

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jun 24 2020

SC Court of Appeals

Appeal from Aiken County

Honorable Thomas W. Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TEQUAN MARTRELL HOLMES,

APPELLANT

APPELLATE CASE NO 2019-001313

RECORD ON APPEAL

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1 State of South Carolina) Court of General Sessions
2 County of Aiken) Second Judicial Circuit

3

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6 Tequan Martrell Holmes,) 2017-GS-02-00829
7) 2017-GS-02-00830
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July 22nd-25th, 2019
Aiken, South Carolina

10 B E F O R E:

11 The Honorable Thomas W. Cooper, Jr., Judge, and a jury

12

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

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15 Cassie W. Hall, Assistant Solicitor

16 On behalf of the State of South Carolina

17 Nicholas R. McCarley, Esquire
18 P. Brianne Steiner, Esquire

19 On behalf of the Defendant

20

21

Stacy S. Johnson
Circuit Court Reporter

22

23

24

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1 (The following proceedings were held July 22, 2019,
2 beginning at 10:00 AM.)

3 BAILIFF: All rise, please. Court's now in session.
4 The Honorable Thomas W. Cooper, Jr., presiding.

5 THE COURT: Thank you, ladies and gentlemen. Be
6 seated.

7 We'll take a -- the order of business this morning is
8 we'll take a motion hearing on a case scheduled to start
9 tomorrow, then we'll move into probation. Before we do
10 the probation, I'm gonna take brief break to read over
11 the 1106's before I start hearing those.

12 So anyway, Ms. Young, we'll do what you've got
13 scheduled and then we'll take a short recess while I deal
14 with the probation.

15 MS. YOUNG: Yes, sir.

16 Tequan Holmes.

17 THE CLERK: State your name, please.

18 THE DEFENDANT: Tequan Holmes.

19 THE CLERK: Place your left hand on the Bible and
20 raise your right hand.

21 (Whereupon, Tequan Martrell Holmes was duly sworn by
22 the Clerk of Court.)

23 THE CLERK: He's been sworn, Your Honor.

24 THE COURT: Thank you.

25 Ms. Young.

1 MS. YOUNG: Your Honor, this is Tequan Holmes. He's
2 before the Court for trial this week on the following
3 charges. 2017-GS-02-00828, a charge of murder.
4 2017-GS-02-00829, possession of a firearm by a person
5 convicted of a violent crime. And 2017-GS-02-00830,
6 possession of a weapon during the commission of a violent
7 crime.

8 THE COURT: Thank you.

9 Mr. McCarley, I understand that you have had
10 Mr. Holmes evaluated; is that right?

11 MR. MCCARLEY: That is correct, Your Honor. About
12 -- approximately eighteen months ago.

13 THE COURT: All right. And I have two evaluation
14 reports dated November 24th of 2017 on the competency
15 issue and the criminal responsibility.

16 Madam Reporter, can I get you to mark these as
17 Court's Exhibits 1 and 2, please.

18 (Court's Exhibit Number 1 and 2 were marked for
19 identification.)

20 THE COURT: Thank you.

21 Mr. McCarley and Ms. Young, obviously, of course,
22 you have read these reports and are familiar with the
23 findings. Do either of you contest the findings in
24 Court's Exhibit Number 1, the report on his competency,
25 and, Number 2, the report on criminal responsibility?

1 Mr. McCarley, do you contest the findings in those
2 reports?

3 MR. MCCARLEY: No, sir.

4 THE COURT: Ms. Young?

5 MS. YOUNG: No, sir, Your Honor.

6 THE COURT: Do either of you wish to offer any
7 additional evidence or testimony on the issue of
8 Mr. Holmes's competency to stand trial and his criminal
9 responsibility?

10 Mr. McCarley, do you?

11 MR. MCCARLEY: No, sir.

12 THE COURT: Ms. Young, do you?

13 MS. YOUNG: No, sir, Your Honor.

14 THE COURT: Hearing none, then I will adopt as the
15 order of the Court the findings of the examiner. On the
16 issue of his competency, Mr. Holmes has been diagnosed
17 with certain disorders; persistent depressive disorder,
18 antisocial personality disorder, cannabis use disorder,
19 by history. The report is detailed in its findings, but
20 the conclusions are that -- that he was competent to stand
21 trial, he has the capacity to understand the proceedings
22 against him and to assist in his own defense.

23 On the issue of criminal responsibility, once again,
24 the report cites the same disorders I read to you just a
25 few moments ago. The finding is lack of severe mental

1 disease or mental defect coupled with his attempt to
2 avoid apprehension suggests that he had the capacity to
3 distinguish moral and legal right from moral and legal
4 wrong and to recognize that the particular act charged
5 was morally and legally wrong. And, finally, at the time
6 of the alleged offense he did not lack the sufficient
7 capacity to conform his conduct. In other words, he had
8 the capacity to conform his conduct to the requirements
9 of the law.

10 All right. Any other issues regarding the Blair
11 matter before the Court this morning, Mr. McCarley?

12 MR. MCCARLEY: No, sir.

13 THE COURT: Ms. Young?

14 MS. YOUNG: No, sir, Your Honor.

15 THE COURT: All right. Those become the order of
16 the Court in that regard and we will stand that matter
17 aside until tomorrow morning when we pick a jury and
18 start the trial.

19 MR. MCCARLEY: Thank you very much, Your Honor.

20 MS. YOUNG: Thank you, Your Honor.

21 (Whereupon, the proceedings were concluded for
22 July 22, 2019, at 10:09 AM.)

23 (The following proceedings were held July 23, 2019,
24 beginning at 10:15 AM.)

25 (Whereupon, rollcall and jury qualification was

1 reported, but not transcribed.)

2 (State's Exhibit Number 1 through 81 were marked
3 for identification.)

4 (Whereupon, the jury panel was qualified at 11:03 AM.)

5 THE COURT: Are we ready now to proceed to the jury
6 qualifications for the first trial, Ms. Beth Ann?

7 MS. YOUNG: Yes, sir, Your Honor. We are.

8 THE COURT: Mr. McCarley?

9 MR. MCCARLEY: Yes, sir, Your Honor.

10 THE COURT: All right.

11 Ladies and gentlemen, we're now going to begin the
12 qualification process of jurors for the first trial and
13 I'm gonna ask you some additional questions about that
14 and I'll be back down here to talk with some of you in
15 that regard, too, this morning. Thank you.

16 Ms. Young, you can call your case.

17 MS. YOUNG: Thank you, Your Honor. May it please the
18 Court?

19 THE COURT: Yes, ma'am.

20 MS. YOUNG: The State of South Carolina versus Tequan
21 Martrell Holmes in Indictment 2017-GS-02-00828, the charge
22 of murder, 2017-GS-02-00829, possession of a firearm by a
23 person convicted of a violent crime, and 2017-GS-02-00830,
24 possession of a weapon during the commission of a violent
25 crime.

1 THE COURT: Thank you.

2 Ladies and gentlemen, as you have heard, the State
3 has called the case of the State versus Tequan Martrell
4 Holmes. Mr. Holmes has been indicted by the grand jury
5 of Aiken County and charged in Indictment Number 16-03-10
6 and 20 with the crime of murder. That indictment accuses
7 Mr. Tequan Martrell Holmes in Aiken County, on or about
8 June the 18th of 2016, feloniously, willfully, and with
9 malice aforethought murdering Tiquan Oakman, T-I-Q-U-A-N
10 Oakman, by means of shooting him with a handgun, and
11 that the victim died in Aiken County at [REDACTED] Boucher,
12 B-O-U-C-H-E-R, Drive, Warrentonville, as a result thereof,
13 in violation of the law.

14 Indictment Number 490 charges Mr. Holmes with
15 possession of a weapon during the commission of a violent
16 crime and it alleges that at the same time and place he
17 possessed or visibly displayed a firearm during the
18 commission or attempted commission of the crime of murder
19 in violation of the law.

20 Indictment Number 500A charges him of being in
21 possession on June the 18th of a .32 caliber handgun
22 having had a previous conviction of a crime of violence
23 under the law making this a separate crime under the law.

24 Ladies and gentlemen, the indictments which I've just
25 read to you are not evidence, nor are they proof of the

1 charges that they contain. They are simply charging
2 documents, legal documents, that tell us and anybody that
3 reads them what this case is all about.

4 To the charges contained in this indictment -- or in
5 these indictments, Mr. Holmes has entered pleas of not
6 guilty and has asked for a jury trial at your hands.

7 Mr. Holmes, if you'll, please, stand and face the
8 jury behind you.

9 (Whereupon, the Defendant stands.)

10 THE COURT: Thank you. You can be seated.

11 Ladies and gentlemen, I need to know now if any of
12 you-all are related by blood or connected by marriage to
13 Mr. Tiquan Martrell -- Tequan Martrell Holmes or are you
14 a friend of his or a business associate of his, a casual
15 acquaintance of his, or a person who has any direct or
16 indirect contact with Mr. Holmes. If so, please stand.

17 Thank you.

18 The victim named in the indictment is Tiquan,
19 T-I-Q-U-A-N, Oakman, O-A-K-M-A-N. I need now to know
20 if any of you-all are related by blood, connected by
21 marriage; that is, kin to Mr. Oakman, or a friend, a
22 business associate, a causal acquaintance, or a person
23 who has any direct or indirect contact through
24 Mr. Oakman. If so, please stand.

25 Thank you.

1 Potential witnesses who may testify in the trial of
2 this case, and there's a lengthy list of these witnesses
3 and I'm gonna divide them up somewhat, and I'm gonna ask
4 you the same thing about these potential witnesses that I
5 asked you about the principals. I'm gonna want to know
6 if you're kin to them or if you have any connection with
7 them in any way whatsoever.

8 Potential witnesses who may testify in the trial of
9 this case are DeMarco Richardson. Larry "Kip" Boyd.
10 Corporal Ricky Sullivan of the Aiken County Sheriff's
11 Office. Deputy Christian Stutts with the sheriff's office.
12 Investigator Jimmy Criscillis. Did I say that right?

13 MS. YOUNG: Yes, you did, Your Honor.

14 THE COURT: Jimmy Criscillis of the sheriff's office.
15 Investigator Chris Johnson with the sheriff's office.
16 Investigator Mary Frances "Saige" O'Grady of the sheriff's
17 office. Lieutenant Clay Adams of the sheriff's office.
18 Deputy Justin Poindexter of the sheriff's office.
19 Lieutenant Stephanie Callahan of the sheriff's office.
20 Lieutenant Eric Riddell of the sheriff's office. Deputy
21 Sylvester Young of the sheriff's office. Nicholas Lott
22 with the sheriff's office. Daryl Ables, Aiken County
23 Coroner. Jeff Smith, also with the coroner.

24 Are any of you-all related by blood or connected
25 by marriage to any of those potential witnesses or are

1 friends, business associates, causal acquaintances or
2 people who have any direct or indirect contact with any
3 of those potential witness? If so, please stand.

4 (Jurors stand.)

5 THE COURT: Yes, ma'am, on the front. Your name and
6 number, please?

7 POTENTIAL JUROR: Quantasia Ables, Juror Number 2,
8 and Daryl Ables is my father.

9 THE COURT: Ms. Ables, tell me the connection again.
10 Who's it with?

11 POTENTIAL JUROR: Daryl Ables.

12 THE COURT: I'm sorry, I've got my hearing aids this
13 morning, but -- Daryl Ables?

14 THE CLERK: Number 14.

15 THE COURT: I got you. And that relation to you?

16 POTENTIAL JUROR: Father.

17 THE COURT: Okay. Ms. Ables, would the fact that
18 -- that your father is likely to testify in the trial of
19 this case, would that make it difficult for you to be
20 fair and impartial as a juror in the trial of this case?

21 POTENTIAL JUROR: No, sir.

22 THE COURT: Could you set aside that relationship
23 and decide this case based on the evidence that you hear
24 in court without regard to it?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Would you do that, please?

2 POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you, ma'am. You can be seated.

4 Yes, ma'am, on the aisle in the back, your name
5 please?

6 POTENTIAL JUROR: I'm Vanessa -- me?

7 THE COURT: Yes, ma'am. Right.

8 POTENTIAL JUROR: Vanessa Cofer.

9 THE COURT: And your number?

10 POTENTIAL JUROR: 37.

11 THE COURT: Ms. Cofer, what's the -- who's the
12 connection with, please?

13 POTENTIAL JUROR: Investigator Criscillis is my
14 son's football coach.

15 THE COURT: Okay. Would that association that
16 you've just described to me make it difficult for you to
17 be fair and impartial as a juror in the trial in which
18 Mr. Criscillis might testify?

19 POTENTIAL JUROR: No, sir.

20 THE COURT: Could you set aside that association
21 and decide this case based on what you hear in court?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: Would you do that, please, ma'am?

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: Thank you.

1 Yes, ma'am. Your name and number, please?

2 POTENTIAL JUROR: Tonya Hartley, Number 72.

3 THE COURT: Ms. Hartley, who's the connection with,
4 please, ma'am?

5 POTENTIAL JUROR: Mr. Criscillis.

6 THE COURT: And what's that association?

7 POTENTIAL JUROR: We worked together around maybe
8 twenty years ago.

9 THE COURT: Okay. In what capacity did you-all
10 work together?

11 POTENTIAL JUROR: At a fast food restaurant when we
12 were young.

13 THE COURT: Okay. Since that time, have you
14 maintained any association or connection with
15 Mr. Criscillis?

16 POTENTIAL JUROR: Mostly just hey, when we see each
17 other.

18 THE COURT: Okay. Would that association that you
19 have just described make it difficult for you to be fair
20 and impartial in the trial of the case as he's likely to
21 testify?

22 POTENTIAL JUROR: No, sir.

23 THE COURT: Could you set aside that association
24 and decide this case based on what you hear in court?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Would you do that, please?

2 POTENTIAL JUROR: Yes.

3 THE COURT: Thank you.

4 Yes, ma'am, your name and number, please?

5 POTENTIAL JUROR: Cindy Hoepker, Number 82.

6 THE COURT: Ms. Hoepker, tell me about your
7 association, please.

8 POTENTIAL JUROR: Christian Stutts is a friend of
9 the family.

10 THE COURT: Would you describe it as a close
11 friendship or a causal relationship? How would you
12 describe it?

13 POTENTIAL JUROR: I'm mostly friends with his
14 parents.

15 THE COURT: Okay. Would that association make it
16 difficult for you to be fair and impartial as a juror in
17 the trial of this case?

18 POTENTIAL JUROR: No.

19 THE COURT: Could you set that aside then and decide
20 this case based on what you hear in court?

21 POTENTIAL JUROR: Yes.

22 THE COURT: Would you do that, please?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Thank you, Ms. Hoepker.

25 Ladies and gentlemen, other potential witnesses who

1 may testify are: Quentin Richardson. Kelvin Mathis.
2 Dominique Paige. Breon Gomillion, G-O-M-I-L-L-I-O-N.
3 John Cosh. Jabarick Quiller. Kenneth Rand. Roderick
4 Glover, Jr. Raekwon Mathis. R-A-E-K-W-O-N Mathis.
5 Sergeant Jeep Gainey of the sheriff's department.
6 Gerald Turner of the sheriff's department. Jessica Stowe
7 from SLED. Catherine Leisy, L-E-I-S-Y, from SLED. Paul
8 Greer from SLED. Dr. Janice Ross. Jermaine Martin.
9 Travis Martin. Investigator Norward Bodie from the
10 solicitor's office.

11 Are any of you related by blood or connected by
12 marriage to those potential witnesses or friends, causal
13 acquaintances, business associates, or people who have
14 any direct or indirect contact with any of those folks?
15 If so, please stand.

16 (Jurors stand.)

17 THE COURT: Okay. I'll start over here this time
18 just to be interesting.

19 POTENTIAL JUROR: Travis Deason, Number 46.

20 THE COURT: Yes, sir.

21 POTENTIAL JUROR: I used to be a teacher at South
22 Aiken High School and I taught Breon Gomillion.

23 THE COURT: How long ago was that?

24 POTENTIAL JUROR: Five, six, years ago.

25 THE COURT: Okay. Other than that association, he

1 was a former student of yours; is that right? Or she?

