vehicle and photographed  
18 that and documented that.

19 Q: Okay.

20 A: And all the contents inside and outside.

21 Q: All right. After you finished with the car, did you go  
22 to another crime scene or do anything else?

23 A: I did. I traveled to 805 South Pamlico Highway, which  
24 at that time was Carolinas Hospital System.

25 Q: Okay. And you didn't go anywhere else in Timmons ville

1 first?

2 A: No.

3 Q: And why or why not?

4 A: At that time, we didn't know where the exact crime scene  
5 was where it had originally happened at.

6 Q: Where the shooting took place?

7 A: That's correct.

8 Q: Okay. You're not sure when they found that out, are  
9 you?

10 A: No.

11 Q: Okay. You weren't involved in that?

12 A: No, sir.

13 Q: Okay. Tell us when you got to the hospital, what did  
14 you find and what did you do?

15 A: I observed the victim. I was unable -- she was unable  
16 to speak due to her medical condition. I observed she had an  
17 entrance wound with what appeared to be like stippling or  
18 what they call a bullet wipe right above her -- her left  
19 shoulder, and she had a bruise or a contusion under her right  
20 armpit area where the projectile had struck her.

21 Like I said, I was unable to see anymore due to her  
22 medical condition and I didn't want to, you know, complicate.  
23 It may cause her any further injuries to her person herself.  
24 So I took photographs, digital photographs, of what I could  
25 see.

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 Q: All right. Now, did you have occasion to process  
2 another vehicle?

3 A: I did.

4 Q: Well, let me ask you this. When you finished up at the  
5 hospital, what did you do?

6 A: I exited the scene and I traveled to the Florence County  
7 Sheriff's Office and logged in all my items.

8 Q: Okay. All right. And that was all you did that day?

9 A: That day, yes.

10 Q: Okay. What was the next day that you had any duties in  
11 regards to this investigation and where did that take place  
12 and what day was that?

13 A: On August the 30th of 2017, I was advised by Lt. Streett  
14 to respond to 115 W. Main Street at the Timmons ville Police  
15 Department. The order was to process a vehicle that -- that  
16 had been involved in the incident. We executed a search  
17 warrant on the vehicle. It was a 2000 BMW 328Ci.

18 Q: And who did that vehicle was reported to have belonged  
19 to?

20 A: Stephanie Rogers and Alfred Lamar, who owned the  
21 vehicle.

22 Q: Where did they live?

23 A: I'm not sure. I think in Marion County, if I'm not  
24 mistaken. I could be wrong.

25 Q: You didn't look to see where it was registered to?

1 A: I didn't.

2 Q: Okay. But it was Marion County you believe?

3 A: Yeah. It had a -- it had a paper tag on it.

4 Q: I want to show you some pictures here in a minute, but

5 tell us what did you do with this car? You said it was a

6 BMW. Two-door or four-door?

7 A: I'd have to look at the picture.

8 Q: Okay. It had a paper tag?

9 A: I think it -- I think it was four-door, if I'm not

10 mistaken.

11 Q: Do what?

12 A: I think it was a four-door, if I'm not mistaken.

13 Q: All right. Let me go ahead and show you one of the

14 pictures for right now. This is a good example of why you do

15 what you do with the camera?

16 A: That's correct.

17 Q: I'm going to show you State's Exhibit 17.

18 A: A two-door.

19 Q: Two-door? Okay. It's been a while, hasn't it?

20 A: It's been a couple years.

21 Q: Since you processed this car? Now, were you requested

22 to do something there at Timmons ville?

23 A: I was assisting Officer Legette in executing a search

24 warrant for that vehicle and finding out if it was related to

25 the incident. I did find a black hair pick in the rear

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 passenger seat that they said -- that they said it didn't  
2 belong to them.

3 Q: Who is they?

4 A: Stephanie Rogers and Alfred Lamar.

5 Q: Okay. Were you able to ever develop anything of  
6 evidentiary value from that?

7 A: I wasn't able to, no.

8 Q: Okay.

9 A: I took two swabs from the steering wheel, gear shifter.  
10 I was able to process a latent print from the palm print on  
11 the outside and I think it was examined and I believe it come  
12 back to Stephanie Rogers.

13 Q: Okay. And she was the owner of the car?

14 A: That's the owner of the car.

15 Q: Okay. And did you develop any swabs or palm print or  
16 fingerprints or anything indicating anybody else was in the  
17 car other than the owner?

18 A: No. Other than that, no.

19 Q: Okay. And you swabbed the car on the gearshift you said  
20 and the steering wheel?

21 A: That's correct.

22 Q: But nothing was developed of evidentiary value from  
23 that?

24 A: No, sir.

25 Q: Okay.

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: There was also a small hole in the bumper of the BMW.

2 Q: All right. What was that from?

3 A: Where a small caliber projectile had struck it in the  
4 right passenger side.

5 Q: I'm going to show you State's Exhibit 20. Can you  
6 please tell us what this picture depicts and why you took  
7 this picture?

8 A: I took a picture. That's where a projectile had struck  
9 that bumper right there on the body line right below the  
10 trunk on the passenger rear side.

11 Q: So somebody was standing behind the car when they shot  
12 that?

13 A: That's correct.

14 Q: State's Exhibit 17, do you recognize that?

15 A: That's correct.

16 Q: What is that?

17 A: That's the BMW that belonged to Alfred and Stephanie.

18 Q: All right. And how many doors on that?

19 A: Two-door.

20 Q: Two-door? State's Exhibit 18, can you see the bullet  
21 hole there?

22 A: You can, barely.

23 Q: Can you point it out to us?

24 A: Right there, low in the passenger rear side.

25 Q: And State's Exhibit 19?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: That's a close up of where the projectile strike that  
2 bumper.

3 Q: So either the same or close to the same size holes in  
4 the Impala?

5 A: Yes, sir.

6 Q: Okay. That Ms. Wilson was driving?

7 A: That's correct.

8 Q: And I think I'm going to, if I haven't already showed  
9 this to you, State's Exhibit 20, you can identify that and  
10 tell us what that is?

11 A: That's the same as earlier. That's where the projectile  
12 struck that bumper right below the right side.

13 Q: And that indicates a paper tag on the car, the vehicle?

14 A: That's correct.

15 Q: What else did you do that day or to that car or anything  
16 else?

17 A: That is it that day. I did examine the palm print when  
18 I got back to the office and determined it was -- belonged to  
19 Stephanie Rogers and logged everything in evidence.

20 Q: You said you what? Examined the palm print?

21 A: Yes.

22 Q: And matched it up with Stephanie Rogers?

23 A: That's correct.

24 Q: You took swabs from the car. Did you take swabs from  
25 anybody else?



## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: I did. On September 7th, 2017, I spoke with  
2 Investigator Mark Strickland, who advised me that he made  
3 several arrests, MINOR and Juwan Smith, and they  
4 was located at the Florence County Detention Center in  
5 Effingham and requested I get buccal swabs from them. Both  
6 parties signed a consent form and I collected buccal swabs  
7 from both of them and logged the swabs into evidence. Also  
8 while he was there, I received five shell casings from  
9 Investigator Mark Strickland.

10 Q: How did he present those to you?

11 A: They were in a bag.

12 Q: Okay. Did he tell you where they came from?

13 A: They said -- I'm not sure. I don't recall.

14 Q: You don't recall?

15 A: I think it was from the incident location where the  
16 shooting had originated from.

17 Q: So they were reported to come from the shooting scene?

18 A: That's correct.

19 Q: Okay. What did you do with those five shell casings?

20 A: Two of them were two Sig 9mm Luger shell casings, three  
21 were FC 9mm Luger shell casings. I individually packaged  
22 them after processing them for latent prints. I was unable  
23 to develop any.

24 Q: All right. Stop right there. Explain to the jury  
25 because we all get familiar with some expressions and phrases

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 that a normal layperson we take for granted they know.

2 A: Right.

3 Q: But I'm not sure I know exactly how you process a shell  
4 casing for a latent print. Can you explain to the jury first  
5 what a latent print is, second how you look for it and how  
6 you make comparisons to develop evidence?

7 A: There's different ways to process a latent print. It's  
8 a print. Everybody has a unique fingerprint, each person.  
9 Nobody is the same. Some cannot be seen with the naked eye.

10 When we develop, we use, you know, different chemical  
11 processes, powder, magnetic powder. Some of it's made out of  
12 volcanic ash, different chemical compounds, cyanoacrylate and  
13 stuff like that that helps adhere to the -- to the -- to the  
14 latent print because it's 98 percent water and 2 percent oil  
15 and organic oil and material.

16 And we used -- that day I believe I used a magnetic  
17 powder to the shell casing to try to find any -- trying to  
18 develop any kind of latent prints, like somebody would -- if  
19 they was loading the magazine or whatever the case may be or  
20 handled the -- the round prior to it being fired.

21 Q: So you're looking for fingerprints of somebody that  
22 actually had touched or held the bullet?

23 A: That's correct.

24 Q: Okay. Singularly; right?

25 A: That's correct.

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 Q: Is it rare or common or kind of hit or miss on finding a  
2 latent print on a bullet?

3 A: It's very hard to get one, especially after it's been  
4 fired.

5 Q: Hard to get one off of a bullet? Okay. You said that  
6 fingerprints are made of how much percent water?

7 A: 98 percent water, 2 percent oil and organic material.

8 Q: So if the gun was fired and the bullet was fired, it  
9 went through a lot of a heat; right?

10 A: That's correct.

11 Q: Is that why it's real hard or real rare to get a print?

12 A: A lot of it evaporates --

13 Q: Okay.

14 A: -- because it gets so hot.

15 Q: Especially on a spent bullet?

16 A: And it's not -- it's not a lot of surface area as well.

17 Q: Okay. So after attempting that and not developing  
18 anything from the latent prints, what -- what did you do with  
19 the bullet then? Was it still useful for testing?

20 A: Yes. I individually bagged them, packaged them, and  
21 sent them to SLED for further analysis.

22 Q: Well, let me ask you this. When you test a bullet or  
23 examine a bullet for latent prints, does that have a tendency  
24 to destroy anything as far as ballistics testings or does it  
25 not affect it?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: It does not affect it.

2 Q: Okay. All right. So you packaged those individually  
3 and what did you do with them after you bagged them, packaged  
4 them?

5 A: They were logged into evidence and sent to SLED for  
6 further testing, the South Carolina Law Enforcement Division  
7 in Columbia.

8 Q: And they have a lab?

9 A: They have a lab.

10 Q: They have a ballistics department?

11 A: Yes, sir.

12 Q: And you don't have the capabilities there in Effingham  
13 to do that?

14 A: No, not at this time.

15 Q: Okay. So you waited? You sent the shell casings to  
16 SLED and just waited on their results; is that correct?

17 A: That's correct.

18 Q: Okay. Do you know who the SLED analyst was for the  
19 ballistics?

20 A: Ballistics? Chad Smith.

21 Q: Okay. After you sent the bullets off -- the shell  
22 casings off that you received from Capt. Strickland, did you  
23 do anything else on this case, either out in the field or  
24 back at your lab in Effingham, the evidence room or any other  
25 -- any other location?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: On December 4th, we did.

2 Q: On December the 4th?

3 A: Yes, sir.

4 Q: Okay. And that was a while afterwards?

5 A: Yes, sir.

6 Q: Right? From August?

7 A: It was.

8 Q: But y'all kept working on the case along and along?

9 A: Yes, sir.

10 Q: Okay. So what did you do in December and why?

11 A: On December 4th, 2017, at approximately 9:03 a.m., I met  
12 with -- well, prior, I met with -- I received a phone call  
13 from Mark Strickland, who stated that they possibly had a  
14 point of interest of where the firearms could possibly be  
15 located. So we went to the corner of Kershaw Street and Byrd  
16 Street located in Timmons ville where we had Special Agent  
17 Robert Landis with ATF, who had his explosive detective  
18 canine, Jam, to search the area for possibly any firearms or  
19 projectile shell casings or anything related to gunpowder  
20 that they could detect on.

21 Q: Okay. And you went out there on the scene while they  
22 were out there?

23 A: I did.

24 Q: And who all was out there other than Mark Strickland and  
25 the ATF agent?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: Ed Saverance with the Solicitor's Office was there and  
2 Sgt. Andrew Clendenin.

3 Q: With your forensic unit, he's your sergeant?

4 A: He's my sergeant.

5 Q: Okay. About how long were you out there?

6 A: I think we got out there around 9:03 a.m. I think we  
7 finally left at 1:24 p.m.

8 Q: So y'all searched there for a few hours? That whole  
9 time was spent searching; is that correct?

10 A: Yes, sir.

11 Q: Okay. Did you take any pictures of that scene?

12 A: I did.

13 Q: I'm going to show you State's Exhibit 13. Cpl. Barnes,  
14 what is that and why did you take that picture?

15 A: That's the corner of Byrd and Kershaw Street showing  
16 where we was at to get a landmark of the area we was in at  
17 the time of the search.

18 Q: So you took that as a landmark?

19 A: That's correct.

20 Q: Okay. Now, let me ask you about Byrd and Kershaw. If  
21 you recall, is it a crossroads or is it a T or do you  
22 remember?

23 A: It's a T.

24 Q: It's a T? Okay. Byrd dead ends on Kershaw; is that  
25 correct?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: That's correct.

2 Q: State's Exhibit 14, you took that picture. Tell us why  
3 you did and who was that, if you know, standing in the  
4 picture?

5 A: That is Officer Mark Strickland to the right. It's got  
6 a lot of glare on it.

7 Q: Whose vehicle is that?

8 A: That's mine to the right.

9 Q: Okay. Why did you take that picture?

10 A: That shows the area that we were searching, the wooded  
11 right there at the corner of Kershaw and Byrd.

12 Q: Pretty thick area or not that thick?

13 A: It was a pretty thick -- pretty thick wooded area.

14 Q: Okay. I'll show you State's Exhibit 15. Why did you  
15 take that picture and what is it?

16 A: That's a close-up to show the density of the wooded area  
17 that they were searching.

18 Q: Okay. So a lot of bushes and vines everywhere?

19 A: It was pretty thick.

20 Q: State's Exhibit 16, what does that depict?

21 A: That's a mailbox right close to where the search area  
22 was across from Byrd and Kershaw.

23 Q: You searched that entire area?

24 A: I did.

25 Q: You said from 9 to 1? Is that what I heard?

## ERIC BARNES - DIRECT BY MR. CLEMENTS

1 A: Yeah. About 1:24.

2 Q: So about four hours' worth of searching?

3 A: Yes, sir.

4 MR. CLEMENTS: I beg the Court's indulgence one moment.

5 THE COURT: Yes, sir.

6 BY MR. CLEMENTS:

7 Q: Now, Cpl. Barnes, after the canine search, was that the  
8 end of your working on this particular case or --

9 A: That's correct.

10 Q: -- did you do anything further?

11 A: That's it.

12 Q: Until you got with me to get ready for trial?

13 A: That's it.

14 Q: Okay.

15 MR. CLEMENTS: I appreciate you being here and  
16 testifying. If you would, please answer any questions Mr.  
17 Meetze might have for you?

18 THE WITNESS: Okay.

19 CROSS-EXAMINATION

20 BY MR. MEETZE:

21 Q: How are you doing?

22 A: Good. How are you?

23 Q: Good. Just briefly, during your search of the Impala,  
24 did you locate any projectiles anywhere in the vehicle?

25 A: I was unable -- I don't think I was able to retrieve any



1 out of the vehicle.

2 Q: Okay.

3 A: A lot of them deform. After they pass through so many  
4 objects, they start deforming real bad and they start -- they  
5 start tumbling. It's kind of hard to locate where they --  
6 where they actually landed.

7 Q: Sure. Now, the trajectory rods, you had testified -- I  
8 guess I'm going to get you to just sort of, I guess,  
9 re-explain about those. The trajectory rods that you put in,  
10 the entry points for where those projectiles struck the  
11 vehicle, that -- those are used to give you sort of a better  
12 visualization of the angle that those projectiles were  
13 traveling when they --

14 A: When they entered.

15 Q: -- hit the car?

16 A: That's correct.

17 Q: Okay. And I think you testified that the trajectory,  
18 which is like saying the angle the bullet is traveling;  
19 correct?

20 A: That's correct.

21 Q: The angle flattens out more the further the car would  
22 get from whoever would be firing that gun?

23 A: That's correct.

24 Q: And that's what this picture that I've got up -- it sort  
25 of depicts that with those trajectory rods; correct?

1 A: That's correct.

2 Q: Okay. With a shot there in the trunk having the least  
3 angle; correct?

4 A: That's correct.

5 Q: Because that would have been the shot that would've been  
6 from the greater distance; correct?

7 A: That's correct.

8 Q: As a forensics investigator, primarily your job is the  
9 kind of thing that you've talked about here today; correct?

10 A: That's correct.

11 Q: More in the collecting of evidence?

12 A: That's correct.

13 Q: More so than talking to witnesses and doing interviews  
14 and things like that?

15 A: That's correct.

16 Q: And you didn't do anything like that in this case?

17 A: No, sir.

18 Q: Okay.

19 MR. MEETZE: Thank you.

20 Your Honor, I don't have any further questions.

21 THE COURT: Anything further?

22 MR. CLEMENTS: Your Honor, we'd ask that he be released  
23 from his subpoena.

24 MR. MEETZE: No objection.

25 THE COURT: All right. Without objection. Thank you

## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 very much, sir.

2 THE WITNESS: Thank you.

3 THE COURT: You're free to go.

4 MR. CLEMENTS: Your Honor, we'd like to call to the  
5 stand Mr. Ed Saverance.

6 THE COURT: All right. Mr. Saverance, if you'd please  
7 come around to be sworn, sir.

8 THE CLERK: Sir, if you'll please place your left hand  
9 on the Bible and raise your right hand. Do you swear the  
10 testimony you give in this case to be the truth, the whole  
11 truth, and nothing but the truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Please be seated and state your full name  
14 for the record.

15 THE WITNESS: My name is Robert E. Ed Saverance.

16 ED SAVERANCE, being first duly  
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q: Mr. Saverance, where do you work?

21 A: I'm an investigator for the 12th Circuit Solicitor's  
22 Office.

23 Q: And how long have you been doing that?

24 A: Since 1998 or '99, I believe.

25 Q: Is that all of your experience in law enforcement?

## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 A: No, sir, it is not.

2 Q: Okay. Can you tell us where you retired from previously  
3 in law enforcement and different things you've done for law  
4 enforcement?

5 A: I started off as a special agent with the Bureau of  
6 Alcohol, Tobacco and Firearms in 1970.

7 Q: ATF --

8 A: Yes, sir.

9 Q: -- is the word commonly --

10 A: ATF.

11 Q: -- referred to?

12 A: Yes, sir.

13 Q: Okay.

14 A: And I spent seven years with ATF all over and, due to  
15 illness in my family with my father becoming sick, I  
16 transferred and became a United States Marshal and came back  
17 to South Carolina, where I continued my career until I  
18 retired.

19 Q: And how long were you with the Marshal service?

20 A: 17 years.

21 Q: And you said nine years with ATF?

22 A: Yes, sir, I believe. I had 29 years and -- 29 ½ years'  
23 service.

24 Q: When you retired?

25 A: Yes, sir.

## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 Q: And then you came to work with my office?

2 A: Yes, sir, I did.

3 Q: Okay. Can you tell us back in December of 2017 you were  
4 involved with ATF searching for possible evidence? Can you  
5 tell this jury how that started and how that transpired and  
6 what the results were, if any?

7 A: Yes, sir. I received information that the -- when the  
8 shooting took place, that when the two shooters came out of  
9 the woods that a witness advised that he did not see them  
10 with guns on them when they came out of the woods. Based on  
11 that information, I was able to get with Investigator Barnes  
12 and we contacted ATF, and they have a dog that can find  
13 gunshot residue or projectiles or guns, if they are there.

14 Q: How does that work?

15 A: The dogs are trained to -- by ATF to specifically locate  
16 evidence of firearms activity, you know, whether it be guns  
17 or --

18 Q: Does that include bombs?

19 A: Yes, sir. And bombs, yes, sir.

20 Q: So in layman's terms, what you got was you got a bomb  
21 sniffing dog to come out there?

22 A: Yes, sir.

23 Q: Okay. All right. Who was the ATF agent?

24 A: James Robert Landis was the special agent who handled --  
25 who was the dog handler and did the work with the dog.

## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 Q: What was his dog's name?

2 A: The dog's name was Jam.

3 Q: Okay. Did you go to the scene there with them?

4 A: Yes, sir.

5 Q: And meet?

6 A: Yes, sir, I did.

7 Q: Okay. And how long were you out there?

8 A: Over into the afternoon. I believe it was about 1:20 or

9 1:30 before we --

10 Q: And you started around 9?

11 A: Yes, sir.

12 Q: Did you crawl around in there through those vines and

13 bushes yourself?

14 A: No, sir. What we did, we let the agent and the dog go

15 into the woods and do the search first before we went in and

16 possibly what I call contaminated the area by walking around

17 in there.

18 Q: Was it a pretty broad area or just one little small

19 concentrated area?

20 A: It was a pretty concentrated area there in Timmons ville

21 at Kershaw and Byrd Street.

22 Q: Okay. With the way y'all worked it, explain again how

23 the -- how the handler, the agent, worked with his dog and

24 what did you all do?

25 A: We explained to him the basic information concerning

## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 what had happened and why we had requested his assistance and  
2 then showed him the area from the outside and we then allowed  
3 him to take the dog and go into the area and do a search with  
4 the dog.

5 Q: I'll show you State's Exhibit 14. Does that look  
6 familiar to you?

7 A: Yes, sir.

8 Q: What is that?

9 A: That's the end of Byrd Street where it runs into Kershaw  
10 Street.

11 Q: Okay. And that's kind of a T; is that correct?

12 A: Yes, sir.

13 Q: Okay. Who's that standing in the picture there?

14 A: I believe that's Mark Strickland.

15 Q: And so y'all were around on the outside and the dog and  
16 the agent went in to all that to search for guns?

17 A: Yes, sir. We explained to him what we thought had  
18 happened as far as positioning and areas where the dog needed  
19 to concentrate his search, and then the agent went in with  
20 the dog and did the search of the -- all of the area that,  
21 you know, we had indicated.

22 Q: I'm just going to show you a couple more pictures.  
23 State's Exhibit 16, do you recognize that?

24 A: Yes, sir.

25 Q: Is that the mailbox there?

## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: From the previous picture?

3 A: Yes, sir.

4 Q: And then State's Exhibit 15, do you recognize that?

5 A: Yes, sir. That shows -- that shows the vegetation and  
6 how thick it was growing up in that area.

7 Q: Is that the area that y'all searched?

8 A: Yes, sir.

9 Q: With the dog?

10 A: Yes, sir.

11 Q: Were you able to develop anything with the dog? I guess  
12 the terminology is did the dog hit on anything?

13 A: No, sir.

14 Q: When y'all decided to search this area and get the ATF  
15 guy involved in December, would you consider this to be a  
16 shot in the dark? A long shot? A pretty -- pretty good  
17 possibility that you would find something? How did you have  
18 it thought out in your mind when y'all set that up?

19 A: It was -- it was possible and from -- from the  
20 information that I had been able to obtain, it was -- it  
21 certainly wasn't a certainty because we had no absolute  
22 information, but it was a possibility that needed to be  
23 examined to eliminate or find whatever was there.

24 Q: Even if it was a long shot?

25 A: Absolutely.



## ED SAVERANCE - DIRECT BY MR. CLEMENTS

1 Q: Okay. All right. And so the investigation continued  
2 from August at least through December; is that correct?

3 A: Yes, sir.

4 MR. CLEMENTS: Please answer any questions that Mr.  
5 Meetze may have.

6 MR. MEETZE: I don't have any questions, Your Honor.

7 THE COURT: All right. Thank you very much, sir. You  
8 may step down.

9 THE WITNESS: Thank you.

10 MR. CLEMENTS: Your Honor, may I step out and check on  
11 something?

12 THE COURT: Yeah.

13 MR. CLEMENTS: This is a good minute to take a break. I  
14 have to check on my next witness.

15 THE COURT: All right. Ladies and gentlemen, we'll take  
16 a short break. Please have no conversation about the case.  
17 If you need anything, let Ms. Frances know, and I'll bring  
18 you back in in about 5 or 10 minutes. Okay?

19 (WHEREUPON, the jury exited the courtroom at 11:11 a.m.)

20 THE COURT: All right. We'll be at ease for a few  
21 minutes.

22 MR. CLEMENTS: Thank you, Your Honor.

23 (WHEREUPON, there was a break in the proceedings from  
24 11:12 a.m. until 11:26 a.m., after which the proceedings  
25 resumed as follows.)

1 THE COURT: All right. Let's bring the jury in, ma'am.

2 THE BAILIFF: Yes, sir.

3 MR. CLEMENTS: Can we hold up a minute?

4 THE COURT: All right. Hold on a minute.

5 (WHEREUPON, a bench conference was held off the record,  
6 after which the proceedings resumed as follows.)

7 THE COURT: All right. Let's bring the jury in.

8 THE BAILIFF: Yes, sir.

9 (WHEREUPON, the jury entered the courtroom at 11:33  
10 a.m.)

11 THE BAILIFF: Judge, before we get started, the jurors  
12 have a list for you.

13 THE COURT: I'll pass that on to my colleague here and  
14 let them get right on that. All right. Ladies and  
15 gentlemen, thank you for the -- for the list. That's handled  
16 by our Clerk of Court. So we'll see what she can do for you.

17 All right. As you recall, we're still on the State's  
18 case. So we'll recognize Mr. Clements for the State's next  
19 witness.

20 MR. CLEMENTS: Thank you, Your Honor. If it please the  
21 Court, we'd call Mr. Raheem Simon.

22 THE COURT: All right. Mr. Simon, if you'd come around  
23 to be sworn, sir.

24 THE BAILIFF: Stop right here.

25 THE CLERK: Sir, if you will please place your left hand

## RAHEEM SIMON - DIRECT BY MR. CLEMENTS

1 on the Bible and raise your right hand. Do you swear the  
2 testimony you give in this case to be the truth, the whole  
3 truth, and nothing but the truth, so help you God?

4 THE WITNESS: I do.

5 THE CLERK: Please be seated and state your full name  
6 for the record. Right there. Go around. I'm sorry.

7 RAHEEM SIMON, being first duly  
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q: Mr. Simon, good morning.

12 A: Good morning.

13 Q: Can you please spell your name for the court reporter?

14 A: R-a-h-e-e-m S-i-m-o-n.

15 Q: Okay. Now, that's not what everybody calls you. What  
16 do they call you?

17 A: Stone.

18 Q: Stone? Who gave you that nickname?

19 A: My grandmama.

20 Q: Your grandma? If it all right if I call you Stone?

21 A: Yes, sir.

22 Q: Stone, do you remember back August the 28th of 2017 when  
23 there was a shooting in Timmonsville near the corner of Byrd  
24 and Kershaw?

25 A: Yes, sir.

## RAHEEM SIMON - DIRECT BY MR. CLEMENTS

1 Q: Do you remember coming up on that scene and ended up  
2 talking to Officer Legette and other officers?

3 A: Yes, sir.

4 Q: Okay. And they asked you what you saw; right?

5 A: Uh-huh.

6 Q: And do you remember another lady came up and asked  
7 questions? Do you remember that? I think it might've been  
8 one of your aunts?

9 A: I think that probably was my grandmama.

10 Q: It was your grandma?

11 A: I think so.

12 Q: Okay. Do you remember what you told her as to how many  
13 there were?

14 A: Yeah. About five or six people. About four or five  
15 people.

16 Q: Four, five or six people? Okay. Do you remember giving  
17 a written statement to law enforcement on April 2nd, 2018?

18 A: Yes.

19 Q: How many did you say there were there?

20 A: Like, four. I seen, like, four heads.

21 Q: Okay. Now, let's tell the jury how you came up on the  
22 scene?

23 A: I was walking from a man named Diesel who sells food and  
24 I was into my yard. By the time I got in the middle, I heard  
25 the shots. So I started hollering. I didn't know what to

1 do. I started panicking because it was right there where I  
2 live. So I turned. I just started walking fast in the house  
3 and a BMW passed by zooming.

4 Q: Zooming?

5 A: Zoomed past my house, like right when the scene  
6 happened.

7 Q: And do you know how many were in the car?

8 A: Like, about four people. They had on, like, masks.  
9 Like, they must have had they hood on, but I seen, like, four  
10 heads though.

11 Q: Okay. Were you absolutely sure about that? You said  
12 they zoomed by you?

13 A: Yeah. When they -- when they got, like, right there to  
14 the top of my lane, they looked. They all looked at me and  
15 they just speed up and I ain't seen them no more.

16 Q: You didn't know any of them, did you?

17 A: No.

18 Q: All right. Did you see them -- any of them outside of  
19 the car?

20 A: No.

21 Q: You just heard the shots and turned to go?

22 A: I just heard -- I just heard the shots. I seen the gray  
23 Impala. I guess that's the one the woman was driving, the  
24 gray Impala.

25 Q: All right.

## RAHEEM SIMON - DIRECT BY MR. CLEMENTS

1 A: I seen her speed up. When she speed up, she went  
2 straight and they turned on my road.

3 Q: Okay. All right. Your road was Byrd?

4 A: Yes, sir.

5 Q: Okay. All right. So let's say this area right here is  
6 where Byrd dead ends into Kershaw?

7 A: Uh-huh.

8 Q: And then Byrd Street goes this way; right?

9 A: Yes, sir.

10 Q: And you were a couple houses down or right at the --  
11 right at the corner of the scene?

12 A: Really right at the corner, like two houses down from  
13 the stop sign.

14 Q: Two houses down?

15 A: (Nodded.)

16 Q: Would that be about this far or further?

17 A: About to me to that behind you.

18 Q: From that corner right there to me, would you be that --  
19 this close or further back?

20 A: Further back to -- me to that door.

21 Q: Okay. All right. And you never saw anybody outside the  
22 car?

23 A: No, sir.

24 Q: You saw the BMW. Do you know how many doors it was?

25 A: I think it was two.

1 Q: Okay.

2 A: Two or four. It was a small one, like a 275.

3 Q: All right.

4 A: Something like that.

5 Q: So it was either two or four doors, you're not sure?

6 A: Yes, sir.

7 Q: Okay. And in your written statement, you say you saw  
8 four black men at the stop sign and they shot a couple of  
9 shots and then turned around and started speeding?

10 A: (Nodded.)

11 Q: Okay. And you looked -- and I want to be sure we're  
12 correct on this. And when you saw them in the car, it looked  
13 like four or five, you said?

14 A: Yes, sir.

15 Q: Okay. But at first you said it was four?

16 A: Uh-huh.

17 Q: Do you recall being on body camera talking with Officer  
18 Legette?

19 A: Yes, sir.

20 Q: And your grandmamma asked how many there were. You  
21 don't remember what you told her?

22 A: No, sir.

23 Q: Okay. All right. How were you feeling with all this  
24 going on? Were you excited? Were you calm? What was your  
25 demeanor?

## RAHEEM SIMON - DIRECT BY MR. CLEMENTS

1 A: I was just, like, dang, like, they didn't wreck. Like,  
2 they didn't ride in. Like, it was no more. It was nothing.

3 Q: Okay. So you were pretty upset about it?

4 A: Yeah. Because I look at it, like, what if that was,  
5 like, anybody else's grandmamma. Like, if somebody would  
6 have did that to your grandmama, you're going to feel no type  
7 of way? Like, I don't know.

8 Q: Today, to the best of your recollection today trying to  
9 remember back, how many people did you say was in the car?

10 A: Four.

11 Q: Four? Okay. All right.

12 MR. CLEMENTS: I beg the Court's indulgence a moment.

13 THE COURT: Yes, sir.

14 MR. CLEMENTS: Thank you, Stone. If you'd answer Mr.  
15 Meetze's questions, please.

16 MR. MEETZE: May I approach the witness, Your Honor?

17 THE COURT: Yes, sir.

18 MR. MEETZE: Thank you.

19 CROSS-EXAMINATION

20 BY MR. MEETZE:

21 Q: Mr. Simon, I'm going to ask if you'd just -- you can  
22 hold that and pick that up and take a look at it, if you  
23 would. Do you recognize that?

24 A: Yeah.

25 Q: Let me ask you this. Is that the written statement that



1 you gave to the police in this case?

2 A: Yes, sir. That's my handwriting back then.

3 Q: And you wrote that out; correct?

4 A: Yes, sir.

5 Q: And in that statement, you say that you saw four people

6 in the BMW; is that right?

7 A: Yes.

8 Q: And down at the bottom, does it have a date as to when

9 you gave that statement?

10 A: It just say -- it say the 2nd day of April, 2018.

11 Q: Okay. The 2nd day of April of 2018. All right. And

12 you testified you also spoke right at the time this incident

13 took place with one of the officers with the Timmons ville

14 Police Department; is that right?

15 A: Say that again?

16 Q: When this happened, you spoke to an officer with the

17 Timmons ville Police Department?

18 A: Yes.

19 Q: Correct?

20 A: Yeah.

21 Q: And y'all were out there on Byrd Street; right?

22 A: Yes.

23 Q: Pretty much right there where your house is?

24 A: Yes.

25 Q: Is that right? And he had on his body camera?

1 A: Uh-huh.

2 Q: Is that right? And he was asking you questions?

3 A: Uh-huh.

4 Q: About what you saw? Do you recall that? Do you recall  
5 that?

6 A: Yes, sir.

7 Q: Okay. And there was another young fellow with you?

8 A: Yes, but I have no idea where he is.

9 Q: Sure. Just kind of describing the scene a little bit.

10 A: Uh-huh.

11 Q: During that conversation with the officer, another lady  
12 walked up; correct?

13 A: Yes.

14 Q: And at some point in time during that conversation, she  
15 asked you how many people were there in the BMW; correct?

16 A: Yes.

17 Q: Now, you testified earlier that you said maybe four or  
18 five or six, I believe you testified to; is that right?

19 A: Uh-huh.

20 Q: Now, do you recall telling her that there were three in  
21 the BMW on that day?

22 A: No.

23 Q: You don't? Are you telling me you don't remember or you  
24 didn't tell her three?

25 A: I didn't tell her three.

1 Q: Okay.

2 MR. MEETZE: Judge, if we could take a short recess to  
3 have a discussion about something?

4 THE COURT: All right. Ladies and gentlemen, I'm going  
5 to get you to step back in your jury room. Let me deal with  
6 this matter of law and I'll get you back out shortly.

7 (WHEREUPON, the jury exited the courtroom at 11:44 a.m.)

8 THE COURT: All right.

9 MR. CLEMENTS: Your Honor?

10 THE COURT: Yes.

11 MR. CLEMENTS: I believe Mr. Meetze is looking for the  
12 right spot. He wants to play something off of the body cam  
13 video, an audio section of it.

14 THE COURT: All right.

15 MR. CLEMENTS: And I don't have any objection to that.

16 THE COURT: Okay. All right. And then y'all put it up  
17 here first to make sure it runs and works and comes through.

18 (WHEREUPON, there was a pause in the proceedings, after  
19 which the proceedings resumed as follows.)

20 MR. MEETZE: Judge, I appreciate the indulgence. I'm  
21 fine. I think we are --

22 THE COURT: You think you're ready?

23 MR. MEETZE: Yes, sir.

24 THE COURT: Okay. Is that me or you?

25 THE CLERK: I don't know. I'll turn the volume down.

## RAHEEM SIMON - CROSS BY MR. MEETZE

1 THE COURT: All right. I'm just going to turn this away  
2 from me. So that's good. You can keep that volume up for  
3 them.

4 All right. Let's bring the jury in, please.

5 (WHEREUPON, the jury entered the courtroom at 11:53  
6 a.m.)

7 THE COURT: All right. Mr. Meetze, you may continue.

8 MR. MEETZE: Thank you, Your Honor.

9 BY MR. MEETZE:

10 Q: Mr. Simon, can you see the computer screen in front of  
11 you?

12 A: Uh-huh.

13 Q: You need to answer out loud, if you would.

14 A: Yes.

15 Q: Okay. Do you see yourself in that screen?

16 A: Yes.

17 Q: And which one are you?

18 A: The red shirt.

19 Q: The red shirt? Okay. And this is just a frozen picture  
20 from the video that was taken when you talked to Officer --

21 A: Uh-huh.

22 Q: -- Legette; correct? Again, I need an --

23 A: Yes.

24 Q: -- answer out loud.

25 A: Yes.

1 Q: Okay. And this was shortly after the incident took  
2 place; correct?

3 A: Yes.

4 Q: Okay. And there's a lady also in the picture on the  
5 left side; right?

6 A: My aunt. She's dead.

7 Q: Correct?

8 A: She's dead now.

9 Q: Do you recall her coming and being --

10 A: Yes. I remember.

11 Q: -- being there?

12 A: I ain't know it was her.

13 Q: And did you recall her asking you how many people were  
14 in the BMW?

15 A: No. That wasn't her that asked me.

16 Q: Okay. All right. But you do agree that this is video  
17 from that day?

18 A: Yes.

19 Q: Okay.

20 MR. MEETZE: Judge, at this time, I'd ask to be able to  
21 play a small portion of the video.

22 THE COURT: Any objection?

23 MR. CLEMENTS: No objection.

24 THE COURT: All right.

25 (WHEREUPON, a portion of the video was played.)

## RAHEEM SIMON - CROSS BY MR. MEETZE

1 BY MR. MEETZE:

2 Q: Now, do you recall telling her it was three?

3 A: Yeah. I was young back then.

4 Q: I understand.

5 MR. MEETZE: Your Honor, I don't have any further  
6 questions.

7 THE COURT: All right. You might want to take all that  
8 down. Mr. Clements will be going over the top of that thing.

9 REDIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q: Stone?

12 A: Yes.

13 Q: The officer was also saying it was three, wasn't he  
14 then?

15 A: Yeah. He was agreeing with what I was saying.

16 Q: All right. And you don't know where he got the  
17 information other than you?

18 A: No.

19 Q: And do you recall saying three, but then later you wrote  
20 down four?

21 A: Yes. That was the same day.

22 Q: The same day? Well, it was -- it was -- you got a  
23 statement that's dated April the 2nd from the following year,  
24 2018?

25 A: Oh.

## RAHEEM SIMON - REDIRECT BY MR. CLEMENTS

1 Q: But today, I'm asking you to the best your recollection,  
2 not being excited and out on the scene and just being here  
3 calmly talking, to the best of your recollection what today  
4 would you say how many you thought you saw?

5 A: Four.

6 Q: Okay. And did you know any of them?

7 A: (Shook head.)

8 Q: Okay. All right. Thank you.

9 MR. CLEMENTS: Your Honor, we'd ask that Mr. Simon be  
10 released from his subpoena.

11 THE COURT: All right.

12 MR. MEETZE: No objection, Your Honor.

13 THE COURT: All right. Mr. Simon, thank you very much,  
14 sir.

15 THE WITNESS: Yes, sir.

16 THE COURT: You're free to go.

17 MR. CLEMENTS: Your Honor, we'd like to call Dr.  
18 Nicholas Batalis.

19 THE COURT: All right, sir. If you'd please come around  
20 to be sworn.

21 THE CLERK: Sir, if you will please place your left hand  
22 on the Bible and raise your right hand. Do you swear the  
23 testimony you give in this case to be the truth, the whole  
24 truth, and nothing but the truth, so help you God?

25 THE WITNESS: I do.

## DR. NICHOLAS BATALIS - DIRECT BY MR. CLEMENTS

1 THE CLERK: Please be seated and state your full name  
2 for the record.

3 DR. NICHOLAS BATALIS, being  
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CLEMENTS:

7 Q: Would you please spell your name for the record too,  
8 Doctor?

9 A: Sure. My name is Nicholas Ike Batalis, B-a-t-a-l-i-s.

10 Q: And can you tell this jury what you do and where you  
11 work?

12 A: I'm employed as a forensic pathologist and a professor  
13 of pathology at the Medical University of South Carolina in  
14 Charleston.

15 Q: How long have you been there?

16 A: I've been there in my faculty role for about eleven-and-  
17 a-half years at this point.

18 Q: Okay. Did you have another role prior to that?

19 A: Originally, after graduating medical school in Indiana,  
20 I came down to MUSC in 2003 to complete my general training  
21 in pathology. After completing my general training in  
22 pathology and becoming board-certified, I then went on. I  
23 left for one year to go do Dallas, Texas, to do a fellowship,  
24 specialty training specifically in forensic pathology.

25 Again, after completing that year and attending board



1 certification, I came back to MUSC as a faculty member at  
2 that point.

3 Q: Now, will you explain to this jury what pathology is and  
4 then as a -- compared to that, what forensic pathology is?

5 A: Sure. So pathology is a medical specialty that deals  
6 with the study and diagnosis of disease. So a general  
7 pathologist really looks at two things. So one would be like  
8 a surgeon or one of your clinicians would take a biopsy or  
9 cut out a tumor, they would send it to the pathologist, who  
10 would study it and look at it under the microscope and  
11 determine if it's cancer, if it's an inflammation, you know,  
12 and determine what it is. A pathologist also runs a clinical  
13 laboratory. So if you get a sample of blood taken that goes  
14 and gets lab results, a pathologist is the one that oversees  
15 all that operation. So again, that's the -- that's general  
16 pathology.

17 Forensic pathology is, again, a subspecialty of that  
18 that really deals with the legal aspects of medicine,  
19 particularly the performance of autopsies to determine a  
20 cause and manner of death.

21 Q: And how long have you been a forensic pathologist?

22 A: Eleven-and-a-half years at this point.

23 Q: And how long have you been on staff teaching forensic  
24 pathology?

25 A: For eleven-and-a-half years as well.

## DR. NICHOLAS BATALIS - DIRECT BY MR. CLEMENTS

1 Q: Okay. Now, if you would, please, can you back up a  
2 little bit and tell us where did you get your undergrad  
3 degree?

4 A: Sure. I went to Butler University in Indianapolis,  
5 Indiana, and obtained an undergraduate degree in biology.  
6 Then immediately went to Indiana University School of  
7 Medicine for my medical school training, also in  
8 Indianapolis.

9 Q: And you get your medical degree from Indiana?

10 A: From Indiana University. Yes, sir.

11 Q: And after becoming a medical doctor, did you immediately  
12 go into your specialty practice now or did you practice  
13 general medicine at all?

14 A: No. Immediately after graduating medical school in  
15 Indiana, I moved to Charleston to begin my training program  
16 in general pathology.

17 Q: Have you received any other education or degrees from  
18 MUSC?

19 A: No. Just again a general pathology certification and  
20 then my forensic pathology certification was from Dallas,  
21 Texas.

22 Q: Okay. Have you ever testified as an expert in the field  
23 of forensic pathology in state or federal court?

24 A: Yes. Numerous times in South Carolina. I believe twice  
25 in Texas and twice in North Carolina.

1 Q: Okay.

2 MR. CLEMENTS: Your Honor, at this time, we'd submit Dr.  
3 Batalis is an expert in the field of forensic pathology.

4 MR. MEETZE: No objection.

5 THE COURT: All right. Without objection.

6 BY MR. CLEMENTS:

7 Q: Dr. Batalis, did you have occasion to do an autopsy or  
8 investigation of the cause of death on a Ms. Katherine Wilson  
9 in October of 2017?

10 A: Yes, I did. On October 9th.

11 Q: And do you know the date of her passing?

12 A: Yes. I have down here in my report that she passed away  
13 the day prior on the 8th.

14 Q: Okay. What do you recall was the nature of her  
15 problems?

16 A: So this case -- our office, you know, performs autopsies  
17 for a number of different counties across the state. So this  
18 case was reported by one of the coroner's representatives  
19 here in Florence. That the case involved the death of a  
20 woman who had suffered a gunshot wound approximately six  
21 weeks prior and had died in the hospital.

22 Q: Okay. Did you have an opportunity to investigate and  
23 find out particularly where the wounds were and what injuries  
24 Ms. Wilson sustained?

25 A: Yes, I did.

## DR. NICHOLAS BATALIS - DIRECT BY MR. CLEMENTS

1 Q: Can you please explain that to the jury?

2 A: Sure. The major injury that she suffered was a gunshot  
3 wound of the left arm. So it was basically on the outer  
4 aspect of the left shoulder.

5 The gun -- the bullet, after going through the skin of  
6 the arm, fractured the left humerus or the big bone that goes  
7 from your shoulder to your elbow, then continued through the  
8 soft tissues of the chest, fractured the first rib, so one of  
9 the high-up ribs here, grazed, so just kind of breezed or  
10 scraped the top surface of both the left and right lung, and  
11 then continued through the right side of the chest and then  
12 buried itself in the chest cavity. Excuse me. In the chest  
13 wall.

14 Immediately, there were no life-threatening  
15 complications because the bullet did not hit -- did not go  
16 through a lung, did not go through a heart, did not go  
17 through the aorta, but the force of that bullet traveling  
18 through the chest wall did some damage to the lungs,  
19 significant damage, caused pulmonary contusions or bruises to  
20 the lungs. In addition to the bruising of the lungs, they  
21 experienced some shock and went into respiratory failure.  
22 The lungs were unable to perform properly.

23 Additionally, there was a fluid collection of blood,  
24 what we call a hemothorax. So blood started collecting  
25 around the right lung. And also what we call a pneumothorax,

1 which is where you get air around the lung and it compresses  
2 your lung so the lung can't open up and contract like it  
3 normally does.

4 So those were the immediate injuries she suffered would  
5 be rib fractures, grazing of the lung, and again, kind of a  
6 collapsed lung, if you will, on the right side.

7 Q: And those type of injuries can cause death?

8 A: Typically, not immediately, but then they do further  
9 complications, as in this case, and did ultimately cause the  
10 death.

11 Q: How old was Ms. Wilson?

12 A: She was 88 years old at the time of -- at the time she  
13 died.

14 Q: Do you have an opinion to a reasonable degree of medical  
15 certainty in your field of pathology specializing as a  
16 forensic pathologist as to the cause of death?

17 A: Yes, I do.

18 Q: And what is that opinion?

19 A: The cause of death in this case was complications of a  
20 gunshot wound to the left arm. Over the ensuing six weeks,  
21 again, while she did not suffer an immediate demise due to  
22 the gunshot wound, the respiratory failure or inability to  
23 breathe well that she suffered initially then led to the  
24 lungs not being able to breathe in and out like they normally  
25 are. That led to developing pneumonia.

## DR. NICHOLAS BATALIS - DIRECT BY MR. CLEMENTS

1       The longer she stayed in the hospital, she also  
2 developed a urinary tract infection. Again, that relates  
3 directly back to the gunshot wound because she's in the  
4 hospital for the gunshot wound. She developed an infection  
5 of the skin around the gunshot wound called cellulitis.

6       As a result of all this, she was on numerous antibiotics  
7 to fight against the pneumonia and to fight against the skin  
8 reaction. Those antibiotics actually -- she developed  
9 another infection of her gastrointestinal tract called C.  
10 diff colitis, which is something -- a very, very bad  
11 infection that you get when you're having to take numerous  
12 antibiotics.

13       So while the gunshot wound didn't directly lead to her  
14 death on the day that it happened, it directly led to  
15 complications, including respiratory failure, so failure of  
16 her lungs, eventually failure of her kidneys and liver. So  
17 all those things together combined to cause her death.

18 Q:    So there was no intervening cause?

19 A:    Correct.

20 Q:    Do you have an opinion to a reasonable degree of medical  
21 certainty regarding what the manner of death was?

22 A:    Yes, I do.

23 Q:    And what was that opinion?

24 A:    The manner of death in this case is homicide, being that  
25 the death was occurred at the hands of another individual.

## DR. NICHOLAS BATALIS - DIRECT BY MR. CLEMENTS

1 Q: Okay. So homicide means someone else caused the death?

2 A: Correct.

3 Q: Okay.

4 MR. CLEMENTS: Thank you, Dr. Batalis. Will you please  
5 answer any questions Mr. Meetze may have?

6 THE WITNESS: Sure.

7 CROSS-EXAMINATION

8 BY MR. MEETZE:

9 Q: Dr. Batalis, you indicated that the bullet entered the  
10 right arm? Excuse me. Was it right arm or left arm? Left  
11 arm?

12 A: The left arm in the shoulder area, yes.

13 Q: The shoulder? Could you point approximately on yourself  
14 about where?

15 A: (Indicating.) Right around here.

16 Q: And that's -- the entry was on the front side?

17 A: Yeah. Kind of the front outer aspect of the shoulder.  
18 So --

19 Q: Okay.

20 A: But not the back, not the top, and basically pointing  
21 towards the jury.

22 Q: All right. And outside of, obviously, the performance  
23 of the autopsy and your testimony here in court today, that's  
24 the -- the extent of your involvement in this matter;  
25 correct?

## DR. NICHOLAS BATALIS - CROSS BY MR. MEETZE

1 A: I'm sorry. Could you -- could you ask me again?

2 Q: Your role with regards to the forensic pathologist who  
3 performed the autopsy in this case, as well as your testimony  
4 here in court, is essentially the extent of your involvement  
5 in this case; correct?

6 A: Correct. I performed the autopsy and then at the end of  
7 the autopsy developed a report to relay my findings, correct.

8 Q: So no investigation or anything like that with regards  
9 to what happened and that sort of thing and who did anything;  
10 correct?

11 A: None of that. As part of the review, I was provided a  
12 couple hundred pages of medical records by the coroner, but  
13 again, that was to understand what happened in the hospital  
14 between the time of the shooting and the time she died.

15 MR. MEETZE: Thank you. I don't have any further  
16 questions, Your Honor.

17 THE COURT: Anything further?

18 MR. CLEMENTS: Your Honor, we'd ask that Dr. Batalis be  
19 released from his subpoena.

20 THE COURT: All right. Without any objection. Thank  
21 you very much, Doctor.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: You're free to go, sir.

24 MR. CLEMENTS: I beg the Court's indulgence one moment,  
25 Your Honor.



1 THE COURT: Yeah. And I was going to speak to y'all  
2 before we get -- go back.

3 MR. CLEMENTS: May we approach, Your Honor?

4 THE COURT: Yeah.

5 (WHEREUPON, a bench conference was held in the presence  
6 of the jury but out of the hearing of the jury off the  
7 record, after which the proceedings resumed as follows.)

8 THE COURT: Okay. Ladies and gentlemen, it's a little  
9 after 12. The State's next witness is coming from out of  
10 town and isn't scheduled to be here until this afternoon. So  
11 we're going to break at this time for lunch.

12 I would ask you to continue to maintain your ability to  
13 remain fair and impartial. Do everything within your power  
14 to do that. Have no conversation with anyone. Enjoy your  
15 lunch break. I would ask that you be back in the jury room  
16 ready to go at 2 o'clock. That's when our witness is  
17 supposed to be here and we'll get started at that point.

18 Everyone else please remain seated while the members of  
19 the jury are excused.

20 (WHEREUPON, the jury exited the courtroom at 12:10 p.m.)

21 THE COURT: All right. We'll be in recess then until 2.

22 (WHEREUPON, there was a break in the proceedings from  
23 12:12 p.m. until 2:20 p.m., after which the proceedings  
24 resumed as follows.)

25 THE COURT: All right. Anything we need to take up from

1 the State before we get started?

2 MR. CLEMENTS: Nothing, Your Honor.

3 THE COURT: From the defense?

4 MR. MEETZE: No, Your Honor.

5 THE COURT: All right. Let's bring the jury out,  
6 please.

7 (WHEREUPON, the jury entered the courtroom at 2:21 p.m.)

8 THE COURT: All right, folks. Welcome back. I hope  
9 everyone had a good break and we're going to pick up where we  
10 left off on the State's case.

11 So, Solicitor?

12 MR. CLEMENTS: Thank you, Your Honor. If it please the  
13 Court, the State would wish to call Dr. Bradley Russell.

14 THE COURT: All right. Dr. Russell, if you'd please  
15 come around to be sworn, please.

16 THE BAILIFF: Right here, sir.

17 THE CLERK: Sir, if you'll step right over to the stand  
18 and place your left hand on the Bible and raise your right  
19 hand. Do you swear the testimony you give in this case to be  
20 the truth, the whole truth, and nothing but the truth, so  
21 help you God?

22 THE WITNESS: I do.

23 THE CLERK: Please be seated and state your full name  
24 for the record. Just go around that stand right there.

25 THE WITNESS: I'm Bradley Stokes Russell.

## DR. BRADLEY RUSSELL - DIRECT BY MR. CLEMENTS

1 DR. BRADLEY RUSSELL, being  
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. CLEMENTS:

5 Q: And where do you work and in what capacity?

6 A: I'm an ER physician at MUSC Health Florence, previously  
7 Carolinas Hospital System.

8 Q: Okay. Dr. Russell, can you please tell us about your  
9 educational background?

10 A: I've got a bachelor's degree in biology from The Citadel  
11 and then an M.D. from the Medical University in Charleston  
12 and then a family medicine residency at McLeod.

13 Q: Okay. And you are working right now as an ER doctor?

14 A: Yes, sir.

15 Q: Do you have any special requirements or special training  
16 for an ER doctor?

17 A: Yes, sir. Advanced cardiac life support, advanced  
18 pediatric life support, advanced trauma life support, and  
19 then just continuing education.