2 POTENTIAL JUROR: (Nods head.)

3 THE COURT: Would that -- would that make it
4 difficult for you to be fair and impartial as a juror
5 in the trial of this case, Mr. Deason?

6 POTENTIAL JUROR: No, sir.

7 THE COURT: Could you set aside that association and
8 decide this case based on the evidence that you hear in
9 court?

10 POTENTIAL JUROR: Yes, sir.

11 THE COURT: And you'll do that?

12 POTENTIAL JUROR: Yes, sir.

13 THE COURT: Thank you, Mr. Deason.

14 Yes, ma'am, in front. Your name and number, please?

15 POTENTIAL JUROR: Sonya Bridges, Juror Number 22.

16 THE COURT: And whose the association with,
17 Ms. Bridges?

18 POTENTIAL JUROR: Breon Gomillion.

19 THE COURT: And what's the nature of that
20 association?

21 POTENTIAL JUROR: I work with him at McDonald's.

22 THE COURT: Okay. How long ago did you work with
23 him?

24 POTENTIAL JUROR: I'm currently working with him now.

25 THE COURT: Ma'am?

1 POTENTIAL JUROR: I currently work with him now.

2 THE COURT: Okay. Would that association as a
3 co-worker make it difficult for you to be fair and
4 impartial as a juror in the trial of a case in which
5 he might testify?

6 POTENTIAL JUROR: No, sir, it sure won't.

7 THE COURT: Could you set aside that association and
8 decide this case based on the evidence?

9 POTENTIAL JUROR: Yes, sir.

10 THE COURT: And you'll do that, please, ma'am?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: Thank you, Ms. Bridges.

13 POTENTIAL JUROR: You're welcome.

14 THE COURT: Yes, ma'am. Your name and number?

15 POTENTIAL JUROR: Tamara Shaffer, Juror 154.

16 THE COURT: Ms. Shaffer, who is the association
17 with, please?

18 POTENTIAL JUROR: Breon Gomillion.

19 THE COURT: Okay. And what's the nature of that
20 association?

21 POTENTIAL JUROR: He was a student at South Aiken
22 High School at the time when I was an administrator at
23 that school.

24 THE COURT: Okay. How long ago was that?

25 POTENTIAL JUROR: Roughly five years ago.

1 THE COURT: Okay. Would that prior association make
2 it difficult for you to be fair and impartial as a juror
3 in a trial in which he might testify?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: Could you set that aside and decide this
6 case based on the evidence?

7 POTENTIAL JUROR: Yes, sir.

8 THE COURT: Would you do that please, ma'am?

9 POTENTIAL JUROR: Yes, sir.

10 THE COURT: Thank you, Ms. Shaffer.

11 Yes, ma'am, your name and number, please?

12 POTENTIAL JUROR: Jennifer Patterson, 132, and I may
13 have worked with one of the SLED agents in the early
14 nineties.

15 THE COURT: Okay. I'm gonna have to ask you to
16 speak up a little bit about the -- associated with a SLED
17 agent; is that right?

18 POTENTIAL JUROR: Yes, sir.

19 THE COURT: And which one was that?

20 POTENTIAL JUROR: I was a SLED agent in the early
21 nineties and I may have worked with one of the team
22 members. It's been a long time and I don't remember
23 names very well.

24 THE COURT: Okay. Whatever the association might
25 be with whomever it might be from the names that I've

1 read to you, would that -- that was a long time ago, is
2 that what you're telling me?

3 POTENTIAL JUROR: Yes, sir.

4 THE COURT: Would any of those associations that
5 you're aware of make it difficult for you to be fair and
6 impartial as a juror in the trial of this case in which
7 they may testify?

8 POTENTIAL JUROR: No, sir.

9 THE COURT: Could you set aside those associations
10 and decide this case based on the evidence that you hear
11 in court?

12 POTENTIAL JUROR: Yes, sir.

13 THE COURT: Would you do that, please, ma'am?

14 POTENTIAL JUROR: Yes, sir.

15 THE COURT: Thank you.

16 Yes, sir. You name and number, please?

17 POTENTIAL JUROR: Bruce Hager, Number 69.

18 THE COURT: Mr. Hager, who's the association with,
19 please, sir?

20 POTENTIAL JUROR: Norwood Bodie.

21 THE COURT: And what's the nature of that
22 association?

23 POTENTIAL JUROR: I was friends with him and his
24 brother back in -- it's been thirty years ago at least.

25 THE COURT: Okay. Have you maintained any

1 association since that time a long time ago?

2 POTENTIAL JUROR: I've seen Norwood only -- only a
3 few times since then.

4 THE COURT: All right. Would that association make
5 it difficult for you to be fair and impartial as a trial
6 -- in the trial of a case in which he might testify?

7 POTENTIAL JUROR: No, sir.

8 THE COURT: Could you set aside that association
9 then and decide this case based on the evidence?

10 POTENTIAL JUROR: Yes, sir.

11 THE COURT: You'll do that?

12 POTENTIAL JUROR: Yes, sir.

13 THE COURT: Thank you, sir.

14 Additional witnesses who may testify, ladies and
15 gentlemen, are Travis Blackwelder, Christian Logdon,
16 L-O-G-D-O-N. B.D. -- that's initials B-D Dowis,
17 D-O-W-I-S. Daymon Spann. And Todd Gantt.

18 Are any of you related by blood or connected by
19 marriage to any of those potential witnesses, friends,
20 business associates, casual acquaintances, or people that
21 have any direct or indirect contact with any of those
22 witnesses? If so, please stand.

23 Thank you.

24 Now, ladies and gentlemen, a few moments ago I read
25 to you the indictments, as I have said, not because

1 they're evidence or proof of anything, they're just
2 documents that tell us all what this case is all about
3 because I need to know if any of you know anything about
4 this case. If you have seen or heard or read anything
5 about this case or if you have any knowledge about this
6 case from any source at all, would you, please, stand.

7 As you know, the allegations are that the crime
8 occurred on June 18, 2016, at [REDACTED] Boucher, B-O-U-C-H-E-R,
9 Drive in Warrenville. You understand the principals as
10 I have read them to you from the indictments. If any of
11 you have heard anything about the case, if you have seen,
12 read or have any knowledge about the case from any source
13 at all, talked with anybody about it, if so, please stand.

14 Thank you.

15 Now, ladies and gentlemen, as you've said you don't
16 know anything about this case, but you do know what the
17 case is all about and you understand that the allegations
18 are crimes of personal violence. The allegations are
19 that they were inflicted by this Defendant on the victim.
20 I remind you again that those are simply the allegations,
21 they are charges, but crimes of personal violence are
22 crimes against a person. Murder, of course, is one.
23 Manslaughter, assault and battery of any degree is another
24 one, kidnapping, criminal sexual conduct, armed robbery.
25 There are a whole list of potential crimes of personal

1 violence and I tell you that because I want to know if
2 any of you or any members of your immediate family have
3 ever had any involvement in a crime of personal violence.
4 A member of your immediate family, that is a member of
5 your household. So the question does not apply only to
6 you, but it applies to any members of your household and
7 the possible involvement that you or a member of your
8 household involvement might have could be either as a
9 victim; that is, a person against whom the crime was
10 inflicted, as a defendant; that is, the person who was
11 charged with committing the crime, or, as a witness, a
12 person who was a material witness to the crime itself.

13 And so if you or any member of your immediate family
14 has ever been involved in a crime of personal violence,
15 as a victim or a defendant or a witness, I want you to
16 form a line, please, in this center aisle and I'm gonna
17 bring you down individually in the presence of the lawyers
18 and myself and inquire further about your situation.

19 All right. Thank you.

20 The record reflects that none stood. Well, wait a
21 minute. If you will stop right there, that's a good place
22 to stop right there, and we'll get you individually from
23 that point forward, okay?

24 (Whereupon, potential jurors come forward
25 individually.)

1 (The following proceedings were held out of the
2 hearing of the remaining potential jurors.)

3 THE COURT: Yes, sir. You can stand right here and
4 speak so she can hear you. Your name and number, please,
5 sir.

6 POTENTIAL JUROR: Hugh McFaddin, 115. And my
7 brother was a victim of a shooting three years ago.

8 THE COURT: Okay. And where did that happen? Was
9 it here in Aiken County?

10 POTENTIAL JUROR: Yes.

11 THE COURT: Was anybody ever caught and convicted
12 for that?

13 POTENTIAL JUROR: Yes.

14 THE COURT: And prosecuted by the solicitor's office
15 here?

16 POTENTIAL JUROR: I believe so.

17 THE COURT: Do you remember who prosecuted the case?

18 POTENTIAL JUROR: No, I don't. I wasn't actually
19 here during that time. I was actually located in Seattle.

20 THE COURT: I got you. Okay. How is your brother
21 doing now?

22 POTENTIAL JUROR: He made it through. He made a
23 full recovery.

24 THE COURT: Okay. Would your involvement as a
25 victim through your brother in that particular case some

1 three years ago here in Aiken County make it difficult
2 for you to be fair and impartial as a juror in a trial
3 of this nature that's alleging a shooting?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: Could you set aside your experience or
6 your family's experience in that regard and decide this
7 case based on the evidence you would hear in this
8 courtroom?

9 POTENTIAL JUROR: Yes, sir.

10 THE COURT: Would you do that, please?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: Thank you, sir. You can go back out
13 and have a seat.

14 Yes, ma'am.

15 POTENTIAL JUROR: Hi.

16 THE COURT: If you'll stand right there and speak
17 so that she can hear you. Your name and number, please.

18 POTENTIAL JUROR: Tammie Alan, Juror Number 4. My
19 son was a victim of a sexual crime as a juvenile twenty
20 -- or nineteen years ago.

21 THE COURT: Nineteen years ago. Was anybody caught
22 and convicted as a result of that?

23 POTENTIAL JUROR: Pled guilty.

24 THE COURT: Okay. Was that here in Aiken County?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Okay. How old was your son at the time?

2 POTENTIAL JUROR: Seven.

3 THE COURT: I'm sorry I have ask you to revisit
4 those times. How's he doing now?

5 POTENTIAL JUROR: Good.

6 THE COURT: Okay. Do you think that would have
7 some effect on your ability to be fair and impartial as
8 a juror in a trial like this?

9 POTENTIAL JUROR: No.

10 THE COURT: Could you somehow set aside your own
11 experience -- your son's experience and yours as a
12 mother --

13 POTENTIAL JUROR: Yes, sir.

14 THE COURT: -- and decide this case based on the
15 evidence that you will hear in court?

16 POTENTIAL JUROR: Yes, sir.

17 THE COURT: Do you feel like the fact that this
18 might cause you -- even though the charges are different,
19 it might cause you to have to revisit in your mind some
20 of the circumstances involving your son's situation and
21 dealing with it?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: How would you deal with it?

24 POTENTIAL JUROR: I don't know.

25 THE COURT: I know, and we wouldn't expect you to.

1 We're not gonna put you through that. I'm sorry that I
2 had to call you to relive those intimate moments that
3 are still very much alive in you today. We're gonna
4 stand you aside as a juror in this particular case,
5 Ms. Alan. I don't think it would be fair for me to ask
6 you to be completely dispassionate about this case
7 considering your past issue, okay?

8 POTENTIAL JUROR: Okay.

9 THE COURT: I'm sorry. I understand your concern.
10 You can go back and have a seat.

11 Juror Number 4 will be set aside as a juror in this
12 case.

13 Your name and number?

14 POTENTIAL JUROR: 168, Markus Stroman.

15 THE COURT: Mr. Stroman?

16 POTENTIAL JUROR: Yes.

17 THE COURT: Is it you or a family member that was
18 involved?

19 POTENTIAL JUROR: It was me. Back in 2017, I was
20 charged with third degree assault and battery.

21 THE COURT: Was that here in Aiken County?

22 POTENTIAL JUROR: No, that was in Myrtle Beach,
23 South Carolina.

24 THE COURT: Okay. What was the disposition of those
25 charges?

1 POTENTIAL JUROR: I served PTI, but I haven't gotten
2 it expunged yet.

3 THE COURT: Okay. Would your experience as a named
4 defendant in those charges some time ago make it difficult
5 for you to be fair and impartial as a juror in this trial?

6 POTENTIAL JUROR: No, sir.

7 THE COURT: Can you set aside your experience and
8 decide this case based on what you hear in court?

9 POTENTIAL JUROR: Yes.

10 THE COURT: And would you do that, please, sir?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: Thank you, Mr. Stroman. You can go back
13 and have a seat.

14 Yes, ma'am. If you'll stand right here and speak so
15 that she can hear you. Your name again?

16 POTENTIAL JUROR: Jennifer Patterson, 132.

17 THE COURT: Ms. Patterson, 182?

18 POTENTIAL JUROR: 132.

19 THE COURT: 132. Thank you. Ms. Patterson, was it
20 you or a family member who was involved?

21 POTENTIAL JUROR: My sister.

22 THE COURT: And what was her involvement?

23 POTENTIAL JUROR: She was raped.

24 THE COURT: How long ago did that happen?

25 POTENTIAL JUROR: In the late eighties.

1 THE COURT: I see. Did that happen here in Aiken
2 County?

3 POTENTIAL JUROR: Yes, sir.

4 THE COURT: Was anybody caught and prosecuted as a
5 result of that?

6 POTENTIAL JUROR: Yes, sir.

7 THE COURT: Okay. How old was your sister at the
8 time?

9 POTENTIAL JUROR: 16.

10 THE COURT: Okay. And how old were you at the time?

11 POTENTIAL JUROR: 19.

12 THE COURT: Okay. Obviously you were involved in
13 your sister's situation at that time being close in age.
14 Were you living at home with her at the time?

15 POTENTIAL JUROR: No, I was in college.

16 THE COURT: Okay. How's your sister doing now?

17 POTENTIAL JUROR: She's okay. She's 47.

18 THE COURT: Okay. If you were asked to serve as a
19 juror in this case, would you be able to set aside that
20 experience in your sister's life, and in your life, too,
21 and decide this case based on what you would hear in this
22 courtroom about this case without regard to your sister's
23 situation?

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: Would you do that, please, ma'am?

1 POTENTIAL JUROR: Yes, sir.

2 THE COURT: Thank you. You can go back and have a
3 seat.

4 Yes, sir. Your name and number, please?

5 POTENTIAL: Juror 107, Brandon Madeen.

6 THE COURT: Mr. Madeen, was it you or a family member
7 that was involved?

8 POTENTIAL JUROR: It was me.

9 THE COURT: And what was the situation?

10 POTENTIAL JUROR: Home invasion and assault.

11 THE COURT: How long ago was that?

12 POTENTIAL JUROR: Approximately 2012.

13 THE COURT: Okay. Was anybody caught and convicted
14 as a result of that?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: Was it here in Aiken County?

17 POTENTIAL JUROR: Yes, sir.

18 THE COURT: Okay. How badly were you injured?

19 POTENTIAL JUROR: Just a minor laceration.

20 THE COURT: If you were asked to serve as a juror
21 in this case, would you be able to set aside your own
22 experience as a victim and decide this case based on the
23 evidence that you would hear in court without regard to
24 your own situation?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Would you do that, please?

2 POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you, sir. You can go back and
4 have a seat.

5 POTENTIAL JUROR: Thank you.

6 THE COURT: Your name and number, please.

7 POTENTIAL JUROR: Stephen Turner, Juror Number 182.

8 THE COURT: Mr. Turner, was it you or a family
9 member that was involved?

10 POTENTIAL JUROR: Family member.

11 THE COURT: And what was the relationship to you,
12 please, sir?

13 POTENTIAL JUROR: Niece.

14 THE COURT: Okay. Your niece?

15 POTENTIAL JUROR: Yes, she was raped and killed.

16 THE COURT: Where did that happen?

17 POTENTIAL JUROR: That was in 19 -- December 1999.

18 THE COURT: Was it here in Aiken County?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: Was someone caught and convicted of
21 that?

22 POTENTIAL JUROR: Reinaldo Rivera.

23 THE COURT: Sir?

24 POTENTIAL JUROR: Reinaldo Rivera.

25 THE COURT: Was that prosecuted by the solicitor's

1 office here?

2 POTENTIAL JUROR: It was in Augusta, I believe.

3 THE COURT: Sir?

4 POTENTIAL JUROR: Augusta.

5 THE COURT: Oh, across the river. Okay. He was
6 convicted?

7 POTENTIAL JUROR: Yes, sir.

8 THE COURT: Okay. Would your association as a
9 victim through your niece's involvement have any impact
10 on your ability to be fair and impartial as a juror in
11 the trial of this case --

12 POTENTIAL JUROR: No, sir.

13 THE COURT: -- which alleges the murder of someone
14 by somebody else?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: Could you set aside your own family's
17 experience and decide this case based on what you would
18 hear in court?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: All right, sir. And you would do that?

21 POTENTIAL JUROR: Yes, sir.

22 THE COURT: Thank you, sir. You can go back and
23 have a seat.

24 (The following proceedings were held in open court.)

25 THE COURT: All right. Ladies and gentlemen, are

1 any members jury panel members of, supporters of, or
2 contributors to any law enforcement support organizations
3 or victims rights organizations such as MADD, SADD, CAV,
4 CADRE or the like? If so, please, stand.

5 Thank you.

6 Ladies and gentlemen, have any of you formed in your
7 own mind or expressed to anyone else any opinion as to
8 the guilt or the innocence of Mr. Holmes? If so, would
9 you please stand.

10 Are any of you conscious of; that is, aware of any
11 bias or prejudice that you might have for or against the
12 State or for or against Mr. Holmes? If so, please stand.

13 Finally, then, do any of you know of any reason of
14 any kind whatsoever that would prevent you from serving
15 fairly and impartially as a juror in this case both to
16 the State or the Defendant? If you know of any reason,
17 would you, please, stand.

18 Ms. Young, any additional questions from the State?

19 MS. YOUNG: None from the State, Your Honor. Thank
20 you.

21 THE COURT: Mr. McCarley, other than previously
22 noted, I declined your Question Number 5, but other than
23 that I touched on all the others. Other than previously
24 asked, are there any additional questions from the
25 Defendant?

1 MR. MCCARLEY: No, sir, Your Honor.

2 THE COURT: Thank you.

3 All right. Madam Clerk, you can give us a jury --
4 Mr. Clerk. Thank you.

5 We'll select two alternates. The strikes will be
6 five for the State, ten for the Defendant. As to each
7 alternate, the strikes will be one for the State, two for
8 the Defendant.

9 Ladies and gentlemen, as we're talking now the
10 computer is generating a list, another list from the
11 larger list that has all of your names on it that were
12 given to the lawyers in this case -- well, the list won't
13 be given to the lawyers in the case, but we'll have a
14 list, but your names will be called and you'll get further
15 instructions at that particular time.

16 This is a rather sterile and benign way of selecting
17 jurors. We -- some of us are old enough to remember when
18 the jurors' names used to be put in round tumblers
19 generally on a slip of paper that was slipped inside of
20 capsules and put in there and mixed all up and by statute
21 they were drawn from that capsule by a blind person or a
22 child under the age of seven just to insure anonymity for
23 all of you. It was an archaic way of doing things and --
24 but it was a wonderful show of how things were.

25 Now the computer -- there you go. As an example,

1 Mr. Harte has one there. He had it right there, folks,
2 just to -- it's a relic from the past.

3 In my county, Clarendon County, we didn't have a
4 real fancy tumbler. We had a Prince Edward cigar box
5 and those numbers were selected. The computer tells us
6 at random, and that's the important thing about it, so
7 that's being done right at this minute.

8 Stacy, I'm giving you Defendant's Requested Voir
9 Dire to mark as Court's Exhibit Number 3.

10 (Court's Exhibit Number 3 was marked for
11 identification.)

12 THE COURT: Ladies and gentlemen, in a moment the
13 names will start being called and as your names are called,
14 if you will follow the instructions that are given to you
15 by the clerk, please. Thank you.

16 THE CLERK: Ladies and gentlemen, as I call your
17 name, please step forward, turn around and face the clock.
18 Please bring with you any personal items that you may
19 have because if you are selected, you'll go directly to
20 the jury box.

21 Juror Number 26, Carol S. Burrowbridge.

22 (Whereupon, Carol S. Burrowbridge, a white female,
23 was called forward.)

24 THE CLERK: What says the State?

25 MS. YOUNG: Please present Ms. Burrowbridge.

1 THE CLERK: What says the defense?

2 MS. STEINER: Please excuse Ms. Burrowbridge.

3 THE CLERK: Please return to your seat, ma'am.

4 Juror Number 22, Sonya R. Bridges.

5 (Whereupon, Sonya R. Bridges, a black female, was
6 called forward.)

7 THE COURT: Come this way just a little bit, ma'am,
8 so they can see you.

9 Thank you.

10 THE CLERK: What says the State?

11 MS. YOUNG: Please excuse Ms. Bridges from this
12 case.

13 THE CLERK: Please return to your seat.

14 Juror Number 179, Jasmine L. Tillman.

15 (Whereupon, Jasmine L. Tillman, a black female, was
16 called forward.)

17 THE CLERK: Did we lose Ms. Tillman? Oh, there she
18 is.

19 What says the State?

20 MS. YOUNG: Please excuse Ms. Tillman from this
21 case.

22 THE CLERK: Please return to your seat.

23 Juror Number 199, Christopher B. Wright.

24 (Whereupon, Christopher B. Wright, a white male, was
25 called forward.)

1 THE CLERK: What says the State?

2 MS. YOUNG: Please present Mr. Wright.

3 THE CLERK: What says the defense?

4 MS. STEINER: Please excuse Mr. Wright.

5 THE CLERK: Please return to your seat.

6 Juror Number 44, Kathryn V. Dale.

7 (Whereupon, Kathryn V. Dale, a white female, was
8 called forward.)

9 THE CLERK: What says the State?

10 MS. YOUNG: Please present Ms. Dale.

11 THE CLERK: What says the defense?

12 MS. STEINER: Please excuse Ms. Dale.

13 THE CLERK: Please return to your seat.

14 Juror Number 138, Catherine N. Pyron.

15 (Whereupon, Catherine N. Pyron, a white female,
16 was called forward.)

17 THE CLERK: What's say the State?

18 MS. YOUNG: Please present Ms. Pyron.

19 THE CLERK: What says the defense?

20 MS. STEINER: Please seat Ms. Pyron.

21 THE CLERK: Please have a seat in the jury box.

22 Juror Number 114, Suzanne Mayson.

23 (Whereupon, Suzanne T. Mayson, a white female, was
24 called forward.)

25 THE CLERK: What says the State?

1 MS. YOUNG: Please present Ms. Mayson.

2 THE CLERK: What says the defense?

3 MS. STEINER: Please excuse Ms. Mayson.

4 THE CLERK: Please return to your seat.

5 Juror Number 171, Duane K. Tarver.

6 (Whereupon, Duane K. Tarver, a white male, was
7 called forward.)

8 THE CLERK: What says the State?

9 MS. YOUNG: Please present Mr. Tarver.

10 THE CLERK: What says the defense?

11 MS. STEINER: Please seat Mr. Tarver.

12 THE CLERK: Please have a seat in the jury box.

13 Juror Number 131, Linda R. Oliver.

14 (Whereupon, Linda R. Oliver, a black female, was
15 called forward.)

16 THE CLERK: What says the State?

17 MS. YOUNG: Please present Ms. Oliver.

18 THE CLERK: What says the defense?

19 MS. STEINER: Please seat Ms. Oliver.

20 THE CLERK: Have a seat in the jury box.

21 Juror Number 181, Gregory A. Trotter.

22 (Whereupon, Gregory A. Trotter, a white male, was
23 called forward.)

24 THE CLERK: What says the State?

25 MS. YOUNG: Please present Mr. Trotter.

1 THE CLERK: What says the defense?

2 MS. STEINER: Please seat Mr. Trotter.

3 THE CLERK: Please have a seat in the jury box.

4 Juror Number 177, Paul A. Thomas, Jr.

5 (Whereupon, Paul A. Thomas, Jr., a white male, was
6 called forward.)

7 THE CLERK: What says the State?

8 MS. YOUNG: Please present Mr. Thomas.

9 THE CLERK: What says the defense?

10 MS. STEINER: Please seat Mr. Thomas.

11 THE CLERK: Please have a seat in the jury box.

12 Juror Number 40, Christian Z. Cook.

13 (Whereupon, Christian Z. Cook, a black male, was
14 called forward.)

15 THE CLERK: What says the State?

16 MS. YOUNG: Please present Mr. Cook.

17 THE CLERK: What says the defense?

18 MS. STEINER: Please seat Mr. Cook.

19 THE CLERK: Please have a seat in the jury box.

20 THE CLERK: Juror Number 119, Cheryl W. Miller-El.

21 (Whereupon, Cheryl W. Miller-El, a black female,
22 was called forward.)

23 THE CLERK: What say the State?

24 MS. YOUNG: Please present Ms. El.

25 THE CLERK: What says the defense?

1 MS. STEINER: Please seat Ms. Miller-El.

2 THE CLERK: Please have a seat in the jury box.

3 Juror Number 170, Sasha Symister.

4 (Whereupon, Sasha Symister, a black female, was
5 called forward.)

6 THE CLERK: What says the State?

7 MS. YOUNG: Please seat Ms. Symister.

8 THE CLERK: What says the defense?

9 MS. STEINER: Please seat Ms. Symister.

10 THE CLERK: Please have a seat in the jury box.

11 Juror Number 82, Cindy D. Hoepker.

12 (Whereupon, Cindy D. Hoepker, a white female, was
13 called forward.)

14 THE CLERK: What says the State?

15 MS. YOUNG: Please present the juror.

16 THE CLERK: What says the defense?

17 MS. STEINER: Please excuse Ms. Hoepker.

18 THE CLERK: Please return to your seat.

19 I have the State has exhausted two challenges, the
20 defense five.

21 Juror 37, Vanessa W. Cofer.

22 (Whereupon, Vanessa W. Cofer, a black female, was
23 called forward.)

24 THE CLERK: What says the State?

25 MS. YOUNG: Please present Ms. Cofer.

1 THE CLERK: What says the defense?

2 MS. STEINER: Please excuse Ms. Cofer.

3 THE CLERK: Please return to your seat.

4 Juror Number 85, Andrew N. Jackson.

5 (Whereupon, Andrew N. Jackson, a white male, was
6 called forward.)

7 THE CLERK: What says the State?

8 MS. YOUNG: Please excuse Mr. Jackson from this
9 trial.

10 THE CLERK: Please return to your seat.

11 THE CLERK: Juror Number 132, Jennifer A. Patterson.

12 (Whereupon, Jennifer A. Patterson, a white female,
13 was called forward.)

14 THE CLERK: What says the State?

15 MS. YOUNG: Please present Ms. Patterson.

16 THE CLERK: What says the defense?

17 MS. STEINER: Please excuse Ms. Patterson.

18 THE CLERK: Please return to your seat.

19 Juror Number 14, Mitchell C. Bird.

20 (Whereupon, Mitchell C. Bird, a white male, was
21 called forward.)

22 THE CLERK: What says the State?

23 MS. YOUNG: Please present Mr. Bird.

24 THE CLERK: What says the defense?

25 MS. STEINER: Please seat Mr. Bird.

1 THE CLERK: Please have a seat in the jury box.

2 Juror Number 78, Brandi N. Herring.

3 (Whereupon, Brandi N. Herring, a white female, was
4 called forward.)

5 THE CLERK: What says the State?

6 MS. YOUNG: Please present Ms. Herring.

7 THE CLERK: What says the defense?

8 MS. STEINER: Please seat Ms. Herring.

9 THE CLERK: Please have a seat in the jury box.
10 Juror Number 128, Nathan T. Noel.

11 (Whereupon, Nathan T. Noel, a white male, was called
12 forward.)

13 THE CLERK: What says the State?

14 MS. YOUNG: Please present Mr. Noel.

15 THE CLERK: What says the defense?

16 MS. STEINER: Please seat Mr. Noel.

17 THE CLERK: Please have a seat in the jury box.
18 Juror Number 60, Wendy L. Fulmer.

19 (Whereupon, Wendy L. Fulmer, a white female, was
20 called forward.)

21 THE CLERK: What says the State?

22 MS. YOUNG: Please present Ms. Fulmer.

23 THE CLERK: What says the defense?

24 MS. STEINER: Please seat Ms. Fulmer.

25 THE CLERK: Please have a seat in the jury box.

1 We have twelve jurors, Your Honor.

2 THE COURT: Thank you. We'll proceed to alternates
3 now. Two alternates. As to each alternate, strikes will
4 be one for the State and two for the defense.

5 THE CLERK: Juror Number 81, Ashley R. Hodson.

6 (Whereupon, Ashley R. Hodson, a white female, was
7 called forward.)

8 THE CLERK: What stays the State?

9 MS. YOUNG: Please present Ms. Hodson.

10 THE CLERK: What says the defense?

11 MS. STEINER: Please seat Ms. Hodson.

12 THE CLERK: Please have a seat in the jury box.

13 Juror Number 122, Christopher R. Moore.

14 (Whereupon, Christopher R. Moore, a black male,
15 was called forward.)

16 THE CLERK: What says the State?

17 MS. YOUNG: Please present Mr. Moore.

18 THE CLERK: What says the defense?

19 MS. STEINER: Please seat Mr. Moore.

20 THE CLERK: Please have a seat in the jury box.

21 Your Honor, we have a jury.

22 THE COURT: Thank you.

23 Ms. Young, are there any matters of law regarding
24 the jury selection process from the State?

25 MS. YOUNG: None from the State, Your Honor.

1 THE COURT: Thank you.

2 Mr. McCarley, any matters of law regarding the jury
3 selection process from the defense?

4 MR. MCCARLEY: No, sir, Your Honor.

5 THE COURT: Thank you.

6 Ladies and gentlemen, those of you who were not
7 selected as jurors for the trial of this case, thank you
8 very much for your corporation and your patience with us
9 throughout the morning. I'm gonna let you go now with
10 the instructions, please, to call the number that you
11 were given today after 6:00 this afternoon.

12 I've got a better deal than that for you. You
13 don't have to call back. You don't have to come back.
14 You have been excused for the balance of the week. Thank
15 you so much for your cooperation with us this morning.

16 THE CLERK: Before you go --

17 THE COURT: Wait a minute.

18 THE CLERK: Anybody that would like a work excuse,
19 please go to the jury assembly room and my jury clerks
20 will come in there and sign a work excuse for you.

21 THE COURT: Thank you.

22 (Whereupon, the jury panel was excused at 11:48 AM.)

23 THE COURT: Now, ladies and gentlemen, you obviously
24 have now been chosen as jurors for the trial of this case
25 and it's too late in the morning for us to start any

1 meaningful work, so we're gonna take a little earlier
2 lunch break than we would normally take. Most of the
3 time we'll stop around 12:30, quarter till one, something
4 like that, 1:00. I'm gonna stop a little early today,
5 but I'm gonna get you back early. I'm gonna ask that you
6 please be back in the jury room -- excuse me -- yes, in
7 the jury room at 1:30. That's a little a longer than we
8 normally take, but we've got some matters here to get
9 everything in place to make sure that we're ready to go
10 at 1:30 this afternoon.

11 When you come back at 1:30, you'll report to the
12 jury room. They're gonna take you out of here in a
13 minute and show you where that room is and how to get to
14 that jury room throughout the course of your service as
15 jurors in this trial.