20 Q: Okay. And all doctors get continuing education; is that  
21 correct?

22 A: Yes, sir.

23 Q: Okay. Now, how long have you been working at -- I'll  
24 call it Carolinas Hospital.

25 A: Right.

## DR. BRADLEY RUSSELL - DIRECT BY MR. CLEMENTS

1 Q: How long have you been working there and how long have  
2 you been working in the ER?

3 A: I've been working in the ER since 2001 and have been at  
4 Carolinas since October of 2002.

5 Q: I guess we'd better put for the record ER means what?

6 A: Emergency department.

7 Q: Okay.

8 A: Yes, sir.

9 Q: Somebody comes in the hospital with an emergency like  
10 being shot --

11 A: Yes, sir.

12 Q: -- through the ER?

13 A: Yes, sir.

14 Q: Have you ever testified before as an expert witness in  
15 the area of medicine or ER medicine?

16 A: Yes.

17 Q: Okay. In South Carolina or where?

18 A: It was in Dillon County regarding a child abuse case.

19 Q: Okay.

20 A: In -- in the capacity that I was a treating ER physician  
21 --

22 Q: Okay.

23 A: -- in that case as well.

24 MR. CLEMENTS: Your Honor, I would submit Dr. Russell to  
25 be qualified as an expert in the area of ER medicine and

1 medicine.

2 THE COURT: Any objection?

3 MR. MEETZE: No, sir, Your Honor.

4 THE COURT: All right. Thank you, sir. You may  
5 proceed.

6 BY MR. CLEMENTS:

7 Q: Dr. Russell, were you working on the late afternoon and  
8 evening of August 28th of 2017?

9 A: Yes, sir.

10 Q: Did you have the occasion to arise that you treated Ms.  
11 Katherine Wilson?

12 A: I did.

13 Q: In the ER?

14 A: Yes, sir.

15 Q: Can you tell me how she came to the ER and what was the  
16 nature of her injuries?

17 A: She came by EMS and, you know, came through the EMS  
18 entrance. She was alert. Went into one of our trauma bays,  
19 bed 11, and she had sustained a single gunshot wound to the  
20 left upper arm in the shoulder area and it was obvious on  
21 exam that it had traversed her chest. She had an area of  
22 bruising and then I could -- I could feel the bullet under  
23 the skin on her right chest wall.

24 Q: Okay. Ultimately, did you find that you needed to leave  
25 that bullet there?

## DR. BRADLEY RUSSELL - DIRECT BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: Okay. Did she ever -- after going through the ER, was  
3 she ever released or did she go into a regular hospital room?

4 A: So she went to the ICU. She required a chest tube for  
5 her injuries and she was kind of borderline stable. She did  
6 kind of decompensate that night.

7 I was just, you know, following along and she had -- I'm  
8 not sure how long she was in the ICU, but she did go to an  
9 intermediate care bed, and I saw her one time while she was  
10 in the hospital a couple weeks after the injury and then I  
11 didn't see her anymore and learned that she had succumbed.

12 Q: Okay. To your knowledge, she never left the hospital?

13 A: No, sir.

14 Q: Okay. And these are the type of injuries that can cause  
15 your death?

16 A: Certainly. Yes, sir.

17 Q: Okay.

18 MR. CLEMENTS: Your Honor, that's all we have of Dr.  
19 Russell right now, just questions relating to her injuries as  
20 she reported to the hospital with, and I would submit him now  
21 to the defense for their cross-examination.

22 THE COURT: All right.

23 MR. CLEMENTS: Please answer any questions Mr. Meetze  
24 may have.

25 THE WITNESS: Yes, sir.

1 MR. MEETZE: Judge, I don't have any questions --

2 THE COURT: All right.

3 MR. MEETZE: -- for the doctor.

4 THE COURT: Doctor, thank you very much, sir. You may  
5 step down.

6 Any objection to --

7 MR. CLEMENTS: To release him from his subpoena.

8 THE COURT: To release him from his subpoena?

9 MR. MEETZE: No, sir.

10 THE COURT: Wonderful. Thank you very much, sir.

11 THE WITNESS: Thank you.

12 THE COURT: Thank you for being here today.

13 THE WITNESS: Yes, sir.

14 MR. CLEMENTS: If it please the Court, Your Honor.

15 THE COURT: Yes, sir.

16 MR. CLEMENTS: Next, we would call Chad Smith from SLED.

17 THE COURT: All right. Please come around to be sworn,  
18 sir.

19 THE CLERK: Sir, please place your left hand on the  
20 Bible and raise your right hand. Do you swear the testimony  
21 you give in this case to be the truth, the whole truth, and  
22 nothing but the truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Please be seated and state your full name  
25 for the record.

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 THE WITNESS: My name is Chad Smith.

2 CHAD SMITH, being first duly  
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CLEMENTS:

6 Q: Can you tell me where you work and what you do?

7 A: I'm employed with the South Carolina Law Enforcement  
8 Division, which is also known as SLED. Specifically, I work  
9 in the forensics laboratory in Columbia in the firearms  
10 department of SLED's facility.

11 Q: How long have you been in law enforcement?

12 A: A little over 11 years now.

13 Q: How long have you been with SLED?

14 A: That entire time.

15 Q: How long have you been in the forensic department or  
16 particularly in firearms?

17 A: The entire time, 11 years.

18 Q: All 11 years?

19 A: Yes, sir.

20 Q: Okay. Can you tell this jury what type of training or  
21 -- well, first, tell us about your education?

22 A: Well, I attended Clemson University, where I earned a  
23 Bachelor of Science degree in biological sciences, and then I  
24 started my employment with SLED in the training to become a  
25 firearms examiner.



## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 Q: Is there any type of special training or schooling or  
2 anything that's required for you to become a firearms  
3 examiner?

4 A: Well, the training program at SLED is an in-house  
5 training program that is supervised by the court-qualified  
6 examiners of the firearms department. It involves extensive  
7 reading and studying. There are multiple examinations and  
8 tests given during that time. I also attended various  
9 classes and seminars and was able to tour several firearm and  
10 tool manufacturing facilities.

11 Later in my training, I helped the other examiners  
12 prepare their casework and at the end of the training I  
13 received a comprehensive multipart examination, which I  
14 successfully completed, and then I began to receive my own  
15 casework.

16 Q: How long ago did you begin to receive your own casework?

17 A: That was back in the summer of 2012.

18 Q: Okay. Can you tell this jury have you ever been  
19 qualified to testify as an expert in the field of firearms  
20 examination?

21 A: Yes, sir, I have.

22 Q: Approximately how many times?

23 A: It's over 65 times.

24 Q: Okay.

25 MR. CLEMENTS: Your Honor, I would offer Agent Smith --

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 BY MR. CLEMENTS:

2 Q: Y'all go by Agent; right?

3 A: Yes, sir.

4 Q: Okay.

5 MR. CLEMENTS: Agent Smith as an expert in the field of  
6 firearms examination.

7 THE COURT: Any objection?

8 MR. MEETZE: No, Your Honor.

9 THE COURT: All right. You may proceed.

10 BY MR. CLEMENTS:

11 Q: Agent Smith, did you receive any items submitted to SLED  
12 for examination regarding the death of Ms. Katherine Wilson?

13 A: Yes, sir. I received several items for examination.

14 Q: All right. What was the first item or set of items that  
15 you received?

16 A: I received two firearms, two 9 millimeter Luger caliber  
17 semiautomatic pistols. Those came with magazines and unfired  
18 cartridges. I also received a fired bullet and nine fired 9  
19 millimeter Luger caliber cartridge cases.

20 Q: Nine fired or five?

21 A: Excuse me. Five fired.

22 Q: Okay. All right.

23 A: Sorry.

24 Q: So you received two -- two pistols, two handguns?

25 A: Yes, sir.

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 Q: Both of them Taurus 9 millimeters?

2 A: The brand was Taurus and they were chambered for 9  
3 millimeter Luger caliber.

4 Q: And five spent shell casings?

5 A: Correct.

6 Q: And one bullet that was retrieved from autopsy?

7 A: Yes, sir.

8 Q: Okay. First, tell us about the two Tauruses that you  
9 receive. Did you take the weapons and the ammunition that  
10 was submitted with them and check to see if they were in  
11 working order?

12 A: Yes, sir. One of the examinations we perform is a  
13 function test in firearms to make sure they're in working  
14 order, there's no obvious defects or anything that would  
15 hinder test firing. So I examined both of those pistols and  
16 found that they were in proper working order and I was able  
17 to test fire them and they were successfully test fired.

18 Q: So both of them worked?

19 A: Yes, sir.

20 Q: Okay. After you do that test, what do you do next?

21 A: Well, I can examine fired ammunition components, such as  
22 the bullets and cartridge cases. I can try to determine if  
23 they were fired by one gun or multiple guns and then if they  
24 are classed right, meaning caliber and other differences, I  
25 can try to determine if they were fired by a particular gun

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 that was submitted.

2 Q: Okay. The five fired casings, tell us how you would  
3 test those and compare those to analyze them to see if they  
4 were all fired by the same weapon?

5 A: Well, we have a piece of equipment, a very expensive  
6 piece of equipment called a comparison microscope. Each  
7 examiner has their own comparison microscope and it's  
8 basically, if you can imagine, two microscopes that's  
9 connected by an optical bridge system. You can look into the  
10 optical bridge and compare two samples simultaneously.

11 So you can move around the two samples, adjust the  
12 lighting, and what we're looking for are the markings that  
13 are created by the firearm during a firing. So they are  
14 microscopic markings. Usually, they appear as scratches most  
15 of the time. We call them striations, but we can look under  
16 a microscope and look for matching striations from cartridge  
17 case to cartridge case and then I can compare all the  
18 cartridge cases together to determine possibly how many guns  
19 were fired.

20 Q: And so how are marks made when a gun is fired in the  
21 firearm or the gun? How are the marks made that you  
22 identify?

23 A: Well, a cartridge is a unit of ammunition. A lot of  
24 people just call it a bullet, but technically that's  
25 incorrect. A cartridge is made up of several components.

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 You have a cartridge case, which is the container for all the  
2 other components. So it's the spent casing. A lot of people  
3 just call it a cartridge case, a casing, but it holds the  
4 gunpowder, it holds the projectile, and at the bottom of the  
5 cartridge case is a primer.

6 The primer is what is struck by the firing pin of the  
7 firearm and that creates basically a small explosion which  
8 ignites the gunpowder. The gunpowder, as it is ignited,  
9 creates a volume of gas. That gas pushes the cartridge or  
10 the bullet out of the cartridge case and down the barrel.

11 In a semiautomatic pistol, that action causes the  
12 cartridge case to be extracted and ejected out of the firearm  
13 and then another round of ammunition, another cartridge, is  
14 loaded into the chamber, which is the rear part of the  
15 barrel, from the magazine and it's ready to be fired. So  
16 that happens every time you pull the trigger in a  
17 semiautomatic pistol.

18 So when a cartridge case is being fired by that -- by  
19 that firearm, we can look at different marks. We can look at  
20 marks that are created by the breech face, which is that part  
21 of a firearm that supports the rear part of a cartridge  
22 during firing. We can also look at firing pin impressions,  
23 which the breech face has a hole in it for the firing pin to  
24 protrude through and strike the primer. So we can look for  
25 markings like that as well.

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1       Barrel wise, on a bullet we can look for rifling  
2 impressions, and rifling is something that manufacturers put  
3 in their barrels to create a spin or a rotation on a  
4 projectile as it travels down the barrel and out towards a  
5 target. And what that does is it stabilizes a bullet as it  
6 leaves the target. So it's a lot like a quarterback throwing  
7 a nice tight spiral on a football so that he can hit -- reach  
8 his receiver, nice, accurate, and it creates -- it makes it  
9 more accurate and more distance as well.

10       So the rifling in a barrel is made up of what's called  
11 lands and grooves. Rifling is put into a barrel. It's  
12 either cut or impressed. It's grooves and it's on a twisting  
13 motion. So you have the grooves, which is the depressed  
14 part, and you have the lands, which is the part that's left  
15 over.

16       So the lands and grooves grip a bullet as it travels  
17 down the barrel and it can also leave markings and we can use  
18 those markings to help identify it back to a particular gun.  
19 So we can use markings created on a cartridge case, as well  
20 as a bullet from a firearm as it's being fired to try to  
21 match it back to a particular gun.

22 Q:    So those are two separate things that you test?

23 A:    Yes, sir.

24 Q:    To identify with a gun?

25 A:    Correct.

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 Q: And I guess in comparing them you can see if they are  
2 all -- the ones you have are all matching or not; is that  
3 correct?

4 A: Correct.

5 Q: Okay. Did these five shell casings you received in this  
6 case match each other?

7 A: They did. After comparing each one with the others  
8 using the comparison microscope, I was able to determine that  
9 all five of the 9 millimeter Luger caliber cartridge cases  
10 that were submitted were fired by one firearm.

11 Q: All five by the same gun?

12 A: That's correct.

13 Q: Now, the two guns that you received, you tested those  
14 two guns against these five shell casings?

15 A: I did. Yes, sir.

16 Q: Did you develop any match at all with those two weapons?

17 A: No. I was able to determine that neither of the two  
18 guns that were submitted fired any of those cartridge cases.  
19 Based on the differences of markings, it was not fired by  
20 either of those guns.

21 Q: Okay. Now, tell me about the bullet that was retrieved  
22 from the autopsy. Are those difficult to try to identify and  
23 match up?

24 A: Depending on how well a bullet marks, again how well  
25 that rifling engages a bullet, and also too usually we get

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 bullets that are not in pristine condition. They've been  
2 damaged. They've been broken apart and distorted. So that  
3 can hinder our investigation to try to determine possibly  
4 what kind of gun fired it or if it was fired by a particular  
5 gun that was submitted.

6 In this particular case, the fired bullet, I was able to  
7 determine it was a nominal .38 caliber. When I say nominal  
8 .38, that means it's a class of caliber. You've got, like,  
9 .40s, .45s, .38s. So .38 can include other calibers, like  
10 .38 Special, .357 Magnum, .380 Auto, 9 millimeter Luger. All  
11 of those fall under the class or umbrella of nominal .38  
12 caliber.

13 I couldn't narrow down whether that particular bullet  
14 was, say, a 9 millimeter or a .38 Special, basically due to  
15 the damaged condition. I was able to weigh it and get a  
16 diameter from it, but it was missing some material. So I  
17 just went with the overall .38 class, which includes, again,  
18 the 9 millimeter, .38 Special, and other calibers.

19 Q: So it would be consistent?

20 A: It would be consistent with being a 9 millimeter, but it  
21 could be, again, another .38 type caliber.

22 Q: And you were unable to match that bullet to either of  
23 the two 9 millimeter handguns that were submitted?

24 A: Correct. I can negate either -- both of those guns from  
25 firing that bullet based on class characteristics. Going



1 back --

2 Q: What's a class characteristic?

3 A: Going back to the rifling that I was speaking about  
4 earlier, manufacturers can specify the number of lands and  
5 grooves. A lot of them use six lands and grooves. Some of  
6 them use five lands and grooves. So really it depends on how  
7 a manufacturer -- how many they want to put into a barrel.

8 Both of the Taurus 9 millimeter pistols that were  
9 submitted had six lands and grooves, whereas the fired bullet  
10 that was submitted had five lands and grooves. So it would  
11 be impossible to get a five land and groove barrel or bullet  
12 fired out of a six lands and groove barrel because it would  
13 show -- that bullet would show six lands and grooves if it  
14 was fired out of a six land and groove barrel. I could count  
15 five on that particular bullet. So neither of those guns  
16 fired that particular bullet.

17 Q: Okay. Then again, just lastly, that bullet when  
18 compared with the spent shell casings was consistent, but  
19 could not have been eliminated from being that same type  
20 weapon or same weapon?

21 A: Correct. The bullet itself, the projectile, could've  
22 been 9 millimeter. Again, it could've been some other .38  
23 caliber. So it could possibly have come from one of those  
24 cartridge cases before it was fired.

25 Q: Okay.

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 MR. CLEMENTS: I beg the Court's indulgence for just one  
2 moment.

3 BY MR. CLEMENTS:

4 Q: Tell me about the five shell casings. When a gun with  
5 that type of shell casing is fired, what happens to the shell  
6 casing?

7 A: In a properly working -- speaking of a semiautomatic  
8 pistol, going back to the way it operates, if it's working  
9 properly, after a cartridge is fired, that fired cartridge  
10 case should be ejected or extracted out of the chamber and  
11 ejected out of that gun and then another round is chambered  
12 into the firearm ready for firing. So it should be expelled  
13 out of the gun, if the firearm is working properly.

14 Q: And that's when the slide mechanism comes back, it  
15 ejects the gun and reloads it as you fire; right?

16 A: That's correct. Yes, sir.

17 Q: Okay. And in a revolver, there would be -- there  
18 wouldn't be any shell casing there, would there?

19 A: In a revolver, it's a different type of mechanism.  
20 You've got what's known as a cylinder, which is basically  
21 just a big cylinder type thing, and it has chambers, which  
22 are holes cut through that cylinder, and each cartridge, each  
23 round of ammunition, is placed in a separate chamber.

24 And so in a revolver, it has to turn. That chamber has  
25 to turn or revolve per every shot and you would have to

## CHAD SMITH - DIRECT BY MR. CLEMENTS

1 manually extract those cartridge cases out of a revolver, out  
2 of that cylinder. Whereas in a semiautomatic pistol, it's  
3 designed to automatically eject and extract a cartridge case.

4 MR. CLEMENTS: Agent Smith, thank you. If you would,  
5 please answer any questions Mr. Meetze has.

6 THE WITNESS: Yes, sir.

7 MR. MEETZE: Judge, I think he answered all of the  
8 questions I would have asked about this.

9 THE COURT: All right. All right. Thank you, sir. You  
10 may step down. Thank you very much, sir.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: Any objection to the agent being --

13 MR. CLEMENTS: Your Honor, we'd ask that he be released  
14 from his subpoena.

15 THE COURT: Any objection to that, Mr. Meetze?

16 MR. MEETZE: No, Your Honor.

17 THE COURT: Thank you very much, sir.

18 THE WITNESS: Thank you, sir.

19 THE COURT: You're free to go. All right.

20 MR. CLEMENTS: Your Honor, at this time, we'd call Capt.  
21 Mark Strickland.

22 THE COURT: All right. Capt. Strickland, if you'd  
23 please come around to be sworn, sir.

24 THE CLERK: Sir, if you will please step up to the stand  
25 and place your left hand on the Bible and raise your right

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 hand. Do you swear the testimony you give in this case to be  
2 the truth, the whole truth, and nothing but the truth, so  
3 help you God?

4 THE WITNESS: I do.

5 THE CLERK: Please be seated and state your full name  
6 for the record.

7 THE WITNESS: Capt. Mark Strickland with the  
8 Timmons ville Police Department.

9 MARK STRICKLAND, being first  
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CLEMENTS:

13 Q: Capt. Strickland, how many years do you have in law  
14 enforcement?

15 A: Sixteen.

16 Q: Sixteen? Where have you served?

17 A: I was in Olanta. I ended up being chief of police. I  
18 left there and went to Timmons ville. I stayed until the  
19 shutdown of the police department and went to Lake City. I  
20 spent four years down there and then came back to  
21 Timmons ville and have been there for three years.

22 Q: Okay. When you came back to Timmons ville, what rank  
23 were you?

24 A: Patrol.

25 Q: Okay. And now you're back to captain; is that correct?

1 A: Yes, sir.

2 Q: How long have you been a captain?

3 A: About a year or so.

4 Q: Okay. So what was your rank on August 28th, 2017?

5 A: I was an investigator at the time.

6 Q: Investigator?

7 A: Yes, sir.

8 Q: Okay. What's the difference between being an

9 investigator and being called captain? Just more work?

10 A: You basically run the patrol shift and do the

11 investigations.

12 Q: So you've got to wear two hats then?

13 A: Yes, sir.

14 Q: Back in August, you were just an investigator; is that

15 correct?

16 A: Yes, sir.

17 Q: Did you get called out in regards to a shooting event in

18 Timmons ville that day?

19 A: I did.

20 Q: Where were you and how did you receive the call?

21 A: I was at the house. I got a telephone call from Lt.

22 Rhames.

23 Q: All right. And what information did he give you --

24 A: He said --

25 Q: -- and how did you respond?

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: He said we've got a shooting with a victim. It was an  
2 88-year-old lady that got shot.

3 Q: And where did you respond to after that?

4 A: I responded to Gregory Street.

5 Q: And who lived at Gregory Street? Was that Mr. Timmons?

6 A: Yeah, Mr. Timmons.

7 Q: Okay. And why did you respond to Gregory Street?

8 A: That's where the victim's car and the victim were at at  
9 the time.

10 Q: Okay. When you got there, had EMS or the ambulance  
11 already arrived?

12 A: Yes, sir. They had already transported.

13 Q: They had already transported her? And where was her  
14 car?

15 A: At Mr. -- on Gregory Street in the parking lot -- in the  
16 driveway.

17 Q: Okay. I want to show you State's Exhibit Number 1. It  
18 will come up on your screen there. They tell me there's  
19 something you can touch up there where you can write on it  
20 with your finger. Can you identify this? Do you know what  
21 that is, State's Exhibit 1?

22 A: Yes, sir. That's a map of Timmons ville.

23 Q: All right. And who -- who printed that map out?

24 A: Could you repeat that? I couldn't hear you.

25 Q: I said who printed this map out?

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: I did.

2 Q: Okay. Can you tell us by looking on there and pointing  
3 to it -- I think you can mark it -- where you reported and  
4 found Ms. Wilson and her vehicle?

5 A: Okay. It would be Gregory Street right here.

6 Q: Okay. Can you -- I think you can take your finger and  
7 move it in the corner over there. Okay. Let me see. I just  
8 learned how to do it. All right. I just made it disappear.  
9 I'll -- let it come back up and then you'll see the one with  
10 an icon for writing. Can you point out now where Gregory  
11 Street is?

12 A: It's right here.

13 Q: And were you able to find out where Ms. Wilson lived?

14 A: I think it was a day later I found out where she lived.

15 Q: Okay. Is that Hill Street?

16 A: Yes, sir. Hill Street.

17 Q: And that's right there in that neighborhood; is that  
18 correct?

19 A: Yes, sir.

20 Q: Okay. When -- well, let me stop right there. We'll  
21 just leave it up there. When you got to the scene on Gregory  
22 Street, what did you do?

23 A: I observed the damage to the vehicle. We notified  
24 forensics, got them in route. We talked to the owner of the  
25 house and then I left and went to the hospital.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: Okay. When you got to the hospital, what did you find  
2 there?

3 A: I went and spoke with Ms. Wilson. It took a while  
4 because she was being seen by the doctors. She was very  
5 confused when I got there. She didn't know who had shot her,  
6 didn't know actually where it come from or anything.

7 Q: Okay. She was, I guess, under some drugs that they were  
8 administering to her?

9 A: Yes, sir.

10 Q: Okay. After you talked with her briefly, what did you  
11 do next?

12 A: I think I went back to the -- I left the hospital, I  
13 guess. I think I went home.

14 Q: You went home?

15 A: Yes, sir. That was around 11 or 12 o'clock.

16 Q: When did you ever hear about -- let me ask you this.  
17 When you came to the scene and she was injured, she was shot?

18 A: Yes, sir.

19 Q: You saw what was clear. What did you think about where  
20 she might've been shot?

21 A: At that time, we didn't have a crime scene. We thought  
22 Gregory Street was the crime scene, but later found out it  
23 was actually Byrd Street and Kershaw Street.

24 Q: Okay. You knew she had driven? Mr. Timmons told you  
25 she drove to his house; right?



## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: Okay. So that evening while you were there, nothing  
3 ever came up about Kershaw and Byrd?

4 A: No, sir, not at the time.

5 Q: Okay. Nobody ever shared any information with you  
6 before you went home that night that it might've been on  
7 Kershaw and Byrd?

8 A: No, sir.

9 Q: How concerned were you about not having that site for  
10 where the shots were fired?

11 A: I was pretty concerned. The next morning when I went to  
12 work at 9 o'clock, I went around the area to try to figure  
13 out where it was located and ended up finding it at Byrd and  
14 Kershaw Street.

15 Q: And that was before you heard from any statements from  
16 any witnesses or any information?

17 A: Yes, sir. I was just looking for answers of where it  
18 happened at.

19 Q: Okay. And how did you find and determine that you  
20 thought that corner on Byrd Street was the site?

21 A: Well, we actually got a call that she had hit a -- that  
22 a car had hit a mailbox on Park Street. So I figured it was  
23 headed next to Gregory Street.

24 Q: All right. Where? Can you mark it for us on Park  
25 Street?

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: It was right in here.

2 Q: Okay. And can you show us where Byrd and Kershaw is?

3 A: Byrd and Kershaw is right here.

4 Q: Okay. So you thought about that and you got out there  
5 and you began to look around?

6 A: Yes, sir. I figured it was in that vicinity anyway and  
7 I was riding on Byrd Street and got to Kershaw Street. I  
8 could see the shell casings from my vehicle and I got out. I  
9 started recovering the shell casings.

10 Q: Okay. Did you attempt to try to take a picture of them  
11 or anything?

12 A: Yes, sir, I did.

13 Q: With your body camera?

14 A: With the -- with a camera that's small, a compact  
15 camera.

16 Q: Okay. Not the best of cameras?

17 A: No, sir.

18 Q: All right. I'm going to show you what's been marked  
19 State's Exhibit 21 and State's Exhibit 22. Tell me can you  
20 identify State's Exhibit 21?

21 A: Yes, sir. That's the shell casings.

22 Q: Who made that picture?

23 A: I did.

24 Q: Okay. So right there, there's a couple shell casings  
25 right here?

1 A: Yes, sir.

2 Q: Okay. State's Exhibit 22, what's that?

3 A: That's the glass from the vehicle.

4 Q: Glass from the vehicle?

5 A: Yes, sir.

6 Q: Okay. And this appears to be like a paved road or

7 gravel road. Where is this exactly?

8 A: On Byrd Street right there at Kershaw.

9 Q: And this is where you took the photos of them?

10 A: Yes, sir.

11 Q: Okay. So State's Exhibit 13, that's where it was?

12 A: Yes, sir. Byrd at Kershaw.

13 Q: When you got out there, how many shell casings did you

14 find?

15 A: Five.

16 Q: Five? When you look real close, you've got the markings

17 there for the road and map we just had and I'm not sure

18 exactly how to take that off, but there you go. Now, let's

19 start over. Can you tell us where there were shell casings

20 at? There's not all five in this picture, is there?

21 A: No, sir.

22 Q: How many is in this picture?

23 A: I can't see. Hold on just a second. Let me throw on my

24 glasses. There should be one there.

25 Q: Another in the middle of the page there? Is that one?

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 That was one as well?

2 A: Yes, sir.

3 Q: And they were -- how close are those two together? How  
4 close would you -- if you remember, would you have said those  
5 were?

6 A: I think they were about eight inches apart.

7 Q: Eight inches apart?

8 A: Yes, sir.

9 Q: Okay. And the rest of them were scattered around there,  
10 the other three?

11 A: Yes, sir.

12 Q: Now, the glass from the window, was that close by?

13 A: Yes, sir.

14 Q: To the shell casings? About how many feet from the  
15 shell casings was the broken glass?

16 A: It was probably at the most a foot.

17 Q: Okay. When you collected those five shell casings, what  
18 did you do with them? How did you store them?

19 A: I put them in a paper bag.

20 Q: Okay. And what were you planning on doing with them?

21 A: Carrying them to Florence County to get them examined.

22 Q: Okay. Who did you give them to at Florence County?

23 A: Eric Barnes.

24 Q: All right. And then ultimately they went where?

25 A: They went to SLED.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: Okay. All right. That morning you took care of that,  
2 when did you actually take them to Eric? That same day or  
3 later on?

4 A: I think it was maybe a day later. I was the only one on  
5 patrol that day.

6 Q: So you couldn't leave?

7 A: No, sir.

8 Q: Okay. What did you do next that day while you were on  
9 patrol? Were you able to do any investigating?

10 A: Yes, sir. I got the tag that was given by Bert White.

11 Q: Bert White gave you the tag number of the car?

12 A: Right. Or gave Rhames and them the tag number. I ran  
13 the tag or they ran the tag first and it came back to some  
14 person upstate and then I called DMV because it was a 45-day  
15 tag and when I ran it through DMV and talked with DMV, they  
16 gave me the address of -- it was in Mullins I think it was to  
17 a Stephanie.

18 Q: Stephanie Rogers?

19 A: Rogers.

20 Q: And who -- who was with Stephanie Rogers?

21 A: That was --

22 Q: A.J. Lamar?

23 A: Yeah. Alfred Lamar's girlfriend.

24 Q: Okay. What kind of car was that?

25 A: It was a 2000 BMW, white in color, two-door.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: Did that corroborate or match up with any other  
2 information you had been given?

3 A: Yes, sir. That matched up with the vehicle that was  
4 involved in the crime.

5 Q: State's Exhibit 17, do you recognize that?

6 A: Yes, sir, I do.

7 Q: What is that?

8 A: That's the 2000 BMW.

9 Q: State's Exhibit 18?

10 A: Yeah. That's the tag number, the 45-day tag number.

11 Q: And that's the same vehicle?

12 A: That's the same vehicle.

13 Q: Okay. When you find out that it was registered to Ms.  
14 Stephanie Rogers in Mullins, what did you do next --

15 A: The DMV --

16 Q: -- to follow up on that?

17 A: The DMV actually said we've got a -- we have a phone  
18 number for her. Would you like the phone number? I said  
19 yes. When I dialed the phone number, Alfred Lamar answered  
20 the phone.

21 Q: How do you know it was Alfred Lamar?

22 A: He identified himself as Alfred Lamar.

23 Q: All right. What did you tell him?

24 A: I said do you drive a white BMW and he said, yes, sir.

25 Q: Okay.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: And I said, okay, I need to see that car. Can you bring  
2 it over to the police department?

3 Q: In Timmonsville or in Mullins?

4 A: In Timmonsville.

5 Q: Okay.

6 A: And he said, well, I can't until my girlfriend gets off  
7 work, and I said, well, I kind of need that right away. It's  
8 very important. And he -- me and SLED set there and waited  
9 until he got there, which was probably an hour or so.

10 Q: Okay.

11 A: He did drive it up in the parking lot where the pictures  
12 were taken.

13 Q: Okay. When the car got there, did you call anybody else  
14 to do anything with the car?

15 A: Yes, sir. We got Eric Barnes to do the forensics part  
16 of the car.

17 Q: So he came and processed the car?

18 A: Yes, sir. He processed the car.

19 Q: All right. And Mr. Lamar -- did he have Ms. Rogers with  
20 him?

21 A: Yes, he did.

22 Q: Okay. Did you talk to him separately?

23 A: Yes, sir, I did.

24 Q: Did you get statements from him?

25 A: Yes, sir. We got a statement from him the first time

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 and then we --

2 Q: Don't tell me what he said. Just tell me what you did  
3 as a result of what you heard?

4 A: Okay. We did a statement the first time and then we  
5 talked with his -- his girlfriend, Stephanie, and she had a  
6 different story. So we talked with him again and got a  
7 different statement. He told the truth this time.

8 Q: All right. What makes you think he -- there was a  
9 difference there?

10 A: Well, the first time he admitted -- or the second time  
11 he admitted --

12 MR. MEETZE: Objection.

13 A: -- to fabricating the story.

14 Q: All right. Well, don't tell me what he said now.

15 A: All right.

16 Q: How did he act or how did he respond when he was talking  
17 to y'all emotionally?

18 A: The first time, he wasn't emotional at all. Now, the  
19 second time, he broke down and pretty much started crying.

20 Q: Okay. All right. Did you -- did you receive any  
21 information regarding any damages or anything to the BMW?

22 A: No, I didn't until Alfred Lamar mentioned that.

23 Q: Okay. And then when you checked out what he said, what  
24 did you find?

25 A: A bullet hole in the rear bumper.



## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: And who did you communicate that to?

2 A: Eric Barnes.

3 Q: What did Eric do with that?

4 A: He photo'd it and tried to find a shell or the bullet  
5 inside the vehicle, but it wasn't there.

6 Q: He put a trajectory rod through there?

7 A: Yes, sir.

8 Q: Okay. It went through deep in or not?

9 A: I'm not sure. I wasn't out there at the time.

10 Q: Okay. Let's back up a little bit to the scene on  
11 Gregory Street where Ms. Wilson was able to drive to. When  
12 you got there, they were -- had they already started  
13 processing the scene?

14 A: No, sir. Eric wasn't there when I got there.

15 Q: You were the one to call him there; right?

16 A: They had already notified him, but I arrived before he  
17 did.

18 Q: Okay. Did you look at what he was doing in processing  
19 the car or what he was finding or did you just stay around  
20 there?

21 A: Before he finished processing the car -- he started on  
22 the car when I was still there, but I had left and went to  
23 the hospital.

24 Q: All right.

25 A: Before he finished it.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: And you didn't come back? You went home?

2 A: Right.

3 Q: Did you ever see the car like State's Exhibit 11? Did  
4 you ever see that?

5 A: Yes, sir, I did.

6 Q: He had done that before you left?

7 A: No, sir. He didn't have the trajectory rods in there,  
8 but I saw the gunshots to the vehicle.

9 Q: Okay. How many gunshots did you see?

10 A: I think it was three to the vehicle.

11 Q: State's Exhibit 2, what does that show?

12 A: Yes, sir. That was one. There was also one in the  
13 front window.

14 Q: And the window was -- it had a bullet in and through  
15 there in the front driver's side window?

16 A: Yes, sir.

17 Q: Okay. How about on the quarter panel above the gas  
18 tank? Did you notice anything there and, if so, what?

19 A: Yes, sir. There was a bullet hole there.

20 Q: All right. And that's got the rod in it right now?

21 A: Yes, sir.

22 Q: On State's Exhibit 11?

23 A: Yes, sir.

24 Q: And then where was the -- I guess the -- we'll call it  
25 the last bullet hole. Do you see it notated on State's

1 Exhibit 12?

2 A: Yes, in the trunk.

3 Q: In the trunk?

4 A: Yes, sir.

5 Q: So you saw you said four bullet holes to her car?

6 A: Yeah, including the one in the front window.

7 Q: Okay. And you found five shell cases?

8 A: Yes, sir.

9 Q: That day that you went to the scene and then you got --  
10 you responded to the information on the tag and you got the  
11 BMW back and began to have that processed by Investigator --  
12 Forensic Officer Grice, what did you do after that?

13 A: While he was processing the vehicle, we were speaking  
14 with Stephanie and Alfred --

15 Q: Okay.

16 A: -- Lamar.

17 Q: As a result of talking with them, what did you do next?

18 A: We arrested Alfred Lamar that night.

19 Q: Okay. And after arresting him, what did you charge him  
20 with?

21 A: Attempted murder at the time.

22 Q: Because Ms. Wilson was still alive?

23 A: Right.

24 Q: Is that correct?

25 A: Correct.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: And then in October --

2 A: October.

3 Q: -- murder warrants replaced the attempted murder  
4 warrants; is that correct?

5 A: Yes, sir.

6 Q: All right. After arresting him, what did you do? Did  
7 you do anything else?

8 A: Well, we went into extensive questioning at that time.

9 Q: Okay.

10 A: Or before then actually, before we arrested him, but --

11 Q: All right. After you finished with him that evening,  
12 did you do anything else?

13 A: Tried to locate the other people involved in it.

14 Q: Okay. And did that take a period of days to do that?

15 A: Yes, sir. Within a week I think we had them all in  
16 jail.

17 Q: Okay. Everyone who was a suspect?

18 A: Everyone who was a suspect.

19 Q: Okay.

20 MR. CLEMENTS: I beg the Court's indulgence a moment.

21 BY MR. CLEMENTS:

22 Q: So within a week, you think the other suspects -- you  
23 had contacted them and arrested them; is that correct?

24 A: Yes, sir. I got in touch with Marion PD and Mullins PD  
25 and they picked up the rest of them.

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 Q: All right. So when -- you didn't yourself arrest Diante  
2 Rogers, did you?

3 A: No, sir.

4 Q: Okay. That happened in Marion County?

5 A: Yes, sir.

6 Q: So was there anything else that you did right close to  
7 that time period?

8 A: That's about all at that time, I believe.

9 Q: What was the next time you had something come up?

10 A: Like I say, I went ahead and secured the warrants for  
11 the other four or other three involved besides Alfred and got  
12 it to Marion PD and Mullins and they -- like I say, they  
13 picked them up. Then when they picked them up, I went and  
14 questioned them at the time.

15 Q: Okay. Now, did you participate in any other searches  
16 for evidence other than speaking to the accused people?

17 A: Yes, sir. We searched for that gun with the ATF dog.

18 Q: All right. And you were there?

19 A: Yes, sir.

20 Q: That was you in that picture?

21 A: Yes, sir.

22 Q: Okay. Did you do anything else?

23 A: Between running evidence back to SLED and stuff, I mean  
24 --

25 Q: That was it, wasn't it?

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: Yes, sir. Pretty much.

2 Q: But my point is how long did the investigation go on?

3 A: It went on for months until Robert Askins was arrested.

4 Q: Okay. All right. Now, you heard about a couple of guns  
5 being submitted to SLED. Tell us about those guns?

6 A: Okay. The first one was when Kevan Commander was  
7 arrested. He was arrested at Oh, Joe's Tire, which is on  
8 Smith Street in Timmonsville. He had the gun on his person  
9 at the time of arrest.

10 Q: Let me ask you this. Was this what I call a street gun  
11 or did he have a legitimate purpose -- purchase of that gun?

12 A: He says he has a legitimate purchase of the gun.

13 Q: Okay. Do you know whether or not his boss man allows  
14 him to carry that on work premises for protection there?

15 A: No, sir, I don't.

16 Q: You don't know?

17 A: No, sir.

18 Q: Okay. So you got that gun from him; is that correct?

19 A: Yes, sir.

20 Q: And what did you do with it?

21 A: We got that one and then we went and served a search  
22 warrant on Robert Askins' house.

23 Q: Okay. We found that gun under the mattress in the  
24 bedroom when we went and locked him up.

25 Q: What kind of guns were those two guns?

## MARK STRICKLAND - DIRECT BY MR. CLEMENTS

1 A: Both of them was Taurus 9 millimeters.

2 Q: Okay.

3 A: They were identical.

4 Q: And can you tell us, if you know, what's the

5 relationship between Robert Askins and Ingleque McKay?

6 A: They lived together and I think Robert Askins dates

7 Ingleque's sister, I think.

8 Q: Okay. And does he have a nickname? Robert Askins?

9 A: Yes, sir, he does.

10 Q: What's his nickname?

11 A: Pawn.

12 Q: Pawn?

13 A: Yes, sir.

14 Q: Okay. All right. Did you submit both of those weapons

15 to SLED?

16 A: Yes, sir, I did.

17 Q: And did you find out whether they were involved or not?

18 A: Yes, sir.

19 Q: They weren't involved?

20 A: No, sir.

21 Q: Okay. And other than following up questions from me, is

22 that pretty much the extent of your investigation?

23 A: Yes, sir. Pretty much.

24 MR. CLEMENTS: Please answer any questions that Mr.

25 Meetze may have.

## MARK STRICKLAND - CROSS BY MR. MEETZE

1 MR. MEETZE: Court's indulgence for just one second.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. MEETZE:

5 Q: Investigator Strickland, you would be considered the  
6 lead investigator in this case; is that right?

7 A: Yes, sir.

8 Q: Okay. That pretty much means you're in charge of this  
9 investigation; correct?

10 A: Yes, sir.

11 Q: And of course, you've been in law enforcement for a  
12 while now; is that right?

13 A: Yes, sir.

14 Q: And law enforcement is a job like a lot of folks have.  
15 There is continuing education that you have to attend?

16 A: Yes, sir.

17 Q: You have to go to the police academy to become a law  
18 enforcement officer; correct?

19 A: Yes, sir.

20 Q: And that's training in and of itself; correct?

21 A: Yes, sir.

22 Q: Training doesn't end once you get commissioned as a law  
23 enforcement officer however; is that right?

24 A: No, it never ends.

25 Q: That's right. And that's the point I'm trying to make.



## MARK STRICKLAND - CROSS BY MR. MEETZE

1 It never ends. You continually have to have training;  
2 correct?

3 A: Correct.

4 Q: And your job, like a lot of folks' job, there's on-the-  
5 job training; correct?

6 A: Yes, sir.

7 Q: You're always learning different things on the job as a  
8 law enforcement officer; correct?

9 A: Yes, sir.

10 Q: Part of the training that you go through is how to  
11 investigate crimes; correct?

12 A: Correct.

13 Q: How to speak to witnesses; correct?

14 A: Yes, sir.

15 Q: How to take statements from witnesses?

16 A: Yes, sir.

17 Q: How to collect evidence?

18 A: Yes, sir.

19 Q: How to preserve that evidence; correct?

20 A: Yes, sir.

21 Q: And all of that is done to be able to preserve evidence  
22 for when cases actually come to court; correct?

23 A: Yes, sir.

24 Q: Part of your training is in writing reports; correct?

25 A: Correct.

## MARK STRICKLAND - CROSS BY MR. MEETZE

1 Q: And again, reports are important so that our memories  
2 can be refreshed whenever cases come to court; correct?

3 A: Yes, sir.

4 Q: And it's also true that reports are done because other  
5 people need to know that were involved in an investigation,  
6 other people need to know what happened; correct?

7 A: Yes, sir.

8 Q: For example, in this case, once you collected everything  
9 and did all the reports and did the investigation, you turned  
10 that information over to Mr. Clements' office; correct?

11 A: Correct.

12 Q: Because you knew Mr. Clements and others in his office  
13 would need to review what happened so they could get an idea  
14 of what happened in this case; correct?

15 A: Correct.

16 Q: And Mr. Clements is going to turn that over to the  
17 attorneys for various folks and they're going to need to  
18 know; correct?

19 A: Correct.

20 Q: So that's why it's important to have as accurate a  
21 picture and be as thorough as you can whenever you are  
22 conducting an investigation; is that right?

23 A: Correct.

24 Q: Okay. And you in this case have talked about what you  
25 did as far as the investigation goes. Let me ask you this.

## MARK STRICKLAND - CROSS BY MR. MEETZE

1 You took a number of statements from different individuals in  
2 this case; correct?

3 A: Numerous.

4 Q: Yes, sir. And one of those people that you talked to in  
5 regard to this case during your investigation was a fellow by  
6 the name of Matthew Self; is that right?

7 A: Yes, sir.

8 Q: And he actually was here yesterday and testified; is  
9 that right?

10 A: Yes, sir.

11 Q: And when you were talking to him when he was giving --  
12 he gave you a written statement; is that right?

13 A: Yes, sir.

14 Q: And that was -- he wrote that statement; correct?

15 A: Yes, sir.

16 Q: He didn't tell you what to write and you wrote it for  
17 him? He wrote the whole thing; correct?

18 A: Right.

19 Q: During your investigation though when you were talking  
20 to him, you showed him a picture of an individual; correct?  
21 Do you recall that?

22 A: I talked with him yesterday. He said I showed him three  
23 pictures.

24 Q: Okay. So you don't recall whether you did that or not?

25 A: No, not at this time I don't.

## MARK STRICKLAND - CROSS BY MR. MEETZE

1 Q: So you don't recall whether he identified a picture of  
2 Ingleque McKay as the individual that he saw talking to the  
3 fellow putting air in his tire at Oh, Joe's?

4 A: At that time, I do not know whether he did.

5 Q: But it's possible?

6 A: Yeah, it's possible.

7 Q: Okay. You also indicated that you -- you said you have  
8 spoken to numerous folks in this case. That includes a  
9 number of the folks that are charged in this case; correct?

10 A: Correct.

11 Q: You spoke to Alfred Lamar, as you said?

12 A: Yes, sir.

13 Q: And he's charged in this case?

14 A: Yes, sir.

15 Q: You talked to Juwan Smith and he's charged in this case;  
16 correct?

17 A: Yes, sir.

18 Q: You talked to MINOR [REDACTED]; is that correct?

19 A: Yes, sir.

20 Q: Okay. I'm going to hand you some paperwork and ask you  
21 if you recognize that paperwork?

22 A: Yes, sir, I do.

23 Q: Those are forms that the Timmonsville Police Department  
24 uses to --

25 A: Yes, sir.

## MARK STRICKLAND - CROSS BY MR. MEETZE

- 1 Q: -- to do the narrative of an incident report; correct?
- 2 A: Correct.
- 3 Q: And there's other sections besides the area where you
- 4 write what happened; correct?
- 5 A: Yes.
- 6 Q: In fact, there are areas where you put down the names of
- 7 suspects in the case?
- 8 A: Correct.
- 9 Q: And on those paperworks, do you see where the suspects
- 10 are listed?
- 11 A: Yes, sir.
- 12 Q: And do you see where **MINOR** is listed as a
- 13 suspect?
- 14 A: Yes, sir.
- 15 Q: Does that have -- does it have -- does it list how tall
- 16 Mr. Smith is?
- 17 A: Six foot six, 210 pounds.
- 18 Q: All right. Do you see on any of that paperwork where
- 19 Juwan Smith is listed as a suspect?
- 20 A: Yes, sir, I do.
- 21 Q: And does it say how tall he is?
- 22 A: Six two, 170.
- 23 Q: And does it have Diante Rogers listed as a suspect?
- 24 A: Yes, sir, it does.
- 25 Q: Does it say how tall Mr. Rogers is?

## MARK STRICKLAND - CROSS BY MR. MEETZE

- 1 A: Five eight, 130.
- 2 Q: Does it have Alfred Lamar listed as a suspect?
- 3 A: Yes, sir.
- 4 Q: And how tall does it say Alfred Lamar is?
- 5 A: Six foot.
- 6 Q: Does it have Ingleque McKay listed as a suspect?
- 7 A: It has juvenile offender.
- 8 Q: Juvenile offender? Does it have a height for that
- 9 juvenile offender?
- 10 A: Five eight, it looks like.
- 11 Q: Okay.
- 12 A: Or five six.
- 13 Q: All right. The -- thank you. This investigation --
- 14 also, through your conversations and through your
- 15 investigation, as we said, you had calls to go to Oh, Joe's;
- 16 is that right?
- 17 A: No.
- 18 Q: You never went to Oh, Joe's?
- 19 A: I never got a call to go to Oh, Joe's.
- 20 Q: I'm sorry?
- 21 A: I never got a call to go to Oh, Joe's.
- 22 Q: You got an investigation -- during your investigation,
- 23 you learned that this BMW that you identified may have been
- 24 at Oh, Joe's that day; correct?
- 25 A: Correct.

## MARK STRICKLAND - CROSS BY MR. MEETZE

1 Q: Okay. And Oh, Joe's -- is that place still in business?

2 A: Yeah. He's moved locations now though.

3 Q: Gotcha. The location it's located where it was back in  
4 August of 2017 was right across the street from the Dollar  
5 General?

6 A: Kind of catty corner from Dollar General.

7 Q: Not very far though; correct?

8 A: No, not very far.

9 Q: Did you ever go to the Dollar General to see if they  
10 might have had any kind of video cameras that would've caught  
11 anything at all?

12 A: Dollar Generals don't have cameras on the outside of the  
13 buildings.

14 Q: Okay. Did your investigation -- also, as you've  
15 testified to, indicated that your investigation led you to  
16 Mullins; is that correct?

17 A: It --

18 Q: Not that you may have gone to Mullins, but you ended up  
19 having to contact Mullins --

20 A: Yes, sir.

21 Q: -- Police Department involved in regards to this case?

22 Did you go to Mullins to do any investigation?

23 A: I went to talk to Diante, but he wouldn't speak with me.

24 Q: Okay. Did you go to the Huddle House?

25 A: No, I did not.

## MARK STRICKLAND - CROSS BY MR. MEETZE

1 Q: Did you check with the Huddle House to see if they had  
2 cameras on their business?

3 A: I don't even know where the Huddle House is in Marion.

4 Q: Okay. Did you go check with any of the businesses in  
5 Mullins to check to see if they had cameras to be able to  
6 review that to see if it might have caught anything that  
7 would have been helpful to your investigation?

8 A: No, sir. The crime occurred in Timmons ville.

9 Q: I understand, but part of your investigation led you to  
10 the gun in Mullins; correct?

11 A: No. It went back to Mullins after -- well, it probably  
12 started in Mullins and ended in Mullins pretty much.

13 Q: All right. The bottom line is you didn't check on any  
14 of those things in Mullins as part of your investigation?

15 A: No, sir.

16 Q: Okay. In this case, you did speak with Alfred Lamar, as  
17 you said; correct?

18 A: Yes, sir.

19 Q: You spoke with Juwan Smith; correct?

20 A: Yes, sir.

21 Q: You spoke with MINOR; correct?

22 A: Yes, sir.

23 Q: You spoke with Kevan Commander; correct?

24 A: Yes, sir.

25 Q: You spoke with Ingleque McKay; correct?



## MARK STRICKLAND - CROSS BY MR. MEETZE

1 A: Yes, sir.

2 MR. MEETZE: Judge, I don't have any further questions.

3 THE COURT: Anything on redirect?

4 MR. CLEMENTS: We don't have anything further at this  
5 time, Your Honor.

6 THE COURT: All right. Thank you very much, sir. You  
7 may step down.

8 MR. CLEMENTS: The next couple of witnesses are  
9 unavailable for this afternoon and we would ask to recess  
10 until tomorrow morning.

11 THE COURT: All right.

12 Ladies and gentlemen, the next couple of witnesses that  
13 the State has, as Mr. Clements mentioned, were not available  
14 this afternoon. So we're going to recess a little bit early.

15 Let me -- I talked with both Mr. Clements and Mr. Meetze  
16 earlier trying to just get an idea to give you some idea of  
17 what -- of what we are looking at. I would anticipate --  
18 unless things -- and things can change, but based upon our  
19 conversation, it appears that I think at some point tomorrow  
20 we can -- I think the State will conclude their case, the  
21 defense will then -- we'll recognize the defense and see.

22 I just think at some point tomorrow, all of the evidence  
23 will be in and so it looks like if your family, friends or  
24 loved ones are curious about wanting to know about the case,  
25 ask them to continue to be patient and we will -- probably,

1 you'll be able to talk with them when it's over, which I  
2 think will be in the next day or so.

3 So just ask them to continue to be patient and allow you  
4 to remain silent and not talk about the case. Try to get a  
5 good night's rest tonight, as I indicated to you this week,  
6 and we will start back.

7 I ask you to be in your -- be here at 9:30 and we'll get  
8 started once everyone has reconvened. Okay?

9 So everyone else please remain seated while the members  
10 of the jury are excused.

11 (WHEREUPON, the jury exited the courtroom at 3:26 p.m.)

12 THE COURT: All right. Anything that we need to take up  
13 this afternoon?

14 MR. CLEMENTS: Nothing from the State, Your Honor.

15 THE COURT: Anything from the defense?

16 MR. MEETZE: No, Your Honor.

17 THE COURT: Solicitor, how many tomorrow do you think?  
18 Two? Okay.

19 And then -- and then, Mr. Meetze, you'll talk with Mr.  
20 Rogers about what the defense intends to do?

21 MR. MEETZE: Yes, sir.

22 THE COURT: Okay. All right. Well, we've got the jury  
23 coming back at 9:30. I'll be here early. So if y'all need  
24 me in the morning or I'll be here this afternoon. So we'll  
25 be at ease then until 9:30 in the morning.

1 MR. MEETZE: Thank you, Your Honor.

2 (WHEREUPON, the proceedings adjourned for the day at  
3 3:27 p.m.)

4 JANUARY 15, 2020

5 (WHEREUPON, the proceedings resumed at 9:56 a.m.)

6 THE COURT: Folks, I'm sorry for me being late coming  
7 out. I had some minor settlements that I thought would take  
8 a lot shorter period of time and they took longer than I  
9 anticipated.

10 Is the State ready to proceed? Anything we need to take  
11 up?

12 MR. CLEMENTS: Your Honor, we are not aware of anything  
13 we need to take up. We're ready to proceed.

14 THE COURT: All right. The defense?

15 MR. MEETZE: Nothing from the defense, Your Honor.

16 THE COURT: Okay. Ms. Frances, would you ask the jury  
17 to come out, please.

18 THE BAILIFF: Yes, sir.

19 (WHEREUPON, the jury entered the courtroom at 9:58 a.m.)

20 THE COURT: Welcome back, folks. I hope everyone had a  
21 good evening. We are ready to proceed and we will pick up  
22 where we left off yesterday with the State's case.

23 Mr. Clements, we would recognize the State for your next  
24 witness, sir.

25 MR. CLEMENTS: Thank you, Your Honor. If it please the

1 Court, we would call to the stand Mr. Alfred Lamar.

2 THE COURT: All right. Mr. Lamar, if you could, sir,  
3 I'm going to get you to come around to the witness stand here  
4 and get you to stop there at the corner and then Madam Clerk  
5 is going to place you under oath. So if you'll --

6 THE CLERK: If you'll please place your left hand on the  
7 Bible and raise your right hand as best you can.

8 THE COURT: All right.

9 THE CLERK: Do you swear the testimony you give in this  
10 case to be the truth, the whole truth, and nothing but the  
11 truth, so help you God?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: Please step around the stand and have a seat  
14 and state your full name for the record.

15 MR. CLEMENTS: May we approach, Your Honor?

16 THE COURT: Yeah.

17 THE WITNESS: Alfred Ernest Lamar III.

18 (WHEREUPON, a bench conference was held in the presence  
19 of the jury but out of the hearing of the jury off the  
20 record, after which the proceedings resumed as follows.)

21 THE COURT: All right. Deputy, if you could, I'm going  
22 to get you to free up Mr. Lamar's hands because he may be  
23 asked to handle a document or do something of that nature.

24 All right. Solicitor, you may proceed with your  
25 questioning.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 MR. CLEMENTS: Thank you, Your Honor.

2 ALFRED LAMAR, being first duly  
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CLEMENTS:

6 Q: Good morning, Mr. Lamar.

7 A: Good morning.

8 Q: Are you a little nervous this morning?

9 A: Yes, sir.

10 Q: Okay. Everything's going to be fine. Just listen to me  
11 carefully and listen to Mr. Meetze carefully. If you don't  
12 understand our questions, ask us to state them again. Okay?