16 Now before we start the trial this afternoon at
17 1:30, I'm gonna give you some instructions about things
18 that you may and may not do as jurors during this trial,
19 but to keep you from mistakenly and inadvertently and
20 innocently doing some of those things without knowing
21 that you're actually doing wrong, let me tell you now
22 that during the trial of this case you're not allowed
23 to talk about this case with anybody outside of this
24 courtroom. You're not allowed even to talk about the
25 case among yourselves in the jury room during the trial.

1 You're not allowed to try to expose yourself to any
2 information about this case from any source at all. You
3 can't do your own research to try to find out what Google
4 says about this case. Everything that you need to know
5 about this case in order to render a verdict; indeed,
6 everything that you're allowed to know about this case
7 in order to render a verdict you must find out from this
8 courtroom right here where the rules of law and the
9 rules of evidence apply, where every piece of evidence
10 that you see and every word of testimony that you hear
11 is put to the testament and the strict proof that goes
12 along with that -- with that obligation, witnesses who
13 are sworn to tell the truth, witnesses who are answering
14 questions that the lawyers for both sides put to them so
15 that you can assess what the facts are in this case.

16 That's how we operate in this courtroom. We don't
17 have any control about what somebody says on Facebook
18 about anything or what anybody says on the street about
19 anything and, Heaven forbid, that anybody ever starts to
20 make decisions based on what they read on Facebook or
21 what they hear on the street, and so that's the reason
22 we say confine your decision in this case to what you
23 hear in this courtroom.

24 Everything that we've been doing today so far this
25 morning since you got here and the questions that I've

1 asked you and the questions that you have answered have
2 been designed to make sure that we've got fourteen folks
3 like you in that jury box. We want to have folks like
4 you who didn't have any interest in this case, who
5 didn't know anything about this case, who didn't have
6 any connection with the lawyers or the parties involved
7 or the witnesses, who had not read or seen or heard
8 anything about this case outside of this courtroom, and
9 so we've got fourteen folks who'll come to hear this case
10 with an open mind, with a blank slate that the witnesses
11 will start to write on that slate during the course of
12 this trial.

13 If you try to find out anything on your own about
14 this case, you will undo all the good that you have done
15 throughout the morning to get to this stage. So, please,
16 for that reason don't talk about this case, don't let
17 anybody else talk with you about it and don't try to find
18 anything on your own about this case. I'll remind you of
19 that. Every time before you leave this courtroom, you're
20 gonna hear that from me because it's important that you
21 not forget that, okay?

22 Report to the jury room at 1:30. I'll see you then,
23 folks. Enjoy your lunch. Thank you.

24 (Whereupon, the jury was excused for lunch at
25 11:53 AM.)

1 THE COURT: Folks, when you get back at 1:30, I will
2 bring the jury in, I'll appoint a foreperson, they'll be
3 sworn, of course, and I'll make some brief introductory
4 remarks on your opening statements.

5 Ms. Young, who will open for the State?

6 MS. YOUNG: I will, Your Honor.

7 THE COURT: And for you, Mr. McCarley?

8 MR. MCCARLEY: Ms. Steiner will, Your Honor.

9 THE COURT: Ms. Steiner, good. Thank you.

10 Is there anything further before we break for lunch,
11 Ms. Young, from the State?

12 MS. YOUNG: Nothing from the State, Your Honor.

13 THE COURT: Mr. McCarley?

14 MR. MCCARLEY: Your Honor, we do have a motion to
15 sequester the State's witnesses and obviously ours, too.
16 We don't have any in the courtroom but for our case agent,
17 Mr. Gantt --

18 THE COURT: All right.

19 MR. MCCARLEY: -- but we do have a motion to
20 sequester that I'm just making verbally before Your Honor.

21 THE COURT: Okay. Ms. Young, do you have any problem
22 with that?

23 MS. YOUNG: No, sir, Your Honor. I just ask that
24 Mr. Bodie be allowed. He's our investigator. He runs
25 our equipment. We doubt we'll call him. He's kind of

1 just a safety net type, but other than that we agree to
2 the sequestration.

3 THE COURT: Thank you.

4 MS. YOUNG: And obviously the case agent.

5 THE COURT: Exactly.

6 The motion to sequester will be reciprocal; that is,
7 each side will be in charge of it. Since you-all know
8 your witnesses, you will be in charge of making sure that
9 none of them come in here during the trial of the case.
10 The sequestration order will go into effect following the
11 opening statements, okay?

12 Anything further?

13 MS. YOUNG: None from the State.

14 THE COURT: All right. Enjoy your lunch if you can.
15 I'll see you at 1:30.

16 MR. MCCARLEY: Yes, sir. Thank you.

17 THE COURT: Thank you.

18 (Whereupon, a luncheon recess was taken at 11:55 AM.)

19 (Back on the record at 1:34 PM.)

20 BAILIFF: All rise, please. Court's again in
21 session.

22 THE COURT: Thank you, ladies and gentlemen. Please
23 be seated. Good afternoon.

24 Madam reporter, we need to document some
25 developments. After the jury was dismissed for lunch,

1 one of the jurors, Juror Number 119, Ms. Miller-El,
2 indicated that she did not take the oath, she refused to
3 take the oath because her faith would not allow her to
4 take the oath, and she didn't know whether she could sit
5 in judgment or not. I asked her what her faith was and
6 she said it was a Moorish faith, she's a member of the
7 Moorish nation. She said she would check with her
8 teacher to find if she could sit in judgment or not
9 during the lunch hour.

10 I met with counsel -- all counsel in chambers at
11 that point in time. Some of them had some other dealings
12 with the Moorish nation and are familiar with its precepts
13 and, of course, I have gone to where I always go to try
14 to find out something that I don't know, and that's to
15 Google. And to the extent that that is authoritative,
16 I've determined that I think it's beyond dispute that the
17 Moorish nation is an independent nation similar to the
18 sovereign citizens, which hold that they are independent
19 of the authority of the state and are not bound by state
20 law.

21 So then regardless of what Ms. Miller-El may have
22 found from her teacher, independently I have determined
23 that the teaching of her faith would be in direct
24 contravention of the duties of a juror; that is, who is
25 bound by his or her oath, which she incidentally has

1 not taken, to follow the laws of our state. I will,
2 therefore, excuse Ms. Miller from any further --
3 Ms. Miller-El from any further service as a juror.
4 I'll bring her in momentarily to do that.

5 In the -- in anticipation of that move, we have
6 then moved forward to select one of the two alternates
7 to take her place. Under statute in the criminal courts,
8 the selection of an alternate from among several
9 alternate jurors to be a principal juror is done by lot;
10 that is, by drawing numbers from a hat, in this case
11 from a cup, which has been done, and the clerk has drawn
12 Juror Number 122, Christopher Moore, to become a principal
13 juror. Ms. Ashley Hudson -- or Hodson will remain as an
14 alternate.

15 Is there anything that either the State or the
16 defense would like to add to that assessment of where we
17 are?

18 Ms. Young?

19 MS. YOUNG: Nothing from the State, Your Honor.

20 THE COURT: Mr. McCarley?

21 MR. MCCARLEY: No, sir.

22 THE COURT: And if you will bring in Juror Number
23 119, Ms. Miller-El, please.

24 (Whereupon, Juror Number 119 enters the courtroom.)

25 THE COURT: You can have a seat right there while --

1 I just need talk to you for just minute, Ms. Miller-El.
2 I appreciate you sharing with us before you went home for
3 lunch your concern about whether or not you'd be allowed
4 to serve as a juror given your faith.

5 JUROR NUMBER 119: Yes, sir.

6 THE COURT: I asked you to check with your teacher,
7 but in the meantime we have done some independent looking
8 into the precepts of your faith and have determined that
9 it would be a violation of your faith, quite frankly, for
10 you to be asked to follow state law when your faith does
11 not allow you to do that.

12 JUROR NUMBER 119: Yes, sir.

13 THE COURT: And so for that reason I'm going to
14 excuse you from further service as a juror and I thank
15 you for sharing that with you us when you did --

16 JUROR NUMBER 119: Yes, sir.

17 THE COURT: -- and I'm going to excuse you now and
18 you're free to go. Thank you.

19 JUROR NUMBER 119: Thank you.

20 THE COURT: Are both sides now ready for the jury?

21 MS. YOUNG: Yes, Your Honor.

22 MR. MCCARLEY: Yes, sir.

23 THE COURT: Bring us the jury.

24 (Whereupon, the jury return to the courtroom at
25 1:39 PM.)

1 THE COURT: If you will leave that first chair on
2 the front row open, ladies and gentlemen. I don't need
3 anyone to sit there right now.

4 Mr. Tarver, I'm gonna ask you to sit in that chair
5 right there, please, sir. Thank you.

6 Mr. Tarver, I've asked you to occupy that chair, sir.
7 I'm asking you to be the jury's foreman here in court.
8 That means that you'll be the jury's spokesperson here
9 in court. When the trial is over, you'll be responsible
10 for writing the verdict of the jury, but I'll tell you
11 more about that before you have to do it. All you need
12 to know is right now you've got a reserved chair. You'll
13 occupy that chair throughout the trial of this case.

14 Mr. Moore, you have been moved in status from an
15 alternate juror to a principal juror. We excused one of
16 your number. As an alternate, you've been selected as a
17 principal juror, so you'll occupy either one of those two
18 chairs on the back from now on as a principal juror.

19 And, Ms. Hodson, you will remain an alternate and
20 you'll sit in that chair unless I ask you sometime during
21 the trial to sit somewhere else, okay?

22 JUROR NUMBER 81: Okay.

23 THE COURT: Folks, the rest of you don't have
24 reserved seats. You've got to do the best you can when
25 you come in from time to time. It's always a good idea

1 to do what you just did, move all the way down before
2 you sit down. If you leave a vacant seat beyond you,
3 somebody's gonna step on your feet to get to it and so
4 that could be uncomfortable during the trial of this
5 case.

6 You're going to be placed under oath now, ladies
7 and gentlemen. The oath of a juror is a time honored
8 and artfully worded oath. It explains to you very
9 completely, but yet very concisely, what your
10 responsibilities as jurors are. I will be reminding
11 you during this trial and, indeed, after the trial as to
12 what your responsibilities are, so please listen now to
13 the clerk as the oath is administered.

14 Mr. Clerk.

15 THE CLERK: Please stand and raise your right hand.

16 (Whereupon, the jury was duly sworn by the Clerk
17 of Court.)

18 THE CLERK: You may be seated. Thank you.

19 THE COURT: Folks, let me take just a few moments
20 to tell you what the process will be that we will follow
21 during the course of this trial and also let you know
22 what your responsibilities as jurors will be during this
23 trial.

24 In just a moment when I finish talking to you, the
25 State, through Mr. McCarley or Ms. Steiner -- and I did

1 not introduce the lawyers to you before the trial of this
2 case, and I should have done that.

3 Mr. McCarley, deputy public defender. Ms. Brianne
4 Steiner, assistant public defender.

5 The State, represented by Ms. Young and by Ms. Hall,
6 are assistant solicitors. Ms. Beth Ann Young and
7 Ms. Cassie Hall. You'll see them all in operation during
8 the course of this trial.

9 In just a minute when I finishing talking to you,
10 Ms. Young, on behalf of the State, is going to stand
11 before you and make a brief opening statement, and in
12 that opening statement she's gonna outline for you
13 something in a preview fashion what this case is all
14 about from the State's point of view. She may even
15 indicate to you some of what she intends to offer by way
16 of proof in support of the charges that the State has
17 brought in this case. And when she is finished making
18 the opening statement on behalf of the State, then the
19 Defendant has a right to make an opening statement. He's
20 under no obligation to do that, and I'll tell you why in
21 just a moment, but he will make an opening statement in
22 this case. Ms. Steiner will offer the opening statement
23 on behalf of the defense.

24 After the opening statements have been presented,
25 then the State will begin to put in its evidence and

1 testimony in this case. Evidence for the most part will
2 take the form of testimony of witnesses who will take an
3 oath and sit right here in this chair and will answer
4 questions the lawyers for both sides will put to them.
5 Evidence may also take the form of documents or diagrams
6 or photographs or charts. I don't know what the evidence
7 is going to be in this case because I haven't seen it,
8 but that's normally what would come into evidence in a
9 case of this sort. The State, as I've said, will put in
10 its evidence and testimony first and then when the State
11 has completed its evidence and testimony, once again, the
12 Defendant has a right to offer evidence and testimony,
13 but he is under no obligation to do that, and I'll tell
14 you why in just a minute.

15 After all of the evidence and testimony has been
16 presented to you, then the lawyers will come back before
17 you and make their closing arguments, their final
18 statements sometimes they're called, in which they're
19 allowed to summarize the evidence and to submit to you
20 conclusions that they claim you should draw from the
21 evidence and after the closing statements have been made,
22 then I will instruct you as to what the law is in this
23 case, and then, and only then, will you be able to go
24 back into your jury room and finally start discussing
25 this case among yourselves, to deliberate and reach a

1 verdict in this case.

2 I've already told you that you're not allowed to
3 discuss it among yourselves, and that might seem to be a
4 stupid rule, and maybe it is, but it's a time honored rule
5 and the reason that it is that way is because as soon as
6 you go back there and start talking about this case among
7 yourselves, you're gonna start to make up your mind about
8 the case. It might well be that after you've started to
9 talk about the evidence and make up your mind on the
10 basis of what you've talked about that some other witness
11 might come up later in the trial of the case and talk
12 about something decidedly different from that that
13 you've already started to discuss and to make up your
14 mind about. Well, that's what you've done and you're not
15 likely to receive that later testimony with an open mind
16 because you've already started to make up your mind based
17 on what you've talked about and that's the reason that
18 you're not allowed to discuss this case among yourselves
19 at any time during the trial. When the trial is over,
20 you can take as much time as you want to to talk about
21 the case, but, please, not until then.

22 Now, ladies and gentlemen, I told you a moment ago
23 that the evidence will come to you from this witness
24 chair and from those documents and those items that will
25 be introduced into evidence. Let me tell you what is not

1 evidence. The opening statements that the lawyers will
2 ask -- or submit are not evidence and the questions that
3 they ask are not evidence and the closing statements are
4 not evidence. Now all of those things are a necessary
5 part of this process. We would not be able to conduct a
6 very orderly trial without those things, but those are
7 not evidence.

8 So it's not the question that is evidence, it's
9 the answer to the question that's evidence because the
10 answer comes from someone who's under oath sworn to tell
11 the truth who is supposed to know the things that he or
12 she is telling you about. The answers are subject to
13 questions by the lawyers from both sides so that it meets
14 the test of strict proof in that regard, so that's the
15 reason. Your decision should be based on testimony or
16 perhaps even lack of testimony, but not on the questions
17 and closing and opening statements.

18 The reason that it's important that you folks
19 understand the difference between what is evidence and
20 what is not evidence is this. When it comes to the
21 matter of evidence you, ladies and gentlemen, actually
22 serve as jurors. That's what you do. Now I'm the judge
23 of the law. I've got the relatively easy job. All I've
24 got to do as a matter of law is to decide whether you can
25 hear some witness tell you something from this witness

1 chair or whether you can look at that photograph or that
2 chart or whatever it is, but once I decide that you can
3 hear the testimony or look at the chart, then what you do
4 with it from that point on is entirely up to you.

5 You've got the right to believe it or not to believe
6 it. You've got the obligation of deciding how much
7 weight, if any, the evidence should receive. Because
8 your job, ladies and gentlemen, is to decide the facts of
9 the case. That's what you do. I determine the law and
10 you determine the facts, and that's how this situation
11 works. You take the facts as you find them to exist in
12 this case and you apply the law that I tell you to those
13 facts and you arrive at a verdict in this particular case.
14 That's how the system works.

15 A few moments ago I told you that the Defendant did
16 not have to make an opening statement and he doesn't have
17 to present evidence and testimony because, as you know,
18 as I told you early this morning before we started this
19 trial, Mr. Holmes has entered pleas of not guilty to these
20 charges and under our law when a defendant enters a plea
21 of not guilty to criminal charges, he is presumed to be
22 innocent, he is presumed to be not guilty.

23 When we say that someone is presumed to be innocent,
24 that means that he does not have to try to convince you
25 that he's innocent. He does not have to prove his

1 innocence. He is presumed to be innocent. He doesn't
2 have to take the stand and try to prove his innocence or
3 convince you that he's not guilty. He doesn't have to
4 bring his witnesses to try to convince you of that. So
5 the burden of proof is on the State not just in this
6 case, but in every case like this to prove to you-all's
7 satisfaction, all twelve of you, that the Defendant is
8 guilty of these charges beyond a reasonable doubt.

9 At the conclusion of the trial when I'm talking to
10 you, I'll tell you in greater detail what we mean by
11 proof beyond a reasonable doubt, but right now for these
12 limited instructions let me tell you that proof beyond
13 a reasonable doubt is proof that leaves you firmly
14 convinced of the Defendant's guilt. And so after you've
15 heard all that's gonna be said in this case and you
16 listen to the lawyers and you listen to me and you go
17 back into that jury room and you start listening to
18 each other, if by your collective wisdom after you have
19 finished your discussions and said all you need to say
20 about this and heard all you need to hear about his case,
21 that if you are firmly convinced that the Defendant is
22 guilty, then the State has met its burden of proof and
23 would be entitled to a verdict of guilty at your hands.

24 On the other hand, after you've heard everything
25 that's gonna be said in this case if you think there's

1 still a real possibility that he is not guilty, then the
2 State has not met its burden of proof and in that case
3 the Defendant would be entitled to a verdict of not
4 guilty at your hands.

5 So you'll be listening until you go back into your
6 jury room and starting talking and you will reach your
7 conclusion and you will write a verdict which will
8 express your opinion as to whether or not the State has
9 met its burden of proof by writing a verdict that says
10 we find the Defendant guilty or we find the Defendant
11 not guilty according to your view of the evidence in
12 this case.

13 Thank you.

14 Now please listen to the lawyers as they make their
15 opening statements.

16 Ms. Young.

17 MS. YOUNG: Thank you, Your Honor, Mr. McCarley,
18 Ms. Steiner.

19 May it please the Court?

20 THE COURT: Yes, ma'am.

21 MS. YOUNG: Good afternoon, ladies and gentlemen.
22 Senseless, heartless, lifeless. On June 18th of 2016,
23 the Defendant in this case, Tequan Holmes, murdered the
24 victim, Tiquan Oakman. In a senseless and heartless act,
25 this Defendant pulled out his gun, pointed it at the

1 chest of the victim and fired at pointblank range. The
2 single gunshot fired by the Defendant basically burst the
3 victim's aorta. The Defendant jumped in his car and fled
4 away from the scene leaving the victim's lifeless body
5 there in the driveway at [REDACTED] Boucher Court.

6 Ladies and gentlemen, the murder of Tiquan Oakman by
7 the Defendant, Tequan Holmes, is the reason that we're
8 here this week for this trial. You're going to hear
9 about this case from the people who were there. You're
10 gonna hear about it from people who saw what happened
11 and they're gonna come in here before you and testify
12 about the things that took place.

13 You're gonna hear from Larry "Kip" Boyd, the
14 homeowner at [REDACTED] Boucher Court, the person in whose
15 driveway the victim died that night. You're gonna hear
16 from neighbors and brothers, DeMarco Richardson and
17 Quentin Richardson, who were there. They're gonna tell
18 you how the Defendant drove up in his gold Audi, how he
19 got out and had a confrontation with the victim and
20 basically without provocation pulled out his gun and shot
21 him. You're going to hear what law enforcement, the first
22 responding officer and the investigators saw, when they
23 arrived on the scene.

24 Now [REDACTED] Boucher Court is a little small cul de sac
25 street here in Warrenville in Aiken County, and that's

1 where all of this took place. This is real life, ladies
2 and gentlemen. When the officers got there, the Defendant
3 had already fled the scene as I stated, but they were
4 able to get information that night from eyewitnesses and
5 they were able to identify the Defendant, as well as his
6 vehicle, that gold Audi that I previously mentioned. They
7 put that information out there as a be-on-the-lockout for
8 this Defendant.

9 You're going to hear from Raekwon Mathis. Raekwon
10 Mathis is a friend of this Defendant and after he murdered
11 Tiquan Oakman, the Defendant went to Raekwon's house.
12 Raekwon's gonna come in here and tell you about what
13 happened when the Defendant arrived at his residence that
14 night after he murdered Tiquan Oakman.

15 Now the next morning, June 19th of 2016, one of
16 those eyewitnesses that I previously mentioned to you,
17 Quentin Richardson, went to work. He works at McDonald's.
18 Quentin is at work. He's telling everybody what happened
19 because, you know, he saw it, he was there, and all of a
20 sudden the Defendant, Mr. Holmes, shows up at McDonald's
21 and wants to talk to Quentin for some reason. So Quentin
22 calls 9-1-1. When law enforcement gets to McDonald's,
23 the Defendant's already gone, but based on information
24 they respond over to Hamilton Drive, which is just down
25 the way in the City of Aiken to where the Defendant's

1 uncle lives, and lo and behold, what do they see outside
2 that residence? That gold Audi that everybody's talked
3 about. So the police call everybody out and they did,
4 in fact, find the Defendant there and they placed him
5 under arrest.

6 Now the most important thing as Judge Cooper told
7 you that you're gonna hear about in this case is gonna
8 be eyewitness testimony from people who were there.
9 They're gonna tell you what they saw, what they heard
10 and what they experienced, but you're also gonna hear
11 in this case and have an opportunity to review -- you're
12 gonna hear about and have an opportunity to see physical
13 evidence because it wasn't over the night of the murder.

14 Aiken County Sheriff's Office, Investigator
15 Criscillis, as well as the forensic investigators,
16 continue to try to find evidence to tie the Defendant to
17 this crime more than just based on what people saw. And
18 you're gonna hear about evidence they found in the
19 Defendant's car, in that gold Audi. You're gonna hear
20 about the evidence that was found at Kelvin Mathis's
21 house. Kelvin is the uncle from Hamilton Drive. And
22 you're gonna hear about things that were found on the
23 Defendant's clothing.

24 Analysts from the State Law Enforcement Division,
25 commonly known as SLED, are gonna come in here and

1 they're gonna tell you about the testing and the analyses
2 that they did that tie the Defendant to this murder, in
3 particular DNA evidence, as well as ballistic evidence.

4 Now the Defendant in this case has three different
5 charges against him; murder, possession of a weapon
6 during the commission of a violent crime, and possession
7 of a weapon by a person previously convicted of a violent
8 crime. Basically the judge is gonna tell you more about
9 the law after the case, but murder is the killing of
10 somebody -- the unlawful killing of somebody with malice
11 aforethought, and he's gonna explain how long it takes to
12 develop malice and I can tell you right now it can be
13 instantaneous. A person who commits a violent crime is
14 not allowed to have a weapon and the legislature has
15 defined murder as a violent crime. And, finally, a
16 person who has a previous conviction for a violent crime
17 is not allowed to have a weapon.

18 Ladies and gentlemen, that is a very, very brief
19 overview of the testimony you're gonna hear from the
20 witnesses and the physical evidence that's gonna be
21 presented because it's most important to hear it from
22 the witness stand. Like Judge Cooper said, the State
23 has the burden of proof in this case and the burden of
24 proof is we have to prove this case to you beyond a
25 reasonable doubt, which means that at the end of this

1 case we have to have presented evidence that leaves you
2 firmly convinced that Tequan Holmes murdered Tiquan
3 Oakman.

4 And I ask that each of you listen patiently as
5 each witness testifies. There's gonna be a little piece
6 of the picture here, a little piece of the picture there,
7 and when it all comes together at the end you will have a
8 very clear picture of what happened that night. You
9 will be firmly convinced of the Defendant's guilt. And
10 I'll have a chance to come back and speak to you again
11 and I will ask you to find him guilty as charged of all
12 three crimes. Thank you.

13 THE COURT: Thank you, Ms. Young.

14 Ms. Steiner.

15 MS. STEINER: My best friend has a four-year-old
16 son. His name's Lex. Recently I took him bowling for
17 the first time. He was superexcited. We got to the
18 bowling alley, walked up, got his ball. He went to go
19 roll his first frame. As the ball travelled down the
20 alley, you could see him get more and more excited. His
21 excitement level was just through the roof. Finally the
22 ball got all the way to the end of the alley and he
23 knocked pins down. Well, what did he do? He turned
24 around and yelled "strike". Now he thought that any time
25 you knocked down a pin that's a strike. We both know --

1 we all know that bowling has rules and that a strike is
2 when you get all the pins down. You can't have any
3 standing. That's not a strike otherwise.

4 Now why am I telling this story? Because the State
5 has a job today as Ms. Young already said. They have the
6 job to prove beyond a reasonable doubt as to what they
7 think might have happened. They have to play by the
8 rules. If there's any pin standing, then that's
9 reasonable doubt. A single pin.

10 Now this -- this is Tequan. Tequan's our client;
11 both Mr. McCarley and me. The first row over here --
12 the second row over here is his brother, his momma and
13 his daddy. They're here in support for him today.
14 They've got a family.

15 Going back to my bowling story, when we got home Lex
16 was superexcited to tell his mom about all the strikes he
17 bowled. She was looking at him like incredulously, what's
18 going on here, and kept looking over at me. Finally Lex
19 finished his story, ran off and went to go play, and she
20 asked me what really happened and I said he thought a pin
21 was a strike.

22 You have to act just as my best friend acted and
23 withhold your judgment until you get all the facts. You
24 can't assume that your four-year-old got some strikes
25 every single frame. I do have that favor to ask of you,

1 which is what the judge already talked about and is what
2 we already just talked about a little bit, that you need
3 to withhold that judgment and to make sure that you listen
4 and pay attention and make note of the credibility of
5 each witness, decide who you can trust and why you can
6 trust them, and decide who has motivation to do different
7 things. Think about why the witness is credible or not
8 credible. And in return of you doing that, Mr. McCarley
9 and I are gonna make sure that we cut down on our time
10 of not asking frivolous questions, making sure that any
11 time we ask a question of any of the State's witnesses
12 that it's for a reason. So, once again, just please pay
13 attention, listen to everything that everyone says on the
14 witness stand and use your common sense and at the end of
15 the day just make sure to follow your oath.

16 And we appreciate your service and Mr. McCarley will
17 speak to you at the end of this trial. Thank you.

18 THE COURT: Thank you, Ms. Steiner.

19 The sequestration order is now in effect. Thank you.

20 All right. Ladies, you can call your first witness.

21 Ms. Hall.

22 MS. HALL: Thank you, Your Honor.

23 The State calls DeMarco Richardson.

24 THE COURT: Mr. Richardson come forward, please,
25 and be sworn.

1 (Whereupon, DeMarco Rahe Richardson was duly sworn
2 by the Clerk of Court.)

3 THE CLERK: Please have a seat in the witness chair,
4 watch your step going up there, and state your full name
5 as soon as you're seated.

6 THE WITNESS: My name is DeMarco Rahe Richardson.

7 DeMARCO RAHE RICHARDSON,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. HALL:

11 Q. Good afternoon, DeMarco. Where are you from?

12 A. Aiken, South Carolina.

13 Q. And did you know the victim in this case, Tiquan
14 Oakman?

15 A. Yes.

16 Q. How did you know him?

17 A. He's supposed to be my cousin on my daddy's side.

18 Q. How long did you know him?

19 A. Probably two years.

20 Q. Okay. Now is that the victim?

21 A. Tiquan Oakman. I know him for more than
22 fifteen years.

23 Q. Okay. Sorry. The victim. We're talking about the
24 victim.

25 A. All right.

1 Q. Tiquan Oakman, how long have you known him?

2 A. Basically all my life. Ever since I moved to
3 Warrenville.

4 Q. Okay. So did you-all grow up together?

5 A. Yes, ma'am.

6 Q. Did you-all go to school together?

7 A. Yes, ma'am.

8 Q. So did you also know the Defendant in this case,
9 Tequan Holmes?

10 A. Yes.

11 Q. How did you know him?

12 A. Through a family member.

13 Q. How long have you known him?

14 A. For two years.

15 Q. At the time of this murder, you'd known him two years?

16 A. Yes.

17 Q. And do you see him in the courtroom today?

18 A. Yes. He's over there.

19 Q. Okay. Can you describe what he's wearing for me?

20 A. He's got on a white collared shirt, black pants and
21 church shoes.

22 MS. HALL: Your Honor, please let the record reflect
23 that the witness has identified the Defendant.

24 THE COURT: Yes, ma'am.

25 BY MS. HALL:

1 Q. DeMarco, I'd like to turn your attention to June 18th
2 of 2016. Do you remember what you were doing earlier in
3 that day?

4 A. Yes. We was just sitting at Mr. Kip's house drinking,
5 doing the usual.

6 Q. Who's Mr. Kip?

7 A. He's my neighbor.

8 Q. Okay. Next door neighbor?

9 A. Next door neighbor.

10 Q. How long have you known him?

11 A. Ever since I've move to Warrentville. That's when I
12 was ten years old.

13 Q. Okay. About what time did you go over to Mr. Kip's
14 house?

15 A. Early that morning. Basically all day long going
16 back and forth from my house.

17 Q. Okay. And where were you living at the time?

18 A. I was living next door.

19 Q. Okay. What's that address?

20 A. [REDACTED] Boucher Court.

21 Q. Okay. And who was living there with you?

22 A. Me, my mother and my brother.

23 Q. Who's your brother?

24 A. Quentin Richardson.

25 Q. I'm gonna show you some pictures real quick.

1 DeMarco, I'm showing you what's previously been
2 marked as State's Exhibit 1 and State's Exhibit 2. Do you
3 recognize these pictures?

4 A. Yes, I do.

5 Q. Okay. What are they pictures of?

6 A. My house and Mr. Kip's house.

7 Q. Do they fairly and accurately depict the positioning
8 of you-all's houses as they appeared back then?

9 A. Yes.

10 Q. Okay.

11 MS. HALL: Your Honor, at this time the State moves
12 to enter State's 1 and 2 into evidence.

13 THE COURT: Any objection?

14 MR. MCCARLEY: No, sir.

15 THE COURT: Thank you. Without objection.

16 (State's Exhibit Number 1 and 2, photographs, were
17 admitted into evidence.)

18 MS. HALL: Your Honor, at this time the State would
19 wish to publish State's 1 and 2.

20 THE COURT: Yes, ma'am. You may publish.

21 BY MS. HALL:

22 Q. DeMarco, I'm gonna ask you to go ahead and step down
23 so we can look at the picture up here. If I could get you
24 to stand on the other side for me.

25 A. (Witness complies.)

1 THE COURT: Mr. Richardson, you're away from the
2 microphone now, so you need to keep your voice up and
3 speak in the direction of the court reporter so that she
4 can hear you. Thank you.

5 BY MS. HALL:

6 Q. All right, DeMarco. If you would, tell me what's in
7 this picture.

8 A. This is my house right there to the left and this is
9 Mr. Kip's house next to the right.

10 Q. Okay. And State's 2. What is this? What's different
11 about this picture?

12 A. It's just a top view.

13 Q. Okay. An overhead view?

14 A. Yes, ma'am.

15 Q. Okay. And if you could point out your house for me
16 on this picture.

17 A. My house is right there to the left and Mr. Kip's
18 house right is there to the right.

19 Q. When you say Mr. Kip, is that Kip Boyd?

20 A. Kip Boyd.

21 Q. Okay. Now were you familiar with where the victim was
22 living at the time?

23 A. He stays right here through the cut right here.

24 Q. Okay.

25 A. It's on the other side of the street. When you come

1 around, the house right beside it.

2 Q. Okay. Thank you. You can have a seat.

3 A. (Witness complies.)

4 Q. DeMarco, you mentioned that you'd been over at
5 Mr. Kip's house drinking. Who all was over at Mr. Kip's
6 house that day?