13 A: Yes, sir.

14 Q: And speak up loudly and clearly as you can and direct  
15 your comments to the jury because they're the ones that need  
16 the answers to these questions.

17 A: Yes, sir.

18 Q: Okay. First, Mr. Lamar, let me ask you this. Have you  
19 ever had a record or a conviction?

20 A: Yes, sir.

21 Q: And was that for breaking into automobiles?

22 A: Yes, sir.

23 Q: Okay. And were you convicted for that in 2016?

24 A: Yes.

25 Q: And received a YOA?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: Yes.

2 Q: Do you have any other convictions at all?

3 A: Not that I know of.

4 Q: Okay. All right. Do you know Juwan Smith?

5 A: Yes.

6 Q: How do you know Juwan Smith?

7 A: I know him from living in Mullins.

8 Q: Okay. And you live in Mullins and he lives in Mullins?

9 A: Yes.

10 Q: Okay. Do you know MINOR ?

11 A: Yes.

12 Q: And how do you know MINOR ?

13 A: From Mullins as well.

14 Q: And are they kin, related to each other?

15 A: Yes. They're cousins.

16 Q: Cousins? Okay. Do you know a young man named Ingleque

17 McKay?

18 A: Yes.

19 Q: How do you know Ingleque?

20 A: As well as in Mullins.

21 Q: And does he live in Mullins?

22 A: No, sir.

23 Q: All right. What's his -- what's his nickname or the

24 street name?

25 A: Gleek.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 Q: Gleek? Short for Ingleque?

2 A: Yes.

3 Q: Is he kin to anybody that lives in Mullins that you know

4 of?

5 A: Not besides Juwan and MINOR

6 Q: Ingleque is kin to Juwan and MINOR?

7 A: Yes.

8 Q: Okay. And they're all cousins?

9 A: Yes.

10 Q: Okay. Do you know somebody by the name of Diante

11 Rogers?

12 A: Yes.

13 Q: Does he have a nickname?

14 A: Yes. Little Bill.

15 Q: Little Bill? Do you see Mr. Diante Rogers in the

16 courtroom today?

17 A: Yes.

18 Q: Can you please describe what he has on for me?

19 A: He has on a tie and a shirt as I see.

20 Q: Okay.

21 MR. CLEMENTS: Your Honor, let the record reflect that

22 the witness has identified the defendant, Diante Rogers.

23 THE COURT: All right, sir.

24 BY MR. CLEMENTS:

25 Q: How do you know Diante Rogers?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

- 1 A: From Mullins as well.
- 2 Q: Okay. Are you familiar at all with Timmons ville?
- 3 A: No, sir.
- 4 Q: Have you been to Timmons ville before?
- 5 A: Yes, sir.
- 6 Q: How many times?
- 7 A: Once.
- 8 Q: Okay. On this date, which was August the 28th of 2017
- 9 is what I'm asking about, do you remember that day?
- 10 A: Yes.
- 11 Q: Did you work that day?
- 12 A: Yes.
- 13 Q: What time did you get off?
- 14 A: I'm not sure. I don't want to lie.
- 15 Q: Okay. All right. That's good. If you don't know the
- 16 answer to a question, the right answer is I don't know or I
- 17 can't remember.
- 18 A: Yes, sir.
- 19 Q: So I appreciate that. So you don't know what time you
- 20 got off?
- 21 A: I don't remember.
- 22 Q: You don't remember? Was it that noon or morning? Do
- 23 you know that much?
- 24 A: It was afternoon, probably around four-ish.
- 25 Q: But you don't know for sure?



1 A: No, sir.

2 Q: Okay. When you got off work, who did you get up with as  
3 far as riding around?

4 A: Juwan, Diante and Ingleque and MINOR

5 Q: And what kind of car were y'all in?

6 A: A two-door BMW, white.

7 Q: And whose car is that?

8 A: My girlfriend's. Well, my ex-girlfriend's.

9 Q: What's her name?

10 A: Stephanie Rogers.

11 Q: Okay. The car was registered to her?

12 A: Yes.

13 Q: Did you have permission from her to ride around in that  
14 car, drive it when you need to?

15 A: Yes.

16 Q: Where was Ms. Rogers this -- this day when y'all were  
17 riding around in the car?

18 A: I believe she was working at either Pizza Hut or The  
19 Brew.

20 Q: Okay. What is The Brew?

21 A: The coffee shop.

22 Q: Okay. I want you to look at the screen, if I can get it  
23 to come up. I'm going to show you State's Exhibit 17 when it  
24 comes up and I'm going to ask you if you know what that is  
25 and if you can identify that. Give it a minute.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: Yes.

2 Q: What is that?

3 A: That's her car.

4 Q: That's Stephanie's car?

5 A: Yes, sir.

6 Q: Okay. And so the five of y'all were riding around in

7 this car; is that correct?

8 A: Yes.

9 Q: Where did you go?

10 A: We went straight to Timmonsville.

11 Q: And why were you going to Timmonsville?

12 A: I was of the fact I thought that we were taking Gleek,

13 Ingleque McKay, to, well, his home because he said he had a

14 truancy charge and his mother was calling.

15 Q: Okay.

16 A: So -- yes, sir.

17 Q: Okay. So you took him to Timmonsville?

18 A: Yes, sir.

19 Q: Did y'all drop him off?

20 A: Yes, sir.

21 Q: Did you drop him off immediately or did you ride around

22 a couple of places in Timmonsville?

23 A: We went a couple of places.

24 Q: Okay. Where did you drop Gleek off at?

25 A: I'm not really aware of what the building was. I was

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 aware that it was a barbershop probably.

2 Q: Okay. But you weren't sure because you'd never been

3 there before?

4 A: No, sir.

5 Q: How were you maneuvering around? Who was telling you

6 which way to turn and which way to go?

7 A: **MINOR** and Diante.

8 Q: Okay. Now, when you let Gleek out, at some point in

9 time there was some guns that were there; is that correct?

10 A: Yes.

11 Q: Do you remember -- did you ever see any guns on anybody

12 before you left Mullins?

13 A: No.

14 Q: Okay. Somebody brought some guns to the car; is that

15 correct?

16 A: Yes.

17 Q: Do you have any idea who that was?

18 A: No, sir.

19 Q: You don't know his name?

20 A: No.

21 Q: Okay. Prior to that happening, did you go to -- to a

22 business?

23 A: Yes.

24 Q: What was the business?

25 A: A tire shop. I'm not sure what the name was.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 Q: Okay. And did you talk to anyone there yourself?

2 A: Not personally.

3 Q: Did somebody in the car talk -- talk to someone there?

4 A: Yes.

5 Q: Did they stay in the car or did they get out of the car  
6 to go talk to them?

7 A: I'm not sure. I don't remember.

8 Q: You don't remember? Okay. You just knew there was some  
9 conversation between somebody in the car and somebody at the  
10 tire shop?

11 A: Yes.

12 Q: Okay. Do you know who it was in the car that had the  
13 conversation?

14 A: **MINOR**

15 Q: **MINOR**? Okay. And then somebody brought some -- some  
16 guns to the car?

17 A: Yes.

18 Q: Okay. Do you remember seeing how many guns or what type  
19 of guns? Were you in a vantage point from your driver's seat  
20 that you could tell that?

21 A: Yes.

22 Q: Okay. What -- what kind of guns did you see?

23 A: I seen a little caliber gun. I'm not sure of the  
24 caliber, but I know it was a smaller gun.

25 Q: Okay. What color was it?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: I guess dark, dark silver or dark black.

2 Q: Okay. Did you see another gun?

3 A: No, sir.

4 Q: Okay. All right. When you were riding around in the

5 car after you let Gleek out, can you tell the jury -- if this

6 was the car and here's the driver's seat, who was sitting

7 here?

8 A: Me.

9 Q: Okay. And then in the passenger side over here, who was

10 sitting here?

11 A: MINOR

12 Q: And back behind MINOR, who was sitting there?

13 A: Diante.

14 Q: Diante? Also known as?

15 A: Little Bill.

16 Q: Okay. And sitting right behind you was who?

17 A: Juwan.

18 Q: Okay. About how tall are you, Mr. Lamar?

19 A: Six foot flat.

20 Q: Okay. Six foot?

21 A: Yes, sir.

22 Q: Okay. Do you know about how tall MINOR is?

23 A: Six six, six five.

24 Q: Pretty -- pretty big boy?

25 A: Yes, sir.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 Q: Okay. So he usually sat in the front seat I would  
2 guess?

3 A: Yes.

4 Q: Leg room?

5 A: Yes.

6 Q: Okay. You notice some guns being passed -- passed  
7 through the window of the car?

8 A: Yes.

9 Q: Okay. Let me back up a minute here too. When -- when  
10 -- well, I'll finish and then I'll do that. I started one  
11 road and I'll go down it and then come back. There was a gun  
12 or guns in the car. You were driving. Any conversation by  
13 anybody or any directions somebody told you to do?

14 A: After? I mean I need you to rephrase the question,  
15 please.

16 Q: Okay. I didn't ask that very well. It was my fault.  
17 You were driving the car. Did anybody tell you to do  
18 something?

19 A: Yes.

20 Q: What did they tell you to do?

21 A: They told me to, you know, follow the car.

22 Q: Okay. And then what else did they ask you to do?

23 A: They asked me to -- when we got to a certain vantage  
24 point, they asked me to cut her off.

25 Q: Okay. And who was that that said that?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: Diante and **MINOR**

2 Q: Okay. And did you cut the car off?

3 A: Yes, sir.

4 Q: Did you know what street you were on?

5 A: No, sir.

6 Q: All right. What happened when -- let me ask this. All

7 right. The car that you were asked to cut off, what kind of

8 car was it?

9 A: A white Chevy, I believe, car, four-door.

10 Q: It could have been white or it could have been gray or

11 it could have been silver? Are you sure about the color?

12 A: I'm not sure about the color.

13 Q: Okay. All right. So that car is driving down the road.

14 How -- which direction would you come from to cut it off?

15 A: From behind it.

16 Q: From behind?

17 A: Yes.

18 Q: So you come around. That car is there. Do you come and

19 then you put it straight in or like this or at an angle?

20 A: At a diagonal angle.

21 Q: Diagonal angle? So that car is going straight here and

22 you would've been like this cutting it off?

23 A: Yes. At the stop sign.

24 Q: At the stop sign? All right. When you did that, what

25 happened next?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: **MINOR** got out of my car and as well as Diante right  
2 behind him, and they pointed the guns at the lady from her  
3 window right next to her.

4 Q: Yeah.

5 A: And I seen the shot go off from Diante's gun, Little  
6 Bill, and after I seen that I got scared and I took off. I  
7 just left and as I was leaving, the lady pulled out behind me  
8 and I seen her turning right and I kept going, but as I was  
9 going to the second pole, probably the first pole, I'm not  
10 sure how far I was driving, but as soon as I got to the  
11 second pole, Juwan told me something bad would happen to me  
12 if I didn't turn around. So I turned around and the guys  
13 were in the way of the street for -- for me and then I  
14 stopped and they got in.

15 Q: Now, how many shots did you hear fired?

16 A: I heard one or two shots I believe. I don't want to be  
17 wrong.

18 Q: Okay. All right. Was your car ever shot at? Do you  
19 know?

20 A: Yes.

21 Q: Did you hear it then?

22 A: No. I didn't hear it.

23 Q: Okay. Where was your car shot at?

24 A: In the back left side, toward where I was sitting at.

25 Q: All right. Are you sure it was the left side?



## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: I couldn't be positive, but I do remember where they  
2 said they found the bullet.

3 Q: Okay. I'm going to show you what's marked as State's  
4 Exhibit 18.

5 MR. CLEMENTS: Now, how do I focus that?

6 THE COURT: I think there's just some plus or minus  
7 buttons there that bring it closer or further away.

8 BY MR. CLEMENTS:

9 Q: This is State's Exhibit 18. Do you recognize that?

10 A: Yes.

11 Q: What is that?

12 A: It's -- I see a crack and a bullet hole.

13 Q: You see a crack and a bullet hole?

14 A: Yes.

15 Q: Okay. Now, whose car is that?

16 A: That's Stephanie Rogers' car.

17 Q: Okay. And that paper tag ends in 38; is that correct?  
18 The last two digits?

19 A: Yes.

20 Q: I'm going to show you State's Exhibit 20. Do you  
21 recognize that?

22 A: Yes.

23 Q: What is that?

24 A: The bullet hole.

25 Q: Okay. And whose car is that?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: That's Stephanie's car.

2 Q: Okay. So I want to be sure that I'm reflecting this  
3 accurately, Mr. Lamar. You said right now you can't be sure  
4 how many bullets -- how many gunshots you heard; is that  
5 correct?

6 A: No, sir. After two, I drove off, like I said.

7 Q: Okay. All right. Do you remember when you first met  
8 law enforcement regarding this incident? Can you tell us  
9 about that?

10 A: I -- they called my phone while I was at my girlfriend's  
11 job or my ex-girlfriend, and I turned myself in. I used GPS  
12 to get to Timmonsville Police Department.

13 Q: Okay. You drove the car?

14 A: Yes.

15 Q: And they examined the car and looked at the car?

16 A: Yes.

17 Q: Okay. Did you give any statements at that time?

18 A: Yes.

19 Q: Were they a hundred percent accurate from the beginning?

20 A: No, sir.

21 Q: Why not?

22 A: I was scared that I would get hurt, you know, if I -- if  
23 I, you know, ratted somebody out.

24 Q: Okay. All right. Are you telling the truth today?

25 A: Yes, sir.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 Q: To the best of your memory?

2 A: Yes.

3 Q: Okay. So would -- would it be fair to say or say one  
4 way it is or it is not fair to say that you had told a  
5 different story in some versions when you first talked to the  
6 police?

7 A: Please ask that question again?

8 Q: Would it be fair to say or not that your first story to  
9 the police was not completely accurate?

10 A: Yes. That's fair to say.

11 Q: Okay. Now, I'm going to back up now to where you heard  
12 the shots and you drove away and you stopped and turned  
13 around and went back. What happened when you went back?

14 A: They were in the road with their guns pointed and I  
15 stopped and they got in the car, and then I started getting  
16 directions from **MINOR** and -- and Little Bill telling me  
17 where to go and we ended up at Florence Walmart.

18 Q: All right. What did little Bill do there?

19 A: They got out of my car and they just hopped in another  
20 car and stole it, and I just followed directions and I  
21 followed them.

22 Q: Okay. And you went back where?

23 A: To Mullins.

24 Q: All right. Did you tell your girlfriend what happened  
25 then?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: No.

2 Q: Okay. Why not?

3 A: I was scared.

4 Q: Okay. When law enforcement contacted you -- or  
5 contacted her first, didn't they?

6 A: Yes.

7 Q: Because of the license number?

8 A: Yes.

9 Q: And then they talked to you themselves or did she talk  
10 to you?

11 A: She -- she didn't talk to me. I told her that I would  
12 have to turn myself in because something that I have to get  
13 off, you know. I felt like I had to let it be known what was  
14 going on.

15 Q: Okay. And they knew you were involved; is that correct?

16 A: Yes.

17 Q: There wasn't any hiding that?

18 A: No.

19 Q: Okay. When -- when you saw them, you were angled in.  
20 So you had a good view right here looking and seeing the door  
21 of Ms. Wilson's car; right?

22 A: Yes.

23 Q: From where you were positioned?

24 A: And I could see her.

25 Q: And you could see her? All right. So who was closest

1 to her, little Bill or MINOR

2 A: Little Bill.

3 Q: All right. What did you see him do with the gun?

4 A: Point it at her.

5 Q: Point it with his arm fully extended?

6 A: Yes.

7 Q: Okay. Right there at the door?

8 A: Right there at her window pointed at her -- her upper

9 body.

10 Q: Okay. Now, MINOR Where was he at? Kind of behind

11 Little Bill or beside him or where?

12 A: A little bit behind him.

13 Q: Okay.

14 A: Like, just scattered kind of, like just how it went, you

15 know, it was just -- he was just beside him in an awkward

16 way. He wasn't, like, right beside him, but it was, like, a

17 little bit behind him right by -- actually, right by the car.

18 Q: Okay. And so more towards the backseat than the front

19 seat?

20 A: Yes.

21 Q: Okay. Did you see him with a gun then?

22 A: No.

23 Q: You never saw him point his arm out?

24 A: I didn't see him point a gun. I know he had a gun, but

25 I didn't see him point his arm out.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 Q: Okay. You say right now you remember hearing two  
2 bullets?

3 A: Yes.

4 Q: Being fired?

5 A: Yes.

6 Q: Did they some similar?

7 A: I'm not sure with the sound. I know the first one was  
8 loud, but I'm not sure what the second one was.

9 Q: Okay. Prior to -- to being told to stop the car or cut  
10 the car off, was there any indication of what they were going  
11 to do or any discussions or conversations about what they  
12 were going to do or did this all happen pretty quickly?

13 A: It just happened pretty quickly. I didn't -- I didn't  
14 hear any discussion of what was going to happen.

15 Q: Okay. Do you know what a stolo is?

16 A: Yes.

17 Q: What is that?

18 A: It's a stolen car.

19 Q: Did you hear anybody in the car say something about I'm  
20 going to get me a stolo or anything of that nature?

21 A: Yes.

22 Q: Okay. Do you know who that was?

23 A: Diante.

24 Q: Okay. And when you heard him say that, what did you  
25 take that to mean?

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 A: I took it is a stolen car, but it was after. It was  
2 after this incident of the lady being shot.

3 Q: Okay. It was after her being shot?

4 A: Yes.

5 Q: Was it before getting to Walmart?

6 A: Yes.

7 Q: Okay. All right. Did you do a written statement for  
8 the police that first day you encountered them?

9 A: Yes.

10 Q: The day -- the day after the shooting, wasn't it?

11 A: Yes.

12 Q: Okay. Was it all a hundred percent correct?

13 A: Not really, but most of it was actually a hundred  
14 percent correct. I just sped around the bush too much  
15 because I was nervous and I didn't know exactly how I should  
16 say it and the cops rode me for it, you know, and tried --  
17 you know, it was just -- I just got real nervous and I told  
18 three different statements.

19 Q: All right. Did you give a video statement too?

20 A: I'm not sure if I -- if I did or not.

21 Q: You don't remember that?

22 A: I do remember him having a body cam, but I don't know if  
23 it was -- I didn't know if it was on or anything.

24 Q: Okay. Now, let's be -- let's be real here. Were you  
25 trying to make yourself look a little better in the

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 statements than might actually be the truth?

2 A: Yes.

3 Q: Are you trying to do that now today?

4 A: No, sir. I believe that the lady deserve justice.

5 Q: Okay.

6 MR. CLEMENTS: I beg the Court's indulgence for just a  
7 moment.

8 THE COURT: Yes, sir.

9 BY MR. CLEMENTS:

10 Q: A.J., did you see anyone shoot besides little Bill?

11 A: No.

12 Q: During the time period, did Juwan stay in the car or  
13 what did Juwan do?

14 A: Juwan was in the car.

15 Q: Seated where?

16 A: In the back.

17 Q: Okay. Behind you?

18 A: Yes.

19 Q: Okay. You didn't ever see Juwan with a gun?

20 A: No.

21 Q: And you saw MINOR with a gun?

22 A: Yes.

23 Q: Do you know where that second gun came from?

24 A: The second gun came from a guy named Pawn.

25 Q: Okay. Was that who came up and brought guns to you



## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 after -- after they got out and talked to people at the tire  
2 place?

3 A: No. It was one of the ride arounds before we got to the  
4 lady.

5 Q: Yeah.

6 A: Before that happened, we went to a guy's house and that  
7 was Ingleque's cousin, and Pawn -- and Pawn was Ingleque's  
8 cousin or something and he gave Ingleque the gun.

9 Q: So there's some connection between Ingleque and Pawn?

10 A: Yes.

11 Q: Okay. And do you know Pawn's real name?

12 A: I have no clue.

13 Q: Okay. All right. Let me ask you this. Do you know  
14 anybody by the name of Robert Askins?

15 A: I don't.

16 Q: Okay. All right. And this -- this to the best of your  
17 remembrance is what happened that day when Ms. Wilson was  
18 shot?

19 A: Yes.

20 Q: Do you know where she drove to?

21 A: I'm not sure where she drove. I'm just knowing the  
22 first road. She took a right.

23 Q: Okay. Did -- did anybody have a bandanna or anything in  
24 the car?

25 A: I don't remember if anybody had a bandanna.

## ALFRED LAMAR - DIRECT BY MR. CLEMENTS

1 Q: So you don't know if anybody had a bandanna on their  
2 face or anything?

3 A: Yes.

4 Q: You're sure?

5 A: Yes. I believe it was green.

6 Q: Green?

7 A: Yes.

8 Q: Okay. It wasn't red?

9 A: Red and green. I believe it was a lot of bandannas that  
10 day.

11 Q: Okay. All right. But you never saw anybody put it on  
12 their face or recall that?

13 A: I can't recall on that.

14 Q: Okay.

15 MR. CLEMENTS: I beg the Court's indulgence one more  
16 minute, Your Honor.

17 BY MR. CLEMENTS:

18 Q: This is the complete truth about this shooting?

19 A: Yes, sir.

20 MR. CLEMENTS: Thank you, A.J. If you would, please  
21 answer any questions Mr. Meetze has.

22 THE COURT: All right. Cross?

23 MR. MEETZE: Thank you, Your Honor. I beg the Court's  
24 indulgence.

25 THE COURT: Yes, sir.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 CROSS-EXAMINATION

2 BY MR. MEETZE:

3 Q: All right. Mr. Lamar, first I want to just talk to you  
4 a little bit about the testimony you just gave when you were  
5 just now testifying. You testified that five of you all rode  
6 from Mullins to Timmons ville; is that correct?

7 A: Yes.

8 Q: And that prior to getting to Timmons ville when you left  
9 Mullins, nobody in the car had a gun?

10 A: Say that again?

11 Q: You testified that when y'all left Mullins to go to  
12 Timmons ville, no one in the car had a gun?

13 A: Not that I know of.

14 Q: Right. Well, you testified nobody had a gun; is that  
15 correct?

16 A: No, sir, I didn't.

17 Q: You -- then you testified that once you got to  
18 Timmons ville, somebody came to a car -- to the car and gave a  
19 gun, a small caliber gun was your description; correct?

20 A: Yes.

21 Q: And that was the only gun?

22 A: That wasn't the only gun.

23 Q: At that time you testified it was just one gun; correct?

24 A: Yes.

25 Q: Okay. And then you talked about the incident that took

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 place where the lady was shot; correct?

2 A: Yes, but that was after we got the second gun.

3 Q: I'm taking you through your testimony in the order that  
4 you gave it.

5 A: Yes, sir.

6 Q: All right. So after you talked about there being one  
7 gun, then you discussed the incident where Ms. Wilson was  
8 shot; correct?

9 A: No, that's not correct.

10 Q: You don't recall testifying that there was only one gun  
11 --

12 A: I --

13 Q: -- in a direct answer to a direct question?

14 A: I testified that there was two guns.

15 Q: All right. You don't recall testimony? Again, he asked  
16 you a direct question, how many guns were there, and you said  
17 one? You don't recall that from just a few minutes ago?

18 A: Yeah. At that specific time, there was one gun.

19 Q: Okay. And then you were asked how tall everybody was  
20 and you gave those answers. Do you remember that?

21 A: Yes.

22 Q: And then he asked if anybody told you what to do and you  
23 talked about going around in the car and them telling you to  
24 -- you were behind the car and they told you to go around the  
25 car and cut the car off; correct?

1 A: Yes.

2 Q: All right. And then you described it as a Chevy, white,  
3 but you weren't sure? Do you recall that?

4 A: Yes.

5 Q: And then you testified that you had come from behind it  
6 to cut the car off; correct?

7 A: Yes.

8 Q: And then you said that **MINOR** and Diante got out of  
9 the car?

10 A: Yes.

11 Q: Correct? And you said that -- that after they got out  
12 of the car, you left, but Juwan told you to go back and get  
13 them or you would get hurt; correct?

14 A: Yes.

15 Q: That was your testimony. You said that you heard one or  
16 two shots, you couldn't remember for sure; correct?

17 A: Yes.

18 Q: And that your car was shot; correct?

19 A: Yes.

20 Q: You didn't hear that shot necessarily, but you know that  
21 your car was shot; correct?

22 A: Yes.

23 Q: You testified that when Juwan made you turn around, you  
24 said they were in the road pointing their guns; correct?

25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: All right. So that -- when you just said that there, up  
2 until that point all you had testified to is there was one  
3 gun; correct?

4 A: What I was saying is it was different questions he asked  
5 me and I answered them in the specific way that he asked  
6 them.

7 Q: Correct. And I'm -- and I'm taking you through that.  
8 So through your testimony that you just gave, you had only  
9 mentioned one gun prior to this shooting; correct?

10 A: No, sir. I mentioned one gun at the specific time of  
11 going to the tire place and I mentioned the second gun got  
12 into the car when they took me to the other guy's house.

13 Q: Oh, eventually, you got to that. At this point, you had  
14 not testified about -- at this point during your testimony,  
15 you had not testified about the second gun; correct?

16 A: Yes, sir.

17 Q: That's yes, you had not at this point in time testified  
18 about a second gun; right?

19 A: No.

20 Q: So you -- the first time you mentioned any sort of  
21 inference of a second gun is when you said you turned around,  
22 Little Bill and **MINOR** were in the road, and they had their  
23 guns pointed at you; right?

24 A: No. Before that I already had two guns.

25 Q: All right.

1 A: They already had two guns.

2 Q: Okay. Well, if there's a question about that, then we'd  
3 be able to review your testimony. You also testified that  
4 you've given a number of statements in this case; correct?

5 A: Yes.

6 Q: You went to Timmonsville and you met with investigators  
7 and police there; correct?

8 A: Yes.

9 Q: And as you said, you gave multiple statements?

10 A: Yes.

11 Q: Correct?

12 A: I did.

13 Q: And not all of them truthful; correct?

14 A: Well, they are the truth. I just as well stretched the  
15 truth.

16 Q: Okay. So when you told them you weren't even in  
17 Timmonsville, that was the truth?

18 A: No, it wasn't.

19 Q: So when you told them that they took your car and left  
20 you in Mullins, you didn't know where they were or what they  
21 were doing or where they had gone, that wasn't the truth?

22 A: That was the truth.

23 Q: That was the truth?

24 A: Yes.

25 Q: How is that the truth?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Because when we got back to Mullins, I didn't know where  
2 they went because I wasn't with them.

3 Q: You just testified you were with them.

4 A: Yeah, until we got to Mullins. We never discussed what  
5 happened when I got to Mullins.

6 Q: All right. We'll just start -- I'll just start from the  
7 beginning. All right. So you gave a statement to the  
8 Timmons ville Police Department; correct?

9 A: Yes.

10 Q: And you -- you actually, like you say, gave a few  
11 statements; correct?

12 A: Yes.

13 Q: And the first statement you gave, you wrote that  
14 statement out, what that was; correct?

15 A: Yes.

16 Q: All right. And --

17 MR. MEETZE: May I approach the witness, Your Honor?

18 THE COURT: Yes, sir.

19 BY MR. MEETZE:

20 Q: Do you recognize that, Mr. Lamar?

21 A: Yes.

22 Q: All right. And what is that?

23 A: My statement.

24 Q: All right. Is that your first statement that you wrote  
25 out?



## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: I'm not sure which order this was.

2 Q: Okay. Well, in that statement that you have in your  
3 hand, you told them that everything that you were writing in  
4 that statement was true; correct?

5 A: Yes.

6 Q: And the first thing you write in that statement was that  
7 everything started at 9 a.m. when Juwan Smith and Gleek McKay  
8 were in the Huddle House wanting cigarettes? Is that what  
9 you said?

10 A: Yes.

11 Q: Okay. That wasn't true; right?

12 A: That was true.

13 Q: Okay. And it wasn't true because you weren't at work at  
14 the Huddle House at 9 o'clock that morning; right?

15 A: I believe I worked from 9 to 4, if I can be correct.

16 Q: Then you say that you gave them the keys to your car  
17 because you knew that they would hurt you because they are in  
18 a gang; correct?

19 A: Yes.

20 Q: All right. Now, isn't it true that you're in the same  
21 gang?

22 A: No, sir, it's not.

23 Q: It's not true? You're not in the gang with those guys?

24 A: No, sir.

25 Q: You've never been in a gang with those guys?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: No, sir.

2 Q: You've never told anybody that you were in a gang with  
3 those guys?

4 A: No, I didn't.

5 Q: You don't -- do you recall you mentioned going to  
6 Walmart on this night and -- and them taking a black truck?

7 A: Yes, I do recall that.

8 Q: All right. Do you remember talking to the police  
9 officers with the Florence City police?

10 A: No, I don't.

11 Q: About that?

12 A: No, sir.

13 Q: Do you recall telling those police officers that you  
14 were, indeed, in this gang?

15 A: No, I don't remember that.

16 Q: Do you remember telling them you joined the gang because  
17 you wanted friends?

18 A: No, I don't remember that.

19 Q: Do you remember telling those police officers that Juwan  
20 Smith is your big homie? Do you remember that?

21 A: No, I don't remember that.

22 Q: And big homie is gang lingo for a high ranking officer;  
23 correct? A leader in a gang?

24 A: I wouldn't know.

25 Q: Do you remember telling them that he goes by a nickname,

1 RatchetRu? Do you remember that?

2 A: I don't remember that.

3 Q: Okay. And RatchetRu, the ending Ru on the end of the  
4 name, that signifies being in the Piru gang, which is a sect  
5 of the Blood gangs; correct?

6 A: I don't remember that.

7 Q: Okay. So you don't remember any of that?

8 A: Huh-uh. No, sir.

9 Q: Do you realize that during your conversation with the  
10 Timmons ville police you turned your phone over to them?

11 A: Yes.

12 Q: And you gave them the information needed for them to be  
13 able to do an examination of that phone and get anything off  
14 of that phone they needed?

15 A: I didn't give them any permission. They just did it.

16 Q: Well, do you remember them asking for your code to get  
17 into your phone and you said, yes, it's right here, I don't  
18 have anything to hide, and you gave them number right there?

19 A: Yes.

20 Q: Okay. So that's not permission to you?

21 A: No, it's not permission to go through my phone and go  
22 into my apps and everything in my phone.

23 Q: What's Fredo 400 mean?

24 A: What? Say that again.

25 Q: What does Fredo 400 signify?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: It's just a name.

2 MR. MEETZE: May I approach the witness, Your Honor?

3 THE COURT: Yes, sir.

4 BY MR. MEETZE:

5 Q: Do you recognize that?

6 A: Yes.

7 Q: Who is that?

8 A: That's me.

9 Q: All right. What do you have on?

10 A: A red flag.

11 Q: A red flag? And what does it say?

12 A: Fredo 400.

13 Q: And what sort of hand gestures are you giving?

14 A: Peace.

15 Q: Peace?

16 A: Yes.

17 Q: Four fingers up and then a few fingers on the other hand  
18 looking like a zero with your fingers, that's peace?

19 A: Yeah, that says peace.

20 Q: Okay.

21 MR. MEETZE: Your Honor, I'd like to mark this as  
22 Defense Exhibit 1 and would like to move this picture into  
23 evidence.

24 MR. CLEMENTS: No objection.

25 THE COURT: All right. Without objection, that would be

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Defense Exhibit Number 1.

2 (WHEREUPON, Defendant's Exhibit Number 1, photograph,  
3 was admitted into evidence.)

4 MR. CLEMENTS: May we approach, Your Honor?

5 (WHEREUPON, a bench conference was held in the presence  
6 of the jury but out of the hearing of the jury off the  
7 record, after which the proceedings resumed as follows.)

8 THE COURT: All right. Ladies and gentlemen, I need to  
9 take up a matter of law with the attorneys. Please, if you  
10 would, step back into the jury room. Do not discuss the case  
11 and I'll bring you back out shortly.

12 (WHEREUPON, the jury exited the courtroom at 10:38 a.m.)

13 THE COURT: All right. Mr. Meetze?

14 MR. MEETZE: If they can hook me up.

15 THE CLERK: It's on.

16 THE COURT: That's okay. You're an IT specialist. I  
17 don't know what you need to do, but do something.

18 THE CLERK: Oh.

19 MR. MEETZE: I want to play a video from here.

20 Judge, this would be a video to -- he says he's not in a  
21 gang and this would be to refute that.

22 (WHEREUPON, a video was marked as Court's Exhibit Number  
23 1 and played in court and then stopped.)

24 MR. MEETZE: That's as much as I would care to play,  
25 Judge.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1           Essentially, he's testified that he's not in a gang, he  
2 wasn't in a gang with those folks, that he was scared of them  
3 because they were in a gang and they would hurt him, and  
4 there he is hanging out with those guys. That was Juwan  
5 Smith doing all the talking, but the first thing he says was  
6 this is Fredo's phone. They show MINOR [REDACTED], who goes by  
7 Gooney, in that video. Certainly, it would contradict his  
8 testimony that he's afraid of those people, and they talk  
9 about Bloods and they talk about gang shit, and I think that  
10 it's relevant to what he's testified.

11           MR. CLEMENTS: I don't see from looking at that how you  
12 could say whether he was scared of them or not. He might've  
13 been fine sitting in the video, but he might also be scared  
14 of them because he knows what they're capable of doing or  
15 have done or have threatened to do.

16           MR. MEETZE: Well --

17           MR. CLEMENTS: Whether he's sitting there with them  
18 having his phone or not.

19           MR. MEETZE: Well, that's what -- that's what the judges  
20 of the facts are concerned with. That's something for us to  
21 argue in closing arguments, but I think this is relevant for  
22 the jury to see based on what he's testified at this point.

23           (WHEREUPON, there was a pause in the proceedings, after  
24 which the proceedings resumed as follows.)

25           THE COURT: All right. Anything further?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 MR. CLEMENTS: Yes, sir, Your Honor. I never asked him,  
2 if I recall correctly, because I was intending not to. I  
3 never asked him if he was in a gang.

4 THE COURT: No. Vick did.

5 MR. CLEMENTS: I asked him about statements he gave  
6 where he was trying to make himself look better.

7 THE COURT: But Mr. Meetze asked him.

8 MR. CLEMENTS: Okay.

9 THE COURT: So I mean it was in response to him.

10 Here's the thing. I think it's relevant to impeach  
11 certain testimony that was given. I don't think it can be  
12 used to prove or show that anyone was in a gang. I don't  
13 think it shows that or it doesn't specifically state that.

14 However, it does go to some of his -- to some of the  
15 testimony that he was fearful of these people and -- and all  
16 of that. So I'm going to allow it for that purpose.

17 I don't know. Again, it's -- it's up -- I mean you can  
18 argue and the jury can decide for themselves. I think it  
19 does -- I think it is relevant to go toward impeachment of  
20 his earlier testimony; so I'm going to allow it.

21 MR. CLEMENTS: As impeachment of his earlier testimony?  
22 His earlier testimony that Mr. Meetze asked him about or --

23 THE COURT: Well, any -- any testimony that he's given.

24 MR. CLEMENTS: Because I never asked him about the gang  
25 stuff.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 THE COURT: He can still be impeached on the questions  
2 that Mr. Meetze asked him.

3 MR. CLEMENTS: Yes, sir.

4 MR. MEETZE: And it was under Mr. Clements' examination  
5 where he indicated he was afraid of those guys.

6 THE COURT: Right. So again -- and -- and y'all can  
7 argue.

8 MR. CLEMENTS: I just think and I agree totally with  
9 what you said about a limited -- for a limited purpose, for a  
10 limited extent. I'm just curious as to exactly where the  
11 limitations lie.

12 MR. MEETZE: I'm fine with the limited purpose as well.

13 THE COURT: Well, the thing is the earlier testimony  
14 where, you know, he made the comments about being afraid of  
15 these folks and that line of testimony and as far as the --  
16 you know, whether or not he's a member of a -- of a gang or  
17 not, that's up to the decision of the factfinder who -- who  
18 sees the -- who sees the evidence.

19 I mean there's the argument -- you can make the argument  
20 that nothing on there indicates that he's a member of  
21 anything or any of them are a member of anything. The  
22 defense could make the argument that the circumstantial  
23 evidence, that's what it -- it depicts what it shows and you  
24 can take it at face value. It's going to be up to the  
25 factfinders to decide what weight they give it, but I think



## ALFRED LAMAR - CROSS BY MR.MEETZE

1 it's relevant to the testimony; so I'm going to allow it.

2 All right. While the jury is out, does anyone need to  
3 take a break before we get started back?

4 MR. MEETZE: No, Your Honor.

5 THE COURT: You're good? Everybody good? Okay. Bring  
6 the jury back in, please.

7 THE BAILIFF: Yes, sir.

8 (WHEREUPON, the jury entered the courtroom at 10:49  
9 a.m.)

10 THE COURT: All right. Mr. Meetze, you may proceed.

11 MR. MEETZE: Thank you, Your Honor.

12 BY MR. MEETZE:

13 Q: Mr. Lamar, when we -- prior to the break, you had  
14 testified that you were not in a gang; correct?

15 A: Yes.

16 Q: That you've never been in a gang; correct?

17 A: Yes.

18 Q: And that you've never told anybody involved in this case  
19 or in any investigation involving any of the things, any of  
20 that happening surrounding this case, you never told anybody  
21 that you were in a gang; correct?

22 A: It's been two years and five months. I'm sorry if I  
23 don't remember.

24 Q: Okay. But your testimony earlier was that you had never  
25 told anybody; correct?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Yes.

2 Q: Okay. Now, as you testified to earlier as well, that  
3 your phone was collected into evidence in this case?

4 A: Yes, it was.

5 Q: And that phone contained some videos?

6 A: Yes. If it does, yes.

7 Q: And this would be one of the videos that was on your  
8 phone?

9 (WHEREUPON, a video was played in open court and then  
10 stopped. Not transcribed herein.)

11 BY MR. MEETZE:

12 Q: All right. Now, you saw yourself in that video;  
13 correct?

14 A: Yes, I did.

15 Q: You saw Juwan Smith in that video; correct?

16 A: Yes, I did.

17 Q: And you saw MINOR in that video; correct?

18 A: Yes, I did.

19 Q: All right. Do you still got the copy of your statement  
20 there?

21 A: Yes, I do.

22 Q: That I gave you? Okay. Very good. Also in that first  
23 statement, you told them -- you told the police that -- you  
24 told them that they brought you back cigarettes and told you  
25 to stop -- let me make sure. Then you told the police that

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 they left and brought back cigarettes and told you to stop  
2 tripping, that they weren't going to steal your car; correct?  
3 That's what you said that they had told you? That's what  
4 your statement says; right?

5 A: Speak again, sir. I was reading.

6 Q: In your statement where we had left off before --

7 A: Yes.

8 Q: The written statement that you have in front of you?

9 A: Yes.

10 Q: Where we had left off before, Gleek and Juwan were at  
11 Huddle House and said they wanted cigarettes?

12 A: Yes.

13 Q: Then next you say that you told them -- excuse me. Then  
14 you told them -- I mean you told the police that Juwan and  
15 Gleek left, brought back cigarettes, and that when they got  
16 back, they told you to stop tripping, they weren't going to  
17 steal your car. Is that what your statement says is what I'm  
18 asking you?

19 A: Yes, it is what my statement says.

20 Q: Okay. Then you said you calmed down and started working  
21 again; correct?

22 A: Yes.

23 Q: And when you got done with prep, they were gone again;  
24 correct?

25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: That's what your statement says?

2 A: Yes.

3 Q: All right. And that wasn't true?

4 A: That was true.

5 Q: Okay. And you say you started asking people if they  
6 knew where your car was and where those guys went; correct?

7 A: Yes.

8 Q: Okay. And then you say when you got off around 3  
9 o'clock, your car was still gone; correct?

10 A: Yes.

11 Q: And you also say you walked over to the Subway and asked  
12 your sister if she might know where your car is; is that  
13 right?

14 A: Yes.

15 Q: You also said that she got defensive when you kept  
16 asking her because you were afraid that they wouldn't come  
17 back; is that right?

18 A: Yes.

19 Q: All right. Then your statement sort of skips to a part  
20 where they had come back and you saw them; correct?

21 A: Yes.

22 Q: All right. And you say you saw them, you say you saw  
23 **MINOR** Juwan, Gleek, and Little Bill were all in the car?

24 A: Yes.

25 Q: And that when you saw them, you immediately got mad?

- 1 A: Yes.
- 2 Q: That's what your statement says; correct?
- 3 A: Yes.
- 4 Q: And you asked them to leave you alone and let you go
- 5 home? Is that what your statement says?
- 6 A: Yes.
- 7 Q: And they said that they got ways of shutting people up?
- 8 Is that what your statement said?
- 9 A: Yes.
- 10 Q: And then you told them that -- you say that you told
- 11 Juwan and Gleek and little Bill and MINOR that you
- 12 wouldn't tell anyone and that they backed off; correct?
- 13 A: Yes.
- 14 Q: All right. And they started joking, saying they were
- 15 just playing; is that right?
- 16 A: Yes.
- 17 Q: And that you then went and got your -- you say your
- 18 wife, but your wife -- girlfriend -- it was your girlfriend,
- 19 Stephanie; correct?
- 20 A: Yes.
- 21 Q: That you went and got her at the Brew House; correct?
- 22 A: Yes.
- 23 Q: All right. So essentially that first written statement
- 24 says that those guys had your car; correct?
- 25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: You weren't with them?

2 A: Yes.

3 Q: That you didn't know what went on? Wherever they went,  
4 you didn't know any of it; correct?

5 A: At that specific time.

6 Q: No, no. This statement that's saying you didn't know  
7 where they went?

8 A: Yes.

9 Q: Okay.

10 A: But as I said, some of it was not true.

11 Q: Well, what I'm getting at is the entire thing is not  
12 true because the entire statement says you did not go with  
13 them to Timmons ville. That's what that statement is saying  
14 to the police. You didn't know anything they were doing  
15 because you were not with them. They had your car for a long  
16 period of time. That you weren't with them in Timmons ville;  
17 correct?

18 A: No, sir. This actually states the beginning of what  
19 happened before we went to Timmons ville. That's what I was  
20 getting at.

21 Q: Okay. So that's your position as to what that statement  
22 says?

23 A: Yes.

24 Q: All right. So the police talked to you a little  
25 further; correct?

1 A: Yes.

2 MR. MEETZE: May I approach the witness, Your Honor?

3 THE COURT: Yes, sir.

4 BY MR. MEETZE:

5 Q: And that is the second statement you write; correct?

6 A: I'm not sure of the order.

7 Q: Okay.

8 A: As I said about the first one.

9 Q: But that's a statement that you wrote; correct?

10 A: Yes.

11 Q: And it says everything started -- well, the police  
12 started talking to you about your first statement; correct?

13 A: Yes.

14 Q: And they saw some discrepancies in their investigation  
15 and the things that you were telling them; correct?

16 A: If that's what they said.

17 Q: Okay. Well, I'm just asking if you remember that?

18 A: I do remember my statement.

19 Q: No. I'm asking if you remember them talking to you  
20 about things that they saw within their investigation that  
21 didn't match up with the things you had said in that first  
22 statement that we've been over?

23 A: No, I don't remember them telling me that.

24 Q: Okay. So the main thing that they were questioning you  
25 about discrepancies in were the times you had given them;

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 correct?

2 A: I'm not aware of what the discrepancy was.

3 Q: Okay. And that's because in your first statement you  
4 told them you had been to work at 9 o'clock; correct?

5 A: Yes.

6 Q: And that wasn't true. You weren't at work at 9 o'clock  
7 on that day; correct?

8 A: I actually could've been. I worked a shift.

9 Q: All right. Well, as you went further in your  
10 conversations with the police -- and again, I want to keep in  
11 mind this conversation -- all this happened the very next day  
12 after y'all had been to Timmonsville; correct?

13 A: No, sir.

14 Q: Two days later?

15 A: My first statement was of the day of the incident.

16 Q: The day of the incident?

17 Q: Okay. I apologize. And eventually, you admit to them  
18 that your times were off when you were talking to the police.  
19 You weren't -- you may not have been right about all the  
20 times? Do you remember that?

21 A: No, I do not.

22 Q: Okay. Do you remember telling the police that you now  
23 remembered that you were late to work that day and you didn't  
24 get there until 10 o'clock, not 9 o'clock like you had said  
25 in your first statement? Do you remember that?



## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: No, sir, I don't, but it could be true.

2 Q: Okay. And you say that Juwan was with you that morning.  
3 Y'all took your girlfriend to work at eight and then you went  
4 to the Huddle House. Do you remember that?

5 A: Yes.

6 Q: Okay. And you remember telling the police that?

7 A: Yes.

8 Q: And they asked you if there was anywhere else you went  
9 with your girlfriend that morning. Do you remember that?

10 A: No, sir.

11 Q: And you said you had to think about it and then you told  
12 them you didn't want to lie, but you didn't remember if  
13 there's anywhere else you went with your girlfriend that  
14 morning. Do you remember that?

15 A: It could be true, sir.

16 Q: Okay. And you sat there for a good while trying to  
17 remember if you are gone anywhere just that morning with your  
18 girlfriend; correct?

19 A: Yes.

20 Q: And you couldn't think of anywhere you had been; is that  
21 right?

22 A: No, sir.

23 Q: Okay. And then at that point in time, you told the  
24 police that except for some of the times you were off on, the  
25 rest of your statement was true; is that right?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: I'm not sure if I remember saying that.

2 Q: Okay. But you swore otherwise that you were telling the  
3 truth with regards to your statement; correct?

4 A: Yes.

5 Q: Okay.

6 A: Most of it is true and some had -- some was stretch the  
7 truth as well.

8 Q: And the police told you during that conversation that  
9 they had your cell phone; correct?

10 A: Yes.

11 Q: And they asked you if they were to do a search of that  
12 phone, would that phone have been in Timmonsville or Florence  
13 County. Do you remember them asking you that?

14 A: I can't remember if they asked me that.

15 Q: Okay. And that you told them, no, it would not have  
16 been in Florence County or Timmonsville. Do you understand  
17 that? Do you remember that?

18 A: No, sir, I don't.

19 Q: Okay. And that wasn't true; correct?

20 A: I don't remember.

21 Q: Well, you were in Timmonsville?

22 A: I was in Timmonsville.

23 Q: So your phone would have been in Timmonsville; right?

24 A: Yes, it was.

25 Q: So then when you told them that if they did a search on

## ALFRED LAMAR - CROSS BY MR. MEETZE

1 your phone it wouldn't have shown up in Timmons ville or  
2 Florence County, when you told them, no, it wouldn't have  
3 shown up there, that was not true?

4 A: Well --

5 Q: That's all I'm asking.

6 A: Yes, sir.

7 Q: Okay.

8 A: But what I'm stating is that the situation happened in  
9 Timmons ville and my phone -- anything that is in my phone  
10 never happened in Timmons ville.

11 Q: Okay. I'm not asking you about anything on your phone  
12 happening in Timmons ville. I'm asking about the questioning  
13 the police did with you. You had told them you had not been  
14 to Timmons ville that day, you didn't go to Timmons ville. So  
15 they asked you if they searched your phone from a forensic  
16 standpoint to find out which cell towers your phone had been  
17 pinging on --

18 A: Yes.

19 Q: If they could follow that ping trail and follow that  
20 phone to Florence County and specifically to Timmons ville.  
21 Do you remember them telling you that they could do that? Do  
22 you remember that?

23 A: No, sir. I don't remember them telling me that.

24 Q: Okay. And do you remember them asking you specifically  
25 was your phone in Timmons ville or Florence County and you

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 telling them it was not? Correct?

2 A: I'm not sure if I remember that.

3 Q: Okay. And like I said, law enforcement -- when you told  
4 them that the phone would not be in Timmonsville or Florence  
5 County, that they explained to you how phones move from cell  
6 tower to cell tower and they could track a phone in that way.  
7 Do you remember that?

8 A: I do not.

9 Q: So they asked for your phone number to the phone and you  
10 gave that to them. Do you remember that?

11 A: Yes, I do remember that.

12 Q: And I think Detective Strickland or Investigator  
13 Strickland asked you why is it whenever he called the number  
14 on that phone that Gleek's mother answered and you weren't  
15 aware of why that would have been. Do you remember that?

16 A: No, I do not remember that.

17 Q: And then you said -- when he said that, why does Gleek's  
18 mother answer, you said it would have to have been Juwan  
19 answering the phone. Do you remember that?

20 A: No, I do not remember that.

21 Q: And you said it would've had to have been Juwan  
22 answering the phone because he had your phone all day;  
23 correct?

24 A: He did have my phone, yes.

25 Q: All day?

1 A: Yes.

2 Q: Okay. Now, once they explained all that to you and how  
3 they can track your phone with cell towers and all of that,  
4 you had to admit to them that you did, indeed, go to Florence  
5 County and Timmonsville that day; correct?

6 A: Yes.

7 Q: So in essence, you admitted that everything you had said  
8 up until that point in time was not true; correct?

9 A: No, I did not admit that.

10 Q: Okay. But you had told them before you had never been  
11 to Timmonsville and didn't go that day, but now you're having  
12 to tell them, yep, I was in -- I went there with them;  
13 correct?

14 A: No. I never told them that.

15 Q: Okay. You say that you never knew your phone was  
16 missing until you got off of work is what you told them. Do  
17 you remember that?

18 A: Yes, I do remember that.

19 Q: Okay. You also say that you don't use your phone while  
20 you're working and that you were at work that day from 10  
21 o'clock until 3; correct?

22 A: If that's my time that I said, it could be true. Yes,  
23 sir.

24 Q: Okay. Then they questioned you about you having said  
25 earlier that you had actually texted your girlfriend while

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 you were at work. Do you remember that?

2 A: No, I don't remember that.

3 Q: Okay. And you explained to them that you actually  
4 texted her before 10, but that between 10 and 3 you had not  
5 used your phone at all. Do you remember that?

6 A: No, I don't remember that.

7 Q: Okay. And then they asked you if you remember taking  
8 Stephanie to the bank that morning to make a bank deposit.  
9 Do you remember that?

10 A: I do remember that.

11 Q: Okay. And that is when they found another hole in your  
12 times because you had said first you were at work at 9  
13 o'clock and then, no, it must've been 10 o'clock, but the  
14 bank deposit wasn't until after 10. So you changed that you  
15 didn't get to work that day until 10:30. Do you remember all  
16 that?

17 A: Yes, I do remember that.

18 Q: Okay. So after all of that that's turned out to not be  
19 true in your statement, you still assured them that otherwise  
20 the meat of everything was still true; correct?

21 A: Yes.

22 Q: All right. Which at this point in time in your  
23 statements, the meat of everything that I'm referring to is  
24 you telling them you had not been to Timmons ville on that  
25 day; correct?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Please restate that question.

2 Q: The meat of your statement, the main part that you were  
3 trying to get across to the police that day, was that you had  
4 not been to Timmons ville at all; correct?

5 A: Yes, sir.

6 Q: Okay. And they sort of keep pushing you on that issue,  
7 whether they didn't feel like you were being truthful. They  
8 sort of start pushing you on that issue and you sort of break  
9 down and get emotional and start changing what you were  
10 saying. Do you remember that?

11 A: I do remember getting emotional.

12 Q: Okay. And again, you reiterated that you were scared  
13 because they were in a gang. Do you remember that?

14 A: Yes, I remember that.

15 Q: And they let you know that they had spoken to your  
16 girlfriend and that it was time for you to come clean and you  
17 said, okay, that you were there when the shooting took place.  
18 Do you remember that?

19 A: Yes.

20 Q: But you say you were there against your will. Do you  
21 recall that?

22 A: I do recall that.

23 Q: All right. And that you drove them to Florence. Do you  
24 recall that?

25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: You told them that somebody -- and this should be in  
2 your written statement or maybe not. It might just be in the  
3 audio part. And that you say at some point in time they put  
4 a bandanna over your face and then somebody else was driving.  
5 Do you remember that?

6 A: No, I don't remember that.

7 Q: Okay. Did anybody else ever drive or did you drive the  
8 whole time?

9 A: I did drive the whole time.

10 Q: Okay. So if you told somebody that at one point in time  
11 on the way they put a bandanna over your face and put you in  
12 the passenger seat and then they took over driving, that  
13 would not be true?

14 A: No, sir.

15 Q: Okay. Then they made you get back in the driver's seat  
16 and you were driving again. Do you remember that?

17 A: Yes, I remember driving.

18 Q: Okay. And you say you didn't know what was going to  
19 happen?

20 A: I didn't.

21 Q: And you also say first -- I'm going to back up a little  
22 bit. In your audio statement to the police when you first  
23 start coming clean, you actually tell them that you drove  
24 them over to Florence County. You'd never really been. You  
25 weren't familiar with Florence. That they drove you to



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1 Florence -- that you drove them to Florence, but they  
2 basically told you you've got to get out the car. We've got  
3 something to do. Did they let you out and just abandon you  
4 somewhere in Florence County while they went off and did  
5 something that you weren't aware of and later came back and  
6 got you after everything had happened? That you weren't even  
7 there for the shooting? Do you remember telling them that?

8 A: I do remember telling them that.

9 Q: Okay.

10 A: And that was a lie.

11 Q: And that was a lie? Okay.

12 MR. CLEMENTS: Your Honor, we don't object if he wants  
13 to go ahead and play the video. That might save some time.

14 MR. MEETZE: Well, I'll be happy to play the video once  
15 I'm done with the --

16 THE COURT: It's up to y'all.

17 MR. MEETZE: -- questions I want to ask.

18 BY MR. MEETZE:

19 Q: All right. And then they say -- then you say that they  
20 got out to do the shooting and then you drove off; correct?

21 A: Yes.

22 Q: And that they also shot at your car; correct?

23 A: Yes.

24 Q: And law enforcement asked you essentially why didn't you  
25 keep driving away when you were the only one in the car at

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 that point. You tell them that Little Bill was in the  
2 backseat. Do you remember that?