7 A. Just me, Mr. Kip, my brother Quentin Richardson,
8 Roderick Glover, Dominique Paige, Tiquan Holmes.

9 Q. Okay. Tequan being the Defendant?

10 A. Yes, ma'am.

11 Q. And who was Roderick Glover?

12 A. Roderick is my little brother.

13 Q. Okay. So Roderick Glover and Quentin Richardson are
14 your brothers?

15 A. Yes, ma'am.

16 Q. And both of them were there that night?

17 A. Yes.

18 Q. Okay. What time did they all get there?

19 A. I'd say around close to 10:00 PM.

20 Q. Okay. Well, when I -- let me break that down.

21 Everyone that you had just mentioned had been there
22 throughout the day drinking. Did everybody stay all day?

23 A. Not all day.

24 Q. Okay.

25 A. They disappeared and went somewhere else and then they

1 came back.

2 Q. Who's they?

3 A. They, Tiquan Holmes, Dominique Paige and Roderick
4 Glover.

5 Q. So the Defendant, Roderick Glover and Dominique Paige?

6 A. Yes.

7 Q. Okay. And when they left, how did they leave?

8 A. They all went together in their car and just rode
9 somewhere.

10 Q. What car?

11 A. The Audi. The gold Audi.

12 Q. Okay. And who did that belong to?

13 A. Tequan Holmes.

14 Q. You said that was a gold Audi?

15 A. A gold Audi.

16 Q. Now did they leave several times?

17 A. Two or three times.

18 Q. Two or three times. Okay. And each time it was the
19 Defendant --

20 A. Yes.

21 Q. -- Roderick Glover and Dominique Paige?

22 A. Yes.

23 Q. At some point that day did the victim, Tiquan Oakman,
24 show up?

25 A. Yes, after he got off of work.

1 Q. Okay. About what time was that?

2 A. I'd say about around 8 or 9:00.

3 Q. Okay. And was the Defendant there when the victim
4 arrived?

5 A. Yes.

6 Q. Okay. When -- let me ask you this. Were you at
7 Mr. Kip's house for any period of time with the victim
8 prior to the Defendant getting there?

9 A. Yes.

10 Q. Okay. And did the victim indicate that he had talked
11 to the Defendant earlier in that day?

12 A. There was supposed to be a meeting up to go somewhere,
13 but they didn't say.

14 Q. Okay. And did the victim talk to you anything to do
15 about the Defendant?

16 MR. MCCARLEY: Objection. Calls for hearsay.

17 THE COURT: Yes, try to avoid the hearsay.

18 MS. HALL: Your Honor, I'll ask some more questions
19 to lay a foundation.

20 THE COURT: Okay.

21 BY MS. HALL:

22 Q. Did the victim in the case mention that he had
23 recently talked to the Defendant about anything in
24 particular?

25 MR. MCCARLEY: Objection. Hearsay.

1 THE COURT: It would be, but I'm not sure that it's
2 offered for the truth of the matter other than the fact
3 that there was some conversation, not the content of it.

4 MS. HALL: That, Your Honor, is what I'm getting at.
5 It's Rule 803(1), present sense impression.

6 THE COURT: Well, we'll see if it meets the other
7 requirements of 803(1), okay?

8 MS. HALL: Yes, Your Honor.

9 BY MS. HALL:

10 Q. I'll ask you again. Did the victim indicate that the
11 Defendant had talked to him about anything in particular
12 that day?

13 A. Just about money.

14 Q. Okay. Now when -- you mentioned that the Defendant
15 and Roderick and Dominique had left and come back. What
16 time did they come back the last time?

17 A. The last time they came back it was around 9:30.

18 Q. Okay. And it was just those three in the car?

19 A. Just those three.

20 Q. Okay. How long had they been gone that last time?

21 A. The last time they was gone for about two, three
22 hours.

23 Q. So it was dark when they got back?

24 A. Yes.

25 Q. And after it gets dark out there at your house, what

1 kind of lighting do you-all have?

2 A. We got a porch light, we got a streetlight.

3 Q. Okay. So you can still see pretty good?

4 A. Yes.

5 Q. And when those three came back, were they still in the
6 gold Audi?

7 A. Yes.

8 Q. When the Defendant pulled back up in his car that last
9 time around 9, 10:00, where were you at?

10 A. I was on top of the porch.

11 Q. Whose porch?

12 A. Kip Boyd's porch.

13 Q. And where was the victim?

14 A. He was just -- he was on the porch, too, with me.

15 Q. Okay. And what happened once the Defendant got there?

16 A. Once he got there, he got out the car. He wanted to
17 be aggressive, sounded like he was emotional right now, and
18 then he wanted to fuss with Tiquan and Kip Boyd told him
19 not to be in his yard. He said go take it down there and
20 you-all talk about it.

21 Q. Okay. And what was the Defendant upset about?

22 A. His money.

23 MR. MCCARLEY: Objection, Your Honor. Calls for
24 speculation.

25 THE COURT: You can ask what the Defendant said.

1 BY MS. HALL:

2 Q. What did the Defendant say to the victim?

3 A. Tequan Holmes said Tiquan took his money.

4 Q. Okay. After you heard that, what happened?

5 A. They went by the car.

6 Q. Who's they?

7 A. Tequan and Tiquan talking about the situation.

8 Q. Okay. And tell me what happened.

9 A. I was walking straight across while they was still

10 fussing.

11 Q. Where were you walking?

12 A. To my house.

13 Q. Okay.

14 A. And I could still hear them talking about the

15 situation. I get on my porch. Tequan's basically saying

16 Tiquan got his stuff and he was like give me what you got.

17 Q. Give me what you got?

18 A. Yes.

19 Q. And at that point what did you see or hear?

20 A. I heard Tequan told him it's a robbery now; whatever

21 you got, let me get that, and I guess Tequan -- Tiquan was

22 reaching in his pocket to me like he don't have nothing

23 because I know he just got off work, he had his phone in

24 his pocket, and as he's reaching Tequan just shot him.

25 Q. Okay. Did -- you mentioned a cell phone. Did you

1 see the victim pull a cell phone out of his pocket?

2 A. Yes, you could tell he was reaching in his pocket and
3 his elbow was up.

4 Q. Okay. And that was after the Defendant told him it's
5 a robbery?

6 A. Yes.

7 Q. Okay. And you stated that you were going back over
8 to your porch. How could you see over into the yard?

9 A. The bushes ain't nothing but two or three feet, so I
10 could just turn around and just look at you and see what
11 you're doing.

12 Q. So you were in the yard or on your porch?

13 A. On my porch.

14 Q. Okay. So you could look down and see them?

15 A. Yes.

16 Q. Okay. Now after the victim reached for his cell
17 phone, what happened?

18 A. After he reaches for his phone, we heard -- I heard
19 the gunshot. I ran back over there ASAP to check on him
20 because I know he just got shot.

21 Q. Okay. Let me stop you for a second. Did you ever see
22 the Defendant with a gun?

23 A. Yes.

24 Q. Okay. What does that gun look like?

25 A. It's a .32. All silver chrome, all white chrome.

1 Q. Okay. Was it an automatic or a revolver?

2 A. It's a revolver.

3 Q. Did you see the gun before the victim got shot?

4 A. Yes.

5 Q. Okay. And you mentioned that after the victim got
6 shot you ran over there. What happened after that?

7 A. Tiquan was still standing for a few seconds. He was
8 telling me don't let me die, this and that. I guess when
9 he was walking towards Tequan's car, he opened the door
10 and he fell straight in.

11 Q. Into the Defendant's car?

12 A. Yes.

13 Q. Okay. Now how close was the Defendant to the victim
14 when he shot the victim?

15 A. He was right in his face.

16 Q. Okay. Within arm's reach?

17 A. Arm reach.

18 Q. Okay. After the Defendant shot the victim, what was
19 the Defendant doing?

20 A. Saying he don't care, it don't matter to him, he
21 shouldn't did what he did, and then he tried to back up
22 his car.

23 Q. Okay. What did he do with the gun?

24 A. He still kept it.

25 Q. Okay. Did he just have it in his hand? What did he

1 do with it?

2 A. He still had it in his hand.

3 Q. Okay. Did the Defendant say anything to Dominique or
4 Roderick?

5 A. Yes, he tried to threaten them, too.

6 Q. What did he say?

7 A. He said I'll kill you-all.

8 Q. Now had you seen the Defendant with a gun earlier in
9 the day?

10 A. Yes.

11 Q. Okay. The same gun?

12 A. Same gun.

13 Q. Where was it earlier in the day?

14 A. In his pocket.

15 Q. Did anyone else have a gun on them that night?

16 A. No.

17 Q. After -- you said the Defendant had the gun, he
18 threatened some people, and then what did he do?

19 A. After he did that, he flee'd from the scene.

20 Q. Okay. How did he leave? In what car?

21 A. In his car.

22 Q. Okay.

23 A. The gold Audi.

24 Q. Did he leave by himself?

25 A. Yes, by his self.

1 Q. Okay. And where was the victim's body at this point?

2 A. It's in Mr. Kip's yard.

3 Q. Okay. DeMarco, I'm gonna show you what's previously
4 been marked as State's 3 if you can look at this for me.
5 Do you recognize this picture?

6 A. Yes, I do.

7 Q. Okay. What is that a picture of?

8 A. Ti -- Tiquan Oakman on the ground.

9 Q. Okay. After he had been shot?

10 A. After he had been shot.

11 Q. And does this picture fairly and accurately depict
12 Mr. Kip Boyd's yard after the shooting?

13 A. Yes.

14 MS. HALL: Your Honor, at this time the State moves
15 to enter State's Exhibit 3 into evidence.

16 THE COURT: Any objection?

17 MR. MCCARLEY: No, sir.

18 THE COURT: Without objection, State's 3 in evidence.

19 Thank you.

20 (State's Exhibit Number 3, a photograph, was
21 admitted into evidence.)

22 MS. HALL: If I could just briefly publish.

23 DeMarco, I don't have any further questions for you.
24 Please answer any the defense may have, okay?

25 THE WITNESS: Okay.

1 THE COURT: Mr. McCarley, cross-examine?

2 MR. MCCARLEY: Thank you very much, Your Honor.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. MCCARLEY:

6 Q. Do you mind if I call you DeMarco? Because there's
7 multiple --

8 A. Yes.

9 Q. -- Richardsons involved in this. We've actually met
10 before, correct?

11 A. Correct.

12 Q. Okay. You gave a --

13 THE COURT: Excuse me. Will you pull that
14 microphone closer down a little closer to you? There
15 you go. That's good. Thank you. Excuse me.

16 BY MR. MCCARLEY:

17 Q. You gave a written statement to the Aiken County
18 Sheriff's Office on the night that Mr. Oakman was shot; is
19 that correct?

20 A. Correct.

21 Q. Okay. And, interestingly enough, just now when you
22 were testifying talking with Ms. Hall at an important part
23 you said you heard the gun go off and you guess that Tequan
24 shot.

25 A. I guess Tequan shot him? I know who shot him.

1 Q. Okay. So you're telling me that you actually saw it?

2 A. Yes.

3 Q. Okay. Do you remember meeting with Investigator Gantt
4 with my office?

5 A. Yes.

6 Q. Okay.

7 MR. MCCARLEY: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 BY MR. MCCARLEY:

10 Q. I'll hand you a document that's not yet been marked.
11 Would you mind taking a look at that?

12 A. Okay.

13 Q. Don't read it aloud or anything, just read it to
14 yourself. Do you remember writing that?

15 A. Yes.

16 Q. And in this statement, you say I didn't see no one
17 shoot nobody. Is that correct?

18 A. Yes.

19 Q. And you say I heard a shot, but I couldn't see over
20 the six-foot trees.

21 A. Okay.

22 Q. Is that correct that you wrote that?

23 A. Yes, I wrote that.

24 Q. Okay. Just now you testified that the trees -- the
25 bushes, quote -- I think I'm quoting you -- ain't nothing

1 but two to three feet.

2 A. Yes.

3 Q. So what you're saying today three years after, three
4 years after this, right --

5 A. Yes.

6 Q. -- is that you saw something, but in April of 2018
7 you said you didn't see anything and you couldn't have
8 seen because there were six-foot bushes?

9 A. Yes. With them bushes, from the top of the bushes
10 it's short and goes high to the top to the end of the
11 driveway.

12 Q. Okay. And in this statement you said I didn't see
13 no one shoot nobody?

14 A. Yes, just to cover myself because I know what was
15 about to happen.

16 Q. You said this -- you told -- you're saying you told a
17 lie?

18 A. No, I did not tell a lie. I didn't want to be into
19 his situation.

20 Q. Okay. You said you'd been drinking all day?

21 A. Yes.

22 Q. You'd been drinking all day and -- well, wait just a
23 second. Had everybody there been drinking all day? Was
24 there anybody that was sober?

25 A. There wasn't really nobody sober really.

1 Q. Okay. Everybody had been drinking, and you did see
2 and then you didn't see, and then the bushes were two feet
3 and then the bushes were six feet, correct?

4 A. Correct.

5 Q. Okay.

6 MR. MCCARLEY: No further questions.

7 THE COURT: Thank you.

8 Redirect, Ms. Hall?

9 REDIRECT EXAMINATION

10 BY MS. HALL:

11 Q. DeMarco, when you were being asked questions by
12 Mr. McCarley, you said that you wrote this statement to
13 Investigator Todd Gantt to cover yourself because you knew
14 what was coming. What did you mean by that?

15 A. Tequan was gonna start blaming people who had been
16 just around the situation.

17 Q. So what were you worried about?

18 A. I've got my own lifestyle, my own tickets and all that
19 stuff to worry about myself and I was just trying to get
20 myself out of my position.

21 Q. Okay. Did you want to come testify today?

22 A. I was gonna come.

23 Q. But why did you tell them a different story than what
24 you told officers the night of the incident and what you're
25 saying today?

1 A. Just because I didn't want to get myself into my own
2 trouble with that and I know just by being around just like
3 an accessory or whatnot I could get my own charge for that.

4 Q. Okay. But it's your testimony today, and what you're
5 telling us is the truth, is that you saw the Defendant
6 shoot the victim that night?

7 A. Yes.

8 Q. In Mr. Kip's yard?

9 A. Yes.

10 MS. HALL: No further questions.

11 THE COURT: Mr. McCarley, any follow-up?

12 MR. MCCARLEY: Very briefly.

13 RECROSS EXAMINATION

14 BY MR. MCCARLEY:

15 Q. Then in April of 2018, you said I didn't see no one
16 shoot nobody, correct?

17 A. Correct.

18 THE COURT: All right, Mr. Richardson. You can step
19 down.

20 (Witness excused.)

21 THE COURT: Ladies? Ms. Young?

22 MS. YOUNG: The State calls Larry "Kip" Boyd.

23 THE COURT: Ladies and gentlemen, the witnesses have
24 been sequestered. That means they're not in the courtroom
25 until they're called to testify, so there's a slight delay

1 between the calling the witness and before they get in
2 here, but that's part of our rules and so ...

3 Mr. Boyd, come forward, please, and be sworn.

4 THE CLERK: Place your left hand on the Bible and
5 raise your right hand.

6 (Whereupon, Larry "Kip" Boyd was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: Please have a seat on the witness chair,
9 watch your step, and state your full name when you're
10 seated.

11 THE WITNESS: My name is Larry "Kip" Boyd.

12 LARRY "KIP" BOYD,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. YOUNG:

16 Q. Good afternoon, Mr. Boyd.

17 A. Good afternoon.

18 Q. If you don't mind, please, sit up and speak into the
19 microphone so everybody on the jury can hear you, okay?

20 A. Yes, ma'am.

21 Q. Where do you live?

22 A. [REDACTED] Boucher Court, Warrentville, South Carolina, 29851.

23 Q. Is that located here in Aiken County?

24 A. Yes.

25 Q. How long have you lived there?

1 A. Since '01.

2 Q. 2001?

3 A. Yes.

4 Q. And do you recall the incidents of June the 18th of
5 2016 when this case occurred?

6 A. Glimpses of it, yes. I was intoxicated.

7 Q. What were you doing that day?

8 A. Drinking.

9 Q. Who was there with you?

10 A. Different people from off and on, you know. I don't
11 remember much about the whole day, but I do remember some
12 things about it.