3 A: No, I don't remember that.

4 Q: Okay. And then you tell them -- they asked you who had  
5 the guns and you said that it was -- that Juwan and MINOR  
6 had the guns. Do you remember that?

7 A: No, I don't remember that.

8 Q: And then almost immediately after that, you changed that  
9 around and said that it was juwan that stayed in the car and  
10 Bill -- Little Bill and MINOR had got out. Do you recall  
11 that?

12 A: Yeah, that's the truth. Yes, sir.

13 Q: Okay. But you told them both versions; correct?

14 A: Yes.

15 Q: Okay. You say that Juwan stayed in the car behind you  
16 telling you what to do and that he had a gun on you telling  
17 you what to do. Do you recall that?

18 A: Yes, I recall that.

19 Q: Okay. And then you tell them that little Bill and  
20 MINOR got out of the car and that they both had guns and  
21 that they both were shooting those guns. Do you recall that?

22 A: I don't recall.

23 Q: Okay. You don't recall saying that?

24 A: No, sir.

25 Q: You also say that they asked you where Gleek was during

1 all this. Do you recall that?

2 A: No, sir.

3 Q: Okay. You say that he wasn't there. He was -- but he  
4 was in the car when you came back. Do you recall that?

5 A: No, sir.

6 Q: Then they asked you about going to the tire place. Do  
7 you remember that?

8 A: Yes.

9 Q: You tell them that y'all went to the tire place and that  
10 Gleek got out and spoke to a guy with dreads. Do you  
11 remember that?

12 A: I remember the guy with dreads, but I don't remember.

13 Q: Whether you told them about Gleek getting out and  
14 speaking to that fellow?

15 A: No, sir, I don't.

16 Q: And that Gleek got two guns wrapped in a towel of some  
17 kind from there. Do you recall that?

18 A: No, sir. I don't recall that.

19 Q: And they asked -- you said you saw Gleek give them the  
20 guns. Do you remember that?

21 A: No, sir. I don't remember that.

22 Q: And you told them that it was two guns. Do you recall  
23 that?

24 A: Yes.

25 Q: And you said that was all the guns that there were,

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 those two. Do you recall that?

2 A: Yes.

3 Q: You said that before that time no one in the car had a  
4 gun. Do you remember that?

5 A: No, sir.

6 Q: Okay. You also say that because -- you say that the --  
7 you know they didn't have a gun because at one point you had  
8 pushed back on them with what was going on and what they were  
9 doing and that when you pushed back if anybody had had a gun,  
10 they would have pulled it on you and threatened you. Do you  
11 remember saying that?

12 A: Yes.

13 Q: So in this second statement, you say you went to the  
14 tire shop, Gleek got out, you remember the guy with dreads,  
15 Gleek got two guns and brought those back and gave those guns  
16 to Diante and MINOR; correct? This is what you told the  
17 police in this statement?

18 A: Yes. I was not aware of that. I don't remember that.

19 Q: You don't remember saying that?

20 A: No, sir.

21 Q: Okay. And you also told the police that those two guns  
22 y'all got at the tire shop were the only two guns that  
23 anybody had; correct?

24 A: No, sir. I don't remember that.

25 Q: You don't remember that? And then you also say after

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 you -- when they got out and you tried to drive off, you told  
2 the police that Juwan -- because they asked you if you, you  
3 know, drove off, why didn't you keep on going. You told them  
4 Juwan had a gun on you and made you turn around; correct.

5 A: No, sir. I don't remember that.

6 Q: You don't remember that? But if you had said that, then  
7 that would all of a sudden be a magical third gun; correct?

8 A: Yes.

9 Q: Now, you said also in your statement that --

10 MR. MEETZE: I beg the Court's indulgence.

11 BY MR. MEETZE:

12 Q: You said that on your way back to Mullins, you were  
13 going to tell what happened --

14 A: Yes.

15 Q: -- to the police, but you didn't do that; correct?

16 A: No, sir.

17 Q: On your way back to Mullins, you never called 9-1-1 or  
18 tried to notify any kind of authorities as to what happened;  
19 correct?

20 A: No, sir.

21 Q: And the last thing you wrote on that statement that you  
22 have there was that after -- I'm sorry. Let me see. On the  
23 first one, that statement that you have in your hand, the  
24 last thing was that you got back in the car, they punched  
25 you, and told you to keep your mouth closed; is that right?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Yes.

2 Q: And then you wrote that you were silent all the way back  
3 to Mullins, you dropped them off, and went to the Brew House;  
4 correct?

5 A: Yes.

6 Q: And that's not true?

7 A: Actually, the ending is true. It's just the  
8 chronological -- the chronological order of my statements are  
9 not.

10 Q: You didn't drive them all away back to Mullins?

11 A: I drove one person back to Mullins.

12 Q: You drove one person back to Mullins?

13 A: While we followed the stolen truck.

14 Q: Okay. Do you remember telling the police with the  
15 Florence City that eventually all three got into the truck?

16 A: Yes, I remember that.

17 Q: Okay. That would leave -- okay.

18 MR. MEETZE: I beg the Court's indulgence.

19 BY MR. MEETZE:

20 Q: There was a period of time on your way back to Mullins  
21 where you were by yourself in the BMW; correct?

22 A: Can you restate the question, please?

23 Q: All the way back to Mullins from Timmonsville, there was  
24 a period of time where you were in that car, the BMW, and  
25 nobody else was in the car with you?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: We went from Timmonsville to Florence and then to  
2 Mullins.

3 Q: Okay. So when you drove from Florence to Mullins, there  
4 was a period of time during that trip, the ending --

5 A: Yes.

6 Q: -- where you arrived in Mullins and drove to the Brew  
7 House --

8 A: Yes.

9 Q: -- where you were by yourself in the car?

10 A: Yes.

11 Q: Nobody else was in that car with you at that point in  
12 time?

13 A: Yes.

14 Q: And even then when you were completely 100 percent by  
15 yourself, you did not call any authorities to alert them as  
16 to what had happened?

17 A: No, sir. I was scared.

18 Q: Okay. And even though you could've driven straight to  
19 the police station and had all the protection you wanted to  
20 let them know what happened, you didn't do that?

21 A: My family wasn't protected.

22 Q: All right. The Brew House is a coffee shop in Mullins?

23 A: Yes.

24 Q: You got to the Brew House and that's where your  
25 girlfriend was at the time; is that right?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Yes.

2 Q: And you got there first; correct?

3 A: Yes.

4 Q: But eventually the truck gets there with the other --  
5 with the other people in it; correct?

6 A: Yes.

7 Q: And somebody comes into the Brew House to get you;  
8 correct?

9 A: No, sir.

10 Q: They did not?

11 A: They didn't come get me. They came to tell me what I  
12 should do.

13 Q: Well, somebody comes into the Brew House and motions  
14 that they want talk to you or whatever they did?

15 A: Yes.

16 Q: Okay. And that was Juwan Smith that did that; correct?

17 A: I don't remember who it was.

18 Q: Okay.

19 MR. MEETZE: May I approach the witness, Your Honor?

20 THE COURT: Yes, sir.

21 MR. MEETZE: All right.

22 BY MR. MEETZE:

23 Q: I'm going to show you that picture and right now I'm  
24 just going to ask you if you recognize where that is located,  
25 not anything about anybody or anything in it. Just do you



## ALFRED LAMAR - CROSS BY MR.MEETZE

1 recognize that room that that picture is taken in?

2 A: Yes.

3 Q: Okay. And what is that?

4 A: That's the Brew.

5 Q: Okay. Now, there's a time on that; correct? At the top  
6 of the page?

7 A: Yes.

8 Q: A date and a time. What date and time does it say?

9 A: 2017, 8/28.

10 Q: Okay. Which is the same day that the Timmons ville  
11 incident took place; correct?

12 A: Yeah. If it did, yes.

13 Q: Sure. Now, I know that's a picture from behind, but by  
14 clothing or anything else, do you recognize who that is in  
15 that picture?

16 A: No, I do not.

17 Q: Okay. Do you remember somebody coming in to motion to  
18 get you to come talk to them or whatever they were doing?

19 A: Yes.

20 Q: Okay. And that's what that individual is doing in that  
21 picture?

22 A: Yes.

23 Q: But you just don't know who that is?

24 A: No, sir.

25 MR. MEETZE: Judge, I'd like to mark this as Defense

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Exhibit 2.

2 THE COURT: All right.

3 MR. MEETZE: And I would like to move this into  
4 evidence.

5 THE COURT: Any objection?

6 MR. CLEMENTS: No objection.

7 THE COURT: Defense 2, no objection. All right.  
8 Defense Exhibit 2.

9 (WHEREUPON, Defendant's Exhibit Number 2, photograph,  
10 was admitted into evidence.)

11 MR. MEETZE: All right.

12 BY MR. MEETZE:

13 Q: Mr. Lamar, I'm going to show you one more picture, which  
14 is a little different angle. That this is a still shot from  
15 a video. It's not like a high definition video, but I wanted  
16 to let you look at that to see if you -- if that helps you  
17 any better identify who that person is motioning to you. And  
18 as you say, you're here to be honest.

19 A: Yeah. The graphics on it is really bad.

20 Q: Okay. So you have no idea?

21 A: No, sir.

22 Q: Okay.

23 MR. MEETZE: Judge, I'd like to mark this as Defense 3  
24 and enter it into evidence.

25 MR. CLEMENTS: No objection.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 THE COURT: All right. Without objection.

2 (WHEREUPON, Defendant's Exhibit Number 3, photograph,  
3 was admitted into evidence.)

4 MR. MEETZE: I beg the Court's indulgence.

5 BY MR. MEETZE:

6 Q: All right. Mr. Lamar, I'm going to --

7 MR. MEETZE: May I approach, please, Your Honor?

8 THE COURT: Yes, sir.

9 BY MR. MEETZE:

10 Q: I'm going to show you that picture and ask you if you  
11 recognize that and where that is?

12 A: Yes.

13 Q: Okay. And where is that?

14 A: The Brew.

15 Q: That's the Brew and from what vantage point?

16 A: Obviously, from the camera from the back of the  
17 restaurant.

18 Q: Okay. And the Brew is located -- address-wise, it's  
19 located on Main Street in Mullins; correct?

20 A: Yes.

21 Q: And so that camera angle is from an entrance to the Brew  
22 that you can get into from behind it?

23 A: Yes.

24 Q: Right? And there's a camera there, a video camera;  
25 correct?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Yes.

2 Q: All right. And in that picture, you can see the BMW;  
3 correct?

4 A: Yes.

5 Q: And that's -- you drove that there; correct?

6 A: Yes.

7 Q: And you can also see the truck; correct?

8 A: Yes.

9 Q: And that's the truck that --

10 A: Was stolen, yes.

11 Q: That came from the Walmart?

12 A: Yes.

13 Q: All right.

14 MR. MEETZE: Your Honor, I'd like to mark this as  
15 Defense 4 and enter it into evidence as well.

16 MR. CLEMENTS: No objection.

17 THE COURT: Without objection, Defendant's 4.

18 (WHEREUPON, Defendant's Exhibit Number 4, photograph,  
19 was admitted into evidence.)

20 BY MR. MEETZE:

21 Q: I'm going to show you this one. Let's see. You -- same  
22 place?

23 A: Same place.

24 Q: Okay. And you see some people out there on that one;  
25 correct?

1 A: Yes.

2 Q: One person wearing a jersey, it looks like?

3 A: Yes.

4 Q: And that's you; correct?

5 A: I don't remember.

6 Q: You're not sure?

7 A: No.

8 Q: Okay. And -- all right. Well, that's fine.

9 MR. MEETZE: All right. Judge, I'd like to have this  
10 disk marked as Defense, I guess, 5 and then I'm going to --  
11 I'd like to play this video for Mr. Lamar, if he can identify  
12 what this is, then we'll discuss.

13 MR. CLEMENTS: No problem.

14 THE COURT: No objection. All right.

15 (WHEREUPON, Defendant's Exhibit Number 5, video on disk,  
16 was admitted into evidence.)

17 (WHEREUPON, Defendant's Exhibit Number 5, video, was  
18 played. No sound on video.)

19 BY MR. MEETZE:

20 Q: Mr. Lamar, can you see the screen?

21 A: Yes.

22 Q: All right. And what is that? What do you see in that  
23 screen?

24 A: I see the BMW and I see the back of the Brew.

25 Q: Okay. No truck yet; right?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: No.

2 Q: And this is on August the 28th, 2017, at what -- the  
3 time is 20:43 and 10 seconds?

4 A: Yes.

5 Q: All right. Now, do you recognize that?

6 A: I do recognize the video.

7 Q: What's that?

8 A: I do see the video.

9 Q: Okay. And the -- that's the black truck that just  
10 pulled up; correct?

11 A: Yes.

12 Q: All right. There's somebody getting out of the  
13 passenger side; correct?

14 A: Yes.

15 Q: All right. Can you tell who that is?

16 A: Yes.

17 Q: Who is that?

18 A: I believe that's **MINOR**

19 Q: All right. The driver's-side door just opened. Do you  
20 recall? Do you see that?

21 A: Yes.

22 Q: Okay. That individual gets out and walks toward the  
23 Brew House. Do you know or recognize who that is?

24 A: Yes.

25 Q: Who is that?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 A: Juwan.

2 Q: Okay. And you're sure of that?

3 A: Yes.

4 (WHEREUPON, the video was stopped.)

5 BY MR. MEETZE:

6 Q: Okay. So I'm going to return. Now that you've seen

7 that video, does that refresh your recollection as to who it

8 is in this picture?

9 A: This picture still doesn't, but I'm pretty sure, you

10 know, who this picture does now.

11 Q: And that is?

12 A: Juwan.

13 Q: And this is the same -- the picture of the same person;

14 correct?

15 A: From the angle, it looks different.

16 Q: Okay. Well, can you tell me the times that are on these

17 two pictures from different angles?

18 A: Yes.

19 Q: Tell -- you need to tell what the times are.

20 A: Okay. Yes, sir. 20:46:15 and this is 20:46:16.

21 Q: So one second apart?

22 A: Yes. So that's the same person.

23 Q: That's the same person which you've identified as Juwan

24 Smith?

25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: Okay. And you're certain about that now?

2 A: Yes.

3 Q: Okay.

4 (WHEREUPON, the video resumed playing and was then  
5 stopped.)

6 Q: I'll show you that picture there. I've shown that  
7 picture to you before?

8 A: Yes.

9 Q: All right. And that's outside the Brew; correct?

10 A: Yes, it is.

11 Q: And that's at, like, 20:48, a couple minutes after the  
12 pictures I've shown you already?

13 A: Yes.

14 Q: Okay.

15 MR. MEETZE: I'm going to ask to mark this as Defense 6  
16 and move that into evidence.

17 MR. CLEMENTS: No objection.

18 THE COURT: Without objection, Defense 6.

19 (WHEREUPON, Defendant's Exhibit Number 6, photograph,  
20 was admitted into evidence.)

21 (WHEREUPON, the video resumed playing.)

22 BY MR. MEETZE:

23 Q: All right. Mr. Lamar, if you'll continue focusing on  
24 the screen in front of you. All right. Again, do you  
25 recognize where this video is from?



1 A: Yes.

2 Q: And where is that?

3 A: At the Brew.

4 Q: Okay. And do you see somebody trying to get somebody's  
5 attention?

6 A: Yes.

7 Q: And who is that?

8 A: Juwan.

9 Q: Okay. All right. Do you see an individual get up and  
10 go in that direction?

11 A: That's me.

12 Q: And that is you?

13 A: Yes.

14 Q: Okay. And you go outside with Juwan?

15 A: Yes.

16 (WHEREUPON, the video was stopped.)

17 BY MR. MEETZE:

18 Q: Okay. One other thing I wanted to ask you. I wanted to  
19 double back to something that you had testified earlier. You  
20 didn't remember giving a statement to the City of Florence  
21 police on or around this time. You don't recall doing that?

22 A: No, sir. No, sir. It's been a long time.

23 Q: Sure. I understand. Do you recall during that  
24 statement to them regarding getting the black truck from  
25 Walmart, do you recall telling the police that Juwan had the

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 gun at that point in time?

2 A: No.

3 Q: And that he -- and that he told Little Bill to blood up.  
4 Do you recall telling them that?

5 A: I do not.

6 MR. CLEMENTS: Your Honor, I would object. He just  
7 asked him if he remembers giving a statement at all and he  
8 said no and now he's asking him about the statement, which he  
9 just said. It's already been asked and answered because he  
10 says, no, he doesn't remember.

11 THE COURT: All right. If he doesn't remember the  
12 statement, you don't need to keep asking him if he remembers  
13 the statement.

14 MR. MEETZE: Well, I'd like to ask the specific  
15 questions to be able to impeach him later on if possible.

16 THE COURT: You -- all right. Come on up here for a  
17 second.

18 (WHEREUPON, a bench conference was held in the presence  
19 of the jury but out of the hearing of the jury off the  
20 record, after which the proceedings resumed as follows.)

21 THE COURT: You may continue.

22 BY MR. MEETZE:

23 Q: You're saying that you don't remember telling the  
24 Florence City officers about Juwan having a gun and telling  
25 Little Bill to blood up when referring to stealing the truck?

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 You don't remember saying that or are you saying you did not  
2 say that?

3 A: I did not say that.

4 Q: Okay.

5 MR. MEETZE: I'd like to have this disk marked as  
6 Defense 7.

7 THE COURT: Any objection to that? I didn't ask

8 MR. CLEMENTS: There's no objection, Your Honor.

9 THE COURT: All right. This is Defense 7; is that  
10 right, Mr. Meetze?

11 MR. MEETZE: Yes, Your Honor.

12 THE COURT: Okay.

13 (WHEREUPON, Defendant's Exhibit Number 7, video on disk,  
14 was admitted into evidence.)

15 (WHEREUPON, a bench conference was held in the presence  
16 of the jury that out of the hearing of the jury off the  
17 record, after which the proceedings resumed as follows.)

18 (WHEREUPON, Defendant's Exhibit Number 7, video, was  
19 played briefly and then stopped.)

20 BY MR. MEETZE:

21 Q: Mr. Lamar, do you recognize what's in this video?

22 A: Yes.

23 Q: All right. And is that you at the Timmonsville Police  
24 Department?

25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: All right. And that's you getting ready to speak with  
2 the law enforcement officer; correct?

3 A: Yes.

4 (WHEREUPON, the video was played from 11:44 a.m. until  
5 12:25 p.m. Not transcribed herein.)

6 THE COURT: Excuse me.

7 (WHEREUPON, the video was stopped.)

8 THE COURT: Y'all step up here real quick.

9 (WHEREUPON, a bench conference was held in the presence  
10 of the jury but out of the hearing of the jury off the  
11 record, after which the proceedings resumed as follows.)

12 BY MR. MEETZE:

13 Q: And, Mr. Lamar, that was -- that was you giving the  
14 statement to the law enforcement officers in Timmons ville?

15 A: Yes, sir.

16 Q: Okay. Now, obviously, you're charged in this case too;  
17 correct?

18 A: Yes, sir.

19 Q: You're charged with murder; correct?

20 A: Yes.

21 Q: That carries a 30-year sentence up to life in prison.

22 Do you understand that?

23 A: Yes.

24 Q: And carjacking carries up to 30 years?

25 A: Yes.

## ALFRED LAMAR - CROSS BY MR.MEETZE

1 Q: Kidnapping carries up to 30 years?

2 A: Yes.

3 Q: Conspiracy carries up to five years?

4 A: Yes.

5 Q: And possession of a weapon during the commission of a  
6 violent crime carries five years as well. Do you understand  
7 all that?

8 A: Yes.

9 Q: You haven't been promised anything --

10 A: No, sir.

11 Q: -- for your testimony?

12 A: I just feel like the lady deserves justice. It's time  
13 for the truth.

14 Q: But you're hoping to get some help; correct?

15 A: Say that again, please?

16 Q: But you're hoping you get some help; correct?

17 A: No. I did not and I don't. I do this because I think  
18 that the truth needs to be said because at first I didn't  
19 speak the truth and I believe the truth deserves to be told.

20 MR. MEETZE: Judge, I don't have any further questions.

21 THE COURT: All right. Solicitor, I know you are going  
22 to have some redirect, but I think it's probably a good time.  
23 Is that all right to break and then we'll do your redirect  
24 upon --

25 MR. CLEMENTS: Yes, sir.

1 THE COURT: Okay. All right.

2 Ladies and gentlemen, we're going to break for lunch at  
3 this time. I'm going to ask you to be back at 2. That gives  
4 you a little over an hour and a half for lunch.

5 No conversation about the case. Continue to do the  
6 things you've done to maintain your ability to remain fair  
7 and impartial and have no conversation, and we will reconvene  
8 at 2 o'clock.

9 So if everyone also will please remain seated, members  
10 of the jury, we'll see you back here at 2.

11 (WHEREUPON, the jury exited the courtroom at 12:27 p.m.)

12 THE COURT: All right. We will then be at ease then  
13 until 2 o'clock. If y'all need me, I'll be in chambers.

14 MR. MEETZE: Can we approach just a second?

15 THE COURT: Yeah.

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

17 THE COURT: All right. Court will be in recess until 2  
18 o'clock, ladies and gentlemen.

19 (WHEREUPON, there was a break in the proceedings from  
20 12:28 p.m. until 2:23 p.m., after which the proceedings  
21 resumed as follows.)

22 THE COURT: All right. Anything before we bring the  
23 jury out from the State?

24 MR. CLEMENTS: Nothing from the State, Your Honor.

25 THE COURT: Anything from the defense?

## ALFRED LAMAR - REDIRECT BY MR. CLEMENTS

1 MR. MEETZE: No, Your Honor.

2 THE COURT: All right. Let's please bring them out.

3 (WHEREUPON, the jury entered the courtroom at 2:26 p.m.)

4 THE COURT: All right. Ladies and gentlemen, welcome  
5 back. We're ready to get started. If you recall when we  
6 broke for the lunch break, Mr. Meetze had concluded his  
7 cross-examination and that we would pick up with any  
8 redirect, if the State had any redirect.

9 Solicitor, do you have any redirect?

10 MR. CLEMENTS: Thank you.

11 THE COURT: And let me -- and, sir, you're still under  
12 oath. Okay?

13 THE WITNESS: Yes.

14 THE COURT: All right.

15 REDIRECT EXAMINATION

16 BY MR. CLEMENTS:

17 Q: Mr. Lamar, Mr. Meetze's cross-examination focused  
18 partially on how many guns there were, and I wanted to be  
19 sure that I understood. First, on direct examination, did I  
20 ask the questions in a chronological order to you?

21 A: No.

22 Q: And you've got to answer them -- answer what's asked; is  
23 that correct?

24 A: Yes.

25 Q: Okay. Did I ask you about the guns in chronological

## ALFRED LAMAR - REDIRECT BY MR. CLEMENTS

1 order?

2 A: No, sir.

3 Q: Okay. How many guns were there?

4 A: Two.

5 Q: How did the first gun get there to be there?

6 A: Oh, Joe's.

7 Q: Oh, Joe's? How did the second gun get there to be  
8 there?

9 A: Pawn.

10 Q: Pawn? Okay. And was this before the shooting of Mrs.  
11 Wilson?

12 A: Yes.

13 Q: Okay. I didn't ask you that in chronological order  
14 earlier; right?

15 A: No, sir.

16 Q: Okay. Now, we established on direct and then Mr. Meetze  
17 went into great detail on cross-examination about all the  
18 times you said things that weren't true, didn't he?

19 A: Yes.

20 Q: Okay. Did you ever say -- if you remember, did you ever  
21 say there were three guns present?

22 A: On the video, I did.

23 Q: Was that true?

24 A: No, it wasn't.

25 Q: A lot of things on that video, were they true or not



1 true?

2 A: A lot of things were not true.

3 Q: Okay. And what were you attempting to do with those  
4 things that were either stretching the truth or just outright  
5 wrong?

6 A: Changing the story and making me try to look better.

7 Q: Okay. Now, we've gone through that and Mr. Meetze in  
8 particular has gone through all that in detail and no need  
9 for us to go over that. Are you telling the truth today?

10 A: Yes.

11 Q: Were you either by hanging -- well, let me ask you this  
12 because he asked you about these people. Did you hang around  
13 a lot with Juwan Smith and MINOR ?

14 A: For two months, yes.

15 Q: Two months? How long had you been in Mullins?

16 A: Three months.

17 Q: Three months? Okay. And do you know whether they had a  
18 gang or not?

19 A: No, sir.

20 Q: All right. They didn't ever make videos about gang  
21 stuff or do signs of gang stuff or anything like that?

22 A: That was the first video that everybody has seen.

23 Q: Okay. And you were in that video; correct?

24 A: Yes.

25 Q: Were you participating other than just your image being

## ALFRED LAMAR - REDIRECT BY MR. CLEMENTS

1 shown?

2 A: No, sir.

3 Q: Okay. Who was the one doing all the talking?

4 A: Juwan Smith.

5 Q: Okay. Does Juwan have a nickname?

6 A: I'm not sure.

7 Q: Okay. But you ever heard of RatchetRu?

8 A: I believe so.

9 Q: All right. **MINOR** -- he had a nickname. What was

10 that?

11 A: I believe Gooney.

12 Q: Gooney? And Diante had a nickname, didn't he?

13 A: Little Bill.

14 Q: Little Bill? Did you have a nickname?

15 A: Fredo.

16 Q: Fredo? Okay. Let me ask you this. What does all that

17 got to do with whether Ms. Wilson was shot at the corner of

18 Kershaw and Byrd in Timmons ville?

19 A: Nothing at all.

20 Q: Okay. Let me go back and ask you about that morning.

21 What does that morning have to do with any relevant issue to

22 whether Ms. Wilson was shot and killed and carjacked on

23 Kershaw and Byrd?

24 A: Nothing at all.

25 Q: Okay. What time you left work and what time you went to

## ALFRED LAMAR - REDIRECT BY MR. CLEMENTS

1 work, what relevance does that have to those issues of her  
2 death?

3 A: Nothing at all.

4 Q: Did you have enough time to get in the car in Mullins  
5 and drive to Timmonsville and be there around 6 in the  
6 afternoon?

7 A: No, sir.

8 Q: You didn't?

9 A: I don't believe so.

10 Q: All right. Do you know what time she was shot?

11 A: No, sir, I don't.

12 Q: Well, did it give you enough time to drive over there  
13 and be there when she was shot?

14 A: No, sir.

15 Q: Okay. I want to be sure you understand my question. At  
16 the time you got off work that afternoon and you got off work  
17 and I think you testified that they picked you up with your  
18 girlfriend's car?

19 A: Yes.

20 Q: Y'all went to Timmonsville; right?

21 A: Yes.

22 Q: Did y'all have enough time to get to Timmonsville by the  
23 time she was shot.

24 A: Yes.

25 Q: Okay. And you were there?

## ALFRED LAMAR - REDIRECT BY MR. CLEMENTS

1 A: Yes.

2 Q: And MINOR was there?

3 A: Yes.

4 Q: And Juwan was there?

5 A: Yes.

6 Q: And Diante was there?

7 A: Yes.

8 Q: Did you ever touch a gun?

9 A: No.

10 Q: There were how many guns?

11 A: Two.

12 Q: And how many did you see actually shot?

13 A: I only seen one shot and one held.

14 Q: Okay. And you immediately did what?

15 A: I left.

16 Q: All right. Who shot Ms. Wilson?

17 A: Diante.

18 Q: Okay.

19 MR. CLEMENTS: I beg the Court's indulgence. Thank you.

20 Thank you.

21 THE COURT: All right. Thank you very much, sir. You

22 may step down.

23 THE WITNESS: Yes, sir.

24 MR. CLEMENTS: Your Honor, we would call Juwan Smith.

25 THE COURT: All right, sir.

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 THE CLERK: Sir, if you will please place your left hand  
2 on the Bible and raise your right hand as best you can. Do  
3 you swear the testimony you give in this case to be the  
4 truth, the whole truth, and nothing but the truth, so help  
5 you God?

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Please walk around the stand and have a seat  
8 and state your full name from the record.

9 THE WITNESS: Juwan Marquis Smith.

10 JUWAN SMITH, being first duly  
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CLEMENTS:

14 Q: Mr. Smith?

15 A: Yes, sir.

16 Q: Good afternoon.

17 A: Good afternoon.

18 Q: You know me. Is it okay if I call you Juwan?

19 A: Yeah.

20 Q: Okay. Juwan, how old are you?

21 A: Twenty-five.

22 Q: And where were you born?

23 A: Moncks Corner, South Carolina. Moncks Corner, South  
24 Carolina

25 Q: Moncks Corner, South Carolina?

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

- 1 A: Yeah.
- 2 Q: Where were you raised?
- 3 A: In Mullins.
- 4 Q: How many years have you lived in Mullins?
- 5 A: About 13 or 14.
- 6 Q: Thirteen or 14 years?
- 7 A: Yeah.
- 8 Q: Did you know Alfred Lamar?
- 9 A: Yes, sir.
- 10 Q: How long had you known him?
- 11 A: I'd say about -- about six months prior to me getting
- 12 out of prison.
- 13 Q: Okay. And prior to you getting out of prison?
- 14 A: Uh-huh.
- 15 Q: Did you know MINOR ?
- 16 A: Yes, sir.
- 17 Q: What's his nickname?
- 18 A: Gooney.
- 19 Q: How do you know him?
- 20 A: Family. My cousin.
- 21 Q: Your cousin? All right. Did you know Diante Rogers?
- 22 A: No, sir. Not when I came home.
- 23 Q: Not when you came home?
- 24 A: Nah.
- 25 Q: During this time period, this date when this event

1 happened, did you know him then?

2 A: Yes, sir.

3 Q: Okay. What -- does he have a nickname?

4 A: Little Bill.

5 Q: Okay. You know Alfred Lamar. Do you know his nickname?

6 A: Yes, sir.

7 Q: What is it?

8 A: Fredo.

9 Q: Okay. I'm counting to make sure I'm not leaving anybody  
10 out in my head. Now, Ingleque McKay. You know him, don't  
11 you?

12 A: That's my little cousin.

13 Q: Your little cousin? How old was he at the time?

14 A: About 16.

15 Q: Okay. Had he been with you or been over in Mullins for  
16 a period of time?

17 A: He wasn't with me. He was with **MINOR** I was the  
18 oldest. So that's why my aunt came to me about -- you know  
19 what I'm saying? -- bringing him back to Timmonsville.

20 Q: Okay. School was in session; right?

21 A: Yes, sir.

22 Q: If he was in Mullins, he wasn't in school?

23 A: Yeah. He was -- he kept telling that his granddaddy was  
24 coming to get him from Lakeview. You know what I'm saying?  
25 He never -- he never came. That's my aunt inboxed me on

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 Facebook and was, like, if y'all don't bring him home today,  
2 you're going to -- I'm going to file a missing child report  
3 on him.

4 Q: Okay. And y'all took him home?

5 A: Yes, sir.

6 Q: Now --

7 A: We didn't take him home. We took him to his friend's  
8 house. We didn't drop him off at home. He didn't want to be  
9 dropped at home. So I dropped him off at his friend's house.

10 Q: Okay. And that was where?

11 A: I mean I don't know the exact street because I ain't  
12 from there.

13 Q: Do you know the town?

14 A: Yeah, Timmonsville.

15 Q: Timmonsville? Okay. So you had other family in  
16 Timmonsville as well, didn't you?

17 A: Uh-huh. Yes, sir.

18 Q: Okay. Who else? An uncle?

19 A: No. My -- my cousin, Gleek -- Gleek's mama.

20 Q: Okay.

21 A: My grandmother and Gleek's brothers and sisters, which  
22 is my cousins too.

23 Q: Okay. But you were raised in Mullins?

24 A: Yes, sir.

25 Q: Okay. But you have some familiarity with Timmonsville?



## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 A: Not -- not -- not -- not really. I just know how to get  
2 to my grandma's house and that's it.

3 Q: Okay. How about **MINOR**? Does he know his way around?

4 A: Yes. Because he used to stay there because his mother  
5 stays down there too.

6 Q: His mother stays down in Timmonsville?

7 A: Uh-huh.

8 Q: Okay. Let me ask you about some of your prior history.  
9 You've been in trouble with the law before; is that correct?

10 A: Yes, sir.

11 Q: You told us that you were in prison and got out not too  
12 long before this happened; right?

13 A: Yes, sir.

14 Q: Do you have a conviction for shoplifting in 2011?

15 A: Yes, sir.

16 Q: Do you have a conviction for petty larceny in 2012?

17 A: Yes, sir.

18 Q: Do you have a conviction for burglary third degree in --  
19 at the same time period, 2012?

20 A: Yes, sir.

21 Q: Do you have an assault -- simple assault and battery  
22 third degree conviction in 2012?

23 A: Yes, sir.

24 Q: Do you have a common-law strong-armed robbery conviction  
25 in 2013?

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: Do you have a conviction for assault and battery second  
3 degree in September of 2015?

4 A: Yes, sir.

5 Q: Do you have an assault and battery first degree in 2016?

6 A: Yes, sir.

7 Q: And do you have a financial transaction card fraud  
8 conviction around that same time?

9 A: Yes, sir.

10 Q: And you don't have any other outstanding charges other  
11 than this event right here; is that correct?

12 A: No, sir.

13 Q: Do you hang around a lot with -- with Gooney?

14 A: Yes, sir.

15 Q: **MINOR**?

16 A: When I had came home from prison, yeah, I was with him  
17 kind of, like, on a daily basis.

18 Q: When did you get home from prison?

19 A: In July -- I mean June 31<sup>st</sup> [sic], 2017.

20 Q: So a couple months before this happened?

21 A: Yes, sir.

22 Q: Did you hang around with Little Bill much?

23 A: No, sir. Not prior to me getting out of prison. I met  
24 him. One of my friends had a kickback and that's how I met  
25 him.

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 Q: Okay. So I'm not sure what that means. A kickback?

2 A: It's a house party.

3 Q: Okay. Okay. And you -- so you knew him after you got

4 out of prison?

5 A: Yes, sir.

6 Q: A couple months?

7 A: Uh-huh.

8 Q: How about Fredo?

9 A: I met him at my other friend's house. We was at -- they

10 was at the studio and that's how I met him because we was all

11 over there one night chilling and he just pulled up.

12 Q: Okay. And that was within the two months prior to Ms.

13 Wilson be killed?

14 A: Yes, ma'am. I mean yes, sir.

15 Q: All right. And then Ingleque, you knew him all of his

16 life?

17 A: Yeah. All of it. I basically raised him.

18 Q: Okay. Now, are you familiar with a person by the name

19 of Prawn?

20 Q: No. No. His name is Pawn.

21 Q: Pawn. Excuse me. Do you know somebody whose nickname

22 is Pawn?

23 A: Uh-huh. Yes, sir.

24 Q: Who is that?

25 A: That's my -- that's my cousin's baby daddy.

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 Q: What's his name?

2 A: Robert Atkinson [sic].

3 Q: Robert Atkins [sic]? Okay. Do you know somebody by the  
4 name of Kevin -- Kevan Commander?

5 A: I mean, yeah, I know him, but he doesn't -- he doesn't  
6 -- he don't have nothing to do -- you know what I'm saying?  
7 -- with this case.

8 Q: He doesn't have anything to do with this case?

9 A: No. He -- I mean he -- as far as him -- as far as his  
10 telling -- him telling us to get away from his -- his work  
11 area, that's it. He don't have no more.

12 Q: So he told you to get away from his work area?

13 A: Yeah. His boss was going to say something so he told us  
14 -- you know what I'm saying? -- we've got to leave. So Pawn  
15 told us to go across the street in the field.

16 Q: Okay.

17 A: And that's --

18 Q: And we're -- we're going to get to that. I don't want  
19 to jump ahead too far yet. Hold that. Hold that thought  
20 right there. So Kevan Commander -- he worked at the tire  
21 place?

22 A: Yes, sir.

23 Q: And did you know him well or just --

24 A: No, I didn't know him. I seen him a couple times from  
25 me going to Timmons ville to visit my cousin and them. You

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 know, I seen him a couple times. I don't really too much  
2 know him like that.

3 Q: Okay. All right. What I'm going to do now, Mr. Smith,  
4 is I'm going to ask you about the statement you gave.

5 A: Yes, sir.

6 Q: Okay. And this is the time that I'm asking you for the  
7 truth, whether it be good, bad or ugly. Okay?

8 A: Yes, sir.

9 Q: You gave a written statement to law enforcement on this  
10 case?

11 A: Yes, sir. Investigator Mark Strickland.

12 Q: All right. Do you remember when you did that?

13 A: I want to say September the 5th, the 2nd or the 5th. It  
14 was one of them.

15 Q: I believe it -- I believe it was September the 5th is  
16 the information I have.

17 A: Yes, sir.

18 Q: How did you give that statement?

19 A: Written. Written.

20 Q: Written?

21 A: Yes, sir.

22 Q: Did you write it yourself or did you tell somebody else  
23 what to write down?

24 A: No. I wrote it myself.

25 Q: Okay. All right. About how many pages did you write?

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 A: One pertaining to that case and another page pertaining  
2 to something else.

3 Q: Okay. A house in Timmonsville?

4 A: Yes, sir.

5 Q: Okay. Now, the one page you wrote, there's not but so  
6 much space on that page, is there?

7 A: Yeah. It wasn't.

8 Q: Okay. Did -- did you write until the page was full?

9 A: Yes, sir.

10 Q: Did you write anymore after that?

11 A: No, sir.

12 Q: Did you include every detail or could you have included  
13 every detail on this one page?

14 A: No. I just gave a brief -- I just hit the main major  
15 parts. I didn't give a whole detail, detail, detail.

16 Q: In looking back over this -- and if you haven't looked  
17 back, if you haven't looked at it recently, I'll hand it up  
18 to you and I'll allow you to look it over. In looking over  
19 this, I want to know do you see any details in there that you  
20 would say were false or stretched the truth or anything like  
21 that?

22 A: The only thing -- the only thing I would say that I  
23 don't have a very understanding of it, I don't know when the  
24 -- when the back of the vehicle was shot, I don't know if it  
25 was accidental or intentionally, you know.

1 Q: Okay.

2 A: So that's -- I mean throughout that whole statement  
3 that's --

4 Q: And you're talking about the BMW that y'all were in?

5 A: Yes. Yes, sir.

6 Q: Getting shot in the back?

7 A: Yes.

8 Q: But it could have been an accident or it could have been  
9 on purpose?

10 A: Yeah. I don't know if it was a stray bullet or they was  
11 shooting --

12 Q: Okay.

13 A: -- intentionally.

14 Q: All right. Do you want to look this over?

15 A: Oh, I don't need it.

16 Q: Okay. Well, how about do it for me?

17 A: All right.

18 Q: All right. Just look it over real quick and tell me  
19 when you're done.

20 A: Okay.

21 Q: Thank you, sir.

22 A: You're welcome.

23 Q: Anything you see on here you would change?

24 A: No.

25 Q: Okay. Let's go back to that day, July 28th, 2016.

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 A: August 28th.

2 Q: August. Excuse me. Thank you. August 28th, 2017. You  
3 were where that afternoon?

4 A: Timmonsville, South Carolina.

5 Q: All right. Before you had got to Timmonsville, where  
6 were you?

7 A: In Mullins, South Carolina.

8 Q: Tell this jury what you did, what kind of transportation  
9 you had, who you were with, and where did you go?

10 A: Are you talking about when I was in Mullins?

11 Q: Yes, sir.

12 A: When I was in Mullins, well, I had took -- well, Lamar  
13 -- he had to go to a job interview. So he was, like, I want  
14 you to ride with me to the job interview. You know, you can  
15 fill out an application. You might get a job. So I said,  
16 all right, I'm going to ride with you.

17 So we went to the Huddle House in Marion where he was  
18 working at and I went and filled out an application. Well,  
19 no. I didn't fill out the application. I got the  
20 application, but I never filled it out. So I was, like, man,  
21 I'm about to go back outside because, you know, I'm not going  
22 to sit in here without any -- you know what I'm saying? --  
23 while you're at work.

24 So he gave me the keys to the car and I put some gas in  
25 the car, like, I'm going to go back to Mullins for a little



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1 while. So I went back. I went back to Mullins and left him  
2 at his work at the Huddle House. So as --

3 Q: Where -- where is the Huddle House in Marion County?

4 A: I don't know the exact road.

5 Q: Is it in between Marion and Mullins?

6 A: No, it's -- the Huddle House is in Marion.

7 Q: In Marion?

8 A: It's in Marion.

9 Q: Okay. So you went back to Mullins.

10 A: Yeah. I left from the Huddle House and went back to  
11 Mullins. I went home and then after I left home, I went to  
12 go check on my cousin, Gooney, to see what he had going on.  
13 So I went over there. I picked him up and after I picked him  
14 up, I went and picked up Diante and then --

15 Q: Where did you pick Diante up from?

16 A: From his house.

17 Q: Okay.

18 A: So then my -- as we're getting ready to leave, my aunt  
19 inboxed me on Facebook and she was, like, if y'all don't  
20 bring Gleek home, I'm going to file a missing report on him  
21 because you're the oldest out of all them. You should be  
22 making sure. You should be making him go to school.

23 Like I told my aunt, I said he kept telling us that his  
24 granddaddy was coming to get him from Lakeview. So that's  
25 why we never -- you know what I'm saying? -- pressed the

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1 issue, but once she said she was going to file a missing  
2 report, I said you know what? When Fredo get off work, we're  
3 going to take him to Timmons ville, you know.

4 So after Fredo got off work, I got in the backseat  
5 because I was drinking that day. So I got in the backseat  
6 behind the driver and Fredo -- and Gleek was in the middle  
7 and Diante was in the back behind the passenger.

8 Q: All right. Hold on one second right there. Let me try  
9 to see if I act this out and visualize it. Let's say this is  
10 the dashboard of the car. This is the steering wheel. Who's  
11 -- who's right here?

12 A: Alfred.

13 Q: Alfred, that y'all call Fredo?

14 A: Yeah.

15 Q: And also AJ?

16 A: Yeah. Fredo, AJ.

17 Q: It's all the same person?

18 A: Yes, sir.

19 Q: All right. And then right behind the driver was who?

20 A: That's me. Juwan Smith.

21 Q: That's you. Juwan. Okay. Now, how many people were in  
22 the backseat?

23 A: Three.

24 Q: All right. Move here to the middle of the backseat?

25 A: Yeah.

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1 Q: Who was sitting here in the middle?

2 A: Ingleque.

3 Q: Ingleque? He's pretty slender, isn't he?

4 A: He's real small.

5 Q: Okay. And then over here on the passenger side right by

6 the door on the backseat, who was that?

7 A: Diante.

8 Q: Diante, also called?

9 A: Little Bill.

10 Q: And then up in the front seat on the passenger side in

11 the front seat was who?

12 A: **MINOR**

13 Q: All right. Is there anything about any of y'all's

14 characteristics that would have some bearing on where

15 everybody sat?

16 A: Yeah. My cousin -- he's about six five or six six. So

17 it's no -- it's no possible way that he'd be able to get in

18 the backseat with two other people.

19 Q: Okay.

20 A: Because he's so tall, he wouldn't have no legroom.

21 Q: Okay.

22 A: So he had to ride in the front seat. I mean no ifs,

23 ands, buts about it.

24 Q: Okay. So y'all were packed in there pretty tight?

25 A: Yes, sir.

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1 Q: Okay. Do you know who told AJ which way to go to get to  
2 Florence?

3 A: Gleek.

4 Q: Gleek did?

5 A: Yeah.

6 Q: Okay. And so he drove all the way straight to  
7 Timmonsville?

8 A: Uh-huh. Yes, sir.

9 Q: When you got there to Timmonsville, who -- who did you  
10 see first or what did you do first?

11 A: When we first -- when we first got to Timmonsville, I  
12 took -- we took Gleek to his homeboy's house, his friend's  
13 house, and he was, like, hold on. He was like he didn't want  
14 to go. I said I'm about to go see your brother. So he was,  
15 like, I want to go ride with y'all to see my brother. You  
16 know what I'm saying? Because I ain't seen my brother in a  
17 long time. So I'm about to go ride with y'all to see my  
18 brother. So we went over there to see his brother, which his  
19 name is Vic, and he was, like, y'all come back -- you know  
20 what I'm saying? -- because I got something going on right  
21 now. So we left. Alfred was, like, I want to go get  
22 something to drink. So we went to Dollar General.

23 Q: Okay.

24 A: We went to Dollar General. So everybody got out of the  
25 car, stretched their legs and stuff like that. So **MINOR**

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1 was, like, I'm about to go. I'm about to go -- you know what  
2 I'm saying? -- holler at Pawn to see if I can get some guns.  
3 You know what I'm saying? Because he was, like, we're going  
4 to get these guns and we're going to take them back to  
5 Mullins and we're going to act like we did something and the  
6 police got behind us and we had to throw the guns. So, like  
7 I said --

8 Q: Hold on. Hold on a second. Let me back up. You went  
9 to the Dollar General?

10 A: Yes, sir.

11 Q: Where is the Dollar General in relation to Oh, Joe's  
12 tire shop?

13 A: Right across the street.

14 Q: That's where Oh, Joe's used to be; right?

15 A: Yes, sir. Before it burnt down.

16 Q: Okay. And so y'all were at the Dollar General. Did  
17 anybody go to Oh, Joe's?

18 A: Oh. Like, after -- after Fredo had -- I mean after  
19 Lamar had got his -- whatever he got to drink -- I forgot  
20 what it was -- out of the Dollar General, that's when we rode  
21 over there. **MINOR** was going to holler at Pawn and that's  
22 when Mr. Commander -- he was, like -- you know what I'm  
23 saying? Y'all boys can't be over here at my -- at my -- at  
24 my job area because, you know, my boss, like -- you know what  
25 I'm saying? -- get mad or something. So he told us we had to

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1 go -- Pawn told us to go wait in the field. So --

2 Q: Wait in the field?

3 A: Yeah. Across the street from Oh, Joe's.

4 Q: Okay. And that was beside the Dollar General?

5 A: Yes. In between the Dollar General and my aunt's house.

6 Well, my grandma's house.

7 Q: All right. And then what happened?

8 A: Then that's when Pawn -- he said -- he gave -- he said  
9 about 5 or 10 minutes. So he walked to the house and came  
10 back and gave -- gave **MINOR** the two guns. So it's like,  
11 right when the guns came through the window, like, that's  
12 when my cousin called me and he was, like, man, y'all boys  
13 come back and pull up and smoke a blunt with me before y'all  
14 leave. I'm straight now. So we went over there to my  
15 cousin's.

16 Q: All right. That's good. Slow down a second. What kind  
17 of guns were they? Could you tell?

18 A: I'm not -- I ain't too really familiar with calibers. I  
19 know one was black and silver. It was -- it was big and the  
20 other one was a small black gun.

21 Q: Okay. Do you know the difference between a  
22 semiautomatic and a revolver?

23 A: Oh, yeah. They both were semiautomatics.

24 Q: Okay. All right. And at that point in time, Ingleque  
25 was still with y'all?

1 A: No. Gleeek was --

2 Q: He was at his friend's house?

3 A: He was at his friend's house, yeah. He was nowhere

4 around.

5 Q: So did anybody else's seating arrangement change?

6 A: No. The seating arrangement was the same.

7 Q: Still have Fredo?

8 A: Fredo.

9 Q: You?

10 A: Diante.

11 Q: Diante?

12 A: And MINOR

13 Q: And MINOR? Okay.

14 A: There was only four of us now.

15 Q: Okay. Now, you saw these two guns that were passed into

16 the car by --

17 A: Pawn.

18 Q: Pawn. And what happened next after that?

19 A: After that, like I told you, right when -- it's, like,

20 right when the guns came through the window was, like, my

21 cousin -- he called me and he was, like, bro -- you know what

22 I'm saying? Y'all boys come smoke a blunt. I'm done doing

23 what I had to do. You know what I'm saying? So we went back

24 over there and smoked a blunt. Everybody -- you know, we got

25 out of the car. You know what I'm saying? Smoking a blunt

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1 and then, you know. So Gooney had the two guns. Diante was,  
2 like, let me hold one. So --

3 Q: Who said let me hold one?

4 A: Diante.

5 Q: Okay.

6 A: So Gooney gave him the black and silver gun. So as we  
7 get done, we done smoked some weed, you know, getting ready  
8 to go back to -- we're about to go back to Mullins now. So  
9 as we --

10 Q: Did you have a plan?

11 A: A plan to do what?

12 Q: A plan to do something with those guns?

13 A: No. I told -- they -- Gooney's plan was he said he was  
14 going to take the guns back to Mullins and act like -- you  
15 know what I'm saying? He -- they -- the police got behind  
16 us. He had to throw the guns. He said he was going to sell  
17 the guns.

18 Q: So he was going to take them back to Mullins and sell  
19 them?

20 A: Yeah. But he was going to tell the owners that he had  
21 to throw them because the police got behind him.

22 Q: Okay. All right. Did that happen?

23 A: Oh, no.

24 Q: Okay. All right. So you're going back to your cousin's  
25 house to smoke a blunt?



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1 A: Uh-huh. His girlfriend's house.

2 Q: His girlfriend's house?

3 A: Yeah.

4 Q: You did that?

5 A: We did that.

6 Q: You got finished.

7 A: And we was --

8 Q: Do you know the address of where he was?

9 A: I don't. I know it's some apartments. I can't -- I

10 ain't too really familiar with Timmonsville.

11 Q: Okay. All right. So y'all left. Y'all left his house

12 after being there a good little while?

13 A: Yeah. About -- we stayed there about 30 minutes.

14 Q: Okay. Where did you go and what did you do next?

15 A: After we left -- after we left his house, we was headed

16 back to Mullins and we came up on -- I don't -- I don't know

17 if it was Byrd Street or Kershaw Street. We came up on that

18 street and that's when the silver Impala rolled by and Diante

19 was, like, I want that right there.

20 He told Fredo to go cut the car off. Fredo went and cut

21 the car off. Diante and Little Bill -- I mean not Diante.

22 **MINOR** and Diante. They got out. They got out the car.

23 Diante went and approached the lady's car. I guess she told

24 him no and she was about to drive off, but I witnessed with

25 my own two eyes him shoot into the car.

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 Q: Okay. Now, you said she must've told him no. Did you  
2 hear him ask her anything?

3 A: I mean I can -- I can tell by the -- you know, his body  
4 -- his body language what was going on.

5 Q: Could you tell by his body language that he was talking?

6 A: Yeah.

7 Q: But you couldn't hear what it was?

8 A: No.

9 Q: Did you hear her say anything or just demonstrated by  
10 her body language?

11 A: I mean because the doors was closed. So I mean I didn't  
12 hear no -- I just -- you know, you can -- when somebody's  
13 doing a certain gesture, you know, you know what they're  
14 saying.

15 Q: Who did you see point a gun?

16 A: Diante.

17 Q: All right. How did he point it? Did he point it like  
18 this, point it like this or point it like that?

19 A: Out like that.

20 Q: Outstretched like that?

21 A: Yeah.

22 Q: Where was he pointing at?

23 A: At the car.

24 Q: All right. At the car in the front? The back? The  
25 driver's side?

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1 A: The driver's side front seat.

2 Q: All right. Let me ask you this. We'll use this for a  
3 second. Let's say this is a vehicle and this is a vehicle  
4 and let's say this is Ms. Wilson's vehicle and she's coming  
5 this way and what -- where would you put the vehicle that you  
6 all were in in front of her?

7 A: I would say --

8 Q: Put it at the right angle, if you could.

9 A: It would probably be, like, catty corner, not -- you  
10 know what I'm saying? -- completely because she still had  
11 some room to the right side, you know, to move. And once he  
12 approached the car and told her to get out and she took off  
13 and he started shooting into the vehicle, that's when she --  
14 she started driving and Fredo -- he sped up -- I mean --  
15 yeah. Fredo -- he sped up. So --

16 Q: All right. Let me get to that in just a second. When  
17 you heard the gunshot, what did you think?

18 A: There ain't no way I just came home from prison and they  
19 got me, you know, in stuff like this right here.

20 Q: And you said Fredo took off?

21 A: Uh-huh.

22 Q: What was **MINOR** doing, if you know?

23 A: I mean --

24 Q: Was he pointing a gun?

25 A: No. To be honest, he -- I don't know. Like, I'm going

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1 to be honest. I don't know if he got out of the car just to  
2 let him out -- Diante out of the car or I don't know if he  
3 got out of the car to approach the victim, but when I turned  
4 around -- when Alfred took off and I turned around, when I  
5 did happen to turn around and look -- you know what I'm  
6 saying? -- out the back window, I seen Diante chase the car,  
7 continuing to shoot at the car. I didn't -- I didn't see  
8 Gooney pick up the gun, I mean lift his hand to shoot no gun  
9 or none of that.

10 Q: And you wouldn't be trying to protect him because he's  
11 your cousin, would you?

12 A: No, I mean I'm -- I'm giving the truth. I don't care if  
13 he's my cousin or not.

14 Q: Okay. Now, do you recall how many shots you heard?

15 A: I'd say --

16 Q: Don't guess. If you don't know, that's fine.

17 A: I'd say about five or six.

18 Q: About five or six?

19 A: And the reason why I say six is because I'm counting the  
20 one that went into the back of the BMW.

21 Q: Okay. All right. But you said Diante was chasing the  
22 car?

23 A: He was running behind the car still shooting.

24 Q: All right. And y'all went --

25 A: We went a little bit down the road. I'd say about --

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1 I'd say about 30 yards and then that's when Lamar -- he  
2 turned back around on his own free. He turned back around  
3 and went back and picked them up, and that's when MINOR --  
4 I guess him being scared, he threw the gun. He threw the  
5 little black gun. You know what I'm saying?