13 Q. Well, tell us what you do remember about who was
14 there.

15 A. Let's see. Well, my neighbors, Quentin and DeMarco.

16 Q. Quentin and DeMarco Richardson?

17 A. Yes.

18 Q. They live right next door to you?

19 A. Yes.

20 Q. And how long have they lived there?

21 A. Maybe since '07 or '06 or something like that.

22 Q. Did you see the Defendant, Tequan Holmes, that day?

23 A. Yes.

24 Q. When was the first time you saw him?

25 A. Earlier that day I had rode with them and we were

1 drinking a little bit.

2 Q. Who did you ride with specifically, if you recall?

3 A. Tequan and the other guy, the bigger guy. Dominique
4 I think his name is.

5 Q. Where did you ride with them to?

6 A. Just riding around Aiken.

7 Q. Did you have any particular purpose?

8 A. Not really. No, I didn't. I -- sometimes when I
9 get to drinking, I just talk -- talk to anybody, you know.

10 Q. Did you see the Defendant with any weapons?

11 A. Yes, he did have a chrome pistol, but he did not have
12 any bullets at that time.

13 Q. How did you know that?

14 A. Because I didn't see any in the gun and he kept saying
15 he didn't have any. I wouldn't have been in the car if he
16 had had a loaded weapon.

17 Q. You said you wouldn't have been in a car with him if
18 he did have a loaded weapon?

19 A. Yes, if he'd had bullets. No way.

20 Q. Do you recall where you were when the murder happened?

21 A. I was sitting on my front porch.

22 Q. Do you recall who else was present?

23 A. Tiquan was up there talking to me.

24 Q. Now when you say "Tiquan", are you referring to the
25 victim in this case?

1 A. The victim, yes. We were talking about going to
2 Augusta, going to a bar.

3 Q. What was the next thing that happened?

4 A. That car pulled up.

5 Q. Pulled up where?

6 A. In my driveway.

7 Q. And was it daytime or nighttime?

8 A. It was nighttime at that point.

9 Q. What was the next thing that you saw?

10 A. Tiquan -- Tequan called Tiquan down to the passenger
11 side door.

12 Q. And then what happened?

13 A. I saw -- saw him stand up.

14 Q. You saw who stand up?

15 A. Tequan, out of the car, and I saw -- he had to have a
16 pistol and then a muzzle flashed and Tiquan fell.

17 Q. You saw the muzzle flash?

18 A. Yes, and at that point I went to the back door and
19 went and just hid in the bushes.

20 Q. Hid in the bushes of your own house?

21 A. Yes. I did not want to get shot myself.

22 Q. What happened to Tiquan Oakman after he was shot?

23 A. I do not know. I was in the bushes, ma'am.

24 Q. No, I'm talking about Tiquan, the victim.

25 A. What -- what happened?

- 1 Q. Yes. Did you see what happened to the person?
- 2 A. To Ti -- ma'am, I got up and, like I said, I went in
- 3 the bushes and cried. That's all I did.
- 4 Q. Okay.
- 5 A. I know'd that kid since, you know --
- 6 Q. Let me ask you -- let me ask you specific questions,
- 7 okay? Who did you see shoot Tiquan Oakman?
- 8 A. Tequan Rocks (ph.) I guess his last name is.
- 9 Q. All right. The Defendant in this case?
- 10 A. Yes.
- 11 Q. At some point in time did the police come to your
- 12 house?
- 13 A. Yeah.
- 14 Q. Shortly after this happened?
- 15 A. Yes.
- 16 Q. Mr. Boyd, I'm gonna show you what's been marked for
- 17 identification purposes as State's Exhibit 4.
- 18 A. I don't have my glasses on. I'm just assuming I can't
- 19 -- I can't see it.
- 20 Q. All right. Well, let me ask you this.
- 21 THE COURT: There you go, Mr. Boyd.
- 22 THE WITNESS: I bet I can see out of these, huh?
- 23 BY MS. YOUNG:
- 24 Q. All right. Can you see that?
- 25 A. Yes.

1 Q. Do you recognize that?

2 A. Yeah. Yeah.

3 Q. What is it?

4 A. It's a consent to search, I guess.

5 Q. Is your signature on there?

6 A. Right here.

7 Q. Okay. So this is a paper where you signed saying that
8 the sheriff's office could search your house?

9 A. Yes.

10 Q. And you recognize that as your signature?

11 A. I do.

12 MS. YOUNG: Your Honor, at this time we'd offer
13 State's Exhibit 4.

14 MR. MCCARLEY: No objection.

15 THE COURT: Without objection, State's 4.

16 (State's Exhibit Number 4, a consent to search,
17 was admitted into evidence.)

18 BY MS. YOUNG:

19 Q. Mr. Boyd, I'm gonna show you two exhibits that are
20 already in evidence, State's Exhibit 1 and Exhibit 2, and
21 ask if you recognize those? Let me know if you need to
22 borrow those glasses again.

23 A. Yeah. Yeah, that's when I had my Chevrolet Silverado
24 and then I had a work truck, too, so.

25 Q. Are you referring to State's Exhibit 1?

1 A. Yeah.

2 Q. Is that a picture of your house?

3 A. Yes.

4 Q. Okay. And which house is yours in the picture?

5 A. The one with the trucks in the yard.

6 Q. And there's another house in that picture also?

7 A. Yes.

8 Q. Who lives there on State's Exhibit 1?

9 A. That's [REDACTED]. That's the Richardsons.

10 Q. Okay. Do you recognize State's Exhibit Number 2?

11 A. It's an aerial shot, I guess, of the court, yeah.

12 Q. The same location where you live and where the
13 Richardsons live?

14 A. I'm assuming, ma'am. The best I can see it, yes,
15 ma'am.

16 Q. Okay.

17 A. Like I said, I've got bad eyes up close, you know.

18 Q. I think it happens to the best of us.

19 A. Yes, ma'am. When you get over forty, it pretty much
20 does.

21 Q. And your house, you stated previously, I believe, that
22 this is located in Aiken County, correct?

23 A. Correct.

24 MS. YOUNG: Mr. Boyd, please answer any questions
25 the defense may have for you.

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Cross-examine, Mr. McCarley?

3 MR. MCCARLEY: Yes, sir. Thank you.

4 CROSS-EXAMINATION

5 BY MR. MCCARLEY:

6 Q. Mr. Boyd, my name is Nick McCarley. We've never met.

7 A. Okay.

8 Q. Looking at State's Exhibit Number 1, that's a picture
9 of your house and the Richardson house?

10 A. It is.

11 Q. What year was that picture taken?

12 A. I couldn't tell you that.

13 Q. Okay. Can you tell by the make of the cars you have
14 or how big any of the trees are or anything like that?

15 A. Well, I had the -- I had the Silverado before the
16 Colorado, so I had that -- maybe seven or eight years ago.

17 Q. Okay. And when did this incident happen?

18 A. What incident?

19 Q. When did Mr. Oakman pass away at your house, sir?

20 A. Two years ago. '17.

21 Q. Okay. Is this picture from seven years -- seven or
22 eight years ago you said?

23 A. Dude, I -- I don't know. I mean, I had the truck,
24 so. You know, I've got Stage 4 cancer and my memory's
25 affected a great deal, okay?

- 1 Q. Yes, sir. Do you remember meeting with Investigator
2 Criscillis with the solicitor's -- with the sheriff's
3 office that night?
- 4 A. Yes.
- 5 Q. Okay. You remember talking with him that night?
- 6 A. That night?
- 7 Q. The night that Mr. Oakman died at your house.
- 8 A. Vaguely. As I said, I was very intoxicated.
- 9 Q. Do you remember giving a two minute and forty second
10 long audio interview to Mr. Criscillis? He's asking you
11 questions and you're answering them.
- 12 A. That night?
- 13 Q. Yes, sir.
- 14 A. Here, again, I refer to you -- I tell you I was
15 intoxicated, you know.
- 16 Q. Okay.
- 17 A. The -- what stands out in my mind, sir, is what
18 happened when I was sitting on my porch. I'll never forget
19 that, okay?
- 20 Q. Okay. That night, the night that you're saying what
21 stands out in your mind happened, did you realize that you
22 told Investigator Criscillis that it was a tan Volvo that
23 pulled up in the driveway? You also told him it was a
24 silver Volvo pulled up in the driveway?
- 25 A. No, I don't remember any of that.

1 Q. You also told him that it was a tall guy, and I'm
2 gonna quote you here, a tall guy, two guys, just them, no
3 one else. If one didn't shoot, the other -- then the other
4 did. Do you remember?

5 A. No, I don't remember that.

6 Q. Okay. Do you remember that you didn't say anyone's
7 name whatsoever to Investigator Criscillis --

8 A. I don't remember that either.

9 Q. -- the night this happened?

10 A. I don't remember that either.

11 Q. Okay. Do you remember the fact that the only
12 description you gave of anything was to say a tan or
13 silver Volvo and the tall one?

14 A. I don't remember that either.

15 Q. Okay.

16 A. You understand I'd been drinking since 9:00 that --
17 that morning and had drunk the day before, okay?

18 Q. Yes, sir.

19 A. So no telling what I said.

20 MR. MCCARLEY: No further questions.

21 THE COURT: Thank you.

22 Redirect?

23 MS. YOUNG: No redirect.

24 THE COURT: Thank you, Mr. Boyd. You can step down.

25 Thank you.

1 THE WITNESS: Am I done now?

2 THE COURT: Yes, sir.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MS. YOUNG: The State calls Sergeant Jeep Gainey.

6 THE COURT: Come forward, Sergeant E. Gainey, and
7 be sworn.

8 THE CLERK: Place your left hand on the Bible and
9 raise your right hand.

10 (Whereupon, James E. Gainey was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: Have a seat on the witness chair, watch
13 your step, and state your full name when you're seated.

14 THE WITNESS: James E. Gainey.

15 JAMES E. GAINEY,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. YOUNG:

19 Q. Where are you employed, sir?

20 A. Aiken County Sheriff's Office.

21 Q. In what capacity?

22 A. I'm a sergeant on the road patrol.

23 Q. How long have you been employed with Aiken County
24 Sheriff's Office?

25 A. Sixteen years.

1 Q. Were you working on June the 18th of 2016?

2 A. Yes, ma'am, I was.

3 Q. And did you become involved in a shooting incident on
4 that evening?

5 A. Yes, ma'am.

6 Q. How did you become involved with this case?

7 A. On June the 18th of 2016 at about 10:13 PM, we
8 received a call of a shooting incident at [REDACTED] Boucher
9 Court in Aiken County. I was the first one to arrive
10 approximately two minutes later. As I approached, the
11 incident location, I saw laying in the driveway a -- it
12 looked to be a black male laying in the driveway with blood
13 running down the driveway. At that time I called for EMS
14 to make sure they was en route, called for other deputies
15 to help me secure the location. Then after that I called
16 for our criminal investigation division and forensics team
17 to come and -- and work the case.

18 Q. You were the first responding officer on the scene?

19 A. Yes, ma'am.

20 Q. And I believe you testified it took you about two
21 minutes to arrive after you received the call?

22 A. Yes, ma'am.

23 Q. Did you see anybody besides the victim laying in the
24 driveway?

25 A. There was one other male there standing kind of off

1 to the side and it looked like he was on a -- on a cell
2 phone.

3 Q. Okay. And do you recall any description of that
4 person?

5 A. He looked to be probably about five-six, five-seven,
6 probably about 140 or 50 pounds.

7 Q. Sergeant Gainey, I'm gonna show you what's been
8 previously marked for identification purposes as State's
9 Exhibit 5 and State's Exhibit 6, and ask if you recognize
10 those?

11 A. Yes, ma'am. This is the incident location that I
12 arrived on. This is the person laying in the -- on -- in
13 the driveway.

14 Q. Let me ask you specifically, does -- do these pictures
15 accurately reflect the scene as you saw it that night?

16 A. Yes, ma'am.

17 Q. Each one of them?

18 A. Yes, ma'am.

19 Q. 5 and 6?

20 A. Yes, ma'am.

21 MS. YOUNG: Your Honor, the State moves 5 and 6
22 into evidence at this time.

23 MR. MCCARLEY: No objection.

24 MS. YOUNG: We request --

25 THE COURT: Without objection, 5 and 6 in evidence.

1 (State's Exhibit Number 5 and 6, photographs, were
2 admitted into evidence.)

3 MS. YOUNG: Excuse me, Your Honor. Can we publish
4 those to the jury at this time?

5 THE COURT: Yes, ma'am.

6 BY MS. YOUNG:

7 Q. If you don't mind, Sergeant Gainey, I'm gonna ask you
8 to step down from the witness stand, be careful, and stand
9 over here on this corner while I ask you some questions
10 about these pictures, okay?

11 A. (Witness complies.)

12 Q. This is State's Exhibit 5. This is what you observed
13 when you arrived on the scene?

14 A. Yes, ma'am.

15 Q. The victim's body was in that position as it's shown
16 in this particular picture?

17 A. Yes, ma'am.

18 Q. And this is the driveway at [REDACTED] Boucher Court?

19 A. Yes, ma'am.

20 Q. And what did you say was shown in State's Exhibit
21 Number 6?

22 A. A cell phone. Or what did --

23 Q. I mean, what is this a picture of?

24 A. This is a picture of the -- the scene that -- whenever
25 I arrived.

1 Q. Just from a different angle?

2 A. Yes, ma'am.

3 Q. Okay. And you stated this is a cell phone in the
4 grass?

5 A. Yes, ma'am.

6 Q. And the victim right there?

7 A. Yes, ma'am.

8 Q. All right. You can take the witness stand again.

9 A. (Witness complies.)

10 Q. So you were the sergeant in control or in charge of
11 that scene?

12 A. Yes, ma'am.

13 Q. And you called EMS and also requested the
14 investigators?

15 A. And forensics, yes, ma'am.

16 Q. And forensics. Was it part of your duties to preserve
17 the scene for them?

18 A. Yes, ma'am.

19 Q. And that meant you kept people out?

20 A. Make sure everybody stays away from the crime scene.

21 MS. YOUNG: No further questions. Please answer any
22 the defense has for you.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Cross-examine, Mr. McCarley?

25 MR. MCCARLEY: Yes, sir.

CROSS-EXAMINATION

BY MR. MCCARLEY:

Q. It's sergeant, correct?

A. Yes, sir.

Q. I don't think we've ever been formally introduced.

I'm Nick McCarley. I'm gonna move this stuff around.

Sergeant Gainey, did you arrive in your patrol vehicle that evening?

A. I did, sir.

Q. Do you have an in-car camera in that vehicle?

A. Yes, sir.

Q. Did you activate the in-car camera?

A. The in-car camera was activated when I activated my blue lights.

Q. Okay. And what did you do with that in-car camera footage?

A. I uploaded it onto our what we call the view vault.

Q. The view vault?

A. Yes, sir.

Q. Okay. And I see you're wearing a body-worn camera here today.

A. Yes, sir.

Q. Did you have a body-worn camera on?

A. We did not have them then, no, sir.

Q. You did not have one. You had not been issued one?

1 A. Right.

2 Q. Okay. Had some people in your -- in the sheriff's
3 office been issued them at that time?

4 A. I'm not sure. Not that I'm aware of. None of the
5 road folks, no, sir.

6 Q. Okay. Had you been trained on them at the time?

7 A. No, sir.

8 Q. Okay. And being the first person on the scene, you
9 said that you saw just one person on a cell phone when you
10 arrived besides obviously the victim?

11 A. Yes, sir.

12 Q. Who was that one person on the cell phone?

13 A. I do not know. I was -- I was unable to get any
14 information on him because I was still trying to secure
15 the scene.