6 Q: MINOR did? You saw him do that?

7 A: Yeah. He threw the gun. Then everybody got back in the  
8 car. Diante's words was y'all better not say nothing. Y'all  
9 know what time it is. And we went back. We was leaving.

10 Q: What does that mean when he says you know what time it  
11 is?

12 A: I guess if we say something, there's going to be  
13 problems.

14 Q: Okay.

15 A: So --

16 Q: Did you tell Fredo to turn around, don't leave my cousin  
17 or something bad will happen?

18 A: Oh, no. I ain't told Fredo nothing. Fredo turned  
19 around of his own free will.

20 Q: Okay. All right. Did you hear a bullet strike your  
21 car?

22 A: Yeah. Because it came in the back on the back  
23 passenger-side. No, not the passenger. The driver's side.  
24 You know, I was sitting behind the driver.

25 Q: All right. Let me show you something. It might help

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1 you out here. Excuse me. It's taking a little bit. I'm  
2 going to show you State's Exhibit 17. Tell me if you  
3 recognize that?

4 THE BAILIFF: It's not on.

5 MR. CLEMENTS: It's not on? The blue light is on.

6 BY MR. CLEMENTS:

7 Q: Do you recognize that?

8 A: Yes, sir.

9 Q: What is that?

10 A: A 2000 BMW two-door.

11 Q: Is that the car y'all were in?

12 A: Yes, sir.

13 Q: I'm going to show you State's Exhibit 18. Do you  
14 recognize that?

15 A: Yes, sir. That's the bullet wound in the -- in the  
16 bumper.

17 Q: Do you see where it is?

18 A: Yes, sir.

19 Q: Under which taillight?

20 A: The left one.

21 Q: The left?

22 A: Yes, sir.

23 Q: All right. Now, left I see a crack. You don't see --  
24 let me show it to you or hand it to you to look at. Look for  
25 me under the taillight on the passenger side and see what you

1 see?

2 A: Oh, yeah, yeah. My bad. It's on the right side.

3 There's a crack messing me up, I think.

4 Q: Okay. All right. You really couldn't see it on that?

5 A: No.

6 Q: So let me show you a different picture and show the jury

7 a different picture so we'll know. State's Exhibit Number

8 20. Do you see a little measurement tape stuck there?

9 A: Yeah. That's -- that's --

10 Q: Is that where the bullet is, the hole is?

11 A: That's the bullet hole. I got the -- I got it mixed up

12 because I seen that crack and thought that crack would have

13 been a bullet hole. I ain't never really paid that much

14 attention to that.

15 Q: But the bottom line is it didn't hit you?

16 A: No. And I never -- like, when I was reading over my

17 legal stuff, I never paid attention to that, you know, that

18 bullet hole in the back of the BMW because it really wasn't

19 important to me because, you know, that's -- I don't know if

20 it was intentional or accidental.

21 Q: Okay.

22 A: So I just looked over that.

23 Q: Now, do you think that had anything to do -- well, I

24 can't ask you that because it's speculation. Never mind.

25 Let me withdraw that question.

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1 Did Fredo say anything about why he turned around or did  
2 he just turn around and go back?

3 A: Like I say, he turned around of his own free will. I  
4 ain't even tell him nothing. I was just in the backseat. I  
5 was -- I was mad at the situation that was at hand. So I  
6 wouldn't say nothing to nobody. He turned around of his own  
7 free will.

8 Q: Okay. But you heard the bullet hit the car?

9 A: Yeah. I heard the bullet hit the back of the car.

10 Q: You don't know whether he heard the bullet hit the car  
11 or not, do you?

12 A: I don't know.

13 Q: Okay. All right. So Fredo turned around and went back  
14 and where was Gooney and little Bill?

15 A: Coming down the street. Coming down the road.

16 Q: Towards you?

17 A: Yeah. Like, meeting the car.

18 Q: Okay.

19 A: And the way -- like, everything I say is the truth.  
20 When he was -- when he was coming down the road, I don't know  
21 if he was -- the way he was running, the gun was pointing at  
22 the car or if he was intentionally pointing the gun at the  
23 car.

24 Q: But he had it in his hand?

25 A: Yeah. He had it in his hand.



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1 Q: Okay. And Gooney threw his gun down?

2 A: Yeah. Gooney threw his gun down.

3 Q: All right. When they got in the car, how did they get  
4 in the car?

5 A: The same way they got out the car. Little Bill got back  
6 in the backseat and MINOR got back in the front seat.

7 Q: And then you all went where after that?

8 A: We was on the way home, and Diante and MINOR wanted  
9 to go to Walmart. We went to Walmart. We rode around in the  
10 parking lot. They made Fredo rode around the parking lot  
11 about two or three times. They seen the truck and Diante got  
12 out and got in the truck and drove the truck all the way back  
13 to Marion.

14 Q: Okay. And did you -- you go to Mullins? Did you go  
15 back to Mullins?

16 A: Yes, sir.

17 Q: With who?

18 A: I went back to Mullins in the car with Fredo.

19 Q: Okay.

20 A: Still in the backseat.

21 Q: Did you ever -- after getting home, where did you go?

22 A: After I got home, I went home. I ain't --

23 Q: All right.

24 A: And then after, I'd say about --

25 Q: Did you ever go to the Brew shortly after?

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1 A: Yeah. I'd say about 8:30 or 9 o'clock that night, I  
2 went. I went to the Brew.

3 Q: Who was there when you went there?

4 A: Me, Diante, Gooney, and Fredo and his girlfriend.

5 Q: Did you talk to anybody about this?

6 A: Oh, no. We ain't talked about it.

7 Q: You didn't talk about it at all?

8 A: No. My house is about two doors down from the Brew. So  
9 --

10 Q: Okay. Yeah. Is that a regular place for you to go hang  
11 out?

12 A: Huh-uh. I mean I go there because, you know, Fredo --  
13 he goes there and helps his -- helps his girlfriend  
14 sometimes. So I go. Like, if I'm bored and ain't got  
15 nothing to do, I just walk up there to see what they got  
16 going on. It's not a place I hang out at though.

17 Q: Okay.

18 MR. CLEMENTS: I beg the Court's indulgence.

19 BY MR. CLEMENTS:

20 Q: Little Bill didn't ride back -- you didn't ride back  
21 with him to Mullins, did you?

22 A: No. No, sir.

23 Q: When he got in the car, you testified that he had the  
24 gun because he was carrying it in his hand when he was  
25 running?

1 A: Yes, sir.

2 Q: Do you know what happened to that gun at all?

3 A: No. After that incident, I removed myself away from

4 that gun and I tried to remove myself away from that person

5 too, but --

6 Q: Okay. So you don't know if he took it with him with the

7 truck or not?

8 A: Yeah. Oh, no. When he got out of the car, he had the

9 gun with him.

10 Q: When he got -- when he stole the truck?

11 A: Yeah. He had the gun with him.

12 Q: Okay. Okay. Let me ask you this. Y'all all hang out

13 together. What color do you wear a lot of?

14 A: Red. Burgundy.

15 Q: Why is that?

16 A: A gang banger.

17 Q: Gang banger?

18 A: Yes, sir.

19 Q: And y'all had a little gang there?

20 A: Yes, sir.

21 Q: Okay. Was everybody a member or would some people just

22 hang around and wasn't a member yet?

23 A: Everybody was. Everybody was.

24 Q: Everybody was in there? All right. And you gave a

25 written statement to law enforcement and also give a

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1 statement where they had you on camera; is that right?

2 A: Yes, sir.

3 Q: Okay. Everything you said, anything you want to change  
4 in any of those statements that you say is not true?

5 A: No. I wouldn't change nothing.

6 Q: This is all the truth?

7 A: All the truth.

8 Q: All right. You're here testifying. Have you been  
9 promised anything for testifying?

10 A: No, sir.

11 Q: Okay. What do you want to see happen as far as --

12 A: I just --

13 Q: -- you?

14 A: I mean the only thing I can do is just seek -- just give  
15 justice to Ms. Wilson because that was a terrible situation  
16 that happened. She lost her life behind some foolishness  
17 and, you know, I just want to do my best to bring justice to  
18 her family. You know what I'm saying? And let them know and  
19 tell them the truth and let them know what happened to her.  
20 You know what I'm saying? They deserve that. They deserve  
21 justice and they deserve to know what happened to their  
22 family member.

23 Q: All right. Would it be fair to say or would it not be  
24 fair to say that in doing this, which is a noble thing, that  
25 you hope you're going to get some consideration or help or

## JUWAN SMITH - DIRECT BY MR. CLEMENTS

1 some benefit? Would that be fair to say?

2 A: I mean -- I mean I'm just -- I'm doing it because I want  
3 -- I want the truth to be out there.

4 Q: Okay.

5 A: I'm not doing it for no time cut. I'm just doing it  
6 because I want the truth to be out there.

7 Q: All right.

8 MR. CLEMENTS: Please answer any questions Mr. Meetze  
9 may have.

10 (WHEREUPON, a bench conference was held in the presence  
11 of the jury but out of the hearing of the jury off the  
12 record, after which the proceedings resumed as follows.)

13 THE COURT: Ladies and gentleman, let me get you to step  
14 back in your jury room. I need to take up a matter of law  
15 and I will get back with you in just a -- just shortly.  
16 Please have no conversation about the case.

17 (WHEREUPON, the jury exited the courtroom at 3:07 p.m.)

18 THE COURT: Mr. Smith, you need some water or anything?

19 THE WITNESS: No, sir.

20 THE COURT: You're good? All right.

21 All right. We'll be at ease for a few minutes.

22 (WHEREUPON, there was a break in the proceedings from  
23 3:08 p.m. until 3:52 p.m., after which the proceedings  
24 resumed as follows.)

25 THE COURT: All right.

1 (WHEREUPON, a bench conference was held off the record,  
2 after which the proceedings resumed as follows.)

3 (WHEREUPON, the witness, Juwan Smith, was removed from  
4 the courtroom back to lockup.)

5 THE COURT: All right. Mr. Meetze?

6 MR. MEETZE: Thank you, Your Honor.

7 Judge, I just wanted to put on the record we just had a  
8 chambers conference. I had an issue with regards to a line  
9 of questioning that I intended on going into with regards to  
10 Mr. Smith with possible impeachment of a statement that he  
11 made to Investigator Strickland.

12 He's testified here today with regard to a written  
13 statement that he made. He also had a conversation with  
14 Investigator Strickland where he gave an oral statement as  
15 well that was recorded on body cam. During that statement,  
16 he volunteered that he would be willing to cooperate.

17 He was getting across to Investigator Strickland that he  
18 wanted to cooperate with law enforcement in any way that he  
19 could, and that included helping with the case at hand that  
20 Timmons ville was working on at the time, plus an armed  
21 robbery case that he had information on from Marion that he  
22 could help with.

23 In that process, he -- and that was sort of volunteered.  
24 He wasn't asked about it. It's something that I think that  
25 at the time this had happened, there had been an arrest made

1 in that robbery case from Marion County. So I think  
2 Investigator Strickland was familiar with it from that  
3 standpoint. He didn't know about the facts necessarily, but  
4 he knew that there was somebody that was in custody on that  
5 at the time.

6 Judge, what Mr. Smith told Investigator Strickland with  
7 regards to the information that he could say was that --  
8 first, that Diante Rogers committed an armed robbery in  
9 Marion County at the gas station, I think was what he  
10 referred to it as. That he had gone to -- first, he says to  
11 a white girl's house and told her about it and, later on,  
12 Investigator Strickland asked him specifically did you hear  
13 Diante Rogers says he did this armed robbery and he says,  
14 yes, but somewhere in that process he gives details of what  
15 he had heard. The details that he gave were that Diante  
16 Rogers had robbed a gas station, stole \$40, and tried to  
17 smoke the clerk. Smoke the clerk being slang, so to speak,  
18 for --

19 THE COURT: Shoot or kill.

20 MR. MEETZE: -- trying to shoot the clerk.

21 My intention would be to impeach Mr. Smith's credibility  
22 with regards to that statement by showing, one, that Diante  
23 Rogers did not do any of those specific things that he  
24 alleges, namely those three things I just named: that he had  
25 a gun, that he stole \$40 from the gas station, and tried to

1 smoke the clerk, those specific instances. And that would be  
2 done through Mullins Police Department testifying about their  
3 knowledge --

4 THE COURT: Investigation.

5 MR. MEETZE: -- of the armed robbery.

6 THE COURT: And their investigation.

7 MR. MEETZE: And their investigation showing that pretty  
8 much unequivocally that, hey, that stuff did happen in this  
9 armed robbery, but that Diante Rogers did not do any of those  
10 things specifically.

11 Also, Judge, we have video and stills from that armed  
12 robbery. This armed robbery happened the same evening not  
13 too long after the murder we're here today on.

14 The person who committed the armed robbery is wearing  
15 the same clothes with the same bracelets on each arm, pink  
16 one on one hand and a different color one on the other, as a  
17 picture that's already been entered into evidence.

18 THE COURT: Of someone other than Mr. Rogers.

19 MR. MEETZE: Someone other than Mr. Rogers, but we've  
20 got a picture in evidence from the Brew House in Mullins of  
21 somebody wearing the same clothes with the same wristbands  
22 and that picture at the Brew House has been positively  
23 identified as having been Juwan Smith.

24 That identification came -- first, I showed some still  
25 shots from the video and Alfred Lamar could not identify the



1 still shots as anybody in particular. We then showed him the  
2 video of the truck pulling up at the Brew House and when an  
3 individual gets out of the driver's side of the car and walks  
4 into the Brew House.

5 I asked if seeing that video -- does that refresh your  
6 recollection as to who that is in -- in those pictures and he  
7 said, yes, it is Juwan Smith. And I asked him are you sure  
8 about that and he said, yes, and I think I asked him are a  
9 hundred percent sure and he said yes.

10 And then I showed him pictures again and again he -- he  
11 verified the timestamps on those are within a second of one  
12 another because they're different camera angles, one camera  
13 from behind and one from the side. And again, he verified  
14 that that was Juwan Smith.

15 So we have those pictures and we've got a video of the  
16 armed robbery that happened in a very close period of time to  
17 when those pictures were taken of an individual wearing the  
18 same clothes with the same bracelets possessing a gun,  
19 robbing the gas station, taking money out of the cash  
20 register drawer, and firing a shot that misses the clerk, but  
21 is in the general direction of the clerk on this same night.

22 My intention -- obviously, the inference that is being  
23 made by Juwan Smith telling Investigator Strickland that my  
24 client says he did that, not indicating that he has personal  
25 knowledge of it, there's clear inference there that he's

1 saying he wasn't involved in that.

2 I think that there is an abundance of evidence to  
3 indicate otherwise and I think that I should be allowed to  
4 impeach him not just with Mullins Police Department  
5 testifying that Diante Rogers did not do those specific acts  
6 that he tells Investigator Strickland that he did, but also  
7 by showing him -- by putting into evidence a picture from the  
8 video of the armed robbery to show that he's got intimate  
9 knowledge of that armed robbery because it would appear from  
10 that evidence that he's the one in the video from what  
11 evidence we've already got in here, plus that that I would  
12 intend to introduce as evidence.

13 I think that in a case like this in particular that  
14 credibility is always a humongous part of any trial. I think  
15 in this one it's infinitely more so and I feel like that it  
16 is appropriate and relevant from that standpoint and that I  
17 should be allowed to present that evidence and let the jury  
18 decide what weight to give it.

19 THE COURT: All right. And I've talked to counsel for  
20 both the State and defense regarding this matter in chambers  
21 and what I've decided -- I'm going to allow -- I'm going to  
22 allow you to -- well, you'll need to question him first as to  
23 his testimony that he gave or his statement that he gave to  
24 Officer Strickland and what was said there.

25 And then if you -- in an effort to impeach that

1 testimony, I'm going to -- I think it's relevant to call  
2 Officer Bethea and can discuss his investigation into that  
3 matter and that the things that Mr. Smith testified to  
4 pursuant to his investigation did not occur in that fashion  
5 and to leave it at that to -- to impeach his credibility,  
6 that that information was not true.

7       What you -- what you were asking, in my opinion, by  
8 trying to introduce that picture is you're trying to have --  
9 not that you're trying it, but the -- the endgame is that you  
10 would then be asking this jury not only to decide this case,  
11 but then to decide an armed robbery case based on a  
12 photograph and with that -- with no other evidence or  
13 testimony involving that case and then asking this jury to  
14 make a decision as to who -- who at this time is an  
15 unidentified suspect in an armed robbery case to basically  
16 solve that case.

17       And I think it lends tremendous confusion here and is  
18 asking them to do something that I don't think they're in a  
19 position to do. And I think you can still accomplish your  
20 purpose of impeaching the witness through Officer Bethea.

21       So I would not -- I would allow you to call Officer  
22 Bethea for the purposes of impeaching that testimony, but  
23 would not allow the photograph to be put into evidence.

24       MR. MEETZE: Judge, if I could just be heard responding  
25 briefly?

1 THE COURT: Yeah.

2 MR. MEETZE: I would say that, Judge, there's case law  
3 out there -- and I don't have any with me, but there's case  
4 law out there that allows the State, for example, to -- in  
5 prosecuting cases that there are times when they have to use  
6 evidence of another crime to prove the crime that they're  
7 actually trying somebody for and there's case law that in  
8 those instances where they're allowed to do that and I don't  
9 think there's much of a distinction here in regards to that.  
10 I think it's a very similar thing.

11 I'm not necessarily asking them to find -- you know, I'm  
12 not putting up a case on the armed robbery. I'm just putting  
13 up -- putting in a picture of somebody wearing the same  
14 clothes with the same everything else and -- and asking them  
15 to use their common sense.

16 THE COURT: All right. I'll certainly note that and  
17 note your exception to that ruling.

18 MR. CLEMENTS: Your Honor, if I may briefly respond?

19 THE COURT: I've already ruled. I mean --

20 MR. CLEMENTS: Okay. All right.

21 THE COURT: You can if you want to make the record.

22 MR. CLEMENTS: And I appreciate that, Your Honor.

23 Your Honor, I would think that any questioning of  
24 Investigator Bethea from Mullins would have to be fair in  
25 this situation and would have to be established, number one,

1 that he actually talked to Mark Strickland, whether he  
2 followed up and talked to Juwan Smith or not regarding the  
3 statement.

4 THE COURT: I don't see why there's any -- I don't see  
5 why there's any need for him to have talked to Mark  
6 Strickland. Mark Strickland -- if I understand what the  
7 State -- excuse me -- the defense is trying to say, they're  
8 trying to impeach Mr. Smith on a statement he gave to Officer  
9 Strickland, and in that statement he made comments about that  
10 other criminal offense that Officer Bethea investigated.

11 MR. CLEMENTS: Well, Officer Bethea -- I'm wondering how  
12 he got the information if he didn't talk to Capt. Strickland.

13 THE COURT: Got what information?

14 MR. CLEMENTS: The -- the information that was --

15 THE COURT: Officer Bethea doesn't have any information  
16 based on Mr. -- or his statement.

17 MR. CLEMENTS: So he didn't follow-up on any of that?

18 THE COURT: No. My understanding is --

19 MR. MEETZE: May we approach on that? I'd rather --

20 THE COURT: Yeah.

21 (WHEREUPON, a bench conference was held as follows.)

22 MR. MEETZE: There's nothing Bethea got from, you know  
23 --

24 THE COURT: Bethea didn't talk to Strickland.

25 MR. MEETZE: They --

1 THE COURT: Well --

2 MR. MEETZE: They got Diante on the video, identified  
3 him.

4 THE COURT: They identified him from the video. What  
5 they're -- once again, this witness made a statement to  
6 Strickland saying this guy did this, this, and this.  
7 Completely out of tact, she got Officer Bethea, who  
8 investigated that crime.

9 MR. MEETZE: And those who didn't.

10 THE COURT: Who would then testify that my investigation  
11 revealed that that, that, and that didn't occur.

12 MR. MEETZE: By Diante. It occurred, just not by him.

13 THE COURT: No, no. That's what I'm saying. And that  
14 didn't occur. He didn't do that. That's what he's trying to  
15 do. So Strickland is not even involved in any of that.

16 MR. CLEMENTS: I'm just wondering if Bethea even knew of  
17 the statement ever.

18 THE COURT: Well --

19 MR. MEETZE: It doesn't matter whether he did or not.

20 THE COURT: What difference would it make?

21 MR. CLEMENTS: Because he might would have looked into  
22 that and found that there is a way of looking at it that  
23 where it could be deemed that it occurred.

24 THE COURT: You could ask him that.

25 MR. MEETZE: I'm pretty certain he didn't.

1 MR. CLEMENTS: Yeah. Well, I'll be able to ask him  
2 that; correct?

3 THE COURT: Yeah.

4 MR. CLEMENTS: Okay.

5 THE COURT: But keep in mind now we're not going down  
6 the road of exposing him from being convicted of that --

7 MR. CLEMENTS: I'm not. I'm not.

8 THE COURT: -- offense.

9 MR. CLEMENTS: But if I feel like the door is opened,  
10 I'll give you the high sign.

11 THE COURT: Yeah.

12 MR. CLEMENTS: All right.

13 THE COURT: Okay.

14 (WHEREUPON, the bench conference ended and the  
15 proceedings resumed as follows.)

16 MR. MEETZE: Judge, I just want to --

17 THE COURT: Yeah.

18 MR. MEETZE: Obviously, I'm on the record with regards  
19 to my position and I just would renew my objection --

20 THE COURT: Yes, sir.

21 MR. MEETZE: -- for the record as well.

22 THE COURT: All right. And that's certainly noted.

23 All right. If I remember, when we took the recess, you  
24 had concluded your direct examination and we were about to  
25 recognize Mr. Meetze for his cross; is that correct?

## JUWAN SMITH - CROSS BY MR. MEETZE

1 MR. MEETZE: Yes, sir.

2 THE COURT: All right. Let's -- let's bring Mr. Smith  
3 back in now and then once they get Mr. Smith back in his  
4 seat, we'll bring the jury in.

5 THE BAILIFF: All right, sir.

6 MR. DEBERRY: Your Honor?

7 THE COURT: Yes, sir?

8 MR. DEBERRY: May I approach, Your Honor?

9 THE COURT: Yeah.

10 (WHEREUPON, a bench conference was held with Steven  
11 Deberry, counsel for the witness, off the record, after  
12 which the proceedings resumed as follows.)

13 (WHEREUPON, the witness entered the courtroom.)

14 (WHEREUPON, the jury entered the courtroom at 4:13 p.m.)

15 THE COURT: All right. Ladies and gentleman, I resolved  
16 the matter of law and, when we took the break, Mr. Clements  
17 had concluded his direct examination of Mr. Smith and we were  
18 about to recognize Mr. Meetze for his cross-examination. So  
19 I'll do that at this time.

20 Mr. Meetze?

21 MR. MEETZE: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. MEETZE:

24 Q: All right. Mr. Smith, as Mr. Clements asked you and you  
25 testified earlier, you gave a statement in this case;



1 correct?

2 A: Yes, sir.

3 Q: You gave a written statement; correct?

4 A: Yes, sir.

5 Q: And before you actually did a written statement, you  
6 gave essentially an oral statement; correct?

7 A: I mean I -- I spoke about -- you know what I'm saying?  
8 -- the events that happened. I don't --

9 Q: You spoke to Investigator Strickland about the events  
10 that happened?

11 A: Yeah. I wrote it.

12 Q: And then after you were done speaking to him about it,  
13 he asked you to write everything down; correct?

14 A: Oh, yeah.

15 Q: And as Mr. Clements said, we don't always -- we don't  
16 write as fast as we talk, do we?

17 A: No, sir.

18 Q: So if you talked for 10 minutes and write for 10  
19 minutes, you probably said more than what you would have an  
20 opportunity to write down; correct?

21 A: Yes, sir.

22 Q: Okay. So it wouldn't necessarily be the case that  
23 everything that you wrote down included everything that you  
24 would have said to Investigator Strickland as well. Do you  
25 understand that or would you agree with that?

## JUWAN SMITH - CROSS BY MR. MEETZE

1 A: Yes, sir.

2 Q: Okay. And when you were talking with Investigator  
3 Strickland, you said that you were, indeed, in Timmons ville  
4 on August the 28th, 2017; right?

5 A: Yes, sir.

6 Q: And you also told him -- you told him that Gleek did not  
7 have anything to do with anything; correct?

8 A: No.

9 Q: You told them him that Gleek did not get a gun from  
10 anybody?

11 A: No.

12 Q: That he didn't get a gun from somebody and then bring it  
13 to others that were in the BMW?

14 A: No.

15 Q: You didn't tell him any of that. You told him that  
16 Gleek did not do any of that; correct?

17 A: Yes, sir.

18 Q: You did tell him y'all went to Turtle's house to smoke  
19 some weed; is that right?

20 A: No. We didn't go to Turtle's house to smoke no weed.  
21 My cousin -- we went to my cousin's house.

22 Q: Okay. You did -- you did not tell --

23 A: No.

24 Q: -- that you went to Turtle's house to get some weed or  
25 smoke some weed?

## JUWAN SMITH - CROSS BY MR. MEETZE

1 A: No. Turtle never came out of my mouth.

2 Q: All right. And you say -- now, did you tell  
3 Investigator Strickland that y'all dropped Gleek off at his  
4 house on your way back to Mullins?

5 A: No. We dropped Gleek off at his friend's house. He  
6 didn't get dropped -- he didn't want to get dropped off at  
7 his house. We dropped him off at his friend's house.

8 Q: Did you tell them that you -- that Gleek wanted to go to  
9 Oh, Joe's to talk to his cousin?

10 A: You say did I tell them what?

11 Q: Did you tell Investigator Strickland the Gleek wanted to  
12 go to Oh, Joe's to speak to his cousin?

13 A: No.

14 Q: That he had a cousin that worked at Oh, Joe's?

15 A: His sister's -- that's not his cousin. That's his  
16 sister's baby daddy.

17 Q: Sister's baby daddy? And who is that?

18 A: Robert Atkinson.

19 Q: Okay. But you did not tell Investigator Strickland that  
20 Gleek wanted to go to Oh, Joe's to see anybody?

21 A: No. Because Gleek wasn't with us at that time.

22 Q: Now, did you tell Investigator Strickland that Pawn gave  
23 Diante Rogers and **MINOR** Smith the guns?

24 A: No. Pawn gave the guns to **MINOR** He didn't give  
25 them to Diante. Diante didn't get a gun until we got out the

## JUWAN SMITH - CROSS BY MR. MEETZE

1 car at my cousin's house.

2 Q: What I'm asking you is did you tell Investigator  
3 Strickland Pawn gave the guns to Diante and MINOR ?

4 A: No.

5 Q: Did you tell Investigator Strickland that once they got  
6 the guns they said we're fixing to do a lick?

7 A: Not -- not to my memory, I don't.

8 Q: And did you tell Investigator Strickland that that is  
9 when each of them put guns to your and AJ's heads and said if  
10 y'all aren't with this, we're going to shoot you too?

11 A: Yeah.

12 Q: You did tell him that?

13 A: Yeah.

14 Q: Did you tell them that MINOR Smith told AJ to stop  
15 right here, but AJ said no?

16 A: Nah, I didn't.

17 Q: You did not tell them that?

18 A: No.

19 Q: Did you tell them that when AJ said no that MINOR  
20 pulled the wheel to cut Ms. Wilson off?

21 A: Yeah. He didn't tell him. No, he did actually snatch  
22 the wheel, but it wasn't -- he didn't tell him. He was just  
23 trying to get a little bit more closer than what he was. He  
24 didn't tell him no.

25 Q: So my question is did you tell Investigator Strickland

1 that AJ said no?

2 A: Not to my memory.

3 Q: Okay.

4 A: That was two years ago.

5 Q: Was that a yes or a no?

6 A: No.

7 Q: That's a no? You say that Diante Rogers and MINOR

8 MINOR got out and you say y'all drove off; correct?

9 A: Yes, sir.

10 Q: You also said as y'all drove off, you turned the car  
11 around; correct?

12 A: No, I didn't turn the car around because I wasn't  
13 driving.

14 Q: Well, I'm not saying you specifically. You said that  
15 the car that you were in turned around?

16 A: It turned around.

17 Q: Okay. You did say that to Investigator Strickland?

18 A: Yes, sir.

19 Q: And you told Investigator Strickland that you turned  
20 around because you couldn't get out of Timmons ville in the  
21 direction you were going?

22 A: No. I told him we -- he turned around because, for one,  
23 I didn't know the direction to get back to Marion I mean from  
24 that way. So that's why he turned around.

25 Q: So you're saying you did not say that he turned around

## JUWAN SMITH - CROSS BY MR. MEETZE

1 because you could not get out of Timmonsville that way?

2 A: No.

3 Q: You didn't say that? You say that once you turned  
4 around Diante was standing in the middle of the road telling  
5 him -- telling y'all to stop. Did you tell Investigator  
6 Strickland that?

7 A: No.

8 Q: You did not?

9 A: No.

10 Q: Did you tell Investigator Strickland that you and AJ did  
11 not have any guns so y'all did stop?

12 A: Yeah. Yeah, I said that we didn't have no guns. I  
13 didn't -- I don't know nothing about the did stop part.

14 Q: Okay. Well -- and did you tell Investigator Strickland  
15 that Diante Rogers ordered y'all to go to the Walmart?

16 A: Yes, sir.

17 Q: Did you say that when y'all got back to Mullins,  
18 everybody went their separate ways?

19 A: Yes, sir.

20 Q: Did you tell Investigator Strickland that when you and  
21 AJ got back to Mullins, you went home and told your mothers  
22 about everything?

23 A: No. I ain't tell nobody. I went home and I didn't tell  
24 nobody about nothing.

25 Q: Well, what my question is, did you tell Investigator

1 Strickland that you did that?

2 A: No.

3 Q: During the course of your speaking with Investigator  
4 Strickland, you also told him that you were willing to  
5 cooperate on more cases than just this one in Timmonsville;  
6 right?

7 A: Yes, sir.

8 Q: You told him that you had information about a robbery  
9 that took place in Marion County?

10 A: I don't -- I don't know nothing. I don't know nothing  
11 about that.

12 Q: You didn't say that?

13 A: No. I mean that was two years ago. So I mean I'm --

14 Q: My question is did you say that? Did you tell him you  
15 had information on an armed robbery case in Marion County  
16 that you would help with too?

17 A: Nah, not to my memory. Not to my knowledge.

18 Q: Did you tell him that Diante Rogers -- you had gotten  
19 word that Diante Rogers robbed a gas station?

20 A: Oh, yeah.

21 Q: You did tell him that?

22 A: Yeah.

23 Q: Okay. And that Diante Rogers took \$40 at that -- in  
24 that robbery?

25 A: I didn't -- I didn't never disclose no dollar amount.

## JUWAN SMITH - CROSS BY MR. MEETZE

1 Q: All right. And that he tried to smoke the clerk? Did  
2 you tell Investigator Strickland that?

3 A: He tried to do what?

4 Q: Smoke the clerk.

5 A: Oh, no.

6 Q: You didn't tell them that?

7 A: No.

8 Q: All right. You told Investigator Strickland that you  
9 were in the car, but you didn't know what was going on?

10 A: Yeah. I was in the car. Like I told you, it was a --  
11 it was a -- it was a spur of the moment thing. It wasn't  
12 nothing planned, just a spur of the moment.

13 Q: You wrote -- you told Mr. Clements that everything you  
14 wrote in this statement was true?

15 A: Yes, sir.

16 Q: And you didn't really need to take a look at it, that  
17 you know it's all true?

18 A: No, sir.

19 Q: That includes you said that -- in your statement, you  
20 said that **MINOR** and Diante got out of the car and that  
21 both of them had guns?

22 A: Yeah.

23 Q: Okay. While you -- you testified that when you went  
24 back to Mullins, you did not go straight to the Brew House;  
25 right?



- 1 A: No, sir.
- 2 Q: You testified that you, I think, went home first?
- 3 A: Yeah. My house is two doors down from the Brew House.
- 4 Q: But that you ended up at the Brew House?
- 5 A: Yeah. About 8:30 or 9 o'clock.
- 6 Q: Okay. It's a little glare-y. This is an exhibit that's
- 7 been marked as Defense Exhibit Number 3 that's been entered
- 8 into evidence. Do you recognize where that photo is taken?
- 9 It's a still shot. Do you recognize where that is?
- 10 A: No, sir.
- 11 Q: All right. So you can't look at that and tell whether
- 12 it's at the Brew House or not?
- 13 A: I mean I never been inside the Brew House; so I wouldn't
- 14 recall.
- 15 Q: You've never been inside the Brew House?
- 16 A: No.
- 17 Q: Do you -- can you identify the person that's standing
- 18 there?
- 19 A: It's blurry. So no, I can't identify the person.
- 20 Q: Since you've been incarcerated, during your
- 21 incarceration you've had an opportunity to speak to Robert
- 22 Askins?
- 23 A: Yeah.
- 24 Q: And you told Robert Askins --
- 25 MR. MEETZE: I beg the Court's indulgence, Your Honor.

## JUWAN SMITH - CROSS BY MR. MEETZE

1 THE COURT: Yes, sir.

2 BY MR. MEETZE:

3 Q: You told Robert Askins that you shot and would take the  
4 blame in this case?

5 A: Huh-uh. No. No, I ain't told him that. No.

6 Q: You didn't tell him that?

7 A: No.

8 Q: When you -- during the time when this happened, your  
9 hair was a little longer than it is now?

10 A: Yeah. My hair was blonde.

11 Q: And your hair was blonde?

12 A: Yeah.

13 Q: Okay.

14 MR. MEETZE: Judge, I don't have anything further.

15 THE COURT: Anything on redirect?

16 MR. CLEMENTS: One minute, Your Honor?

17 THE COURT: Yes, sir.

18 MR. CLEMENTS: No redirect, Your Honor.

19 THE COURT: All right. Thank you very much, sir. You  
20 may step down.

21 All right. You may call your next witness.

22 MR. CLEMENTS: Your Honor, at this time, we reserve the  
23 right for reply, but at this time, the State rests.

24 THE COURT: All right. Thank you, sir.

25 Ladies and gentlemen, the State has rested their case

1 and what happens in all -- in all trials is that once the  
2 State has concluded their presentation, then I have to take  
3 up matters of law before we proceed with the case and that  
4 usually takes about -- it just -- it depends. It could take  
5 anywhere from 5 minutes to 30 minutes, but it's 4:30 and I  
6 think this is probably a good time to adjourn. I will --  
7 we're going to remain and I'm going to take up those matters  
8 of law that I need to take up so that when you come back in  
9 the morning, we'll be ready to pick up and start.

10 So please -- and let me tell you -- let me just tell you  
11 what I anticipate. I could be wrong; so don't take this to  
12 the bank. But I anticipate at some point tomorrow all of the  
13 testimony will be in and -- and you will then get the case  
14 for your consideration.

15 So if your family, friends or loved ones are still  
16 anxious to hear about what's going on, ask them to be patient  
17 for one more evening and, as I said, if I'm correct, you'll  
18 probably get this case for your consideration at some point  
19 tomorrow and then once -- once the case is over, you can tell  
20 them everything they want to know. Okay? So continue to do  
21 everything in your power to maintain your ability to be fair  
22 and impartial and to decide this case based solely upon the  
23 evidence presented here.

24 I'm going to ask if everyone would please remain seated  
25 while the members of the jury are excused. See you back here

1 at 9:30. Okay? We'll start at 9:30.

2 (WHEREUPON, the jury exited the courtroom at 4:30 p.m.)

3 THE COURT: All right. At this time, I'll take up any  
4 motions at the close of the State's case.

5 MR. MEETZE: Thank you, Your Honor.

6 At this time, we would make a motion for a directed  
7 verdict as to all of the charges. I think that there's some  
8 credibility issues to the extent that nothing has been  
9 testified that links Diante Rogers to this crime or these  
10 crimes that would rise to the level of direct evidence or  
11 substantial circumstantial evidence and, based on that, we  
12 would move for a directed verdict.

13 THE COURT: All right. I'm going to respectfully deny  
14 that motion, Mr. Meetze.

15 I think that, obviously, the role of the jury is to  
16 decide the credibility and the believability of the witnesses  
17 and the evidence that is presented. There is evidence in the  
18 record, depending on how the jury would view it, whereby they  
19 could find on behalf of the State and so I think it would be  
20 appropriate. I think it's a jury question. I think it's a  
21 factual question that the jury is going to have to resolve.

22 Anything further?

23 MR. MEETZE: Yeah. We've got -- I think we can start  
24 the defense case with one witness, if that's all right.

25 THE COURT: No, because I just excused the jury.

1           MR. MEETZE: You excused the jury? I wasn't even paying  
2 attention. No, then they'll have to come back in the  
3 morning.

4           THE COURT: And I apologize.

5           MR. MEETZE: No, that's fine.

6           THE COURT: I probably should've asked you that. I  
7 don't know. I just assumed that.

8           MR. MEETZE: That's okay.

9           THE COURT: I haven't -- I don't think we've had any  
10 witnesses that short and I didn't think we would have one.

11          MR. MEETZE: I didn't even think about it and wasn't  
12 paying attention when you sent them home.

13          THE COURT: So I apologize.

14          MR. MEETZE: No, no, no.

15          THE COURT: Well, we'll pick up first thing in the  
16 morning, but before we do that, let me, if I may, I have a --  
17 I've prepared a proposed charge. It's pretty  
18 straightforward, but if there's any specific request to  
19 charge that either side has, if you could just email those to  
20 me? And if you -- if you do have anything, email it, if you  
21 can, in Word format so that I can cut and paste and mess with  
22 it.

23                But I have a -- I have a charge, the standard charge  
24 regarding criminal conspiracy, carjacking, kidnapping,  
25 murder, the discharge of the firearm into a vehicle, and I

1 didn't have a specific charge for that, but I just think it's  
2 the statute. The statute is pretty clear. And then, of  
3 course, the possession of a firearm during the commission of  
4 a violent crime.

5 I have listed, if I'm correct -- please correct me if  
6 I've missed something. Carjacking, kidnapping, and murder  
7 are all classified as violent offenses under South Carolina  
8 law. I don't think -- the only one I had a question about  
9 was the discharging a firearm into a vehicle. I don't think  
10 that is.

11 MR. MEETZE: It is not classified as violent, Your  
12 Honor.

13 THE COURT: Okay. All right.

14 MR. CLEMENTS: That's correct.

15 THE COURT: So -- so I've got basically the standard  
16 charges as it relates to those, but anyway, if you've got  
17 anything specific you want me to charge, just if you would  
18 get that to me.

19 MR. CLEMENTS: Your Honor, can you email it to us?

20 THE COURT: Yeah, yeah. He's not here this afternoon,  
21 but I'll get him to do that. Well, I can do that.

22 MR. CLEMENTS: Yes, sir.

23 THE COURT: Y'all just -- well, I'll get Jamie to do it.  
24 She's -- Jamie has got y'all's email addresses; right?

25 MR. MEETZE: I would think so.

1 THE COURT: I think she does. I'll let you know if she  
2 doesn't, but I'm pretty sure she does. I'll email that --  
3 email those to you this evening when we get done here. Okay?

4 All right. And, Mr. Meetze, over the evening you'll  
5 have an opportunity to talk with Mr. Rogers about --

6 MR. MEETZE: Yes, sir.

7 THE COURT: Obviously, you're going to put up some other  
8 witnesses, but as to whether or not he intends to testify.

9 MR. MEETZE: Yes, Your Honor.

10 THE COURT: Okay. All right. Is there anything we need  
11 to then resolve or deal with before we adjourn from the  
12 State?

13 MR. CLEMENTS: Nothing from the State, Your Honor.

14 THE COURT: Anything from the defense?

15 MR. MEETZE: No, sir, Your Honor.

16 THE COURT: All right. We'll be in recess then until  
17 9:30 tomorrow morning.

18 (WHEREUPON, the proceedings adjourned for the day at  
19 4:35 p.m.)

20 JANUARY 16, 2020

21 (WHEREUPON, the proceedings resumed at 9:54 a.m.)

22 (WHEREUPON, a bench conference was held off the record,  
23 after which the proceedings resumed as follows.)

24 MR. MEETZE: Judge, the defense's first witness is going  
25 to be a Victor Cooper. Victor Cooper is a federal --

1 currently a federal inmate that has been transported here  
2 from Butner, North Carolina. Prior to being sent federally,  
3 he was being housed in Effingham.

4 During that time, he was housed beside an individual  
5 that is charged in regards to this case, next to a Robert  
6 Askins, who has been referred to primarily in this case as  
7 Pawn. Sometimes it sounds like they're saying Pond, but  
8 that's -- that's who Robert Askins is. They were both on the  
9 first floor, I think in A-103 and A-104, which are rooms  
10 which are right next to one another.

11 He, during that time, contacted the State indicating  
12 that he had information to provide in this case and they met  
13 with him to get a statement from him in regards to that and  
14 he says that essentially while Juwan Smith was -- John Smith  
15 -- Juwan Smith was also being housed in A at the time, but he  
16 was out on their rec or break or whatever and came over and  
17 had a conversation with Robert Askins, which Mr. Victor  
18 Cooper could overhear, where Juwan told him that he did the  
19 shooting and would take the blame.

20 So I've brought him here to impeach the testimony from  
21 Juwan Smith. I've spoken with Mr. Cooper. I've had an  
22 investigator from our office speak with Mr. Cooper, and Mr.  
23 Cooper told our investigator and has told me his intention  
24 would be to remain silent if he were called to testify.

25 So anticipating that he intends to remain silent, I



1 believe it would be appropriate for me to be able to enter  
2 his statement as a prior inconsistent statement through  
3 extrinsic evidence, namely the officers that were there that  
4 took -- that took his statement. And so that is what I  
5 wanted to put on the record as what I think the law would  
6 allow me to do under this circumstance.

7 THE COURT: Okay. I think my reading -- I think that's  
8 -- with nothing more other than what you've shared, I think  
9 that's a direct violation of the confrontation clause that  
10 they speak to under *Crawford v. Washington*.

11 If I read that case correctly, the case clearly puts  
12 forth that a -- if you're trying to get in a statement given  
13 to law enforcement or a written statement or whatever, oral  
14 or written or any type of statement like that, that it's  
15 testimonial and that, if it's testimonial, unless the other  
16 side has had an opportunity to cross-examine or challenge the  
17 statement, then it's a violation of the confrontation clause.

18 And I know your position is, well, the other side is the  
19 State and the State is the one that took the statement, but  
20 that's not -- that's not challenging it. That -- that's the  
21 taking of a statement. That's not challenging that statement  
22 in a trial setting, and *Crawford* deals with in trial being  
23 able to confront the witnesses against you. In this case,  
24 the witness, Mr. Cooper, and the statement he gave would be  
25 against the State, and the State has the same rights as the

1 defense has.

2 And so I believe that if you're trying to put this  
3 statement in because Mr. Cooper -- and again, *Crawford* deals  
4 with the unavailability of the witness and I don't think it  
5 -- it doesn't simply mean that the witness can't be found or  
6 that the witness is deceased or anything of that nature. It  
7 deals with the unavailability.

8 If Mr. Cooper takes the stand and makes himself  
9 unavailable, I think that's just as much unavailable as if he  
10 wasn't here and it does not give opposing counsel the  
11 opportunity to challenge or to cross-examine the statement  
12 and so I think it would be a violation of *Crawford*. So I  
13 would not allow the statement in under this scenario, under  
14 the scenario you've given.

15 MR. MEETZE: Very good, Your Honor.

16 THE COURT: All right.

17 MR. MEETZE: I just would ask that my objection to that  
18 be noted for the record.

19 THE COURT: Absolutely.

20 MR. MEETZE: All right. Judge, we would be ready for  
21 the defense.

22 THE COURT: Okay. Is the State ready?

23 MR. CLEMENTS: We're ready, Your Honor.

24 THE COURT: All right. Ms. Frances, if you'll bring the  
25 jury in, please.

1 THE BAILIFF: Yes, sir.

2 (WHEREUPON, the jury entered the courtroom at 10:05  
3 a.m.)

4 THE COURT: All right. Ladies and gentlemen, welcome  
5 back. I hope everyone had a good evening.

6 When we -- excuse me. When we adjourned yesterday, the  
7 State had rested their case and I had matters of law to take  
8 up, which we stayed last night and I did that. So we have  
9 taken those matters up and so we're now ready to proceed and  
10 would recognize Mr. Meetze on behalf of the defense for their  
11 first witness.

12 Mr. Meetze?

13 MR. MEETZE: Thank you, Your Honor. The defense would  
14 call Victor Cooper.

15 THE COURT: All right. Please bring Mr. Cooper in.

16 THE CLERK: Sir, if you will please step up to the -- to  
17 the stand and place your left hand on the Bible and raise  
18 your right hand. Do you swear the testimony you give in this  
19 case to be the truth, the whole truth, and nothing but the  
20 truth, so help you God?

21 THE WITNESS: Yes.

22 THE CLERK: Okay. Please step around and have a seat  
23 and state your full name for the record.

24 THE WITNESS: Victor Ragauna Cooper.

25 VICTOR COOPER, being first duly

## VICTOR COOPER - DIRECT BY MR. MEETZE

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MEETZE:

4 Q: Tell me your full name again?

5 A: Victor Ragauna Cooper.

6 Q: Mr. Cooper, where are you currently living when you're  
7 not in Effingham?

8 A: Oh, in the feds.

9 Q: In the feds, meaning you're in federal prison?

10 A: Yes, sir.

11 Q: And where?

12 A: North Carolina.

13 Q: Okay. How long have you been there?

14 A: Since 2018. No. Since '18.

15 Q: 2018? Before you went to Butner, North Carolina, under  
16 a federal sentence, where were you being housed?

17 A: Effingham.

18 Q: While you were in Effingham, did you overhear any  
19 comments made by Juwan Smith?

20 A: I would like to remain silent.

21 Q: Did you contact or have your attorney contact law  
22 enforcement to alert them to statements that Juwan Smith  
23 made?

24 A: I would like to remain silent.

25 Q: Did you meet on January the 29th of 2018 with

## VICTOR COOPER - DIRECT BY MR. MEETZE

1 Investigator Mark Strickland with the Timmons ville Police  
2 Department?

3 A: I would like to remain silent.

4 MR. MEETZE: Judge, I guess I already have. I would ask  
5 permission to treat Mr. Cooper as a hostile witness at this  
6 point in time.

7 THE COURT: All right, sir.

8 BY MR. MEETZE:

9 Q: Mr. Cooper, isn't it true that you did meet with  
10 Investigator Strickland on January the 29th of 2018?

11 A: I'd like to remain silent.

12 THE COURT: Let me get y'all to step up here before we  
13 go further down the road.

14 (WHEREUPON, a bench conference was held in the presence  
15 of the jury but out of the hearing of the jury as  
16 follows.)

17 THE COURT: I'm allowing you to treat him as a hostile  
18 witness. Now, if you're going to be going down the contents  
19 of his statement, did you tell Officer Strickland this, did  
20 you tell Officer Strickland that, I'm not going to allow  
21 that.

22 MR. CLEMENTS: I was going to object to that.

23 THE COURT: That's putting the statement in. We're not  
24 going to do that.

25 MR. MEETZE: Okay. Well, then I'll object to that as

## VICTOR COOPER - DIRECT BY MR. MEETZE

1 well and then --

2 THE COURT: Well, you can object to that.

3 MR. MEETZE: Sure. I understand.

4 THE COURT: But that's -- I mean that -- that just  
5 eviscerates *Crawford*. I mean it makes *Crawford* meaningless  
6 if -- if that's allowed. So I mean --

7 MR. CLEMENTS: I was going to object if he was going to  
8 go step by step.

9 THE COURT: Well, if he goes down that path.

10 MR. CLEMENTS: Yeah.

11 THE COURT: You may have other questions you want to  
12 ask.

13 MR. MEETZE: No. That was it. I was going to ask him  
14 just specifically about what Juwan Smith said or told him,  
15 you know.

16 THE COURT: Yeah. Okay. Well -- and we're on the  
17 record here because the mic is active.

18 MR. MEETZE: Okay.

19 THE COURT: And she's taking it all down. So I  
20 certainly -- and we'll put it on the record again later, but  
21 I'll note your objection to that or exception to that. I'm  
22 not going to allow you to go into the contents of the  
23 statement in a cross-type scenario, which is what we would be  
24 in.

25 MR. MEETZE: Right.

## VICTOR COOPER - DIRECT BY MR. MEETZE

1 THE COURT: How you're treating him as a hostile  
2 witness.

3 MR. MEETZE: All right.

4 THE COURT: And note your objection to that.

5 MR. MEETZE: Sure. I'm just going to say then that,  
6 Judge, pursuant to a bench conference, the line of  
7 questioning I intended to go down has been objected to and  
8 sustained by the Court.

9 THE COURT: Okay.

10 MR. MEETZE: At that point, Judge, I would have no  
11 further questions of this witness, but would just ask that my  
12 objection be noted for the record.

13 THE COURT: Okay.

14 MR. CLEMENTS: Fine.

15 (WHEREUPON, the bench conference ended and the  
16 proceedings resumed as follows.)

17 MR. MEETZE: Your Honor?

18 THE COURT: Yes, sir.

19 MR. MEETZE: Thank you.

20 Judge, pursuant to a bench conference that we just had,  
21 Mr. Clements and myself and the Court, the line of  
22 questioning that I was headed down with Mr. Cooper was  
23 objected to by the State. That objection was sustained by  
24 the Court all in a bench conference setting and, pursuant to  
25 the Court's ruling, I would have no further questions for Mr.

## VICTOR COOPER - CROSS BY MR. CLEMENTS

1 Cooper, but would ask that my objection be noted for the  
2 record.

3 THE COURT: All right. And -- and that's correct, Mr.  
4 Meetze.

5 Mr. Meetze's synopsis of that conversation, the State  
6 did object to that line of questioning and I did sustain the  
7 objection and would note the defense's exception to that --  
8 to that ruling.

9 All right. Anything from the State?

10 MR. CLEMENTS: Just one question, Your Honor.

11 THE COURT: Okay.

12 MR. CLEMENTS: For the witness.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 BY MR. CLEMENTS:

16 Q: Mr. Cooper, do you intend on answering any questions? I  
17 would ask you can you -- can you state that verbally so we  
18 can't take up --

19 A: No, sir.

20 MR. CLEMENTS: Thank you, sir. That's all I have.

21 THE COURT: All right. Thank you, Mr. Cooper. You may  
22 step down.

23 (WHEREUPON, a bench conference was held in the presence  
24 of the jury but out of the hearing of the jury as  
25 follows.)



1           MR. MEETZE: I'm going to call Mark Strickland next to  
2           impeach just a few things that Juwan Smith said on the stand  
3           he did not say. Of course, it's been two years. My  
4           anticipation would be that Mark Strickland would say he  
5           doesn't specifically remember whether he said this or not.  
6           So if he says that, then I would ask for to be able to play  
7           that portion of his statement to see if that refreshes his  
8           recollection in regards to that.

9           THE COURT: All of that would be on video? There's no  
10          written?

11          MR. MEETZE: It's all video.

12          THE COURT: Okay.

13          MR. MEETZE: You know, these were all on video. It's  
14          not written.

15          THE COURT: Okay.

16          MR. MEETZE: It's only a couple of things and I've got  
17          the places marked. So I don't intend on putting this video  
18          into evidence. I don't think Ed would want to either, just  
19          because it's got -- I mean it's got some stuff that probably  
20          wouldn't really be admissible, but if Ed wants to put the  
21          whole thing in, I'm fine with that too.

22          THE COURT: All right.

23          MR. MEETZE: It's -- part of that is the stuff yesterday  
24          with regards to what we discussed about the armed robbery.

25          THE COURT: Yeah.

1 MR. MEETZE: And the -- in his cross-examination, he  
2 admitted saying that he had information on a robbery, but  
3 denied saying that he took \$40 and tried to smoke the clerk.  
4 So that I would try to impeach him on. And then there's just  
5 a few other things, not anything big.

6 THE COURT: Well, I mean -- and that's the stuff you  
7 think that Strickland might say I don't remember?

8 MR. MEETZE: I'm just guessing. I don't know.

9 THE COURT: What I'm -- I guess what I'm asking is would  
10 you -- would you rather take the time to -- to proffer that  
11 and do any video showing outside the jury's presence?  
12 Because if -- if you show it --

13 MR. MEETZE: Yeah.

14 THE COURT: -- here, then it is into evidence.

15 MR. MEETZE: Sure.

16 THE COURT: I mean it is in the record.

17 MR. MEETZE: That's fine. I don't have a problem with  
18 doing that.

19 THE COURT: And he may remember. So it may be you  
20 proffer and he remembers it all.

21 MR. MEETZE: Right.

22 THE COURT: Then we just come out and do it.

23 MR. MEETZE: Sure.

24 MR. CLEMENTS: Okay.

25 THE COURT: I mean what -- the only other way is to go

1 ahead and --

2 MR. CLEMENTS: Do it up here.

3 THE COURT: -- put it in the record.

4 MR. CLEMENTS: Yeah. And I don't know. I'd like to  
5 reserve. Vick is probably correct that I don't want to play  
6 the whole video, but I want to think about it a minute  
7 because it seems like there was some things, to my  
8 recollection, that he self-corrected on during the entire  
9 video.

10 So I don't -- I don't know exactly what Vick is talking  
11 about. So if I hear it, I'll be able to most probably say I  
12 don't want to play the whole thing, but I don't want to cut  
13 my legs off right yet because --

14 THE COURT: Let's do that.

15 MR. MEETZE: Sure. If you want to just --

16 THE COURT: And then y'all two -- y'all can --

17 MR. MEETZE: Just play the video entirety -- in its  
18 entirety for Strickland.

19 MR. CLEMENTS: Yeah.

20 THE COURT: If he can't remember it.

21 MR. CLEMENTS: Yeah.

22 MR. MEETZE: If he can't remember it.

23 THE COURT: Okay.

24 (WHEREUPON, the bench conference ended and the  
25 proceedings resumed as follows.)

1 THE COURT: All right. Folks, I'm going to get you to  
2 step back into your jury room and if you need anything, let  
3 Ms. Frances know. Please don't talk about the case. I'll  
4 get you back out here as soon as I can.

5 (WHEREUPON, the jury exited the courtroom at 10:16 a.m.)

6 THE COURT: Now, do y'all -- do you want -- do y'all  
7 want to look at things informally off the record before we go  
8 on the record to see if we have an issue or do you want to  
9 just --

10 MR. CLEMENTS: What -- what I anticipate going forward  
11 -- I may be wrong, Vick may have another plan, but my  
12 thinking was he was going to put Capt. Strickland on the  
13 stand and ask him certain things to see if he remembered  
14 those and, if he didn't, he wanted to play the video to  
15 refresh his recollection.

16 THE COURT: Correct.

17 MR. MEETZE: That's correct. So we can do that.

18 THE COURT: All right.

19 MR. MEETZE: Judge, to proffer some testimony, I would  
20 call Capt. Mark Strickland.

21 THE COURT: All right. Capt. Strickland, if you'd  
22 please come around, sir, and you're still under oath. Okay?

23 THE WITNESS: Okay.

24 MARK STRICKLAND, being  
25 previously duly sworn, testified as follows:

## MARK STRICKLAND - PROFFERED DIRECT BY MR. MEETZE

1                                   PROFFERED DIRECT EXAMINATION

2       BY MR. MEETZE:

3       Q:     Investigator Strickland, you took a statement in this  
4       case from Juwan Smith; is that correct?

5       A:     Yes, sir.

6       Q:     All right.  And where did you conduct that interview?

7       A:     In the Florence County Detention Center.

8       Q:     Do you know when that interview was conducted?

9       A:     I do not.

10      Q:     You do not?

11           MR. MEETZE:  May I approach the witness, Your Honor?

12           THE COURT:  Yes, sir.

13      BY MR. MEETZE:

14      Q:     I'll hand you that.  Does that refresh your memory as to  
15      when that interview took place?  Does it have a date on the  
16      bottom of the page?

17      A:     Yes.  9/5 of 2017.

18      Q:     Okay.  So a week or so after the incident took place?

19      A:     Yes, sir.

20      Q:     All right.  And as I just handed you, did you ask Mr.  
21      Smith to give you that statement in writing?

22      A:     Yes, I did.

23      Q:     Do you recall how you conducted the interview?  Let me  
24      just put it that way.

25      A:     Yes, sir.

## MARK STRICKLAND - PROFFERED DIRECT BY MR. MEETZE

1 Q: How did you conduct the interview?

2 A: I asked him what went on and all and he told me while I  
3 was on body camera and then I asked him to put it in writing.

4 Q: Okay. So y'all had a conversation about things first  
5 and after he had told you everything that he wanted to tell  
6 you, you asked him to put it in writing; is that right?

7 A: Yes, sir.

8 Q: Okay. So what I'm going to ask you about now are some  
9 things that he said during the conversation part and ask if  
10 you remember that. Okay?

11 A: Okay.

12 Q: Do you recall him telling you that -- that they had  
13 turned the car around? This would be after the shooting took  
14 place and the BMW took off. That they had to turn the car  
15 around because they couldn't get out of Timmonsville that  
16 way. Do you remember him saying that?

17 A: I remember him saying they left the scene and they went  
18 down the road and they got scared and had to come back to  
19 pick up the other two.

20 Q: So you don't remember him saying because we couldn't get  
21 out of Timmonsville that way that they turned around?

22 A: No, sir, I don't.

23 Q: Okay. Do you recall him saying that he and AJ went back  
24 and told their mothers everything?

25 A: No, I don't.

## MARK STRICKLAND - PROFFERED DIRECT BY MR. MEETZE

1 Q: Okay. And do you remember him telling you that he goes  
2 to a white girl across the street and tells her I just hit a  
3 lick for \$40 and tried to smoke the store clerk? Do you  
4 remember him telling you that?

5 A: No, I don't.

6 Q: Okay.

7 MR. MEETZE: Judge, those are the only three things that  
8 I would be using to impeach.

9 THE COURT: All right.

10 MR. MEETZE: I'd be happy to play those and see if that  
11 refreshes his recollection. The video is not that long  
12 anyway, at least the conversation part. So if you want to  
13 just play the whole thing.

14 MR. CLEMENTS: Your Honor, I think it would be  
15 expeditious if we could play the whole video, since it is  
16 short, because we may have some we want to question Capt.  
17 Strickland about. So if he's going to have his memory  
18 refreshed -- excuse me. I can't talk. If he can have his  
19 memory refreshed, we might as well refresh him on the whole  
20 thing since it is short.

21 THE COURT: All right.

22 MR. MEETZE: Judge, my intention -- Mr. Smith talks  
23 fast; so you sometimes have to be listening pretty close for  
24 things. So as we approach the three parts that I'm asking  
25 Capt. Strickland to pay attention to, since we're in this

## MARK STRICKLAND - PROFFERED DIRECT BY MR. MEETZE

1 setting, I'm going to -- I'll sort of stop it and alert that  
2 that's coming.

3 THE COURT: All right.

4 (WHEREUPON, the body cam video on disk was marked as  
5 Court's Exhibit Number 2.)

6 (WHEREUPON, the body cam video was played and then  
7 stopped. Not transcribed herein.)

8 MR. MEETZE: This is going to be with regards to the  
9 first question I asked Investigator Strickland.

10 (WHEREUPON, the video resumed playing and was then  
11 stopped.)

12 BY MR. MEETZE:

13 Q: Investigator Strickland, I'll ask you having heard that,  
14 does that refresh your memory as to whether or not he said we  
15 turned around because we couldn't get out of Timmons ville  
16 that way?

17 A: Yes, sir.

18 Q: Okay. And is that what he said?

19 A: Yes, sir.

20 Q: Okay.

21 (WHEREUPON, the video resumed playing and was then  
22 stopped.)

23 MR. MEETZE: This would be the second question that I  
24 asked Investigator Strickland.

25 (WHEREUPON, the video resumed playing and was then



1           stopped.)

2   BY MR. MEETZE:

3   Q:   Investigator Strickland, does that refresh your memory  
4   as to whether or not Juwan Smith told you that he and AJ went  
5   back and told their mothers about everything?

6   A:   Yes, sir.

7   Q:   And did he, in fact, say that?

8   A:   Yes, sir.

9           (WHEREUPON, the video resumed playing and was then  
10       stopped.)

11       MR. MEETZE:   This would be the third.

12       (WHEREUPON, the video resumed playing and was then  
13       stopped.)

14   BY MR. MEETZE:

15   Q:   Does that refresh your recollection whether or not he  
16   told you that he goes to the white girl across the street and  
17   tells her I just hit a lick for \$40 and I tried to smoke the  
18   store clerk?

19   A:   Yes, sir.

20   Q:   And did he, in fact, say that?

21   A:   Yes, sir.

22       (WHEREUPON, the video resumed playing and was then  
23       stopped.)

24       MR. MEETZE:   Judge, that would essentially be the  
25   proffer.   I think the State nor I -- we don't intend on

MARK STRICKLAND - PROFFERED DIRECT BY MR. MEETZE

1 entering the entire video into evidence. So I think having  
2 proffered this and refreshed Investigator Strickland's  
3 recollection, I don't think we would need to play the --

4 THE COURT: You can just ask him your questions?

5 MR. MEETZE: Just ask him the questions and --

6 THE COURT: All right.

7 MR. MEETZE: And have him testify with regards to that.

8 THE COURT: Okay.

9 MR. MEETZE: I think Mr. Clements has some questions for  
10 Investigator Strickland as far as this hearing, but I don't  
11 have any further questions for him.

12 THE COURT: All right.

13 MR. CLEMENTS: Your Honor, I can hold my questions.

14 THE COURT: Until the --

15 MR. CLEMENTS: The jury part.

16 THE COURT: Okay. While they're out, does anybody need  
17 to take a break?

18 MR. MEETZE: I'll go ahead.

19 THE COURT: Let's go ahead and just take a few minutes  
20 and then we'll start back. Okay?

21 MR. CLEMENTS: Thank you, Your Honor.

22 (WHEREUPON, there was a break in the proceedings from  
23 10:40 a.m. until 10:54 a.m., after which the proceedings  
24 resumed as follows.)

25 THE COURT: All right. Let's go ahead and bring the

## MARK STRICKLAND - DIRECT BY MR. MEETZE

1 jury in, please.

2 (WHEREUPON, the jury entered the courtroom at 10:55  
3 a.m.)

4 THE COURT: All right. Ladies and gentlemen, we will  
5 pick up where we left off with Mr. Meetze's examination.

6 MR. MEETZE: Thank you, Your Honor. I think actually I  
7 had not actually called this witness. So --

8 THE COURT: Oh. Well, let's go ahead and let you do  
9 that.

10 And we did this outside your presence, ladies and  
11 gentlemen.

12 MR. MEETZE: I would call Capt. Mark Strickland at this  
13 point in time.

14 THE COURT: All right. And, Capt. Strickland, as I  
15 indicated to you, you're still under oath, sir.

16 THE WITNESS: Yes, sir.

17 THE COURT: Thank you.

18 MARK STRICKLAND, being  
19 previously duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. MEETZE:

22 Q: Investigator Strickland, during your investigation of  
23 this case, did you have an opportunity to conduct an  
24 interview with Juwan Smith?

25 A: Correct.

## MARK STRICKLAND - DIRECT BY MR. MEETZE

1 Q: And where did that interview take place?

2 A: Florence County Detention Center.

3 Q: And it happened about a week after --

4 A: Yes.

5 Q: -- this incident?

6 A: Yes, sir. Somewhere in there.

7 Q: Okay.

8 A: Yes, sir.

9 Q: Can you just sort of explain how you conducted the

10 interview?

11 A: I just went in the jailhouse and asked for Mr. Juwan

12 Smith and met with him at a table, along with SLED.

13 Q: Okay. And did he -- and could you explain further as to

14 how the interview went?

15 A: Yeah. I read him his rights and everything and he

16 decided to talk to us and then he went on, you know, talking

17 about the case.

18 Q: Okay. After he had talked about his case, did he do

19 anything else?

20 A: Not that I recall. What do you mean? What part?

21 Q: Did he give any kind of a written statement?

22 A: Yes, sir, he did.

23 Q: Okay. So you conducted the interview. It was a

24 conversation?

25 A: Yes, sir.

## MARK STRICKLAND - DIRECT BY MR. MEETZE

1 Q: Where he told you what he wanted to tell you; correct?

2 A: Yes, sir.

3 Q: And then you asked him to put that in writing?

4 A: Yes, sir, I did.

5 Q: Okay. And I want to ask you about a few things that he

6 might've said during the conversation portion of that. Okay?

7 A: Okay.

8 Q: Do you recall -- when he was talking to you, do you

9 recall him saying that -- do you recall him talking about

10 when the two guys got out of the BMW and did the shooting

11 that Alfred Lamar -- that they took off in the BMW. Do you

12 recall that?

13 A: Yes, sir.

14 Q: And do you recall Juwan Smith saying that they turned

15 around and came back the other way because they couldn't get

16 out of Timmons ville in the direction that they were going?

17 A: Yes, sir.

18 Q: Do you recall them saying that? Do you also recall him

19 saying that after the truck was taken from Walmart they went

20 their separate ways and that he and AJ went back and told

21 their mothers about everything?

22 A: Yes, sir.

23 Q: And when you say, yes, sir, you recall he did say that?

24 A: Yes, sir.

25 Q: And then do you also recall him saying that he, meaning

## MARK STRICKLAND - DIRECT BY MR. MEETZE

1 Juwan, goes to a white girl across the street and tells her I  
2 just hit a lick for \$40 and tried to smoke the store clerk?  
3 Do you remember him saying that?

4 A: Yes, sir.

5 MR. MEETZE: Judge, I don't have anything further of  
6 this witness.

7 THE COURT: All right. Cross?

8 MR. CLEMENTS: Thank you, Your Honor. If it please the  
9 Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. CLEMENTS:

13 Q: Capt. Strickland, when you interviewed Juwan Smith, he  
14 talked real fast, didn't he?

15 A: Yes, sir.

16 Q: Kind of excited?

17 A: Yes, sir, he did.

18 Q: Now, did you understand him to say that he couldn't get  
19 out of Timmons ville that way or he didn't know how to get out  
20 Timmons ville that way?

21 A: I thought he said he didn't know how, but watching the  
22 video, it did -- it kind of sounded like that.

23 Q: If you could, you actually can get out of Timmons ville  
24 that way, can't you?

25 A: Yes, sir, you can.

## MARK STRICKLAND - CROSS BY MR. CLEMENTS

1 Q: But if you don't know -- know it, you don't know how?

2 A: Correct.

3 Q: Okay. And the last thing Mr. Meetze asked you about, he  
4 said that Diante said that? Told a white girl?

5 A: Yes, sir.

6 Q: That he hit a lick for \$40 and tried to smoke the  
7 cashier?

8 A: Correct.

9 Q: Okay.

10 MR. CLEMENTS: I believe that's all I got. Thank you,  
11 sir.

12 THE COURT: Anything further?

13 MR. MEETZE: No, Your Honor.

14 THE COURT: Thank you very much, sir. You may step  
15 down.

16 All right. You may call your next witness.

17 MR. MEETZE: Your Honor. At this time, I call Detective  
18 Bobby Bethea from the Mullins Police Department.

19 THE COURT: All right. Detective Bethea, if you'd  
20 please come around, sir.

21 THE CLERK: Sir, if you will please place your left hand  
22 on the Bible and raise your right hand. Do you swear the  
23 testimony you give in this case to be the truth, the whole  
24 truth, and nothing but the truth, so help you God?

25 THE WITNESS: I do.

## BOBBY BETHEA - DIRECT BY MR. MEETZE

1 THE CLERK: Please be seated and state your full name  
2 for the record.

3 THE WITNESS: Bobby Bullard Bethea.

4 BOBBY BETHEA, being first duly  
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MEETZE:

8 Q: Detective Bethea, where do you work?

9 A: For the Mullins Police Department in Mullins, South  
10 Carolina.

11 Q: And how long have you been working there?

12 A: About five years.

13 Q: And were you in law enforcement prior to working at the  
14 Mullins Police Department?

15 A: Yes, sir.

16 Q: And where was that?

17 A: I worked with the Dillon County Sheriff's Department, I  
18 worked with the South Carolina Law Enforcement Division, and  
19 I started my career on the South Carolina Highway Patrol.

20 Q: Okay. So you were working as a detective with the  
21 Mullins Police Department back on August the 28th of 2017?

22 A: Yes.

23 Q: Did you have an opportunity to investigate an armed  
24 robbery that happened that evening?

25 A: Yes.



## BOBBY BETHEA - DIRECT BY MR. MEETZE

1 Q: Is that an armed robbery where a gas station was robbed?

2 A: That's correct.

3 Q: And cash was taken?

4 A: Correct.

5 Q: And the individual shot at the store clerk?

6 A: More shot at the ground, in the ground, in the floor of  
7 the store.

8 Q: A gun was discharged?

9 A: A gun was discharged, correct.

10 Q: During that investigation, were you able to exclude  
11 Diante Rogers of having done any of that?

12 A: As far as with the gun?

13 Q: Yes, sir.

14 A: We excluded him from with the gun situation.

15 MR. MEETZE: I don't have any further questions.

16 THE COURT: All right. Cross?

17 MR. CLEMENTS: Your Honor, may we approach?

18 THE COURT: Yes, sir.

19 (WHEREUPON, a bench conference was held in the presence  
20 of the jury but out of the hearing of the jury off the  
21 record, after which the proceedings resumed as follows.)

22 CROSS-EXAMINATION

23 BY MR. CLEMENTS:

24 Q: Mr. Bethea, what was the time of the incident that Mr.  
25 Meetze was asking you about?

## BOBBY BETHEA - CROSS BY MR. CLEMENTS

1 A: The patrol units were dispatched at 8:33 p.m.

2 Approximate time that the incident took place was  
3 approximately at 8:25 p.m.

4 Q: Okay.

5 MR. CLEMENTS: Thank you. I don't have any further  
6 questions.

7 THE COURT: Anything further?

8 MR. MEETZE: Just briefly.

9 REDIRECT EXAMINATION

10 BY MR. MEETZE:

11 Q: When you investigate cases, is it often --

12 MR. MEETZE: Scratch that, Your Honor.

13 BY MR. MEETZE:

14 Q: When you review videotapes in cases, are there  
15 timestamps on those videos from time to time?

16 A: Most of the time. Yes, sir.

17 Q: Are those timestamps always correct?

18 A: No, sir.

19 Q: And do you know whether they are correct most of the  
20 time or not correct most of the time or about 50-50?

21 MR. CLEMENTS: Your Honor, that would call for  
22 speculation. I would object to that question.

23 THE COURT: Well, he -- I'll sustain the objection to  
24 the extent it calls for speculation, but you can ask him if  
25 he knows for sure, you know, from his experience.

## BOBBY BETHEA - REDIRECT BY MR. MEETZE

1 BY MR. MEETZE:

2 Q: From your experiences with the cases you've  
3 investigated, what -- do you have an opinion as to how often  
4 the timestamps are incorrect?

5 A: Due to my personal experience, probably a little bit  
6 more not correct than they are correct.

7 Q: Okay. And is there a reason for that?

8 A: It could be the individual is not keeping up with their  
9 server correctly. It could be time change. They didn't  
10 change it with daylight savings time or vice versa. Just  
11 people not maintaining their systems as far as going back in  
12 there when they get repaired or worked on.

13 MR. MEETZE: And that's all I have, Your Honor.

14 THE COURT: Anything further?

15 RECROSS-EXAMINATION

16 BY MR. CLEMENTS:

17 Q: Those timestamps on the videos, that is not what you put  
18 on your incident report, is it?

19 A: No, sir. It would be direct -- the incident report  
20 shows exactly when the patrol units were dispatched to the  
21 location.

22 MR. CLEMENTS: Thank you.

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

24 THE WITNESS: Thank you.

25 THE COURT: You can step down, sir.

## SCOTTIE WILLIAMSON - DIRECT BY MR. MEETZE

1 THE WITNESS: Thank you, sir.

2 THE COURT: Any objection to Officer Bethea being  
3 excused?

4 MR. MEETZE: No objection.

5 MR. CLEMENTS: No, Your Honor.

6 THE COURT: All right. Thank you, Detective.  
7 Yes, sir?

8 MR. MEETZE: Your Honor, we would call Officer Scottie  
9 Williams with the Florence Police Department.

10 THE COURT: All right. Officer Williams, if you'd  
11 please come around to be sworn, sir.

12 THE CLERK: Sir, if you'll please step up to the stand  
13 and place your left hand on the Bible and raise your right  
14 hand. Do you swear the testimony you give in this case to be  
15 the truth, the whole truth, and nothing but the truth, so  
16 help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name  
19 for the record.

20 THE WITNESS: Durrell Scott Williamson.

21 SCOTTIE WILLIAMSON, being first  
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. MEETZE:

25 Q: Officer Williamson, where do you currently work?

## SCOTTIE WILLIAMSON - DIRECT BY MR. MEETZE

1 A: City of Florence Police Department.

2 Q: And at what capacity are you working with the City of  
3 Florence?

4 A: Currently, I'm the supervising sergeant over the crime  
5 scene unit.

6 Q: Okay. And has that always been the department you've  
7 worked in?

8 A: No, sir.

9 Q: How long have you been working there?

10 A: A total of 15 years.

11 Q: In the forensics?

12 A: For the past two years.

13 Q: Okay. And so prior to that, where were you working?

14 A: I was a corporal in the investigation division.

15 Q: Okay. And in August of 2017, did you have an  
16 opportunity to investigate a theft of a truck from Walmart on  
17 Irby Street?

18 A: Yes, sir, I did.

19 Q: And in that process, did you interview anybody?

20 A: I did. I had an interview with Mr. -- I think you  
21 referred to him as AJ Lawan -- Lamar. I'm sorry. Alfred  
22 Lamar.

23 Q: Okay. Now, before you got a subpoena to come into this  
24 court, how long had it been since you had reviewed anything  
25 in regards to this case?

## SCOTTIE WILLIAMSON - DIRECT BY MR. MEETZE

1 A: Since that date. Since the -- that case in 2017.

2 Q: Have you been able to -- when you spoke with Mr. Lamar,  
3 how was that memorialized?

4 A: An audio recording.

5 Q: Okay. Was there any written statement?

6 A: No, sir. I don't believe so.

7 Q: Okay. Have you had an opportunity to review that  
8 recording?

9 A: Yes, sir, I have.

10 Q: Okay. Has that recording -- has that review of that  
11 recording refreshed your recollection of things that were  
12 said?

13 A: Yes, sir.

14 Q: Okay. In that recording of your interview with Mr.  
15 Lamar, did he say that Juwan took the gun off of him and  
16 pointed it at little Bill and told him --

17 MR. CLEMENTS: Your Honor, I would object to the leading  
18 question.

19 THE COURT: Sustained.

20 BY MR. MEETZE:

21 Q: Do you recall what Mr. Lamar said with regards to who  
22 took the truck?

23 A: I think he -- my recollection is that he told me little  
24 Bill, which I identified later through investigation as  
25 Diante Rogers.

## SCOTTIE WILLIAMSON - DIRECT BY MR. MEETZE

1 Q: And do you recall what AJ Lamar said --

2 A: Yes, sir.

3 Q: -- that spurred Little Bill to get out of his car to go  
4 to the truck?

5 A: Yes, sir. During our conversation, he mentioned that  
6 Juwan had a handgun and pointed it at him and he took it off  
7 of him and spoke to Little Bill, Diante, and told him he  
8 needed to blood up and get out of the car.

9 Q: Okay. And do you recall any nickname that --

10 A: He referred to --

11 Q: -- Alfred Lamar --

12 A: Yes, sir.

13 Q: -- had referred to Juwan Smith as?

14 Q: He referred to Juwan as RatchetRu, I think it was.  
15 RatchetRu.

16 Q: Okay. Did he refer to him as anything else?

17 A: He did at one time during the conversation refer to him  
18 as a big homie.

19 Q: Okay. And just in your employment as a law enforcement  
20 officer, have you had any dealings or calls to know about  
21 gangs through training or work experience?

22 A: Yes, sir. In my experience, normally a term used as big  
23 homie maybe referred to as somebody that has -- is, like, a  
24 shot caller or somebody that gives orders out in the rank.

25 Q: Did -- was there -- did Alfred Lamar say anything to you

## SCOTTIE WILLIAMSON - DIRECT BY MR. MEETZE

1 about his involvement in a gang?

2 A: He had mentioned that he -- that he was down with these  
3 boys during our conversations and he did roll with them.

4 Q: Okay.

5 MR. MEETZE: Judge, I don't have any further questions.

6 THE COURT: Cross?

7 CROSS-EXAMINATION

8 BY MR. CLEMENTS:

9 Q: Officer Williamson, saying he rolled with them and that  
10 he was down with them, that's not admitting to being in a  
11 gang, is it?

12 A: No, sir. He never said he was in a gang.

13 Q: And did you talk to him about the other crimes that  
14 happened where they had come from before they got to Walmart?

15 A: He did mention it and he did talk about that crime as  
16 well.

17 Q: And in talking about that crime, did he say that Diante  
18 shot at the car in Timmonsville?

19 A: He did not. I don't recall that. No, sir.

20 Q: Did he tell you anyone else shot at the car in  
21 Timmonsville?

22 A: Sorry, sir. I don't recall.

23 Q: Okay. All right. But that wasn't the case you  
24 investigated, was it?

25 A: No, sir, it was not.



## SCOTTIE WILLIAMSON - CROSS BY MR. CLEMENTS

1 Q: You were investigating the stealing of the truck at  
2 Walmart?

3 A: That is correct.

4 Q: Who did you charge for that offense?

5 A: I charged all four individuals, Alfred, Juwan Smith,  
6 Diante Rogers, and MINOR .

7 Q: Okay. And that's -- that was the four people that were  
8 in that BMW driven by AJ?

9 A: That's correct, sir.

10 Q: And you charged all four of them, but only one of them  
11 got in the car and drove -- got in the truck and drove away;  
12 isn't that correct?

13 A: That's correct.

14 Q: And who was that?

15 A: I want to say it was identified as Diante.

16 Q: Okay. And that's who they call Little Bill?

17 A: Yes, sir.

18 Q: And Little Bill and the other three were all charged the  
19 same? Is that under the hand of one being the hand of all?

20 A: That's correct, sir, and actions that I saw and video  
21 prior to the truck actually being driven off.

22 Q: Okay. All right. And there is video from the Walmart  
23 parking lot?

24 A: Yes, sir.

25 Q: Okay. Did you ever have any conversations with Capt.

## SCOTTIE WILLIAMSON - CROSS BY MR. CLEMENTS

1 Mark Strickland or anyone else regarding the investigation of  
2 these crimes?

3 A: Yes, sir. Mr. Strickland I spoke with over the phone  
4 once, I think, maybe twice, regarding getting total IDs on  
5 everyone at the time.

6 Q: And y'all were interested in the same people; right?

7 A: That's correct.

8 Q: Little Bill is Diante Rogers, Juwan Smith, MINOR  
9 MINOR and AJ Lamar?

10 A: That's correct, sir.

11 Q: Those are the four?

12 A: Yes, sir.

13 Q: Okay.

14 MR. CLEMENTS: Thank you. No further questions.

15 THE COURT: Redirect?

16 MR. MEETZE: Just briefly.

17 REDIRECT EXAMINATION

18 BY MR. MEETZE:

19 Q: In the video you say was there from Walmart, was there  
20 anything that could identify any individual that could be  
21 identified with that?

22 A: No, sir. The video was long-distance. They were --  
23 because it was further down in the parking lot. So the  
24 camera -- you couldn't identify the people.

25 MR. MEETZE: I don't have anything further, Your Honor.

1 THE COURT: All right. Anything further?

2 MR. CLEMENTS: That's all I have, Your Honor. And I ask  
3 that Officer Williamson be released from his subpoena.

4 MR. MEETZE: No objection.

5 THE COURT: All right. Thank you very much, sir.

6 THE WITNESS: Thank you.

7 THE COURT: I appreciate you being here.

8 MR. MEETZE: Judge, we have one more potential witness.  
9 Unfortunately, that witness's availability is not until  
10 tomorrow morning. That's not anything I was aware of until  
11 this morning, unfortunately.

12 THE COURT: Okay.

13 MR. MEETZE: So at this point in time --

14 THE COURT: All right.

15 MR. MEETZE: -- the defense is not resting, but we would  
16 ask for a recess until in the morning so we can --

17 THE COURT: All right. Ladies and gentlemen, one day  
18 I'm going to learn not to make educated guesses. All trials  
19 are always different. There's always things that occur.

20 Witness schedules. It's hard to schedule witnesses  
21 sometimes and this is a witness through no fault of anyone's  
22 nor the witness's, it's just they're not available until the  
23 morning and we have to -- we have to just roll with this. We  
24 have to be somewhat flexible and fluid.

25 So I'm going to excuse you for the balance of the day

1 and I'm going to make no promises about tomorrow other than  
2 I'll need you here at 9:30 and we'll be -- we'll be good to  
3 go at that point. Let me -- yeah. We'll do that.

4 Have a good afternoon. Again, the same instruction.  
5 Always continue that -- that ability to remain fair and  
6 impartial and try to get a good night's rest this evening  
7 before you come back in the morning.

8 If everyone else please would remain seated, the members  
9 of the jury, we'll see you back here at 9:30 tomorrow.

10 (WHEREUPON, the jury exited the courtroom at 11:16 a.m.)

11 THE COURT: All right. Anything else we need to do  
12 today?

13 MR. MEETZE: If we want to before lunch or whatever,  
14 we'll talk about the charge or anything like that.

15 MR. CLEMENTS: That's what I was going to say.

16 THE COURT: Why don't -- why don't we -- why don't we do  
17 that. We can step back here and do that. But also -- well,  
18 I'll just talk to you back here about the other matter I've  
19 got.

20 (WHEREUPON, the proceedings adjourned for the day at  
21 11:17 a.m.)

22 JANUARY 17, 2020

23 (WHEREUPON, the proceedings resumed at 9:43 a.m.)

24 THE COURT: All right. Mr. Meetze, you informed the  
25 Court back in chambers earlier that the defense would not be

1 calling any additional witnesses or putting up any additional  
2 evidence; is that correct?

3 MR. MEETZE: That's correct, Your Honor.

4 THE COURT: All right. Well, if we -- if we can then,  
5 why don't we go ahead and take up motions at the -- well, let  
6 me -- I apologize.

7 Solicitor, would the State have any reply evidence to  
8 put in?

9 MR. CLEMENTS: We do not, Your Honor.

10 THE COURT: All right. Well, then why don't we, while  
11 we have this time with the jury out, go ahead and take up the  
12 motions at the close of the evidence? So, Mr. Meetze, I  
13 would recognize you for that.

14 MR. MEETZE: Thank you, Your Honor.

15 Judge, at this time, the defense would renew their  
16 motion for a directed verdict after all of the evidence has  
17 been presented. Again, it would be on the basis that the  
18 evidence as presented from both sides not being or rising to  
19 the level of enough direct evidence or substantial  
20 circumstantial evidence to support the guilty plea. I would  
21 also -- not guilty plea -- sorry -- to sustain a guilty  
22 verdict.

23 And I would also renew all of my previous objections  
24 that have made throughout the case and, Judge, we'd like to  
25 also, since I'm doing that, would add --

1 THE COURT: Yeah.

2 MR. MEETZE: -- that yesterday afternoon when we  
3 recessed the trial, Mr. Clements and I had a chambers  
4 conference with you to discuss your jury charge for this  
5 case.

6 It was discussed whether or not you would add the charge  
7 of the hand of one is the hand of all or accomplice liability  
8 to the charge, and you had submitted to us the initial draft,  
9 not necessarily the entirety, but the draft that you  
10 submitted for us to review did not include that. So we  
11 discussed whether or not that was going to be included.

12 I objected to the inclusion of that charge. After  
13 discussion and all, the Court decided that it would be  
14 appropriate in the Court's eyes to charge that and that's  
15 been added, and I just wanted to put that on the record and  
16 then put my objection to that being added on the record as  
17 well and include that with my objections that I'm renewing --

18 THE COURT: Okay.

19 MR. MEETZE: -- at the close of all of the defense's  
20 case.

21 THE COURT: All right. Well, thank you, sir.

22 And I certainly will note for the record that all of  
23 your previous objections but also the objection to the  
24 inclusion of the charge regarding the hand of one being the  
25 hand of all.

1 I'm going to respectfully deny the motion for a directed  
2 verdict. I think it's a jury question. I think the evidence  
3 is in the record and it would be a matter of how the jury  
4 views that evidence, but I think there is evidence to support  
5 whatever charge -- whatever verdict the jury would reach,  
6 depending on how they view that evidence.

7 What -- what I would propose then is we'll bring the  
8 jury out. Mr. Meetze, I'll recognize you on behalf of the  
9 defense and allow you to rest before the jury on the record  
10 and then -- and then we'll move into closing arguments.

11 Again, just so everyone's clear, Mr. Clements, I would  
12 recognize the State. I believe that the procedure is that  
13 you would close in full, then Mr. Meetze would have an  
14 opportunity, and then if you have any reply to Mr. Meetze's  
15 argument, any reply would be restricted to those things that  
16 Mr. Meetze raised in his closing. Okay?

17 All right. So let's bring the jury in, please.

18 THE BAILIFF: Yes, sir.

19 (WHEREUPON, the jury entered the courtroom at 9:48 a.m.)

20 THE COURT: All right. All right. Ladies and  
21 gentlemen, welcome back.

22 I was just talking to my law clerk and it's -- it's fate  
23 or whatever, but, Mr. Kennedy, I was going to ask you to  
24 serve as the foreman of the jury and you happened to sit in  
25 the foreman's chair this morning for the first time. So I

1 don't know and I didn't tell anybody that I was going to do  
2 that. So I didn't -- there was no leak like comes out of  
3 Washington, but anyway, would you be willing to do that for  
4 me, sir?

5 THE FOREMAN: Do I have to?

6 THE COURT: Well, you don't have to, but let me explain  
7 what the foreman's or foreperson's role is and so maybe I can  
8 ease your concerns, if you have any.

9 We've just found that over time when you deal with a  
10 group of folks, rather than dealing with every person  
11 individually if you have questions about anything, we've just  
12 found it's more efficient to deal with one person on behalf  
13 of the panel as a whole. So the foreman or the forewoman,  
14 whoever, is basically just the spokesperson for the jury or  
15 the liaison so that if the jury -- if at any time you have  
16 any questions about anything or whatever, then the foreman  
17 would relay that information to the Court.

18 And depending on your question, I may just write my  
19 response and send it back or I may bring you out as a panel  
20 and respond to your questions, if you have any. But that's  
21 the -- that's the main role of the foreperson.

22 Your verdict in this case -- in every case tried in this  
23 court, the verdict must be unanimous. Everybody must agree  
24 on the verdict, whatever it is, and -- and so the foreman's  
25 thoughts, ideas or opinions carry no more weight than that of



1 anyone else on the jury. You're all equal members of the  
2 jury.

3 I always encourage juries when they go back into their  
4 jury room for deliberations to -- to do so with an open mind  
5 and to listen carefully to everyone and don't be -- you know,  
6 don't be afraid to, you know, critically look at your own  
7 opinions based upon that of what others feel.

8 And -- but because it's a unanimous verdict that has to  
9 be rendered, everyone's verdict -- everyone's vote carries  
10 the same weight and everyone's opinion carries the same  
11 weight. It's just that we need to -- we need somebody to  
12 basically speak on behalf of the panel. So that's the role  
13 of the foreperson. If you'd be willing to do that, I'd  
14 appreciate it.

15 Ladies and gentlemen, if you recall when we adjourned  
16 yesterday, we were on the defense's case. At this time, I'm  
17 going to recognize Mr. Meetze on behalf of the defense.

18 Mr. Meetze?

19 MR. MEETZE: Thank you, Your Honor.

20 Your Honor, at this time, the defense would rest.

21 THE COURT: Okay. Ladies and gentlemen, Mr. Meetze was  
22 kind enough to let the Court know earlier that the defense  
23 would be resting their case because at the close of the  
24 defense's case, then I'm required to send you back out and  
25 take up matters of law at the close of the defense's case.

1           Well, since Mr. Meetze was kind enough to let me know  
2 that the defense would be resting, we went ahead and did  
3 that. So I've already taken up those matters of law and so  
4 now rather than having to send you out and do that, we've  
5 done that and so now we will be moving to the next phase of  
6 the trial, which is typically referred to as closing  
7 arguments or final summation.

8           This is the opportunity for the attorneys to share with  
9 you or argue to you what they believe the evidence in this  
10 case has shown. Now, as I told you with regards to their  
11 opening statements, the same thing applies to their closing  
12 arguments. What they're going to share with you in their  
13 closing arguments is not evidence. Again, they are not under  
14 oath. They are not testifying.

15           They are going to argue what they believe that the  
16 evidence has shown. The evidence in this case that you're  
17 going to have to make your call is the testimony from the  
18 witnesses that appeared and then any evidence, documents or  
19 photographs or videos, whatever came in during the course of  
20 the trial. That's the evidence in the case, and this is  
21 their opportunity to argue to you what that evidence has  
22 shown.

23           Because the State has the burden of proof, they will go  
24 first. Then Mr. Meetze will have an opportunity to address  
25 you on behalf of Mr. Rogers. And then if the State chooses

1 to, they may have a short reply.

2       Once the attorneys have presented to you their closing  
3 remarks, I will then give you the charge on the law. Once  
4 you have that, you will then now for the first time this week  
5 be able to go back into the jury room and begin your  
6 deliberations.

7       So if you would, ladies and gentlemen, please be  
8 courteous and give the attorneys your undivided attention as  
9 they address you with their closing remarks.

10       Mr. Clements?

11       MR. CLEMENTS: Thank you, Your Honor. May it please the  
12 Court.

13       THE COURT: Yes, sir.

14       MR. CLEMENTS: Mr. Meetze.

15               CLOSING ARGUMENT ON BEHALF OF THE STATE

16       MR. CLEMENTS: Good morning.

17       THE JURORS: Good morning.

18       MR. CLEMENTS: It seems like it's been a lot longer than  
19 a week to me. I don't know about y'all, but I want to thank  
20 you. I've noticed and watched that you've paid strict  
21 attention and rapt attention to the trial and paid attention  
22 to all the witnesses, and I want to thank you for that on  
23 behalf of the State and on behalf of Mr. Rogers.

24       And I know Mr. Meetze will thank you as well for giving  
25 the State of South Carolina and Mr. Rogers a fair day in

1 court, and you've done that and you have -- I know you are  
2 going to deliberate with the same attention that you've given  
3 to all the witnesses and I want to thank you for that.

4 I know there's other places you'd much rather be than  
5 here, but this is important. You -- you have been a part of  
6 the government this week. So if anybody is complaining about  
7 the government this week, they've included you because you're  
8 part of the government, part of the judicial branch.

9 And I say that a little bit tongue-in-cheek, but it's  
10 very serious because you are listening to matters that  
11 involve people's life and liberty. And like Mr. Meetze told  
12 you on his opening statement, he said the stakes don't get  
13 any higher than this, and he is right.

14 So what I would ask you to do today is come with your  
15 head and your heart and your experience and your wisdom and  
16 examine everything that we've presented to you and give both  
17 sides a fair day in court, and I know that you will. And I'm  
18 convinced in my heart that when you go back and you consider  
19 all the evidence and you look at the burden of proof that I  
20 have, you will say in your deliberations, Mr. Clements, y'all  
21 did meet your burden of proof, you did prove this beyond a  
22 reasonable doubt, and find Mr. Rogers guilty.

23 What I have to do now is first talk to you a little bit  
24 about the law and I'm not going to be long-winded about this,  
25 I hope, but it's my only opportunity to talk about the law

1 and the facts and I've got to express to you how I think the  
2 law applies to these facts that we have.

3 And if I say something about the law and what the law is  
4 and then Judge Russo give his charge to you and he says  
5 something different, I made a mistake. You take the law from  
6 him, but I'm going to tell you what I feel like this case has  
7 shown and what the law -- how it applies.

8 First and foremost to our entire judicial system in the  
9 criminal side is the notion of presumption of innocence. Mr.  
10 Rogers right there has got on a dark-colored jacket covering  
11 him and he also has on what's not seen is he has a cloak of  
12 innocence, as it is sometimes referred to, but it's a  
13 presumption that he's innocent and it's a presumption that  
14 any of us are innocent until we're proved guilty beyond a  
15 reasonable doubt.

16 Now, a reasonable doubt is something that has the notion  
17 that you are firmly convinced that somebody did something and  
18 a reasonable doubt has also been said in the law that it's  
19 not a fanciful doubt, it's not an unrealistic doubt. And you  
20 can never dispel every doubt, but what we have to dispel is  
21 beyond a reasonable doubt, whether you're firmly convinced or  
22 not, but that's a very, very important distinction.

23 And the burden of proving guilty beyond a reasonable  
24 doubt is solely on me. I have that burden and I embrace that  
25 burden. Mr. Rogers or anybody else that's ever accused in

1 our state, they don't have to prove a thing. It is not their  
2 burden. It's my burden. So I ask you, it's my burden, hold  
3 my feet to the fire.

4 You are the judges as you sit there. Judge Tommy Russo  
5 is the judge of the law and he will give you the law, but you  
6 sitting there collectively, y'all are the judge of the facts.  
7 The facts that have come in from this witness stand where  
8 people testified or any exhibits we presented, that evidence  
9 is for you to weigh and give whatever weight you think it  
10 has, if it weighs a lot or weighs very little.

11 There's a lot of things you heard in this case, I would  
12 submit to you, really don't have beans to do with anything.  
13 It's just kind of some of the surrounding facts and so I  
14 would tell you don't get hung up on -- on the facts that  
15 don't matter, that are not probative, that don't prove  
16 anything, that are irrelevant. Don't get hung up on those.  
17 Pay attention and focus on what is the meat of these charges  
18 and whether we've proven beyond a reasonable doubt.

19 As the judge of the facts, you get to judge the  
20 credibility of the witnesses. You get to say this guy is  
21 believable, she's believable, he's not believable or, well, I  
22 can believe part of what was said or I can't believe none of  
23 what was said or I believe all of what this witness said.  
24 That's what you can do is you judge the credibility and the  
25 believability of the witnesses.

1           You can believe one witness over many or you can believe  
2 many witnesses over one, if it kind of breaks out that way.  
3 You can see as you observe the witnesses come up and testify  
4 their demeanor from that witness stand is if they had a  
5 demeanor that showed any kind of bias or slanting towards one  
6 side or the other that was not fair, if they seemed to be  
7 sure in what they were saying, if they had the opportunity to  
8 really observe what they said they observed.

9           We've got some witnesses in this case that said they saw  
10 something. Were they in a position to see what they said  
11 they saw? Was it possible? Y'all judge that. Y'all judge  
12 the credibility and put whatever weight on testimony that you  
13 think is appropriate. Again, keep in mind, you can believe  
14 all of what somebody said, you can believe none of what they  
15 said, and then you can believe parts of what they said.

16           Our courts have two types of evidence that we look at.  
17 Direct evidence, and that's when somebody sees something and  
18 testifies to what they saw. That's direct evidence, and then  
19 there's circumstantial evidence. Circumstantial evidence is  
20 a chain of facts that lead to a conclusion.

21           And we have both direct and circumstantial evidence as  
22 part of this case. We've got witnesses that said they saw  
23 something and we've got other circumstances that add up to  
24 infer some other conclusion.

25           As an example of that, we've got Raheem Simon. He was

1 one of our witnesses. Do you remember him? Young man came  
2 up. He was scared. He was nervous in here. He talked a  
3 little fast, but he said what he saw.

4 He saw two people outside of the car and saw them go by  
5 and the car come back and they jump in and went by him  
6 speeding by and he was out on the street just down the block  
7 a couple houses down from where it actually took place. That  
8 would be direct evidence. He said what he directly saw.

9 Remember Mr. Bert White? He came in and said he saw the  
10 car stopped in the middle of the road and something was wrong  
11 and he thought that and he ended up getting behind them and  
12 writing down the paper tag number because he thought  
13 something was up with it and he -- and that was direct  
14 evidence.

15 Mr. Lindwood Timmons came in and told you what happened  
16 when he heard the horn going off and then he looked and saw  
17 there was Ms. Wilson in his yard in her car, and he told you  
18 what he saw and what was present there. That's direct  
19 evidence.

20 Circumstantial evidence. An example we have in this  
21 case -- and there's probably several, but this one in  
22 particular.

23 You heard from Capt. Strickland. He went out. First,  
24 they didn't know where the shooting actually took place and  
25 then he got word of where it might be and then he went and



1 looked out there and he found five shell casings and he  
2 collected them and put them in a bag. And he gave them to  
3 Eric Barnes, who is the forensic officer with the Florence  
4 County Sheriff's Office, and he took those and packaged them  
5 separately and individually, which a forensic officer  
6 would've done if he'd have been on the scene. That's the way  
7 he would've collected it, but Capt. Strickland over patrol,  
8 he just put them in the bag and gave them to Eric Barnes to  
9 do what needed to be done and Eric Barnes did mark them  
10 separately, packaged them separately, sent them to SLED.

11       There was another bullet that was retrieved from Ms.  
12 Wilson in the autopsy. They sent that bullet off to be  
13 compared to SLED. And the circumstantial evidence I would  
14 submit to you includes also the gunshot hole in the bumper of  
15 the car that Mr. Lamar was driving. The BMW had a bullet  
16 hole in the back bumper.

17       And then there were four bullet holes in Ms. Wilson's  
18 car, if you recall. One went through the driver's side door  
19 window. Then another one came back from a different angle  
20 and you'll remember the pictures of the rods, trajectory rods  
21 that Eric Barnes put in there. One was straight into the  
22 door, one was back here at a little bit of an angle. That  
23 was two. Then back by the -- you can look at these pictures.  
24 Back by the -- where you put the fuel in. That was number  
25 three, and then there's one in the back trunk lid and that

1 was number four.

2 Well, there were four shots there and they were four  
3 shell casings. Then we have testimony about the BMW being  
4 shot at when they started to drive away and then turned  
5 around and went back and picked up the shooter. They had  
6 that gunshot and that's five.

7 Now, I'd submit to you that's circumstantial evidence  
8 that matches up and shows us what happened. It helps us to  
9 draw the conclusion. Five shell casings and we can account  
10 for each one of those.

11 Expert witnesses is also something that the judge is  
12 going to charge you on and we didn't have many experts in  
13 this case. We didn't have a whole lot of forensics in this  
14 case. That's just the nature of the facts of this particular  
15 case.

16 It doesn't mean it's good or bad, you know, but we're  
17 used to seeing things on TV. We see all these things on some  
18 of these shows where they try the whole case and do the whole  
19 investigation in an hour. You know, I want to remind you  
20 that's Hollywood. That's not here.

21 But we had an expert witness that we qualified for the  
22 State. His name was Chad Ham [sic] from SLED, and what did  
23 he do? He was a firearms examiner and he told you how he  
24 examines and what training he's got and expertise.

25 And he tested the shell casings and what did he find?

1 All four of them what? All five of them what? They came  
2 from one gun. They were all shot from the same gun. You've  
3 got four holes in the Impala and one in the BMW. So the math  
4 is right and the shell casings all match.

5 One thing that can be inferred from that possibly is you  
6 only had one person shooting. If you'd have had -- both the  
7 pistols were semiautomatic. They would both eject shells  
8 when shots were fired, but you only have five shell casings  
9 and they came from one gun and you can infer from that there  
10 was one gun that was fired on that scene. Maybe other guns  
11 present, but only one gun fired.

12 Now, if there was a revolver, which those of you who  
13 know anything about guns know those are the old type guns, a  
14 revolver would have had a cylinder that spins. Those shell  
15 casings are not ejected. They stay in there. You have to  
16 remove them by hand.

17 So if somebody was out there shooting a revolver, we  
18 don't have any shell casings so we don't know about that, but  
19 we don't have, I don't believe, any testimony that says that  
20 the guns that were present and observed included a revolver.  
21 I believe all of the testimony was it was semiautomatic, but  
22 y'all can remember in your twelve minds better than I can on  
23 the detail. So match these details up.

24 And the SLED expert also -- he examined the bullet that  
25 was in Ms. Wilson's body that was retrieved at the autopsy

1 and submitted to SLED, and he said it was -- he could not  
2 conclusively say what gun it came from because it was damaged  
3 such that that was not possible to do and he didn't have a  
4 gun to match it to, but what he did say was it was consistent  
5 with being from a 9 millimeter, which matches the shell  
6 casings.

7 Criminal intent is something that the judge is going to  
8 charge you on and then that's just the mental state of  
9 somebody's conscious wrongdoing. If you've got criminal  
10 intent, you've got a conscious wrongdoing and that's your  
11 mental state and then you can prove criminal intent by acts  
12 and conduct. You can tell by how people act whether they  
13 have criminal intent.

14 That's something you do every day as you judge people's  
15 intent based on what they tell you or what they say or how  
16 they're acting, their body language, what things they  
17 participate in. So use your regular everyday common sense on  
18 that, on criminal intent, and see if Diante Rogers had any  
19 criminal intent that day.

20 As I mentioned before, I have the sole burden of proof.  
21 It's all on me, and Mr. Rogers didn't -- he put up evidence,  
22 but he didn't testify and the judge is going to tell you you  
23 cannot consider that. That's his rights. That would be my  
24 rights and your rights and every one of us. So that's  
25 something you cannot consider.

1           We look at the charges that Mr. Rogers is charged with.  
2       There was six charges.

3           Murder is the first one, the serious charge I want to  
4       talk to you about. Murder requires that you take somebody's  
5       life with malice aforethought, and malice is simply the  
6       intentional doing of a wrongful act and you have evil intent  
7       in the heart.

8           Mr. Rogers took a gun. He fired it at Ms. Wilson. He  
9       took her life in a slow, painful way because she was shot on  
10      August 28th, 2017, and she did not succumb to her wounds  
11      until October 8th, 2017. I believe my dates are correct, but  
12      it had weeks in there where she suffered until, ultimately,  
13      those wounds took her life.

14          There was malice aforethought. He fired into that  
15      Impala and it took her life. So he killed another person  
16      with malice aforethought. That's murder. Those are the  
17      elements of murder.

18          Also, he's charged with kidnapping. And when they  
19      pulled the car in and they hemmed her up and he got out of  
20      the car and held the gun on her and held her and impeded her  
21      ability to move away, that was kidnapping, even though it was  
22      for a short period of time, but I tell you that fits the  
23      definition of kidnapping. The judge is going to give you a  
24      more complete charge on what kidnapping is.

25          Carjacking. Our statute for carjacking says if you take

1 a car from someone by force and intimidation when they're in  
2 it or you attempt to take it by force or intimidation when  
3 they're in it, you've committed the crime of carjacking.  
4 Holding a gun on her and jumping out and getting her to stop  
5 by hemming her in with the BMW and then firing at her when  
6 she tried to get away, all that was an attempt to take her  
7 car by violence and force.

8 Charge four is discharging a firearm into an occupied  
9 vehicle. Four times he fired it into the Impala at least  
10 that we have shell casings and we have bullet holes. There  
11 was one more fired and that was fired and hit the BMW.

12 And I'll be honest I can't tell you if that was an  
13 accident that just happened to hit the BMW or Diante was  
14 firing at the BMW to get it to stop so he could get back in  
15 and ride off. I don't know that.

16 I just know that the BMW was hit and there was an empty  
17 shell casing that was not accounted for by bullet holes in  
18 the Impala. But there was a -- it was a vehicle and they  
19 discharged the firearm into it several times.

20 Next charge, number five, is possession of a firearm  
21 during the commission of a violent crime. Murder,  
22 carjacking, and kidnapping are all defined as violent crimes  
23 in our statutes. So if he committed murder or kidnapping or  
24 carjacking or all 3 and possessed a weapon during the time  
25 he's committing that offense, he's guilty of possession of a

1    weapon during the commission of a violent crime.

2            Well, the thing about this particular crime is you've  
3    got to find him guilty of a violent offense to find him  
4    guilty of possession of a weapon during the commission of a  
5    violent offense.  You've got to have both of them together or  
6    you can't have the possession charge.  The judge will explain  
7    that to you more completely.

8            The last charge I have is conspiracy, and conspiracy  
9    just means that you're doing something in concert with  
10   someone else.  At least two people agree to commit a criminal  
11   act, and they don't even have to necessarily commit the act,  
12   they just have to agree to do it.

13           Here, we believe there's an agreement and an attempt and  
14   they accomplished part of it.  They didn't get the car, but  
15   they accomplished the violation of the -- the violent acts  
16   and violent crimes, the two firearms offenses, and the  
17   criminal conspiracy.

18           Lastly, as far as the law, I want to talk to you about  
19   accomplice liability, and I talked to you about that in my  
20   opening statement, the hand of one being the hand of all.  If  
21   you've got people who are acting together, working together,  
22   and they do a crime, they are each responsible for what each  
23   other did.

24           My example I think I gave you back on Monday was if I  
25   decide to go rob a bank with Mr. Saverance here and we go in

1 there and I don't know that he's going to do this, but he  
2 pulls a gun and shoots somebody. He's -- he's guilty of that  
3 and so am I because we were working together in committing  
4 that robbery. That's the hand of one being the hand of all.  
5 And they were working together and they had different parts  
6 to play for carjacking, kidnapping, and murder.

7       If you go to take something from somebody and take a car  
8 from somebody with a gun, the natural occurrence that may  
9 occur is that someone is going to wind up being shot, and  
10 that's what happened here. Everybody didn't have a gun, but  
11 they were all there in concert with one another.

12       Let's look at the witnesses a little bit quickly. I've  
13 gone over the law and presented some of the facts on the  
14 different legal issues, but I want to look at the victim  
15 first and let's see what she was doing that day.

16       She was 88 years old. She was mobile. She could do the  
17 things she wanted to do. She went to the grocery store the  
18 evidence showed and came back that she had some grocery bags  
19 in the backseat. She had her purse with her and had her  
20 wallet and \$7 was on her and that was all she was carrying  
21 and gave up her life in this scenario for \$7 and an Impala  
22 was all that were at stake.

23       She ended up at Mr. Lindwood Timmons' home, and he lived  
24 on Gregory Street. I'm not going to work this contraption  
25 here to try to pull that up, but you have this map you can



1 take back there with you. You can find in there where  
2 Gregory Street is, where it's -- where it's marked. That's  
3 where Mr. Timmons lived.

4 And I believe Mr. Timmons testified that Ms. Wilson had  
5 to ride past her house to get to him and I would submit to  
6 you when she did that, she was trying to find somewhere safe,  
7 somewhere she could get help. She knew he was home. His  
8 vehicles were there. So she went there. That was as far as  
9 she could get trying to get away from death and, weeks later,  
10 it caught up with her.

11 But you heard testimony that Ms. Wilson lived on Hill  
12 Street. You heard testimony from Mr. Timmons that he lived  
13 there on Gregory Street right there just in close proximity,  
14 and that they were very, very close to the corner of Kershaw  
15 and Byrd where this took place. You can check that out on  
16 that map.

17 Mr. Timmons immediately called 9-1-1 and tried to get  
18 the law enforcement there and medical help as quickly as he  
19 could. They roped off that scene with crime tape, took her  
20 to the hospital, and then that's when Eric Barnes with the  
21 Sheriff's Office came in and processed the car. And all that  
22 is in the photographs we've submitted into evidence.

23 And you might say, well, that doesn't show us every side  
24 of it. Well, Eric Barnes talked to you about how many  
25 pictures he takes. He takes many, many pictures because he

1 goes around 360, but you can see from the trajectory rods in  
2 the pictures that we submitted how those bullets were fired  
3 and how they entered the car.

4 An investigation was done by Timmons ville Police  
5 Department. They've got limited resources, but did  
6 everything they could and continued on this investigation for  
7 months when they got some word of where a weapon might've  
8 been thrown or might not have been thrown, but they had to  
9 check it out and see if there was a weapon in a certain area  
10 there and so they got help.

11 They got the ATF to come with a bomb sniffing dog and  
12 they searched and searched for hours out there and they  
13 didn't find anything, but they tried. They tried to go back  
14 after. They didn't wait until they arrested some people and  
15 then stop the investigation. It continued on.

16 What were we told that happened? Who did we hear from?

17 You heard from Alfred Lamar. He was the driver of the  
18 car and, as I pointed out, he had a lot of self-serving  
19 things. I don't think he was completely honest when he said  
20 he just wanted to bring justice. I would think he's hoping  
21 he's going to get some help for his testimony, for telling  
22 the truth, but I don't believe him when he said, oh, I'm not  
23 looking for any. I'm, like, come on. I don't know who would  
24 believe that, but there was some self-serving statements by  
25 him and by Juwan Smith, but what I would ask you to do is

1 look at all the things they agreed on.

2 They agreed where everybody was sitting in the car.

3 They agreed why they came to Timmons ville was to drop off

4 Ingleque McKay and then once they dropped him off, they were

5 committing mischief. They agreed who was in the car. They

6 agreed who got out of the car and who shot guns, as best they

7 could say. And you weigh out what they said. Weigh it hard.

8 Look at it critically.

9 And when you get finished with Alfred Lamar, you're

10 going to say, well, there's some things that he's just trying

11 to make himself look better, but there's a lot of truth in

12 what he said. Weigh it out as to what was true and what

13 matches up with every other fact we have is circumstantial

14 evidence and the other testimony from the witnesses is direct

15 evidence and see what is agreed upon, and you will see that

16 we have reached our burden on that.

17 But then you've got Juwan Smith. He comes in much

18 later. He talks to law enforcement. He comes in here and

19 testifies. He's confident in what he says. He matches up.

20 As far as the facts of the crime, he matches up with exactly

21 what Lamar said and exactly what the physical evidence

22 showed. He also is self-serving, but as the judge will tell

23 you, you can believe part of what a witness says, all of it

24 or none of it. Weigh out what he said.

25 He said they were in a gang. They were in a little

1 gang, but, you know, ultimately, don't lose focus. What  
2 difference does it make if they were formally in a gang or  
3 not? They're all traveling together. They picked up guns  
4 from somebody. We heard it was from Pawn, who was a person  
5 there that was the daddy of Ingleque's sister's baby and  
6 lived there. You heard that they got it at the tire shop.

7       You know, that's part of the picture, but that doesn't  
8 really matter. It's not dispositive of anything. It doesn't  
9 matter where they got it from. They got it and they had it  
10 and they were together. It doesn't matter whether they were  
11 calling themselves a gang or not. They acted in concert with  
12 each other and that's a criminal conspiracy, and they worked  
13 together where the hand of one is the hand of all.

14       So whether they were in a gang or not really is of no  
15 consequence. So don't get distracted by that. There's a lot  
16 that will be presented to you that I would submit is mostly  
17 just a distraction. So don't get distracted. Focus on what  
18 matters.

19       Raheem Simon and Bert White. You know, some people said  
20 it was a four-door, some people said it was a two-door BMW.  
21 Is that of any consequence? Has that got anything to do with  
22 whether Ms. Wilson was shot and killed? Has that got  
23 anything to do with her being kidnapped and stopped on the  
24 highway, stopped on the roadway? Has it got anything to do  
25 with them trying to take her car? No, it doesn't.

1           Focus on the things that matter. Focus on the things  
2 that matter and don't be distracted by the issues that are of  
3 no consequence.

4           There's some discrepancies here, as there is in every  
5 case. I would submit that if we all go out the door and see  
6 an event happen on Irby Street, we've got different vantage  
7 points and we're going to see it from different ways. We  
8 might have some discrepancies. That's just based on where  
9 we're standing and what we're looking at. We perceive it a  
10 different way.

11           There's going to be some discrepancies I'm sure that Mr.  
12 Meetze is going to point out to you when he comes up here and  
13 most of them I'd probably say, yeah, that contradicts what  
14 that one said or that agrees with what that one said, but not  
15 what this one said. Yeah, there's going to be some things  
16 that are discrepancies, but don't be fooled.

17           Don't be led astray and don't veer away from what the  
18 truth is about the crimes. That is what we're here for. We  
19 are not here to say how many doors the car has except where  
20 it matters and, in this case, the only thing that makes a  
21 difference here in the case as far as that fact is that  
22 Gooney, **MINOR** who was the big, tall guy, he had to get  
23 out the front passenger side and then lift the seat up so  
24 that Little Bill, Diante Rogers, could get out. That's the  
25 only thing that matters as to whether it was a two-door or

1 four-door. So don't be distracted.

2 Everyone agrees and no one has disputed that in that  
3 car, in that BMW, was Alfred Lamar, AJ. Nobody disputes and  
4 nobody has told anything different about AJ was driving.  
5 Nobody disputes who was in the car and where they were  
6 sitting. Everybody that testified to that agreed AJ is  
7 driving, Juwan is behind him, **MINOR**, also known as Gooney,  
8 is in the front passenger seat, and that Little Bill, Diante  
9 Rogers, is in the backseat.

10 Everybody agrees with that that gave any information.  
11 Nothing, no information to the contrary. No information to  
12 the contrary that they fired five shots at least there on the  
13 corner of Byrd and Kershaw, and nothing to convict based on  
14 any other evidence other than what comes from that witness  
15 stand.

16 And what came from the witness stand is that Mr. Timmons  
17 got Ms. Wilson to tell him what happened, and that matches up  
18 with everything Mr. Lamar said, everything Juwan Smith said,  
19 and then it matches up with -- what they said also matches up  
20 with what Raheem Simon said and it matches up with what Bert  
21 White saw and said that he saw.

22 And all those facts are there that you need to find Mr.  
23 Rogers guilty beyond a reasonable doubt, and I submit to you  
24 your twelve minds are better than mine and you have these  
25 facts in your head and you know the ones that are agreed upon

1 and unrefuted and you know the ones that have a discrepancy  
2 to it. And you know which ones are facts that are important  
3 and you know which ones are facts that are probative and  
4 relevant and you also know the facts that don't make any  
5 difference, that you don't need to conclude guilt or  
6 innocence.

7 As a matter of fact, it doesn't matter which way those  
8 things went, one way or the other. They are not going to  
9 impact whether Mr. Rogers is guilty of murder, carjacking,  
10 kidnapping, the two gun charges, and conspiracy.

11 You've got all the facts that you need and I know you  
12 remember them. I ask you to go and give Mr. Rogers a fair  
13 trial, a fair consideration of the evidence.

14 I also ask you to give a fair consideration of the  
15 evidence for the State of South Carolina and most importantly  
16 for Ms. Wilson, who lost her life because she didn't want to  
17 give up her Impala to some thug that tried to stop her on the  
18 side of the road with a gun and then shot her as she drove  
19 away, causing her death.

20 Thank you for your attention and thank you for your  
21 deliberations.

22 THE COURT: Thank you, Solicitor.

23 Mr. Meetze?

24 MR. MEETZE: Thank you, Your Honor.

25 Mr. Clements.

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1  
2 MR. MEETZE: Ladies and gentlemen, as Mr. Clements did  
3 and I want to echo, I certainly want to thank you for your  
4 service this week. It's been a little longer than we  
5 anticipated and that certainly makes your job more difficult,  
6 and we certainly appreciate all the attention that you've  
7 given in this case and the serious way that y'all have taken  
8 this case and the fairness that you've given to both sides.  
9 That's all that anybody can ask.

10 You were told in Judge Russo's opening charge that it's  
11 often been said that our system of justice in this country is  
12 often cited as the greatest in the world, and that's one of  
13 the reasons for that, because we have jurors and citizens  
14 like yourselves who are willing to come in and accept the  
15 responsibilities and dedicate themselves to the fairness that  
16 each side deserves and make sure that everybody is presented  
17 with a fair and just trial. And certainly we all agree that  
18 y'all have done that. We certainly appreciate that.

19 I'll tell you another reason why it is often said that  
20 we work in the greatest justice system in the world, and  
21 that's because in this country we don't convict people based  
22 on speculation, we don't convict people based on supposition,  
23 and we don't convict people based on testimony of witnesses  
24 that just cannot be believed.

25 And that's what you have here. That's what you have



1 here and, as I said and as you've heard, credibility of  
2 witnesses is of the utmost importance in this case and in  
3 many cases, but it's even more so in this case because  
4 there's only two witnesses that could come into court and  
5 have said anything with regards to any action Diante Rogers  
6 took, and I submit that those witnesses just cannot be  
7 trusted based on their overall testimony and prior statements  
8 that they've made that are not consistent with their  
9 testimony and other evidence that we have that we'll go over  
10 that shows that the testimony they gave was not true, was not  
11 accurate.

12 And yes, it may be that in a vacuum some of the things  
13 that they may have not been truthful about in the overall  
14 scheme of things may not be the most significant things in  
15 the world, but when you're trying to determine somebody's  
16 credibility, they take on enormous significance, enormous  
17 significance. Y'all have an awesome responsibility in this  
18 case, an awesome responsibility, and a large part of that is  
19 determining what the truth is.

20 And when you've got witnesses that can't keep their  
21 story straight from one statement to the other, say different  
22 things from one statement to the other or just outright  
23 aren't telling you the truth, it makes that job that much  
24 more difficult and it creates a reasonable doubt.

25 And there is reasonable doubt all over this case.

1 Diante Rogers did not do what they've accused him of doing  
2 and the fact that two people came in here and said that he  
3 did does not make that true. There has to be evidence to  
4 support that and there just isn't in this case.

5 Now, as Mr. Clements said, you're going to hear the law  
6 from the judge and one of the -- one of the things that the  
7 judge will charge with regards to the law is what reasonable  
8 doubt is. Whatever the judge tells you is what reasonable  
9 doubt is, not if it's different from what I say or what Mr.  
10 Clements said and certainly that's all true, but reasonable  
11 doubt is doubt -- or proof beyond a reasonable doubt requires  
12 proof that would convince or leave you firmly convinced of  
13 Mr. Rogers' doubt [sic].

14 But reasonable doubt can come not only from evidence  
15 that you do see or do hear, but evidence that you don't see  
16 or don't hear, and there's a lot of evidence that you could  
17 have been able to hear or could've been able to see in this  
18 case, but we don't know if it existed because there wasn't  
19 any effort made to go out and find it.

20 You heard testimony from Alfred Lamar and, certainly, I  
21 submit to you that Alfred Lamar is far from a trustworthy  
22 individual, but one thing that he said that I think can be  
23 believed is that this all started in Mullins and that the  
24 trip this group of folks made went from Mullins and ended up,  
25 unfortunately, in Timmonsville where this all happened. And

1 make no mistake about it. It's unfortunate and it is sad and  
2 it is tragic, but unfortunately, these crimes happened. It  
3 just didn't happen at the hand of Diante Rogers.

4 But Mr. Lamar said it started in Mullins and went to  
5 Timmonsville, and he also said other things that he did that  
6 day, August the 28th, in Mullins, took his girlfriend to  
7 Pizza Hut, went to work at the Huddle House, went to Subway  
8 to talk to his sister, took his girlfriend to do a deposit at  
9 the bank, all of those places. Okay?

10 Do we know whether there was any kind of video  
11 surveillance available? Could any of those businesses or any  
12 surrounding businesses that might've been able to at any time  
13 have video footage corroborating anything that was testified  
14 about that car, where it was that morning before it made its  
15 way to Timmonsville, how many people were in it, can those  
16 people be identified?

17 Is there anything that we could have found out that  
18 could've helped either make their testimony more believable  
19 or make their testimony less believable based on what you  
20 see? We don't know. We don't know if that's available  
21 because there wasn't even an effort made to even ride to  
22 Mullins to check or really it just takes a few phone calls to  
23 those businesses to ask if they have video surveillance at  
24 their establishment. Not even done.

25 And as Mr. Clements indicated, the State has the burden

1 of proof in this case. Just like your responsibility is  
2 awesome, their burden is awesome as well and you have a right  
3 to hold them to that burden and this justice system demands  
4 that you do. And the fact that there's evidence that was  
5 potentially out there we don't know if it would show  
6 anything, but we don't. There wasn't even an effort.

7 And because of that, you have a right to ask why. You  
8 have the right to hold them to their burden and say, you  
9 know, it wouldn't have been that hard to at least find out.  
10 It might not have been anything to it, but it might've been.  
11 And because you don't get to see that evidence or to find out  
12 if it existed, that creates a reasonable doubt.

13 Now, you heard about going -- you heard about a couple  
14 of guns that were put into evidence and tested and they were  
15 determined not to be the guns that were used in this  
16 incident. One thing that didn't happen and you didn't hear  
17 any testimony about is any search done at the homes of  
18 anybody that is charged in this case.

19 Juwan Smith, no testimony or evidence that his house was  
20 searched to find a weapon. Alfred Lamar, Diante Rogers,  
21 **MINOR**, nobody. Nothing to indicate that anybody  
22 searched those homes to see if there's a gun there or two  
23 guns there or whatever. It didn't happen. Not even an  
24 effort made.

25 And I'm sorry, but that is just not good enough in a

1 case like this. Everybody deserves fairness. Everybody  
2 deserves their best opportunity for both sides, and when you  
3 don't do those kind of basic things to help ensure that our  
4 justice system works the way it's supposed to, it creates a  
5 reasonable doubt.

6 And you all have absolute right to require the State to  
7 do these things in cases like this and the fact that the  
8 effort wasn't even made to search those homes to see if  
9 there's guns there and then see if they match those shell  
10 casings, that creates a reasonable doubt.

11 You've got a few folks that testified that I feel and I  
12 submit to you have very important testimony and I think their  
13 testimony, while not extensive, is important and it's  
14 important for a few reasons. Right now I'm going to talk  
15 about testimony from Matthew Self. He was at the tire shop  
16 getting air in his tire when the white BMW came up.

17 And testimony from Raheem Simon, not his testimony  
18 necessarily, but the video recording from the body cam of  
19 Officer Legette when Officer Legette was talking to him on  
20 the street very close in time to when this actually happened.  
21 As you've heard people testify and as common sense tells you,  
22 our memories are better closer in time to an event than  
23 further on.

24 But Matthew Self gave a written statement. There was no  
25 body cam with him talking to anybody in regards to it, but he

1 gave a written statement very close in time about what he did  
2 in his statement and he testified it was his statement here  
3 in court that he was getting air put in his tires. A white  
4 BMW pulled up. A fellow that, as Alfred Lamar said in a  
5 statement, Gleek at the tire shop got out, Ingleque, and went  
6 and talked to somebody.

7 Mr. Self saw that. The guy came up and talked to the  
8 person that was filling Mr. Self's air up with tires [sic]  
9 and Mr. Self said when that was going on there were three  
10 people in the BMW. That would be -- directly fly in the face  
11 of Alfred Lamar and Juwan Smith because they would say there  
12 would be four. Five including Gleek, four without Gleek.  
13 Matthew Self's testimony was there were three. He's got no  
14 skin in the game. He's got no reason to not be truthful.  
15 That was his testimony.

16 Now, we didn't see it. We just have it written. Now,  
17 there's nothing in his written statement and nothing he  
18 testified to that makes him in any way equivocate on that,  
19 but we don't have any way to test that.

20 Now, Mr. Simon is a little bit different. What he said  
21 at the time when he spoke to Officer Legette, if you'll  
22 remember, Officer Legette was speaking to him on his body  
23 cam. Mr. Simon was there and a younger fellow, and a lady  
24 walks up wanting to know what's happening and she asks how  
25 many were there and Mr. Raheem Simon pulls up three fingers

1 and says three and he says it immediately and he's not  
2 mistaken. He didn't go three or he didn't go -- you know, he  
3 said three. He holds up three fingers and says three.

4 And right after, almost bang bang, but right after he  
5 says three, the officer says three. So why is it Mr. Simon  
6 was parroting what he had heard from the officer? It's the  
7 other way around. Mr. Simon spoke first and said three and  
8 you can see that and there wasn't any equivocation at all.  
9 There wasn't any question about that in his mind. That was a  
10 very decisive thing.

11 And that kind of thing, decisiveness, being sure of  
12 something, that adds the credible to somebody's credibility.  
13 In fact, you've got these two people that both say the same  
14 thing with the number of people that were in that car when  
15 they saw it. Mr. Simon saw it as it was getting away from  
16 this murder.

17 That flies in the face of what's been testified to here.  
18 If there's three people in that car at those times, Diante  
19 Rogers is not even there. If he's not even there, obviously,  
20 he's innocent, and that's incredibly credible. Two witnesses  
21 completely independent of one another saying that three  
22 people in the car.

23 The next witness -- I don't know if it was the next  
24 witness you heard from, but a witness around the same time  
25 they testified was Bert White. Bert White is an extremely

1 significant person in this case and his foresight to take  
2 down that tag number is awesome and I know that a lot of  
3 people are thankful for him for doing that, but one other  
4 thing that he said in his testimony that I think is again  
5 extremely important and it contradicts Diante Rogers having  
6 been outside of that car and doing it, he said what alerted  
7 him to this car and the folks in it being up to no good is he  
8 saw two people come out of the woods and get in the car. He  
9 didn't give much of a description of them, but he gave a  
10 little description. He said one was tall and these were his  
11 words.

12 And Mr. Clements has told you this and I will echo that  
13 as well. Your collective minds, your memory of what the  
14 evidence is and what the testimony is is what you go with.  
15 What I'm going to do is tell you how I remember the  
16 testimony. If your memories are different, you go with your  
17 memories as to what the testimony is, but I submit to you  
18 that Mr. White -- he described two people getting into that  
19 BMW, one being tall and one being a little bit shorter.  
20 Okay?

21 Now, you've got MINOR [REDACTED], six five or six six.  
22 There's been -- both have been testified to, but he was in  
23 that range. MINOR [REDACTED] Then Juwan Smith, who was listed as  
24 six foot two. And then Diante Rogers, who is five feet  
25 eight.



1           Now, of those three, which one would be considered a  
2 little bit shorter than six foot five or six foot six? I  
3 submit to you that it's the person that's six foot two, and  
4 that is Juwan Smith and that is very important when you're  
5 trying to figure out what happened in a case that can be  
6 really as cloudy as this one can be. That's very  
7 significant. That's not a minor detail. That's a major  
8 significant detail and I'm telling you it supports much more  
9 strongly that Juwan Smith was outside that car than Diante  
10 Rogers.

11           Eric Barnes testified as well, and I'm not going to try  
12 to show you my skills with the technology either, but I am  
13 going to try to find these pictures.

14           And Mr. Barnes testified that -- I just need one -- he  
15 uses these trajectory rods to put in the bullet holes where  
16 the bullets impacted the vehicle, and he testified what those  
17 do is they show the angle of the bullet was traveling when it  
18 made impact.

19           And you can look at those pictures and you'll have them  
20 back there with you. Those dowel rods are at an extreme  
21 angle, at an angle such that I think that the evidence would  
22 show that it was a much taller person than five feet eight  
23 who shot those -- shot that gun into that car.

24           Again, you make that decision, but I submit to you that  
25 those trajectory rods do not implicate somebody five foot

1 eight shooting at that car. Particularly the second one when  
2 the car is even further away, it's still a good solid angle  
3 up in the air. I think that evidence certainly supports a  
4 taller person having shot that gun than Diante Rogers, and  
5 that creates a reasonable doubt as well.

6 Now, Alfred Lamar. He testified here in court. He gave  
7 a statement to the police that was recorded. He gave a  
8 written statement. All of those things were discussed.

9 His first statement that he gave pretty much contained  
10 very little to any grain of truth. His first statement to  
11 the police was that these guys had his car. He was at work.  
12 He didn't know where his car was. He got off work. He still  
13 didn't know where his car was, and they did -- went off and  
14 did whatever they did and came back later and he got his car  
15 back and he had no idea where they had been because he wasn't  
16 with them and -- and that's not true.

17 Then, as law enforcement continued talking with him and  
18 started pressing him on that and sort of calling him out  
19 that, you know, that's -- you know, we're not buying that  
20 kind of thing, he changed it a little bit, but really all he  
21 was doing was digging himself a little deeper hole because he  
22 changed it to, okay, I did go with them to Florence County.  
23 I did go with them to Timmonsville. I'm not familiar with  
24 that Florence or Timmonsville or whatever.

25 At one time, I drove over there and they put me in the

1 passenger seat with a bandanna over my face and then they put  
2 me back in the car and I was driving again, but anyway, he  
3 says eventually they told him to get out and they just  
4 abandoned him out somewhere in Florence County, either in  
5 Florence or Timmons ville, while they went off and did  
6 whatever they did, which he didn't know, and then apparently  
7 came back and got him. That was the second story that he  
8 told, which was largely, with the exception of the fact that  
9 he drove to Timmons ville, was not true either.

10 But what's even more kind of amazing was that when he  
11 got on the stand and was asked about giving those statements,  
12 he said he didn't make those statements. But then we played  
13 the video that y'all got to see and got to hear him say it  
14 and exposed himself as just not being truthful in that  
15 regard.

16 And that's one of what I would consider the State's two  
17 key important witnesses and he's going to get on the stand  
18 and be that brazenly dishonest, and that creates a reasonable  
19 doubt. This case is all about their credibility and they  
20 just don't have any, certainly not to rise to the level of  
21 proof beyond a reasonable doubt.

22 So eventually they call him out on that as well and then  
23 he changes. Yes, he was there, but it was -- when they did  
24 the shooting, but I was forced at gunpoint and I'm scared of  
25 these guys and they're gang members and they'll hurt me.

1           And so I asked him if he was in a gang, in the gang with  
2 them, and he said no. You later heard Juwan Smith say that  
3 he was. You heard Scottie Williamson with the Florence  
4 Police Department say that when he spoke to Alfred Lamar  
5 about any gang affiliation that he -- I don't want to word it  
6 wrong, but he was down with them, I think was what he said.

7           So when he denied on the stand being in a gang, I had a  
8 picture that was from his phone that they got evidence from  
9 and is in evidence that you can view and I asked him about  
10 this. You can see his red flag. It says Fredo 400, and he's  
11 giving some sort of sign with his hands. I asked him about  
12 that. He said that was a peace sign.

13           Again, y'all are the judges of the facts in making any  
14 determination from this picture what you want. I would  
15 submit he does not have a very peaceful look on his face, but  
16 maybe that is a peace sign of some kind. I don't know, but  
17 even in the face of that, he was not willing to admit any  
18 gang affiliation.

19           And Mr. Clements mentioned this and I'm going to echo it  
20 as well. They -- neither one, neither Alfred Lamar or Juwan  
21 Smith, were willing to even admit that they were hoping to  
22 gain something from their testimony. They're charged with  
23 terrible offenses and they're testifying for the State. When  
24 asked whether or not they hope to get some benefit from that,  
25 all they had to -- all they would say was, no, we just want

1 justice for Ms. Wilson and her family.

2       And any decent person would want that, but if there's  
3 going to be any credibility in that speech, they would've  
4 wanted that back August the 28th of 2017 because if that's  
5 true -- because keep in mind, their statements up here that  
6 they've given and even statements to the police and their  
7 testimony, they are consistent in one way. They are  
8 consistent in one way, but that one way they are consistent  
9 makes their statements even less credible. It's because  
10 they're not taking responsibility for anything. They are  
11 blaming it all on somebody else.

12       All right. If you're to believe them, Alfred Lamar was  
13 a hostage being forced to act at gunpoint with the threat of  
14 violence if he did not. Juwan Smith, I just thought we were  
15 taking my cousin Gleek home. I didn't know any of this.

16       So they're up there giving the least credible statement  
17 you can give, not accepting any responsibility of any of this  
18 and trying to shove it off on their fall guy. They're trying  
19 to save their own skin. That is clear and that is what their  
20 objective is and, because of that, their credibility is  
21 completely not there. It's nonexistent.

22       And I got myself off track, so I will beg your  
23 indulgence for a second while I try to find out back where I  
24 was.

25       And to backup just a little bit on that, when I say if

1 they really cared about Ms. Wilson and her family and justice  
2 for them back on August the 28th, they would've tried to make  
3 that happen and they both -- based on their testimony, both  
4 had that opportunity. All right?

5       Once those fellows got in that black truck, Alfred Lamar  
6 testified there was a time when he was all alone in that BMW.  
7 You know he had a cell phone. He said in his statement to  
8 the police on the recording that he had GPS. He could have  
9 called the police. He could've gone to the police  
10 department. He had -- he could've done anything. Nobody was  
11 in there to do any harm to him whatsoever. He didn't do  
12 that. He didn't do that.

13       Juwan Smith's statement, if it were to be believed, was  
14 that he went back to Mullins with Mr. Lamar, went to his  
15 house first, and then ended up walking over to the Brew House  
16 because he lived very close. He denied arriving at the Brew  
17 House in the black truck.

18       So when he got home, there's nothing stopping him from  
19 calling the police, letting them know what happened, if  
20 that's really his concern, but I submit to you that it's not.  
21 His concern is doing what he can to save his own skin.

22       So again, as Alfred Lamar testified and as he made a  
23 statement to the police, they are asking questions back and  
24 forth. He talks about the guns. He tells them that there  
25 were -- nobody -- when they left Mullins, nobody had a gun.

1           They got to Timmons ville, he testified different. He  
2 testified up on the stand they got one gun from one place,  
3 one gun from another place. Those guns ended up in the hands  
4 of MINOR and Diante Rogers and they both got out and  
5 that Diante was shooting and he didn't know whether or didn't  
6 see MINOR hold up a gun or anything like that.

7           His statement to the police is different. His statement  
8 to the police is that they go to Timmons ville, they go to Oh,  
9 Joe's tire place. Then Gleek gets out and goes to talk  
10 somebody and comes back and has two guns, that they got both  
11 of the guns from the same place and how they got them and  
12 that those guns were then distributed to Diante Rogers and  
13 MINOR.

14           And he testifies -- well, not testifies, but he tells  
15 the police in his statement that when they get out that both  
16 are shooting, which is different than what he testified to  
17 you today. He said something else before all that that I  
18 find very, very interesting, very interesting because he  
19 tells a story of what happened and he gets to the part where  
20 they get out, do the shooting, and he takes off.

21           And so they asked him, well, when you took off, why  
22 didn't you keep going, you know? You were home free. And he  
23 says, well, there was -- Little Bill was in the backseat. Of  
24 course, Little Bill, as you know, is Diante Rogers. He says  
25 Little Bill was in the backseat. Juwan and MINOR were

1 outside. Completely different.

2 He says it completely different in his statement and  
3 then almost just as fast as he says that, he changes it and I  
4 say changed it and I say changed it intentionally. I think  
5 change is different than correcting. He didn't say, I'm  
6 sorry, I messed up. It wasn't Diante in the car and Juwan  
7 out. It was the other way around. He didn't say. He just  
8 sort of glossed over it. He just sort of changed it  
9 organically, so to speak, without making any mention of it.

10 I think that's extremely important. I think that tells  
11 way more than anybody let on in this case. He told the  
12 police Juwan Smith and MINOR are the ones that got  
13 out of that car. He told them that and then immediately  
14 changes it. You have the right to ask yourself is that truly  
15 inadvertent or does it speak volumes. That's your  
16 responsibility.

17 Another thing he says along that same line of  
18 questioning with regards to his statement to the police when  
19 they asked him about being home free and all that, he says --  
20 he ends up saying that Juwan was in the backseat and had a  
21 gun on him and made him turn around.

22 Well, now there's three guns because the other two are  
23 outside with guns supposedly and now you've got one in the  
24 car with a gun when he's been unequivocal and has said no  
25 guns until we got to the tire shop. There were no guns until



1 we went to the two places that we went to end up getting the  
2 guns. And then all of a sudden, there's a third gun that's  
3 never been discussed as to how it may have appeared.

4 And like I said, again, there's no equivocation. He  
5 didn't testify I don't think there was a gun before then or I  
6 didn't see one. He said no gun. And then, all of a sudden,  
7 there's three, but he's only testified in either circumstance  
8 about there being two.

9 Again, that goes to his credibility and his  
10 believability. And when you add it all up, any one little  
11 thing may not mean a whole lot, but when you add them all up,  
12 it means an incredibly significant amount.

13 And, you know, Alfred Lamar talked about being scared of  
14 these guys in general, but he also would talk about being  
15 scared of them sort of specifically as well. And whenever he  
16 would talk specifically about being afraid and he would say  
17 who he was afraid of, he was saying Juwan, and that is very  
18 significant.

19 They asked him in the Timmonsville interview because he  
20 said he was afraid of him and they asked have they threatened  
21 you since this happened and he says, yes, Juwan came to my  
22 house. He talks about Juwan as being the -- he's the big  
23 homie, meaning he's the guy calling the shots in gang lingo,  
24 according to Scottie Williamson. He mentions that in the  
25 Timmonsville interview and, as Scottie Williamson told you,

1 he refers to him as big homie when he interviewed him for the  
2 truck -- on the truck situation. Those things are very  
3 significant.

4 So again, he -- you know, he tells Scottie Williamson on  
5 the truck thing that Juwan Smith had the gun on him. He  
6 moved it to Diante and told Diante to blood up. Okay?

7 So what are we to believe? That Diante gave his gun up  
8 and said here, Juwan, have the gun so you can threaten me  
9 with it for a little bit? I submit to you that the evidence  
10 in this case is much more when you really look at it, read  
11 between the lines and see what actually happened. Your big  
12 homie is the one who's responsible for all of this. Your big  
13 homie is the one who did this and he's the one that's being  
14 protected in all of this.

15 So we'll get to Juwan Smith's statement as well and he  
16 gave two statements, a written statement to Investigator  
17 Strickland at the jail and then -- well, not two, one there  
18 and his testimony is what I mean. And there's -- you know,  
19 from what he says happened from both places, there's --  
20 there's not a whole lot of difference there. It doesn't mean  
21 it's true. It just means that it's more consistent, but  
22 there's also key things that he's not telling the truth  
23 about, and those key things are, again, extremely significant  
24 when you add them all together.

25 He testified -- again, that by themselves they may not

1 mean a lot, but when you look at them in total, they are very  
2 significant because when you think about it, if you're  
3 willing to not be truthful about the insignificant things,  
4 what does that say about the significant things? I mean  
5 anybody that would just not be truthful about just little  
6 insignificant things that don't mean a whole lot, then that's  
7 just not being truthful for not being truthful saying.

8       That's somebody that's probably the least credible or  
9 the least believable kind of person that you could come  
10 across and that's what you've got here when they're lying  
11 about -- you know, he told Investigator Strickland in his  
12 interview that, yeah, Alfredo and I, we went our separate  
13 ways and went home and told our mothers what happened. Well,  
14 he denied saying that on the stand. Investigator Strickland  
15 told you, yeah, he said that.

16       He tried to, you know, tell Investigator Strickland that  
17 he could help with an armed robbery and he said some things  
18 that he attributed to the hands of Diante Rogers that Captain  
19 -- Detective Bethea with the Mullins Police Department came  
20 in and said that, you know, they investigated such case, but  
21 those actions he attributed to Diante Rogers did not -- he  
22 did not do.

23       He denies saying some of that with regards to the \$40  
24 and the smoking the clerk, but -- and, like I said,  
25 Detective Bethea said, yes, they investigated the case and

1 things like that did happen in the case, but not by Diante  
2 Rogers. But he denied saying that. Again, not significant  
3 to this case, but if you're going to be dishonest about those  
4 kind of things, there's not much else you won't be dishonest  
5 about.

6 Also, the whole -- you know, he denied saying to  
7 Investigator Strickland that when they took off and leaving,  
8 they had to turn around because they couldn't get out of  
9 Timmons ville that way. Well, that's not true on a couple of  
10 points. One, it's not true that he didn't say that because  
11 he did say that and it's not true because they could've  
12 gotten out of Timmons ville the way they were going.

13 And, you know, he may say they weren't familiar with  
14 Timmons ville and didn't know how to get out of there and all  
15 that kind of stuff, but Juwan Smith said he had relatives in  
16 Timmons ville. He didn't indicate that he had any  
17 unfamiliarity with Timmons ville, plus Alfred Lamar had said  
18 that they had GPS at some point in one of his statements. So  
19 they certainly could've found their way out going that  
20 direction because there certainly was a way to do so, as was  
21 testified by Investigator Strickland.

22 But the things that Juwan Smith did testify to that I  
23 would submit truly show that he is not believable in this  
24 case is when he says he was never in that black truck and  
25 never been in the Brew House. Okay? There's a video of that

1 black truck pulling up to behind -- behind that Brew House.

2 Alfred Lamar watched that video. He first was showed  
3 some pictures. I showed him this one, I showed him this one,  
4 and when he just saw these pictures couldn't necessarily  
5 identify who that was. So we played the whole video. This  
6 is a still shot from the video. The video is in evidence so  
7 you can see that as well during your deliberations, if you  
8 want to.

9 But when you watch the video, the person gets out of the  
10 passenger side. He identified that person from watching the  
11 video as **MINOR**. The person gets out of the driver's  
12 side and he identifies himself as -- identifies him as Juwan  
13 Smith. That person got out of the driver's side and goes  
14 into the Brew House to get Mr. Lamar. That is what these  
15 pictures were from and, as he testified to, the time stamp on  
16 them is a second off. So this is different angles, same  
17 person. He then was able to positively identify this person  
18 as Juwan Smith.

19 Now, I will tell you and you'll see -- you can see in  
20 the video there's a third person in the truck who never gets  
21 out. That person has never been identified on this witness  
22 stand as who that may be. We don't know when that person got  
23 into the truck, and I'll tell you why. When that video  
24 starts, the BMW was already parked and it's -- nobody is in  
25 it. Mr. Lamar drove it there and he was already in the Brew

1 House. We don't know how long it had been there, how long he  
2 had been in the Brew House.

3 So about a minute and a half after the video starts is  
4 when that truck comes up. So we don't know who else is in  
5 that truck. We don't know when they got in that truck based  
6 on all the evidence we have here, but you have the video and  
7 you can see that there is a third person in there.

8 But anyway, so Mr. Smith says he's never been in the  
9 Brew House and he was never in that black truck, but you've  
10 got Alfred Lamar saying this is him not only in the black  
11 truck, but that was driving the black truck and this is him  
12 coming into the Brew House to get -- I'm holding these upside  
13 down -- to get him.

14 Okay. So you may ask the question why should we believe  
15 Alfred Lamar now when he says that when you tried to convince  
16 us all this time how untrustworthy he was, and I would submit  
17 to you that this is just a little thing called corroboration.  
18 And again, this is evidence. That's your province. You see  
19 the evidence how you want to see it, but there's a video that  
20 you can look at and there's a still shot from that video  
21 right here.

22 And I submit to you that in that video and in this  
23 picture, you can see that the individual driving that car, he  
24 gets out of the car and it happens very quickly. He gets out  
25 of the car and pretty much as soon as he gets his head up

1 above the roof of the car, he flips his hoodie up over his  
2 head, but in the meantime before he can flip that hoodie up,  
3 you see blonde hair.

4         What did Juwan Smith testify to as to how his hair was  
5 back when all this happened? His hair was blonde. And I  
6 didn't have to -- you know, I just had to ask him was your  
7 hair like this the way you had it on the stand back then and  
8 he said, no, my hair was blonde. And he's right. And it is  
9 very clear that the person getting out of this driver's side  
10 of this truck has blonde hair.

11         So that would certainly totally dispute Juwan Smith's  
12 statement that he's never been in this truck and never been  
13 in the Brew House, and it would certainly, at least on those  
14 points, corroborate Alfred Lamar identifying him as the  
15 person driving the truck and the person in the Brew House.

16         Folks, it's all about credibility. It's all about  
17 credibility and these witnesses just don't have it.

18         They -- this is a tragic, tragic case. It's extremely  
19 sad, and everybody and anybody with any kind of decency would  
20 feel for this family and want the best for them. And the  
21 good news for them is that they've got the right people.  
22 They've got the right people. But those people, those same  
23 people that heinously took Ms. Wilson's life through their  
24 violence are in a different kind of way trying to do the same  
25 thing to Diante Rogers with their falsehoods and deceit.

1           And I submit to you that is not what our system is  
2 about. There's not enough evidence in this case to convince  
3 anybody that Diante Rogers has done anything to be found  
4 guilty of. Exactly the opposite. I submit to you that the  
5 only verdict in this case that speaks the truth is a verdict  
6 of not guilty. Thank you.

7           THE COURT: Thank you, Mr. Meetze.

8                       CLOSING ARGUMENT ON BEHALF OF THE STATE

9           MR. CLEMENTS: Well, it's kind of -- you can say it's  
10 kind of funny if it wasn't such a serious, serious thing, but  
11 we've got witnesses here and Mr. Meetze wants you not to  
12 believe them. He wants you not to believe them on some  
13 things, but if there's something beneficial to him and his  
14 theory, he wants you to believe them on that. And I'm not  
15 finding fault with that. That's his job. You know, his job  
16 is to point out where he thinks is reasonable doubt or point  
17 out if he's got another theory. That's his job.

18           But that doesn't hold any water. You know, the same  
19 argument can probably be made with the solicitor. You want  
20 us to believe some of what they said and not some of what  
21 they said. And I'm like, yeah, that's right, but the things  
22 they said that's obviously wrong and then they back away  
23 from, that shows they're moving towards credibility, not away  
24 from it.

25           We've got guys here that are trying to protect



1 themselves, trying to make themselves look better, but they  
2 don't -- they don't take it out of the whole context and say  
3 I was never there or I don't know what happened, I wasn't in  
4 the car. They say things and testify to things and they give  
5 statements to things that fit all of what we know happened.

6 Now, all this stuff about where they were in Mullins  
7 that morning and what time they went to work and took  
8 somebody for a bank deposit and stuff, what does that got to  
9 do with anything important in this case? Nothing. Nothing.  
10 This stuff about going in the Brew or not, I don't know what  
11 that's got to do with this. It's afterwards, you know.

12 My understanding was -- and I could be wrong very  
13 easily, but my understanding was that when they were asking  
14 Mr. Juwan Smith about getting in the black truck, they were  
15 talking about when they left Walmart after stealing it and  
16 drove it to Mullins, not afterwards, but during that process  
17 is what I felt like they were asking him, if he was there  
18 ever in the truck and he said no. Did he mean he was ever  
19 the truck ever or ever in the truck when it was being driven  
20 to Walmart. I don't know, but y'all remember that better  
21 than I do.

22 And going in the -- in the -- in the Brew here, he's got  
23 these two exhibits, Defendant's Exhibits 2 and 3, and it  
24 looks to me like somebody right there at the entrance saying,  
25 come on. You know, is that really going in the Brew Crew

1 [sic]? Brew Crew. Going in the Brew, sitting down, and  
2 having some coffee. No, you've got somebody that is right at  
3 the entrance doing this. In his mind, he might consider  
4 that, no, I've never been in the Brew. I called somebody out  
5 of the Brew. I don't know, but I don't know why it's  
6 important to us for the facts of this case and what we've got  
7 to determine here today. I don't think it's got anything to  
8 do with anything.

9 He said, you know, some things are insignificant and  
10 some things are very significant. I agree, but I believe  
11 that we've got enough significant things that are  
12 corroborated that's going to find him guilty beyond a  
13 reasonable doubt. You agree on being in the car, who's in  
14 the car, what -- what was -- happened outside the car, who  
15 was outside the car. All that is agreed with and  
16 corroborated by -- by Raheem and Bert White.

17 Now, my understanding was Mr. Simon said, yeah, I said  
18 three, you know, but then it was four and he wrote it in his  
19 statement there was four. He testified to that. So he also  
20 said, man, I was a teenager back then, and he was scared to  
21 death up here still.

22 And if you can see two people standing on the outside of  
23 the car, you might can't see whether there's one or two in  
24 the front seat if it goes by, and he said it sped by him. I  
25 remember that Mr. Simon -- I don't know if you remember, but

1 he said it sped by him. So is he able to see how many is in  
2 there or not?

3 He got on AJ about several things about talking about  
4 three guns. What I understood him to ask AJ if he knew if  
5 anybody had any guns and he said no. He didn't know if  
6 anybody had any guns, but he didn't say anything about  
7 searching them and checking them to see if they didn't have  
8 any guns. He just said, no, I don't know if they had any  
9 guns, but then he noticed when they were passed in.

10 But then did he really have a gun held on him or is that  
11 just part of his trying to make himself look a little better?  
12 Probably him trying to make himself look a little better, but  
13 has that got anything to do -- does that fact contradict the  
14 fact that they shot her outside standing outside their car  
15 and shooting in her car.

16 When I say they, I mean Diante Rogers being the hand of  
17 one being the hand of all. Did he shoot or did Juwan shoot?  
18 At this point in time, I don't think it matters, you know. I  
19 think the hand of one, the hand of all covers it -- covers it  
20 for Juwan. It covers it for Diante. It covers it for AJ.  
21 It covers it for **MINOR** They're all in it up to their  
22 neck. Okay? It doesn't matter what about significant little  
23 points or little points that aren't significant that don't  
24 deal with the facts of the offense.

25 Juwan was a little shorter he said Bert White said, a

1 little shorter. You know, if he's just a couple inches, from  
2 a distance you're not going to tell that as much as you've  
3 got somebody that's got maybe, you know, five, six, seven  
4 inches on him. He said one was taller, kind of tall, and one  
5 was a little shorter. I don't think that means that much and  
6 you can tell that from the distance he had to view it from.  
7 That's way -- that's blowing up the significance of nothing.

8 I would submit to you AJ couldn't remember his lies, but  
9 he remembered things that were true and he did change his  
10 story some every time when they pressed him, but when they  
11 pressed him further on who did the shooting and who was in  
12 the car, he was constantly right on line with that. He did  
13 not change that part of his story at all. He just tried to  
14 touch it up to make him look better, adding a few little  
15 brushstrokes to make him look like he was more of a good guy.

16 Well, he wasn't. I'm here to tell you if I could have  
17 come in here with deacons of the Timmonsville Baptist Church  
18 and some Sunday school teachers and the librarian and those  
19 type people as my witnesses, I'd have done that, but, you  
20 know, when you've got something like this that happens, a  
21 violent murder and a carjacking and a kidnapping, that stuff  
22 is from hell and I'm not going to have angels for witnesses.  
23 It's just not going to happen.

24 He said -- you know, he made a big deal about being in a  
25 gang, but what Mr. Williams said was that AJ said he rolled

1 with those guys and was down with them. He never said I'm in  
2 a gang, but my point to you is what difference does that  
3 make? He may not want to admit he's in a gang because he  
4 thinks it makes him look better.

5 But they were not truthful about little things. They  
6 were truthful about the big things. They were all consistent  
7 on that. You can compare what they all said and you've got  
8 enough there for the burden of proof beyond a reasonable  
9 doubt. You can be confident. Don't get distracted.

10 You know, I told you a lot of these little things are  
11 insignificant, are distractions. Don't be distracted. Focus  
12 on the facts that you need. Focus on the elements of the  
13 offense. As you apply what you know to be true there, I  
14 think you'll speak the verdict that tells the truth and it's  
15 going to be guilty. Thank you.

16 THE COURT: Thank you, Mr. Clements.

17 All right. Ladies and gentlemen, before I give you the  
18 charge on the law, we're going to take a short break and let  
19 you get something to drink or whatever, and then I'll bring  
20 you back out and I'll give you the law.

21 So have no conversation about the case. We're not there  
22 yet, but we're close. All right.

23 (WHEREUPON, the jury exited the courtroom at 11:24 a.m.)

24 (WHEREUPON, there was a break in the proceedings from  
25 11:25 a.m. until 11:44 a.m., after which the proceedings

1 resumed as follows.)

2 THE COURT: All right. Is the State ready to get  
3 started back?

4 MR. CLEMENTS: We are, Your Honor.

5 THE COURT: All right. Is the defense ready?

6 MR. MEETZE: Judge, one matter to go over with the  
7 Court.

8 THE COURT: All right.

9 MR. MEETZE: It dawned on me when Mr. Clements was doing  
10 his reply that just sort of inadvertently we just overlooked  
11 -- I guess when the Court asked me this morning if I had any  
12 witnesses and I indicated that I did not, which I did not, we  
13 sort of just moved on with the trial and, just not thinking,  
14 we did not -- and I did not alert the Court to the need to  
15 question Mr. Rogers about his right to testify.

16 THE COURT: Right.

17 MR. MEETZE: And that was never done and I certainly  
18 apologize to the Court for not bringing to the Court's  
19 attention,, as I certainly should've done that and I even  
20 thought about it last night, but last night I didn't do it.  
21 So that and, as I say, I guess \$1.50 will get us a cup of  
22 coffee.

23 But anyway, Judge, I can tell the Court that Mr. Rogers  
24 and I have had detailed and extensive conversations about  
25 that, both in Lee County where he is right now, plus since

1 we've been doing this trial, and he never expressed to me a  
2 desire to testify and always said that he did not want to  
3 testify or wished to testify, but we didn't actually go over  
4 that with him.

5 So I just think out of an abundance caution and to make  
6 the record --

7 THE COURT: Okay.

8 MR. MEETZE: -- clear on this would ask the Court to  
9 question him about that now. We did want to put all that on  
10 the record.

11 THE COURT: Okay. All right. Well -- and thank you.

12 Mr. Rogers, let me -- let me ask during the course of  
13 the trial and leading up to the trial and everything that's  
14 going on here, you've talked with Mr. Meetze and with Ms.  
15 Greer about your right to testify?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Were they able to answer any  
18 questions you may have had regarding that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. And I want to -- and I know you've  
21 talked with them at length about it, but I just want to go  
22 over it with you briefly at this time.

23 Every person that is before the Court and charged with a  
24 criminal offense has constitutional rights regarding their  
25 right to remain silent and their right to testify, and I'll

1 go over the -- the right to testify first. You understand  
2 that if you wished to testify, you could have taken the  
3 stand.

4 I think we haven't gone over whether or not you have any  
5 prior record. I know that you do have an offense that you're  
6 serving some time for now, but -- and I don't know whether  
7 you have any other prior record. But if you were to testify  
8 or to have testified, you understand you would've had to  
9 answer the questions that Mr. Meetze would have asked you,  
10 but you would also have to answer questions from Mr.  
11 Clements. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And the -- was there any other record beyond  
14 the charge that he's currently serving time for --

15 MR. MEETZE: Yes, sir.

16 THE COURT: -- that would have been subject to  
17 questions?

18 MR. MEETZE: Yes, sir. He -- he had a charge in  
19 Mullins. I think it was maybe some kind of assault and  
20 battery that he got a Youthful Offender sentence on. I know  
21 there would've been that and I'm not positive about any other  
22 ones.

23 THE COURT: Okay.

24 MR. MEETZE: But that would've been at least the one.

25 THE COURT: Well, you understand though, Mr. Rogers, if



1 you would have testified that they could have asked you about  
2 those -- those two charges or convictions? However, I would  
3 not have allowed them -- if they tried to go into details  
4 about that, I would not have allowed that. Do you understand  
5 that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: They would just be able to ask you whether  
8 or not you were convicted of those charges, but they would  
9 not be able to go into any details.

10 Now, the other thing that a person has the right to do  
11 is they have the right to remain silent, and you indicated to  
12 -- am I correct that you indicated to Mr. Meetze that you did  
13 not want to testify?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, when someone makes that decision, then  
16 what I do as a judge in just a moment when I charge the jury,  
17 I am going to charge the jury that the fact -- that the  
18 burden of proof in this case is on the State. You don't have  
19 to prove anything. You are presumed innocent and the fact  
20 that you chose to remain silent and to exercise your right to  
21 remain silent, the fact that you chose to do that cannot be  
22 considered by them at all in their deliberations.

23 I'm going to instruct them that the fact that you chose  
24 to remain silent cannot even be discussed in the jury room.  
25 They are to give it no -- no consideration at all because you

1 don't have to prove anything. The burden is on the State.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. And you discussed -- did you --  
5 and you had those discussions with Mr. Meetze and Ms. Greer?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. And based upon those  
8 discussions, was it your decision not to testify?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did anyone force you or pressure you into  
11 that?

12 THE DEFENDANT: No, sir.

13 THE COURT: That was a decision you made on your own  
14 after discussing it with your attorneys?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. All right. Thank you, sir. You may  
17 have a seat.

18 MR. MEETZE: Thank you, Your Honor.

19 THE COURT: All right.

20 MR. MEETZE: I don't have anything further.

21 THE COURT: Okay. Well, I'm going to bring the jury out  
22 and I'm going to go ahead and get set up and then I'll just  
23 give them the charge on the law then.

24 MR. MEETZE: Thank you.

25 THE COURT: Bring the jury in, please.

1 THE BAILIFF: Yes, sir.

2 (WHEREUPON, the jury entered the courtroom at 11:51  
3 a.m.)

4 (WHEREUPON, the Court exited the bench and approached  
5 the podium.)

6 THE COURT: All right. Ladies and gentlemen, during the  
7 course of the trial while the attorneys have been presenting  
8 to you the evidence in this case, it has been appropriate for  
9 me to be up on the bench out of the way and allow them to do  
10 that, but we've now reached the portion of this trial where  
11 you and I are in this together, you as the judges of the  
12 facts and me as the judge of the law. So I feel it is  
13 appropriate to come down and be with you as I do that task of  
14 charging you on the law.

15 I'm going to pretty much read this charge to you  
16 verbatim. I don't want to leave out anything or misquote  
17 anything. So please forgive me for reading to you. I don't  
18 -- I don't usually like to do that, but it's important that I  
19 not leave out anything or misquote anything.

20 CHARGE ON THE LAW

21 THE COURT: Mr. Foreman and members of the jury, you  
22 have heard the evidence and the arguments of both parties. I  
23 will now explain to you the law which applies to this action.

24 The indictment charges the defendant, Diante JaQuan  
25 Rogers, with the offenses of murder, carjacking, kidnapping,

1 discharging a firearm into a vehicle, possession of a weapon  
2 during the commission of a violent crime, and criminal  
3 conspiracy.

4 Now, I remind you that the fact that Mr. Rogers was  
5 arrested, charged, and indicted in this case is not evidence  
6 in this case and it cannot be considered by you as evidence  
7 of guilt in this case, nor does it create any presumption or  
8 inference of guilt.

9 The indictment, as I told you when we started this  
10 trial, is simply the formal written instrument which contains  
11 the charges made against the defendant. It is the formal  
12 document which brings this case into the court.

13 To those charges, Mr. Rogers has pled not guilty and  
14 that plea puts the burden on the State to prove the defendant  
15 guilty. A person charged with committing a criminal offense  
16 in South Carolina is never required to prove him or herself  
17 innocent. I charge you that it is an important rule of law  
18 that a defendant in a criminal trial will always be presumed  
19 to be innocent of the crime charged -- of the crime for which  
20 the indictment was issued unless guilt is proven by evidence  
21 satisfying you of that guilt beyond a reasonable doubt.

22 This presumption of innocence does not end when you  
23 begin your deliberations, but it accompanies the defendant  
24 throughout the trial until you reach a verdict of guilt based  
25 on evidence satisfying you of that guilt beyond a reasonable

1 doubt.

2       The presumption of innocence is not a mere legal theory.  
3 It is not just a legal phrase, but it is a substantial right  
4 to which every defendant is entitled unless you, the jury,  
5 are satisfied from the evidence of the defendant's guilt  
6 beyond a reasonable doubt.

7       So what is a reasonable doubt in the law? Some of you  
8 may have served as jurors in civil cases where you were told  
9 that it is only necessary to prove that a fact is more likely  
10 true than not true, such as by the greater weight or the  
11 preponderance of the evidence.

12       In criminal cases, the State's proof must be more  
13 powerful than that. It must be beyond a reasonable doubt.  
14 Proof beyond a reasonable doubt is proof that leaves you  
15 firmly convinced of the defendant's guilt.

16       Now, there are very few things in this world that we  
17 know with absolute certainty and, in criminal cases, the law  
18 does not require proof that overcomes every possible doubt.  
19 If, based on your consideration of the evidence, you are  
20 firmly convinced that the defendant is guilty of the crimes  
21 charged, you must find the defendant guilty. If, on the  
22 other hand, you think there is a real possibility that the  
23 defendant is not guilty, then you must give the defendant the  
24 benefit of that doubt and find him not guilty.

25       I remind you that during this trial you and I have

1 certain duties to perform. As the trial judge, it is my  
2 responsibility to preside over this trial and I also have the  
3 duty to rule on the admissibility of the evidence offered  
4 during this case. I have the additional duty to charge you  
5 the law that is applicable to this case.

6 It is your duty as jurors to accept and to apply the law  
7 as I now state it to you. If you already have any idea as to  
8 what the law is or what the law ought to be and it does not  
9 agree with what I now tell you the law is, you must abandon  
10 your idea because you are sworn to accept and to apply the  
11 law exactly as I state it to you now.

12 As I told you at the start of this case, the jury is the  
13 sole and the exclusive judges of the facts in this case. The  
14 law does not allow me to have an opinion about the facts.  
15 This is a matter solely for you, the jury, to determine. As  
16 jurors, it is your duty to determine the effect, value,  
17 weight, and truth of the evidence presented during the course  
18 of this trial.

19 Now, to determine the facts of this case, you are going  
20 to have to evaluate the credibility or believability of the  
21 witnesses. And credibility simply means that, believability.  
22 Necessarily, you must determine the credibility of witnesses  
23 who have testified in this case. It becomes your duty as  
24 jurors to analyze and to evaluate the evidence and to  
25 determine which evidence convinces you of its truth.

1           In determining the believability of witnesses who have  
2 testified in this case, you may believe one witness over  
3 several witnesses or several witnesses over one witness. You  
4 may believe a part of the testimony of a witness and reject  
5 the remaining part of the testimony of that same witness.  
6 You may believe the testimony of a witness in its entirety or  
7 reject that testimony in its entirety.

8           You may consider whether any witness has exhibited to  
9 you any interest, bias, or other motive in this case. You  
10 may also consider the appearance and the manner of a witness  
11 while on the witness stand.

12           You, the jury, can believe as much or as little of each  
13 witness's testimony as you think is proper. You do not,  
14 however, determine the truth merely by counting the number of  
15 witnesses presented by each side.

16           Now, there are two types of evidence which are generally  
17 presented during the course of a trial. There is direct  
18 evidence and there is circumstantial evidence.

19           Direct evidence is the testimony of a person who claims  
20 to have actual knowledge of a fact, such as an eyewitness.  
21 Circumstantial evidence is proof of a chain of facts and  
22 circumstances which indicate the existence of a fact.  
23 Circumstantial evidence is based on inference.

24           Crimes may be proven by circumstantial evidence. The  
25 law makes absolutely no distinction between the weight or the

1 value to be given to either direct or to circumstantial  
2 evidence, nor is there a greater degree of certainty required  
3 of circumstantial evidence than of direct evidence.

4       However, to the extent that the State relies on  
5 circumstantial evidence, all of the circumstances must be  
6 consistent with each other and when taken together point  
7 conclusively to the guilt of the accused beyond a reasonable  
8 doubt. If these circumstances merely portray the defendant's  
9 behavior as suspicious, then that proof has failed.

10       You should weigh all of the evidence in this case. The  
11 State has the burden of proving the defendant guilty beyond a  
12 reasonable doubt and that burden rests with the State  
13 regardless of whether it relies on direct evidence,  
14 circumstantial evidence, or some combination of the two.

15       Now, the rules of evidence ordinarily do not permit  
16 witnesses to testify to opinions or conclusions. There is an  
17 exception to this rule that exists for witnesses that we call  
18 expert witnesses. A witness who by education and experience  
19 has become an expert in some art, science, profession or  
20 calling may state an opinion as to the relevant and material  
21 matter in which the witness claims to be an expert and may  
22 also state the reasons given for that opinion.

23       You should consider any expert opinion received into  
24 evidence in this case and, like any other evidence, give it  
25 the weight that you think it deserves. An expert witness's



1 testimony is to be given no greater weight than that of any  
2 other witness simply because the witness is classified as an  
3 expert. Furthermore, you are not required to accept an  
4 expert's opinion, even though it is not contradicted.

5 Now, criminal intent is a state of mind which operates  
6 jointly with an act or an omission in the commission of a  
7 crime. Criminal intent is a mental state of conscious  
8 wrongdoing. Criminal intent includes those consequences  
9 which (a) represent the very purpose for which an act is done  
10 or (b) are known to be substantially certain to result.

11 Regardless of one's desire, intent may be shown by acts  
12 and conduct of the defendant and other circumstances from  
13 which you may naturally and reasonably infer intent.  
14 Criminal intent must be proven by the State beyond a  
15 reasonable doubt.

16 Now, I instruct you and I emphasize that the fact that  
17 the defendant, Diante JaQuan Rogers, did not testify is not a  
18 factor to be considered by you in any way in your  
19 deliberations and in your consideration on the question of  
20 guilt or innocence of Mr. Rogers. It must not be considered  
21 by you in any manner whatsoever.

22 A defendant in a criminal case has the constitutional  
23 right to remain silent and the assertion of this right must  
24 not be considered by you during your deliberations. I repeat  
25 that under your oath you are to draw no conclusions

1    whatsoever from the fact that Mr. Rogers did not testify in  
2    this case. The fact that Mr. Rogers did not testify should  
3    not even be discussed in the jury room.

4           The burden of proof, as I have stated to you, is on the  
5    State. A defendant is not required to prove his innocence.  
6    The burden of proof remains on the State to prove guilt  
7    beyond a reasonable doubt.

8           Now, the indictment in this case alleges several  
9    different offenses against Mr. Rogers. Those charges are  
10   murder, kidnapping, carjacking, discharging a firearm into a  
11   motor vehicle, possession of a weapon during the commission  
12   of a violent crime, and criminal conspiracy.

13          Each count is a separate and distinct offense. You must  
14   decide each count separately on the evidence and the law that  
15   is applicable to it, uninfluenced by your decision as to any  
16   other count.

17          The defendant may be convicted or acquitted on any or  
18   all of the offenses charged. You will be asked to write a  
19   separate verdict of guilty or not guilty for each count in  
20   the indictment.

21          Now, Mr. Rogers is charged with the offense of murder.  
22   The State must prove beyond a reasonable doubt that the  
23   defendant killed another person with malice aforethought.

24          Malice is hatred, ill will or hostility toward another  
25   person. It is the intentional doing of a wrongful act

1 without just cause or excuse and with the intent to inflict  
2 an injury or under circumstances that the law will infer an  
3 evil intent.

4 Malice aforethought does not require that the malice  
5 exist for any particular time before the act is committed,  
6 but malice must exist in the mind of the defendant just  
7 before and at the time that the act is committed. Therefore,  
8 there must be a combination of the previous evil intent and  
9 the act.

10 Malice aforethought may be expressed or inferred. Now,  
11 these terms expressed and inferred do not -- do not mean  
12 different kinds of malice, but merely the manner in which  
13 malice may be shown to exist. That is either by direct  
14 evidence or by inference from the facts and circumstances  
15 which are provided.

16 Expressed malice is shown when a person speaks words  
17 which express hatred or ill will for another or when the  
18 person prepared beforehand to do the act which was later  
19 accomplished. For example, lying in wait for a person or any  
20 other acts of preparation going to show that the deed was  
21 within the defendant's mind would be expressed malice.

22 Malice may also be inferred from the conduct showing a  
23 total disregard for human life. If facts are proved beyond a  
24 reasonable doubt sufficient to raise an inference of malice  
25 to your satisfaction, then this inference would simply be an

1 evidentiary fact to be taken into consideration by you, along  
2 with the other evidence in the case, and you may give it  
3 whatever weight that you decide it should receive.

4         Now, Mr. Rogers is also charged with carjacking. In  
5 order to prove carjacking, the State must prove beyond a  
6 reasonable doubt that the defendant took or attempted to take  
7 a motor vehicle from another person by force and violence or  
8 by intimidation while the person was operating the vehicle or  
9 while the person was in the vehicle.

10         He is also charged with kidnapping. For kidnapping, the  
11 State must prove beyond a reasonable doubt that the defendant  
12 knowingly and unlawfully seized, confined, kidnapped, or  
13 abducted another person without the authority of law.

14         To do a thing unlawfully is to do it willfully against  
15 the law.

16         Knowingly means with knowledge, consciously, and not  
17 accidentally.

18         Seize means to take hold of suddenly or forcefully.

19         Confine means to limit, restrict or enclose within  
20 bounds, imprison or shut up or shut in or keep in.

21         Kidnap is to remove a person against his or her will by  
22 unlawful force or by fraud.

23         Abduct means to carry off secretly or by force for an  
24 illegal purpose.

25         Now, the State does not have to prove that the defendant

1 did all of these things. Instead, if you find beyond a  
2 reasonable doubt that the defendant did any of these things,  
3 then you may find the defendant guilty of kidnapping.

4 The kidnapping does not have to be for any personal or  
5 monetary gain or -- excuse me. Does not have to be for any  
6 personal or monetary gain for any illegal purpose, but it may  
7 be for any reason whatsoever.

8 Now, under South Carolina law, it is unlawful for a  
9 person to discharge or cause to be discharged unlawfully  
10 firearms at or into any vehicle, aircraft, watercraft or  
11 other conveyance, device or equipment while it is occupied by  
12 a person.

13 Mr. Rogers is also charged with possession of a weapon  
14 during the commission of a violent crime. The State must  
15 prove beyond a reasonable doubt that the defendant was in  
16 possession of a firearm or visibly displayed what appeared to  
17 be a firearm during the commission of a violent crime. A  
18 firearm means any machine-gun, automatic rifle, revolver,  
19 pistol or any weapon which is designed to or may be readily  
20 converted to expel a projectile.

21 In order to find the defendant guilty of possession of a  
22 weapon during the commission of a violent crime, you must  
23 first find that the defendant is guilty of either committing  
24 a violent crime or attempting to commit a violent crime.  
25 Under South Carolina law, murder, carjacking, and kidnapping

1 are all classified as violent crimes. The State must prove  
2 beyond a reasonable doubt that the weapon furthered, advanced  
3 or helped in the commission of the crime.

4 Finally, Mr. Rogers is charged with criminal conspiracy.  
5 The State must prove beyond a reasonable doubt that the  
6 defendant combined with one or more persons for the person --  
7 excuse me -- for the purpose of committing an unlawful act or  
8 of committing a lawful act by unlawful means. There must be  
9 a mutual understanding, agreement or common intention and  
10 plan.

11 Mere passive knowledge of or consent to the criminal  
12 conduct of another is not enough to make a person a  
13 conspirator. There must be guilty knowledge and  
14 participation.

15 Similarly, the mere fact that the defendant may have  
16 associated with another person or met with another person and  
17 discussed common aims and interests does not necessarily  
18 establish proof of the existence of a conspiracy or that the  
19 defendant was involved in a conspiracy.

20 On the other hand, it is not necessary that the  
21 agreement be a formal one, that it is in writing or that the  
22 persons hold a meeting and expressly state the terms of the  
23 common plan or that the agreement be stated in any words  
24 between them. The agreement of a criminal conspiracy may  
25 come into being through an implied or a mutual understanding

1 through the willful, intentional, and knowing adoption by two  
2 or more persons of a common plan is sufficient.

3 No overt acts need to be shown to establish a  
4 conspiracy. A conspiracy may be shown by circumstantial  
5 evidence and the conduct of the parties.

6 In order to convict the defendant of conspiracy, the  
7 State must prove beyond a reasonable doubt not only that the  
8 defendant knew of the unlawful conduct, but that the  
9 defendant agreed to combine with the other person or persons  
10 for the purpose of accomplishing that unlawful conduct.

11 Now, if a crime is committed by two or more people who  
12 are acting together in committing the crime, the act of one  
13 is the act of all. A person who joins with another to commit  
14 an unlawful act is criminally responsible for everything done  
15 by the other person which happens as a probable or natural  
16 consequence of the acts done in carrying out that common plan  
17 and purpose.

18 For example, two people can be guilty of killing another  
19 person when only one of the two had a gun, there was only one  
20 bullet, and only one of the two fired the shot that caused  
21 the death. If two or more people are together acting  
22 together, assisting each other in committing the offense, the  
23 act of one is the act of all or, as it is sometimes said, the  
24 hand of one is the hand of all.

25 Prior knowledge that a crime is going to be committed

1 without more is not sufficient to make a person guilty of the  
2 crime. Mere knowledge that another person is going to commit  
3 a crime, even if the defendant is present when it is  
4 committed, is not sufficient to convict the defendant as a  
5 principal.

6       Guilt as a principal is shown by actual or constructive  
7 presence at the scene as a result of a prior arrangement.  
8 Therefore, a finding of a prior arranged plan or common  
9 scheme is necessary for a finding of guilt as a principal.  
10 The State must prove beyond a reasonable doubt by competent  
11 evidence the theory of the hand of one is the hand of all.

12       A principal in a crime is one who either actually  
13 commits the crime or who is present aiding, abetting or  
14 assisting in committing the crime. When a person does an act  
15 in the presence of and with the assistance of another, the  
16 act is done by both. Where two or more acting with a common  
17 plan or intent are present at the commission of a crime, it  
18 does not matter who actually commits the crime. All are  
19 guilty.

20       Present at the commission of a crime means to be  
21 sufficiently near to aid and abet and to assist in the  
22 commission of the crime. However, mere presence at the scene  
23 of a crime is not sufficient to convict one as a principal on  
24 the theory of aiding and abetting.

25       Intent is also a necessary element for there must have



1    been a common design or intent to commit the crime and the  
2    crime must've been committed pursuant thereto with the person  
3    aiding and abetting by some overt act. Intent may be shown  
4    by acts and conduct of the defendant and other circumstances  
5    from which you may naturally and reasonably infer intent.  
6    The State must prove these elements beyond a reasonable  
7    doubt.

8            Now, as I told you earlier, your verdict in this case  
9    must be unanimous. In other words, you must all agree on the  
10   verdicts, whatever they are.

11           Your deliberations are secret and you will never have to  
12   explain your verdict to anyone. However, your verdict in  
13   this case cannot be based on sympathy, compassion, prejudice  
14   or emotion or some other consideration that's not found in  
15   the evidence.

16           Each of you must decide this case for yourself, but only  
17   after fully considering all of the evidence with your fellow  
18   jurors. So you must discuss the case with one another and  
19   try to reach an agreement.

20           While you're discussing the case, don't hesitate to re-  
21   examine your own opinion and to change your mind if you  
22   become convinced that you were wrong, but don't give up your  
23   honest or your firmly held beliefs just because others think  
24   differently or because you simply want to get the case over  
25   with.

1           Now, ladies and gentlemen, I'm going to ask you to step  
2 back into your jury room. They've already ordered your  
3 lunch. So once you begin your deliberations -- and I'll  
4 leave it up -- y'all can make this decision. You can either  
5 stop your deliberations and eat lunch or you can deliberate  
6 through lunch. It's up to you.

7           The one thing, Mr. Foreman, that I need to make clear is  
8 this. All members of the jury must be present any time  
9 there's deliberation going on. So that if any member of the  
10 jury needs to excuse themselves, like to go to the restroom  
11 or something, then while they're out of the room, you must  
12 stop your deliberations until they return so that everybody  
13 has the benefit of all the discussions. Okay?

14           But I'm going to ask you to step back into the jury  
15 room. Do not begin your deliberations just yet. I'm going  
16 to take just a moment to talk with the attorneys to make sure  
17 that I have included everything. If there's anything that I  
18 need to bring you back out about and either recharge or  
19 correct, I will do that, but if everything is good, we will  
20 collect those exhibits and we will send those back to you.

21           Your cue to begin deliberations will be when you get  
22 those exhibits. Okay?

23           Now, I have prepared a verdict form. It's several  
24 pages, but it's very simple. The first -- the top of the  
25 page just has the caption of the case and then it just lists

1 -- in the order that they appear on the indictment, it just  
2 lists the various counts, I through VI.

3 And so as to each count, you'll consider each of the six  
4 counts, criminal conspiracy, carjacking, kidnapping, murder,  
5 discharging a firearm into a vehicle, and possession of a  
6 weapon in the commission of a violent crime. As you go  
7 through those various charges and you reach a decision, Mr.  
8 Foreman, if you would just mark the appropriate decision that  
9 the jury has reached on each of the counts. Once you have  
10 reached a unanimous decision on each of these, then you'll  
11 knock on the door and let the bailiff know that you have a  
12 verdict and we'll bring you out and receive your verdict.

13 So if you would, step back in the jury room. Don't  
14 begin your deliberations until you receive -- oh, one more  
15 thing. I apologize. There are -- there's a couple of videos  
16 that were put in. If you wish to watch those, just let me  
17 know. We'll set it up and bring you back out and show those  
18 to you, if you need to see them. Okay?

19 So just step back in the jury room and await these  
20 items.

21 (WHEREUPON, the jury exited the courtroom at 12:22 p.m.)

22 THE COURT: Are there any objections or exceptions from  
23 the State regarding the charge?

24 MR. CLEMENTS: No, Your Honor, not from the State.

25 THE COURT: All right. Mr. Meetze?

1 MR. MEETZE: No, Your Honor. I just would like to look  
2 at the verdict form before it goes back.

3 THE COURT: Absolutely. And -- but I will note for the  
4 record the objections that you had.

5 MR. MEETZE: Yes, sir.

6 THE COURT: That you previously --

7 MR. MEETZE: Right.

8 THE COURT: -- put on the record. Those are noted.

9 MR. MEETZE: Thank you, Your Honor. No objections to  
10 the verdict form.

11 THE COURT: All right. If y'all would get with Krystal  
12 on those exhibits.

13 (WHEREUPON, there was a pause in the proceedings to  
14 check the exhibits, after which the proceedings resumed  
15 as follows.)

16 (WHEREUPON, the alternate jurors entered the courtroom.)

17 THE COURT: All right. Okay. Ms. Mitchell and Ms.  
18 Egleton, I want to thank y'all for your service. The role of  
19 an alternate is sometimes difficult because it's time for the  
20 deliberations to begin and the first twelve on the panel all  
21 seem to be healthy and able to go forward and so you're not  
22 going to be needed for that and sometimes that's hard because  
23 you've been here all week, you've heard all the testimony,  
24 you've worked just as hard as everyone else on the jury, but  
25 that's, unfortunately, the role of the alternate.

1           I will tell you the last several trials that we've had,  
2 we've had jurors on the main panel that we've lost one or two  
3 for various reasons and so the alternate had to be  
4 substituted, and that's the reason it's important that you're  
5 here and that you experience everything that the panel  
6 experienced and heard because if you would've had to have  
7 been substituted, then obviously, you need to hear everything  
8 that they've heard. But I think they're all healthy and able  
9 to proceed with their deliberations. So that concludes your  
10 service.

11           Now, I know you've ordered lunch and it's going to be  
12 here, I don't know, within the next 15 or 20 minutes. You're  
13 welcome to wait on that and to have that, but if you --  
14 you're free to go. So if you -- if you don't want to wait on  
15 it, don't. Don't worry about it. It won't go to waste.  
16 Somebody will eat it. But -- but if you would like to have  
17 it, you're certainly welcome to wait on that as well.

18           But I want to thank you so much for your service this  
19 week. As I said, you'll be free to go. You're also free now  
20 to discuss the case with anyone, if you want, if you wish to.  
21 So if someone wants to talk with you about it, you certainly  
22 can discuss it with them, but you also have the right to say  
23 I'd rather not talk about it and they'll have to honor that  
24 as well. Okay?

25           So I want to thank you again for your service. You can

1 go out this way. If you want to wait on your lunch --

2 Ms. Frances, if y'all can find a comfortable place.

3 But if you're ready to leave and go home or go about  
4 your business, you're also welcome to do that as well. All  
5 right?

6 THE CLERK: And I have your excuses. Give me just a  
7 second and let me grab them.

8 THE COURT: All right. Go ahead.

9 (WHEREUPON, the alternate jurors were released and  
10 exited the courtroom.)

11 THE COURT: Go ahead.

12 THE CLERK: Do you want me to take this?

13 THE COURT: Yeah. Uh-huh.

14 (WHEREUPON, jury deliberations begin at 12:30 p.m.)

15 THE COURT: All right. We'll be at ease then while the  
16 jury is deliberating, and I think we've got y'all's numbers  
17 if you go grab some lunch or whatever you're going to do. If  
18 we have a question or something, we'll holler at you.

19 Make sure we have up here whatever device is necessary  
20 if they want to see the video that we can play it. Okay?

21 (WHEREUPON, there was a break in the proceedings from  
22 12:30 p.m. until 1:52 p.m., after which the proceedings  
23 resumed as follows.)

24 THE COURT: I have had the jury send out a question. It  
25 says please explain how the hand of one is the hand of all

1 specifically again and how it applies to these charges.

2 That's the note that was sent out by the foreman.

3 I can recharge them on the hand of one, hand of all. I  
4 think that's all I can do.

5 MR. CLEMENTS: I believe that is all you can do, Your  
6 Honor.

7 MR. MEETZE: I agree, Judge. I think that's it.

8 THE COURT: Okay. Do you want to make that a Court's  
9 exhibit, please?

10 (WHEREUPON, the jury note was marked as Court's Exhibit  
11 Number 3.)

12 THE COURT: And I will bring them out and I will just  
13 recharge them on that issue that they've asked about and  
14 leave it at that.

15 We can go ahead and bring the jury in, please.

16 (WHEREUPON, the jury entered the courtroom at 1:54 p.m.)

17 THE COURT: All right. Folks, I got your message and,  
18 for the record, please explain how the hand of one is the  
19 hand of all specifically again and how that applies to these  
20 charges.

21 What I can do and what I will do is I will charge -- I  
22 will recharge you on that, that section, and so I'll do that  
23 at this time. Excuse me. So the hand of all -- hand of one,  
24 hand of all.

25 If a crime is committed by two or more people who are

1 acting together in committing a crime, the act of one is the  
2 act of all. A person who joins with another to commit an  
3 unlawful act is criminally responsible for everything done by  
4 the other person which happens as a probable or natural  
5 consequence of the acts done in carrying out the common plan  
6 and purpose.

7 For example, two people can be guilty of killing another  
8 person when only one of the two had a gun, there was only one  
9 bullet, and only one of the two fired the shot that caused  
10 the death. If two or more people are acting together,  
11 assisting each other in committing the offense, the act of  
12 one is the act of all or, as is sometimes said, the hand of  
13 one is the hand of all.

14 Prior knowledge that a crime is going to be committed  
15 without more is not sufficient to make a person guilty of  
16 that crime. Mere knowledge that another person is going to  
17 commit a crime, even if the defendant is present when the  
18 crime is committed, is not sufficient to convict the  
19 defendant as a principal.

20 Guilt as a principal is shown by actual or constructive  
21 presence at the scene as a result of a prior arrangement.  
22 Therefore, a finding of a prior arranged plan or a common  
23 scheme is necessary for a finding of guilt as a principal.  
24 The State must prove beyond a reasonable doubt by competent  
25 evidence the theory of the hand of one is the hand of all.



1           A principal in a crime is one who either actually  
2 commits the crime or who is present aiding, abetting or  
3 assisting in the committing of the crime. When a person does  
4 an act in the presence of and with the assistance of another,  
5 the act is done by both. Where two or more acting with a  
6 common plan or intent are present at the commission of a  
7 crime, it does not matter who actually commits the crime.  
8 All are guilty.

9           Present at the commission of a crime means to be  
10 sufficiently near to aid and abet and assist in the  
11 commission of the crime. However, mere presence at the scene  
12 of a crime is not sufficient to convict one as a principal on  
13 the theory of aiding and abetting.

14           Intent is also a necessary element for there must have  
15 been a common design or intent to commit the crime and the  
16 crime must have been committed pursuant thereto with the  
17 person aiding and abetting by some overt act. Intent may be  
18 shown by acts and conduct of the defendant and other  
19 circumstances from which you may naturally and reasonably  
20 infer intent. The State must prove these elements beyond a  
21 reasonable doubt.

22           Okay. That's the law on the hand of one is the hand of  
23 all. So I'm going to get you to retire back into your jury  
24 room and continue your deliberations.

25           (WHEREUPON, the jury exited the courtroom at 1:59 p.m.)

1 THE COURT: All right. Any objections or exceptions  
2 from the State regarding my handling of the jury's question?

3 MR. CLEMENTS: No, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. MEETZE: No, sir.

6 THE COURT: All right. We'll remain at ease.

7 (WHEREUPON, there was a break in the proceedings from  
8 2:00 p.m. until 2:08 p.m., after which the proceedings  
9 resumed as follows.)

10 THE COURT: I am told that the jury has reached a  
11 verdict. I don't -- I don't know what it is. All I'm -- all  
12 I'm told is they have a verdict. So I stand here just as you  
13 do not knowing.

14 What I would -- and I say this with -- with every case  
15 that I try here, whether it's a civil case or a criminal  
16 case, either way. I just ask the members of the public,  
17 those that are here in the audience, to -- I don't ever ask  
18 anyone to agree with the jury's verdict or to disagree with  
19 it. Everybody will have their own opinions.

20 All I ask is that the verdict be received in a  
21 professional and a respectful manner. Whether you agree or  
22 disagree with it, the jury deserves to have their verdict  
23 received in that fashion.

24 So if you feel that you -- depending on what that  
25 verdict is, if you don't think you can do so in a respectful

1 manner, then -- then I suggest that you step out while the  
2 verdict is -- is being read because I'm not going to tolerate  
3 any outbursts or anything of that nature. If anyone does  
4 disrupt the court, then I'm going to hold you in contempt and  
5 deal with you later with regards to that.

6 So again, I understand that anytime you have a trial,  
7 you deal with emotions. So I'm not asking anybody to be a  
8 robot or to not be human, but just to keep those emotions in  
9 control, at least while the jury's verdict is being read.

10 Is the State ready to receive the jury's verdict?

11 MR. CLEMENTS: Yes, sir, Your Honor.

12 THE COURT: Is the State ready -- excuse me. Is the  
13 defense ready to receive the jury's verdict?

14 MR. MEETZE: Yes, Your Honor.

15 THE COURT: All right. Please bring them in.

16 THE BAILIFF: Yes, sir.

17 (WHEREUPON, the jury entered the courtroom at 2:11 p.m.)

18 THE COURT: Mr. Foreman, has the jury reached a  
19 unanimous verdict, sir?

20 THE FOREMAN: Yes, sir.

21 THE COURT: Okay. If you would, pass that to Madam  
22 Clerk.

23 Thank you, ma'am.

24 THE CLERK: Yes, sir.

25 THE COURT: Madam Clerk, I believe the form is in proper

1 order. If you would, please publish the jury's verdict for  
2 me.

3 VERDICT

4 THE CLERK: State of South Carolina, County of Florence,  
5 in the Court of General Sessions. The State of South  
6 Carolina versus Diante JaQuan Rogers, Indictment Number 2019-  
7 GS-21-934.

8 As to Count I, criminal conspiracy, we, the jury, find  
9 the defendant guilty.

10 As to Count II, carjacking, we, the jury, find the  
11 defendant guilty.

12 As to Count III, kidnapping, we, the jury, find the  
13 defendant guilty.

14 As to Count IV, murder, we, the jury, find the defendant  
15 guilty.

16 As to Count V, discharging a firearm into a vehicle, we,  
17 the jury, find the defendant guilty.

18 As to Count VI, possession of a firearm during the  
19 commission of a violent crime, we, the jury, find the  
20 defendant guilty.

21 Dated January 17th, 2020. Signed John Kennedy,  
22 foreperson.

23 Members of the jury, if this is your verdict, please  
24 raise your right hand.

25 (WHEREUPON, all jurors complied.)

1 THE COURT: All right. Thank you, ladies and gentlemen.

2 I want to thank you for your -- for your service this  
3 week and I want to apologize to you because I kind of at  
4 times led you to believe that we might be ending in a quicker  
5 time than we did and I probably shouldn't do that.

6 Trials are always -- they're always different.  
7 Witnesses are always different and some witnesses --  
8 sometimes we have a hard time scheduling witnesses as to  
9 whether or not they -- they can be present or not.

10 But I want to thank you for your service. You were here  
11 all week and, throughout this trial, I've observed you. I do  
12 some other things up here while the -- while the lawyers are  
13 presenting the evidence, but I always watch as well and I  
14 really appreciate the attention that everyone seemed to have  
15 paid to the witnesses and to the evidence as it was being  
16 presented.

17 And so I greatly appreciate your service this week.  
18 This does conclude your service, obviously, and it also lifts  
19 the restrictions that I've asked you to abide by so that if  
20 -- if you wish to -- if anyone wants to talk to you about the  
21 case and you want to talk with them, you can, but you also  
22 have the right to continue to not speak about the case.

23 So if anyone does want to talk to you, if you want to  
24 share your thoughts with them, you can do that. If you  
25 don't, then you just let them know you don't want to talk

1 about it and that'll be sufficient.

2 Madam Clerk has work excuses for you, if you need that.

3 And I think they are paid by that card they got? Is  
4 that correct?

5 THE CLERK: Yes, sir. I'll load it this afternoon when  
6 we get done with court. So it may take -- I think they  
7 normally tell us it takes up -- it could take up to 24 hours.  
8 I don't know if that includes a Saturday or not. So it may  
9 be Monday. So don't --

10 THE COURT: Okay.

11 THE CLERK: -- get upset if it doesn't show up until  
12 Monday.

13 THE COURT: Well, they'll load that card with your jury  
14 fees and -- but let me now apologize for how little bit of  
15 money that's going to be. You know, ladies and gentlemen,  
16 you -- your time is very valuable and the county could not  
17 possibly afford to pay you what your time is actually worth.  
18 So jury service is that. It's a service that you give to  
19 your community and so I appreciate very much your service.

20 In just -- in just a little bit, we are going to proceed  
21 to hearing from both the State and the defense with regards  
22 to sentencing. I always tell the members of the jury you --  
23 you have worked this case. If you want to remain for that  
24 portion, you're welcome to. If you would like to leave,  
25 you're free to go as well. I don't want anyone to feel like

1 you have to stay or you have to go. It's certainly your  
2 decision, completely up to you.

3 Almost every time at the close of the case, whether it's  
4 a civil case or a criminal case -- well, it doesn't happen  
5 with civil cases because the jury makes that call, but I  
6 usually have some folks who stay and some folks who leave.  
7 So if you want to stay, feel free to do that, but if you're  
8 ready to go, feel free to do that as well.

9 But I want to thank you for your service and, again, in  
10 case I don't get a chance to tell you again, you have earned  
11 an exemption. If you recall back on Monday, I told you that  
12 state law only requires you to serve on jury duty in state  
13 court once every calendar -- excuse me -- once every three  
14 calendar years.

15 So you have earned an exemption. If you get a jury  
16 summons for this court, Circuit Court, for the balance of  
17 2020, all of 2021, and all of 2022, you can exercise that  
18 exemption and be excused from that service.

19 Now, it is just an exemption. It doesn't mean you're  
20 not qualified to serve. So if you were to get another  
21 summons for jury service and you would like to serve, I would  
22 encourage you to do so, but you do have that.

23 So at this time, if anyone would like to leave, you're  
24 welcome to do that. If you want to remain and stay, we'll  
25 certainly welcome you to do that as well.

1 (WHEREUPON, the jury was released and exited the  
2 courtroom.)

3 THE COURT: Solicitor, is the State ready to proceed?

4 MR. CLEMENTS: Give me one second, Your Honor.

5 THE COURT: Well, let me -- let me ask, Mr. Meetze, on  
6 behalf of the defense, anything further from the defense?

7 THE DEFENDANT: Judge, at this time, Mr. Rogers would  
8 ask and we would make a motion for a new trial based upon the  
9 verdict that's been rendered here being --

10 THE COURT: All right, sir.

11 MR. MEETZE: -- not supported by the evidence presented.  
12 Judge, I'll just note that for the record, as well as renew  
13 all my previous objections and all of that.

14 THE COURT: All right. Thank you, Mr. Meetze. I'm  
15 going to respectfully deny the motion for a new trial.

16 As I said at the directed verdict stage, I think this  
17 was a case that was heavily based, obviously, upon the  
18 testimony and the facts. And the jury -- they are the  
19 factfinders and they judge the credibility and the  
20 believability of the witness. I think there was -- depending  
21 on how they viewed the evidence, there was clearly evidence  
22 in the record that would support their verdict and so I would  
23 leave it as the jury's decision, but I will note your  
24 exception, as well as all your previous objections.

25 MR. CLEMENTS: Your Honor, we'll be ready momentarily.



1 THE COURT: All right, sir.

2 (WHEREUPON, there was a pause in the proceedings from  
3 2:19 p.m. until 2:27 p.m., after which the proceedings  
4 resumed as follows.)

5 THE COURT: All right. Mr. Meetze?

6 MR. MEETZE: Thank you, Your Honor. May it please the  
7 Court.

8 Obviously, we've been here this week. The Court is  
9 familiar with the facts of the case, the charges, and all of  
10 that.

11 Judge, Diante has been locked up on this charge since  
12 October the 31st of 2017. He's essentially been in jail  
13 longer than that on the Marion charge, but he was served with  
14 these warrants on October 31st of 2017.

15 He was, I believe, 18 at the time this happened. He was  
16 -- and I don't want to say something that's not correct. So,  
17 Judge, I'm just going to verify that.

18 THE COURT: Do you have those days, Mr. Meetze?

19 MR. MEETZE: Judge, I can get that quickly. 823.

20 THE COURT: Okay.

21 MR. MEETZE: Judge, as you've heard and has been said  
22 many times, this was a terrible, terrible case with a  
23 terrible set of facts and at least, I believe, a lot of -- a  
24 lot of blame to go around. What all of the story, I don't  
25 know that that's all out. I have no idea, but certainly

1 enough of it is to let us know exactly how terrible it is.

2 Judge, like I said, you've heard everything that went  
3 on. I think from a sentencing standpoint -- and Mr. Clements  
4 may know better than me. Obviously, the Court is going to  
5 sentence Mr. Rogers to what the Court believes is  
6 appropriate, taking everything into consideration, but I  
7 think with regards to the possession of a weapon charge and  
8 maybe the kidnapping, I think those are sentences to be  
9 subsumed into the murder conviction.

10 Is that right?

11 MR. CLEMENTS: I believe that's the case, Your Honor. I  
12 know that the --

13 THE COURT: I know the weapons charge does.

14 MR. CLEMENTS: -- weapons is.

15 MR. MEETZE: I want to say I might have seen that in the  
16 Strickland book with the kidnapping as well, but I --

17 THE COURT: Okay.

18 MR. CLEMENTS: I'm not a hundred percent. But in any  
19 event, I do believe that's the case.

20 You know, Judge, if he had just been a little bit  
21 younger, we'd have been having a whole separate hearing with  
22 regards to sentence with witnesses and testimony and a  
23 mitigation case first and all of that, but he had -- he was  
24 not 17. He was 18, but that doesn't necessarily mean that he  
25 had formed the mental capacity of a grown and much older

1 adult.

2 I do think that even though he wasn't under 18, I do  
3 think that age in this case is something to take into  
4 consideration when sentencing and would ask the Court to do  
5 that. And otherwise, Judge -- and certainly, it's a  
6 difficult part of your job. We understand that and are just  
7 asking for any mercy that you believe would be available in  
8 this matter.

9 THE COURT: Thank you, sir. Anything further from the  
10 defense?

11 MR. MEETZE: I don't believe so. I haven't checked with  
12 any of the family to see if they wish to say anything.

13 THE COURT: If anyone would like to address the Court, I  
14 would be happy to hear from you. You're certainly not  
15 required to.

16 MR. MEETZE: I'm going to take that as they don't.

17 THE COURT: All right.

18 MR. MEETZE: They either don't wish to or just aren't  
19 able to.

20 THE COURT: Not able to, yeah. Okay.

21 Mr. Rogers, anything further, sir?

22 THE DEFENDANT: No, sir.

23 THE COURT: Mr. Clements, anything from the State?

24 MR. CLEMENTS: Yes, Your Honor, briefly.

25 This is, as Mr. Meetze said, a horrible, tragic thing.

1 Ms. Wilson was an 88-year-old lady that was just going about  
2 her business and still at her age able to go around and drive  
3 herself to town and get groceries and come back. She never  
4 thought in a million years she would encounter what she  
5 encountered in her neighborhood just a couple of blocks from  
6 her home and wind up losing her life.

7 Your Honor, Mr. Rogers has a prior conviction for  
8 assault and battery first degree, where he received a YOA for  
9 six years back in 2016. Your Honor, also he was convicted.  
10 We started a trial and then he pled guilty to an armed  
11 robbery case in Marion, which was a little over about a year  
12 ago.

13 Mr. Meetze, something like that?

14 MR. MEETZE: I think next month would be a year.

15 MR. CLEMENTS: Yeah.

16 MR. MEETZE: I want to say it would be that that's when  
17 the conviction was. Obviously, the incident date would have  
18 been August the 28th of 2017.

19 MR. CLEMENTS: Yes, sir.

20 Your Honor, Mr. Steve Wilson is here. I know he desires  
21 to address the Court, and she's got other friends and family  
22 members back there in the audience and if they would like to  
23 -- to speak, if you'd give them the opportunity to.

24 THE COURT: Okay.

25 MR. CLEMENTS: I know she's got some nieces, I believe,

1 and --

2 THE COURT: I'll be happy to hear from anyone who would  
3 like to address the Court.

4 MR. CLEMENTS: I would just admonish everyone to direct  
5 your comments to the judge.

6 THE COURT: And I would just need everyone's name for  
7 the record, please.

8 MR. WILSON: My full name is Stephen Montgomery Wilson.

9 THE COURT: Yes, sir, Mr. Wilson.

10 MR. WILSON: And I go by Steve. I go by Coach.

11 Today makes 872 days since that young man decided to  
12 take my mother and -- and up to this point, I have prided  
13 myself on being strong. And she and I had a relationship  
14 where she was my angel and I was her baby Jesus.

15 And before I get going, Your Honor, I want to tell you  
16 that I really appreciate you and your level of  
17 professionalism.

18 Mr. Meetze, I respect the job that you did, sir.

19 To the Solicitor, Mr. Clements, you've become like a  
20 brother.

21 Melissa, thank you. It's a service. Thank you.

22 Detective Strickland, bless you, man.

23 I wish the jury members would be here to hear this, but  
24 they made their decision and I know they're like I am. I'm  
25 ready to go home.

1           But I'm going to tell you a story about my mother. 1983  
2 -- no, I'm sorry. Well, yeah, 1983. I finished Carolina in  
3 '79, South Carolina, and I was living at home with my mother  
4 and father, making maybe \$8,000 a year teaching school in  
5 Timmonsville, Johnson Middle School, coaching everything that  
6 we offered.

7           And then, I don't know, February of '83, we were in the  
8 middle school basketball league and I told mother -- I said,  
9 mama, I got two brothers, Willie and Bobby Brown. They live  
10 out in the country. We've got a championship game today at  
11 six. Mama said, son, just bring them on to the house because  
12 I worry about them getting on the bus, going out in the  
13 country, and not being able to get back for the championship  
14 game because I certainly needed them. They were good  
15 players. Mama said just bring them on to the house. I'll  
16 fix them something to eat.

17           And Willie, he was a kind of tall kid, he stretched out  
18 on the couch. And my late father, he come home. He didn't  
19 like that, but Willie straightened up. Anyway, she -- she  
20 fed them and -- but that's the kind of woman she was.

21           And, you know, I can -- I can just go on and give more,  
22 a lot more. That was it. These are memories. She wasn't  
23 just my mama. She was -- she was my wife's mother-in-law.  
24 She took that away. He took that away. I mean I got -- I've  
25 got close friends. You've seen them in here all week. I've

1 got two cousins over here. They call her Aunt Kay Kay  
2 because they couldn't say Aunt Katherine. She was always Ms.  
3 Katherine.

4 I've got childhood friends here. One of them told me  
5 this morning she was like an aunt. No, she was like my mama.  
6 That's how we grew up. I've got buddies, you know. They  
7 come down here from Columbia every day, every day.

8 And, you know, it's like I never thought something like  
9 this would ever happen, not any more than I ever knew, you  
10 know, this stuff was supposed to be not in the Pee Dee. It's  
11 just -- it's an 88-years-old woman going to the grocery  
12 store. She was going to make banana pudding to go give  
13 someone.

14 And then I retired in 2015. I had taught and coached  
15 with the best. I worked down at Summerville High School and  
16 I worked for the late John McKissick. He just passed away at  
17 Thanksgiving, age 93. When this happened to my mother, Coach  
18 called me. I wish I could be there with you, son. I said,  
19 Coach, I've got a lot of family here, a lot of family here.  
20 I'm going to be -- I'm going to be okay.

21 And my mother was so proud that I was down there. I was  
22 down there for the last 23 years of my career. Coach retired  
23 in 2015. That was 33 years myself. My wife did 34 years  
24 teaching elementary special ed. That's 67 years that  
25 together we gave public education. If he'd have come through

1 me, I promise you he wouldn't be where he's at today.

2       And then I get a call from Mr. Timmons, my mother's  
3 neighbor. I see an Orlando number. It's 6:15. I don't  
4 answer those. Twenty seconds later, the same number popped  
5 up. Something told me to answer it. I was over there at a  
6 neighbor's house two doors over where my wife was hosting  
7 girlfriends for bunko and feeding them and all that. My  
8 neighbor and I were going to go out and get dinner.

9       I answered the phone. This guy goes, "Mr. Wilson?"

10       And I go, "This is Steve."

11       He said, "My name is Timmons and your mother has been  
12 shot."

13       I go, "Do what?"

14       "Your mother has been shot."

15       I said, "I want to talk to my mama." I said, "Is EMS  
16 there?"

17       He goes, "They're here right now."

18       I said, "Are the police there?"

19       "They're coming down the street."

20       I said, "I want to talk to my mama."

21       He said, "Hold on."

22       And then I heard my mama in the background. "Take me to  
23 Carolinas Hospital."

24       I said, "Mr. Timmons, I heard my mama's voice."

25       I sent my neighbor's wife to go get my wife and my wife



1    come running over. I said, "Just go throw some stuff in an  
2    overnight bag. I'm going."

3        "No, you're not."

4        "I've got to get up there and see her. What in the  
5    world is going on?"

6        I get on the road. I called William, my brother, my  
7    best friend. Man, you ain't going to believe this. I tell  
8    him. I get on the phone and I call one of my cousins. I  
9    said call your -- call -- call your sister, mama has been  
10   shot. I'm on the way.

11       I get up to Florence, Carolinas Hospital, and all these  
12   doctors are around my mom and I walked in and mama goes,  
13   "Steve, why would someone do this to me?"

14       I go, "I don't know, mama, but it will take more than a  
15   bullet to kill you. I can tell that now."

16       Then I stayed with a childhood friend of mine, Vince  
17   Lee. Got up there earlier the next morning and I see all  
18   these doctors and I said you know what? My mother is in the  
19   best care that she medically can be in. I'm going to find  
20   the bastard that did this.

21       They patted me on the shoulder. I go to Timmonsville.  
22   I wind up meeting with Detective Strickland, Chief Brown, and  
23   where's my mama's car at? Where's her pocketbook? They were  
24   so helpful and I'm so thankful for what went forth.

25       And so I go see mama's car. Coach -- Detective

1 Strickland follows me up there. And I took pictures of  
2 bullet holes. Bullet holes. And I go, oh, Lord. I go by  
3 the house, secure the house. Go to the post office, get my  
4 mother's mail forwarded. I said this is going to be a long  
5 ordeal.

6 And something told me when I left that post office to go  
7 to Bert White's place and I popped in there and Bert turned  
8 around and said, "Well, I bet I ain't seen you in 40 years."

9 Well, Bert was -- Bert looked out for me and my boys.  
10 He's a few years older than us growing up.

11 I said, "Bert, that was my mama that got shot  
12 yesterday."

13 And the veins popped out in his neck and he said, "You  
14 ain't going to believe this, but I was coming the back way  
15 from Lamar and I saw this white BMW stopped at the middle of  
16 the road with paper tags. I saw two thugs come across  
17 through the woods and I chased them. Up there at the  
18 stoplight, I wrote down the tag number, and they turned left  
19 and took off to Florence. I turned around and went to the  
20 police station because I knew there was something up."

21 I said, "Bert, by you doing that, we're going to get  
22 their ass."

23 So we got you, young man.

24 My mother -- I thought she was going to make a comeback.  
25 I really did. They were talking at the hospital about we're

1 going to put your mama in rehab. She was in the ICU, a level  
2 II, and then they put her up there on the ninth floor.

3 My wife and I had to go to Charlottesville for family  
4 and friends daughter's wedding and mama told me -- she said  
5 take some money out of my account and bring me a card so I  
6 can sign it for Lucy. All right, mama. So my wife and I  
7 stopped by on Thursday. We stopped by on the way back on  
8 Sunday. I said, mama, I'm coming down here Tuesday to sign  
9 the paperwork for them, mama. Excuse me. We're going to put  
10 you in a rehab facility.

11 Of course, she wanted to know where she was going, and  
12 she was known for taking a three-minute conversation and  
13 making it 30 minutes. Bless her heart. Oh, I miss that so  
14 much.

15 So that Tuesday morning on my way back to Florence, the  
16 hospital called me. "We've had to put your mama back in  
17 ICU."

18 "Why? What's going on?"

19 "We don't know."

20 By that time, I'm in Kingstree. Excuse me. I get there  
21 and the doctor tells me, "I think your mother's had a  
22 stroke."

23 I said, "Man, you do what you got to do. That's my  
24 mama. You treat that -- you treat her like that's your  
25 mama."

1           And I'm up there and one of my cousins is there with me  
2 and I'm just -- I said you know what? I brought no clothes,  
3 no nothing. There's nothing I can do. They had put a  
4 ventilator on her and then Sunday -- I'm getting ready to  
5 wrap this up.

6           Sunday, October the 8th, the doctor told me mama --  
7 because my wife and I -- I went back. I came back Wednesday  
8 and I said I'm going to stay through the duration. I just  
9 knew this was the beginning of the end.

10          And that Sunday morning, that doctor told my wife and I  
11 -- he said, "I think your mama has gone home with the Lord."

12          And I said, "Before you do anything, I've got to make a  
13 phone call."

14          I called my best friend. I said, look. He lives in  
15 Columbia. I said, "If you've got something important to do,  
16 do it." I said, "But if it's not, I need you."

17          He said, "I'm on the way."

18          And then I told the doctor -- I said before you do  
19 anything, you're going to call her other son because that's  
20 how we grew up. That's how we grew up. I'm 65. I've known  
21 these guys for 62 years.

22          So -- and he's an orthopedic. So the doctor called him  
23 and my buddy got on the phone with me and the next time I  
24 know -- the next thing I know my buddy out of Columbia, not  
25 only he come, he brought both of his daughters. And my

1 mother was like their God-grandmother. And when the doctor  
2 said it's time for your mother to go, it was 11:15 on a  
3 Sunday. I said that's perfect. That's the time church  
4 starts. That's perfect.

5 So then I got to planning everything and I always made a  
6 promise to my mother. She made me make a promise that if  
7 something ever happened to her, an autopsy would not ever be  
8 performed. I said I gotcha.

9 My wife and I get home. We leave Florence, go back  
10 home, get a change of clothes, have to go back. Come back to  
11 Florence the next morning, meet with the minister, plan the  
12 funeral. When I'm home getting clothes, the coroner calls.  
13 Your mother's body is headed down to the Medical University.  
14 I said, "For what?" Due to this homicide investigation, an  
15 autopsy has to be done.

16 And because of you, young man, I broke my promise to my  
17 mama.

18 Your Honor, in closing, my wife -- she said we need to  
19 do something to honor your mother and she said as much as --  
20 my mother loved baseball. She loved the Gamecocks. This  
21 coming Monday not only is it Martin Luther King Jr.'s  
22 birthday, it should be my mother's 91st birthday.

23 Well, January the 20th, 2018, my wife and I signed a  
24 five-year contract with the University of South Carolina and,  
25 through family and friends, in less than two years I got

1 confirmation yesterday we've raised \$62,715 to honor not only  
2 my mother, but my late father.

3 And I'm just beginning to tell my story. I'm just  
4 beginning because I'm going to use this as a platform. We've  
5 got to do something. We've got to do something.

6 And I appreciate justice being determined by you, sir,  
7 to the fullest of your capabilities. Thank you.

8 THE COURT: Thank you, Mr. Wilson.

9 MR. CLEMENTS: Your Honor, as far as fitting the  
10 category for a life without parole sentence, Mr. Rogers  
11 certainly has the numbers for it. We never noticed him for  
12 that, but being that this carries life as a possibility, Your  
13 Honor, that's what the State would ask for.

14 THE COURT: All right, sir.

15 (WHEREUPON, there was a pause in the proceedings, after  
16 which the proceedings resumed as follows.)

17 THE COURT: It's -- the hardest thing about my job is  
18 this and having to make decisions in passing judgment on  
19 sentencing and appropriate sentencing, watching young people  
20 throw their lives away for what reason I don't really know.

21 And I don't ever -- I don't make any comments to justify  
22 any criminal action, but when you hear about someone robbing  
23 a store or a bank or something of that nature and someone  
24 gets shot, it's every bit of a tragedy, but you -- I guess  
25 maybe intellectually you can maybe understand, well, they

1 were -- they were in need of money or they wanted money or  
2 there was a reason for it.

3       This -- this offense just doesn't make any sense to me.  
4 A group of young men from Mullins decide to go and, for  
5 whatever reason, just randomly -- it appears to me it was  
6 random. I don't -- I didn't get the impression in any of  
7 this evidence that Ms. Wilson was targeted. I think it was  
8 random. It could've just as well have been me or any other  
9 person in this room that just happened to be in the wrong  
10 place at the wrong time and they decide they want your car.

11       And I think it speaks a lot about your mom, Mr. Wilson,  
12 that she didn't sit there and take it. When they -- when  
13 they tried to take her car, she fought back. Not fought them  
14 physically, but she wouldn't let them have it and she took  
15 off.

16       At that point, why do you just not give up on that and  
17 go to another car? But they felt the need to shoot.

18       I don't know, Mr. Rogers, if you were involved in a gang  
19 or not, but there was evidence of that possibly in this case.  
20 But I don't know. I don't know if you were part of that or  
21 not, but I don't understand how young people don't understand  
22 gangs are solely for the purpose of committing criminal acts  
23 and so when you associate or affiliate yourself with a gang,  
24 you've decided to give up on your life, at least a normal  
25 life, and you've decided to put yourself in a situation where

1 you're either going to always be running from the law or be  
2 in prison.

3 And it's -- the tragedy here -- I mean it's a clear  
4 tragedy what happened to Ms. Wilson and the family that she  
5 left behind, but the tragedy here is a young man who is  
6 making bad decisions and throwing his life away.

7 You received a YOA sentence several years ago on an  
8 assault charge. I don't know anything about the facts of  
9 these cases. I just from your record see that you did an  
10 active YOA. And then the armed robbery charge that you  
11 picked up time on. It's just -- it's a shame.

12 But I have an -- I have an obligation to the people of  
13 this state and the law-abiding citizens of this state and the  
14 jury has -- has rendered their decision.

15 SENTENCE

16 THE COURT: As to Count I on the indictment for criminal  
17 conspiracy, the sentence of the Court is that you be  
18 committed to the State Department of Corrections for a period  
19 of five years.

20 As to Count II, the charge of carjacking, the sentence  
21 of the Court is that you be committed to the State Department  
22 of Corrections for a period of 30 years.

23 As to Count III, kidnapping, the sentence of the Court  
24 is that you be committed to the State Department of  
25 Corrections for a period of 30 years.



1           Count V, discharging a firearm into a motor vehicle, the  
2 sentence of the Court is that you be committed to the State  
3 Department of Corrections for a period of 10 years.

4           Possession of a weapon during the commission of a  
5 violent crime, the sentence of the Court is that you be  
6 committed to the State Department of Corrections for a period  
7 of five years.

8           And to Count IV of the charge of murder, the sentence of  
9 the Court is that you be committed to the State Department of  
10 Corrections for the remainder of your life.

11           All of those sentences are to run concurrent with each  
12 other. All right.

13           (WHEREUPON, the proceedings ended at 2:56 p.m.)

14

15           --- END REQUESTED PROCEEDINGS ---

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WITNESSES

Mark A Strickland Timmons ville Police Department

DOCKET NO. 2019-GS-21-00934

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JUNE TERM 2019

THE STATE

vs.

DIANTE JA QUAN ROGERS

ARREST WARRANT NUMBER

2017A2120900105 2017A2120900113  
2017A2120900106 2017A2120900119  
2017A2120900145 2017A2120900119  
2017A2120900107

E. L Clements, III

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 6/6/2019

VERDICT

Foreperson of Petit Jury

Date:

FILED

2019 JUN -6 PM 12:19

DORIS POULOS O'HARA  
CCCP & GS  
FLORENCE COUNTY, SC

Indictment for

CRIMINAL CONSPIRACY

CARJACKING

KIDNAPPING

MURDER

DISCHARGING A FIREARM INTO A

VEHICLE

POSSESSION OF A WEAPON DURING

COMMISSION OF A VIOLENT CRIME

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR CRIMINAL CONSPIRACY, CARJACKING, KIDNAPPING, MURDER, DISCHARGING A FIREARM INTO A VEHICLE AND POSSESSION OF A FIREARM DURING A VIOLENT CRIME WITH THE AFORESAID NAMES(S) OF DIANTE JAQUAN ROGERS SHOWN THEREON

**COUNT FOUR- MURDER**

CDR: 0116 16-03-0010,0020

That **DIANTE JAQUAN ROGERS** did in Florence County, on or about August 28, 2017, acting with others, shot the victim, while trying to carjack her, with malice forethought, through her arm and into a chest cavity and she died from her wounds on October 8, 2017 at ~~McLeod~~ *Carolina's* Hospital in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended. *THK*

**COUNT FIVE- DISCHARGING FIREARM INTO VEHICLE**

CDR: 2907 16-23-0440(B)

That **DIANTE JAQUAN ROGERS** did in Florence County on or about August 28, 2017, while acting in concert with others did discharge or cause to be discharged unlawfully, firearms at or into a vehicle, while the victim sat in the driver's seat, in violation of Section 16-23-0440(B), S. C. Code of Laws, 1976, as amended.

**COUNT SIX- POSSESSION OF A FIREARM DURING COMMISSION OF A VIOLENT CRIME**

CDR: 0549 16-23-0490

That **DIANTE JAQUAN ROGERS** did in Florence County, on or about August 28, 2017, in Timmons ville, while acting in concert with others, did possess a firearm, or visibly display what appeared to be a firearm, during the commission or attempted commission of a violent crime, kidnapping, carjacking and murder, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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



**E.L. Clements, III**  
TWELFTH CIRCUIT SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/David Alexander  
Appellate Defender

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

ATTORNEY FOR APPELLANT

**RECEIVED**  
**May 27 2021**  
**SC Court of Appeals**

This 24th day of May, 2021.