16 Q. Yes, sir. Did you speak with any witnesses?

17 A. No, sir.

18 Q. Who was the second officer on the scene?

19 A. I believe it was Deputy Blackwelder.

20 Q. Okay. And did he write the first report --

21 A. Yes, sir.

22 Q. -- with you approving it?

23 A. Yes, sir.

24 Q. Okay. And did he talk to witnesses?

25 A. I have no -- other than what he put on the report.

1 Q. Okay. Do you have his report here with you?

2 A. I just have the front page of it.

3 Q. Okay. You did say that the one person on the cell
4 phone when you got there was approximately five-six,
5 five-seven, approximately 140 pounds?

6 A. About -- between 140, 150 pounds, yes, sir.

7 Q. Okay.

8 MR. MCCARLEY: No further questions.

9 THE COURT: Thank you.

10 Redirect, Ms. Young?

11 MS. YOUNG: Very briefly.

12 REDIRECT EXAMINATION

13 BY MS. YOUNG:

14 Q. You stated that you had a body-worn camera -- I mean,
15 excuse me, you didn't have body-worn cameras issued --

16 A. No, ma'am.

17 Q. -- at that time?

18 A. That's correct.

19 Q. Okay. Do you recall where you parked your vehicle
20 when you arrived?

21 A. When I arrived, it was kind of -- kind of sideways
22 or catty-cornered to the incident location.

23 Q. I'm gonna show you State's Exhibit 6. It's kind of
24 hard to tell, but is that your vehicle?

25 A. That appears to be mine, yes, ma'am.

1 Q. All right. And would it be fair to say that it's
2 parked perpendicular to the driveway?

3 A. Yes, ma'am.

4 Q. And facing away from the driveway?

5 A. Yes, ma'am.

6 MS. YOUNG: No further questions.

7 THE COURT: Thank you. You can step down.

8 MR. MCCARLEY: Your Honor, may I ask something?

9 THE COURT: On that photograph? Go ahead.

10 MR. MCCARLEY: Yes. Well, in -- in Ms. Young's line
11 of questioning as to the in-car camera.

12 THE COURT: Yes, sir. That's fine. In relation to
13 that photograph, I think that's fine.

14 MR. MCCARLEY: I believe it does. Your Honor will
15 tell me if it does not I would imagine.

16 RECROSS EXAMINATION

17 BY MR. MCCARLEY:

18 Q. When you turn on your in-car camera, does that -- and
19 you get out of your car, is it also activated by voice,
20 you can hear it in the car?

21 A. Yes, sir.

22 Q. Okay. So anything you would have been saying or
23 doing while outside the car would have been recorded?

24 A. Yes, and we have body mics for the camera.

25 Q. Right. So you're outside the car talking, securing

1 the scene doing --

2 A. Yes, sir.

3 Q. -- doing your job and then that is recorded in the car
4 and that would also go into what you referred to as the --
5 what was the terminology, the vault?

6 A. The view vault.

7 Q. Is that correct?

8 A. Yes, sir.

9 Q. Okay.

10 MR. MCCARLEY: Thank you. Very much.

11 THE COURT: Ms. Young, you've got the last word.

12 MS. YOUNG: I don't have any further questions for
13 Sergeant Gainey, Your Honor.

14 THE COURT: Now, Sergeant, you can step down. Thank
15 you.

16 (Witness excused.)

17 MS. YOUNG: The State calls Quentin Richardson.

18 THE COURT: Mr. Richardson, come forward, please,
19 and be sworn.

20 THE CLERK: Place your left hand on the Bible and
21 raise your right hand.

22 (Whereupon, Quentin Richardson was duly sworn by the
23 Clerk of Court.)

24 THE CLERK: Have a seat on the witness chair, watch
25 your step, and state your full name once you're seated.

1 THE WITNESS: Quentin Richardson.

2 QUENTIN RICHARDSON,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. YOUNG:

6 Q. Quentin, make sure you stay close up to that
7 microphone, okay?

8 A. Yes, ma'am.

9 Q. Quentin, do you know the Defendant in this case?

10 A. Yes, ma'am.

11 Q. How do you know him?

12 A. He's my homeboy.

13 Q. He's your homeboy?

14 A. Yes, ma'am.

15 Q. What does that mean? I'm talking about the Defendant,
16 Tequan Holmes.

17 A. Oh, Tequan. Oh, that's my people on my daddy's side,
18 but I don't really know him like that. I just met him not
19 too long ago.

20 Q. Okay. And make sure -- you kind of have a low voice
21 and you speak kind of quickly, so make sure you stay close
22 to that microphone.

23 A. Yes, ma'am.

24 THE COURT: But don't talk over the top of it. You
25 need to talk directly into it.

1 MS. YOUNG: You've got to talk right into it.

2 THE COURT: There you go. Now you've got it.

3 BY MS. YOUNG:

4 Q. You stated that the Defendant, Tequan Holmes, is a
5 relative of yours?

6 A. Yes, ma'am.

7 Q. And do you know when you met him?

8 A. I met him in 2016.

9 Q. How did you meet him?

10 A. At a relative's house.

11 Q. And do you know what relation the Defendant is to you?

12 A. I think he's my second cousin on my daddy's side.

13 Q. But you never met him before until 2016; is that
14 right?

15 A. Yes, ma'am.

16 Q. Is the Defendant present in court today?

17 A. Yes.

18 Q. Where is he?

19 A. (Indicating.) Right here.

20 Q. For the record, can you describe what he's wearing?

21 A. A long-sleeved white collar shirt that I can see.

22 Q. The best that you can see?

23 A. Yes, ma'am.

24 MS. YOUNG: Your Honor, we'd ask that the record

25 reflect this witness has identified the Defendant in this

1 case.

2 THE COURT: Okay. Yes, ma'am.

3 BY MS. YOUNG:

4 Q. Now, Mr. Richardson, when you were referring to your
5 homeboy, were you speaking about the victim in this case,
6 Tiquan Oakman?

7 A. Yes, ma'am.

8 Q. How long did you know Mr. Oakman?

9 A. I known him for over fourteen years.

10 Q. And how did you know him?

11 A. I met him in Aiken when I used to stay in Aiken, but
12 then when I moved to Warrentville I already knew him, so we
13 just bonded real good.

14 Q. At the time that this incident took place, where were
15 you living?

16 A. Next door at my mother's house.

17 Q. Next door on what street?

18 A. [REDACTED] Boucher Court in Warrentville.

19 Q. And who all lived there?

20 A. Me, my mother, my niece, and my oldest brother,
21 DeMarco.

22 Q. And how long had you lived there at that point in
23 time?

24 A. I've been living there since I was ten, so about
25 fourteen years.

1 Q. Now, Quentin, I'm gonna show you what's already been
2 entered into evidence, two exhibits, okay? I'm gonna ask
3 if you recognize those. Do you recognize State's Exhibit
4 Number 1?

5 A. Yes, ma'am.

6 Q. What's shown in State's Exhibit Number 1?

7 A. That's my neighbor Mr. Kip's house.

8 Q. Okay. And when you're referring to Mr. Kip's house,
9 can you described which one it is in the picture?

10 A. The one to the right.

11 Q. It's the house on the right?

12 A. Yes, ma'am.

13 Q. What color is it?

14 A. White.

15 Q. I'm gonna show you State's Exhibit 2 and ask if you
16 recognize that?

17 A. Yes.

18 Q. What's shown in State's Exhibit 2?

19 A. Next door is my house.

20 Q. All right. This is another view of the same picture?

21 A. Yes, ma'am.

22 Q. And you call it -- how do you pronounce it? Boucher,
23 Boucher?

24 A. Boucher.

25 Q. And you'd been living there fourteen years at the time

1 of the incident?

2 A. Yes, ma'am.

3 Q. What were you doing on the incident date?

4 A. I was next door and we were drinking a little bit.

5 Q. Let me back you up a little bit. What had you been
6 doing that day in particular?

7 A. I actually worked that day. I was working at
8 McDonald's on Whiskey Road that day and I had worked 11
9 to 5 that day, so most of the day I was pretty much at
10 work. Then when I got off, I just went next door since it
11 was the weekend and we drank a little bit.

12 Q. And when you say you went next door, where you are
13 referring to exactly?

14 A. Mr. Kip's house.

15 Q. And how much did you drink that night?

16 A. I'm not really a drinker, so I had like one cup. So
17 I really wasn't even drunk, so I was just feeling a little
18 good.

19 Q. One cup of what?

20 A. E&J brandy.

21 Q. Who all was at Kip's house when you got there that
22 night?

23 A. It was mostly everybody pretty much from my
24 neighborhood, us that was around my age. It was me, my
25 brother -- my oldest brother DeMarco, my youngest brother

1 Roderick, Tequan was there, Dominique was there, my
2 neighbor Mr. Kip was there, and my other buddy -- not when
3 the incident happened, but he was there earlier before it
4 happened. My boy Deshaun was there.

5 Q. Let me ask you about Roderick. You said he's another
6 brother of yours?

7 A. He's my little brother.

8 Q. What's his name?

9 A. Roderick.

10 Q. What's his last name?

11 A. Glover.

12 Q. Didn't you have some nickname that you call him?

13 A. His nickname is Munchie.

14 Q. Munchie?

15 A. Yes, ma'am.

16 Q. And you stated that he was there along with Dominique
17 Paige and the Defendant?

18 A. Yes, ma'am.

19 Q. And did you happen to see when your brother got there
20 or got to Mr. Kip's house? When I'm talking about your
21 brother, I'm talking about Roderick or Munchie.

22 A. Yeah, he was with Tequan. He wasn't exactly at
23 Mr. Kip's when I got there. They had -- them two was
24 together -- well, all three of them was.

25 Q. When you're saying all three people were together, do

- 1 you remember hearing these names?
- 2 A. Dominique.
- 3 Q. Dominique?
- 4 A. Tequan.
- 5 Q. Tequan, the Defendant?
- 6 A. Yes. And my brother Munchie.
- 7 Q. All right. Now you said they weren't there when you
- 8 first got home; is that right?
- 9 A. No, ma'am.
- 10 Q. Okay. Yes, that's right, they weren't there?
- 11 A. They wasn't there.
- 12 Q. Okay. I didn't ask that question very well. Do you
- 13 remember when they got there?
- 14 A. Not exactly. I don't remember the time exactly, but
- 15 it was a little bit after I got off. Probably like two
- 16 hours after I got off, something like that.
- 17 Q. And you said the three of them were together?
- 18 A. Yes, ma'am.
- 19 Q. And when they arrived, how did they get there?
- 20 A. In my cousin Tequan's car.
- 21 Q. Do you know what kind of car that is?
- 22 A. A gold Audi.
- 23 Q. And who all came together in that car?
- 24 A. Dominique, Munchie and Tequan was together.
- 25 Q. Tequan, the Defendant?

1 A. Yes, ma'am.

2 Q. Do you know who was driving?

3 A. Tequan.

4 Q. The Defendant was driving?

5 A. Yes, ma'am.

6 Q. Where were the other people seated, if you recall?

7 A. My brother Munchie was on the passenger side,
8 Dominique was in the back seat.

9 Q. Munchie was in the passenger seat?

10 A. Yes, ma'am.

11 Q. At some point that evening did you see the victim
12 in this case?

13 A. Not exactly then. I guess he was coming from
14 somewhere, but then when he did come he came to Mr. Kip's
15 house and we was talking and he was trying to call Munchie
16 and Dominique up to see where they was at.

17 Q. Okay. Now let me back up. We've got to be clear
18 about this. He wasn't there when you first got home?

19 A. No, ma'am.

20 Q. But he came at some point in time?

21 A. Yes, ma'am.

22 Q. Do you know where he came from?

23 A. He came through the path from his mother's house and
24 he just walked up.

25 Q. Where did he live in relation to your house?

1 A. Around the corner.

2 Q. And when he walked up, was the Defendant, your brother
3 and Dominique, were they there at the time?

4 A. No, ma'am.

5 Q. So what happened when the victim, Tiquan Oakman, came
6 up through the cut?

7 A. He just was talking to me. He was saying that Munchie
8 and Dominique said he took the money and he --

9 MR. MCCARLEY: Objection, Your Honor. Hearsay.

10 THE WITNESS: And --

11 THE COURT: Excuse me just a minute. How do you
12 avoid the hearsay objection to that, Ms. Young?

13 MS. YOUNG: Your Honor, we're not offering it for
14 the truth of the matter asserted. We're just trying to
15 offer it to give a -- reflect the victim's state of mind
16 under Rule 803(3).

17 THE COURT: All right. I'll allow that. I'll allow
18 it. Thank you.

19 BY MS. YOUNG:

20 Q. You can answer that question.

21 A. What was your question again?

22 Q. What was he telling you? He was telling you
23 something.

24 A. He was telling me that he didn't take the money and
25 I believed him because I know he didn't and --

1 Q. This is the victim, Tiquan Oakman?

2 A. Yes, ma'am.

3 And he tried to call my brother and Dominique and them
4 to get them there so they can talk about it, so when they
5 pulled up me and Tiquan was on my neighbor Mr. Kip's porch
6 and -- and was talking and then --

7 Q. Who was talking?

8 A. Tequan and Tiquan was talking, so Tiquan took it upon
9 himself to walk down the steps and I told him no.

10 Q. The victim?

11 A. Yes, ma'am.

12 And he wanted to go confront my brother Munchie and
13 Dominique and say why are you-all took -- why are you-all
14 saying I took this money and by that time Tequan spinned
15 him around and shot him plain as day. And he was trying
16 to come up my neighbor's steps --

17 Q. Who was?

18 A. Tequan.

19 Q. The Defendant?

20 A. Yes, ma'am. And my brother DeMarco, he was there, so
21 he punched him and I told him don't punch him because he
22 still have a gun and I didn't want nobody else to get shot,
23 so he eventually just stumbled back and went back to his
24 car and he looked over and he seen that Tiquan was dead in
25 his car shot and he was about to back up, so me and my

1 brother Munchie we grabbed Tiquan and pulled him out of the
2 car so he didn't back up with his body halfway in the car
3 and laid him on the concrete and then I called 9-1-1.

4 Q. Let me ask you some specific questions about this.
5 You said when the three of them arrived together the
6 Defendant was driving; is that correct?

7 A. Yes, ma'am.

8 Q. And what was the first thing that you saw the
9 Defendant do when he pulled into the driveway?

10 A. I wasn't really paying him that much attention, but
11 once Tiquan got him up the steps and they talked about it,
12 he --

13 Q. So Tiquan and Tequan were actually on the steps of
14 Mr. Boyd's porch talking about this money?

15 A. Yes, ma'am.

16 Q. Okay. And what did you hear the Defendant say about
17 that?

18 A. I guess he -- he was so under the influence of alcohol
19 he believed my brother and Dominique was --

20 Q. Okay. Well, you can't talk about what other people
21 believed. I just asked if you heard him say anything --
22 the Defendant say anything in particular about the money.

23 A. Yeah, he asked him. He said -- he asked him did he
24 have the money and he was like no, I don't have no money.

25 Q. Okay. And then after that discussion, what was the

1 next thing that happened?

2 A. That's when Tiquan walked to the car to confront my
3 brother Munchie and Dominique and say why do you-all say I
4 took this money.

5 Q. Were they still sitting in the car at that time?

6 A. Yes, ma'am.

7 Q. And what happened after he said why did you-all say I
8 took this money?

9 A. That's when Tequan walked up behind him and said it's
10 a robbery, give me all your stuff, and then he grabbed him
11 by the arm and spun him around and just shot him in
12 his chest.

13 Q. Did you know that the Defendant had a gun that night?

14 A. Yes.

15 Q. How?

16 A. Because he had it earlier, but he didn't have no
17 bullets, but he had a gun, and my neighbor Mr. Kip was like
18 you need to go.

19 Q. All right. Well, don't talk about what other people
20 said, okay? You can talk about what the Defendant said,
21 but not what other people said, okay?

22 A. All right.

23 Q. So you said he had -- you knew the Defendant had a gun
24 previously that day?

25 A. Yes, ma'am.

1 Q. And when he walked up to talk to the victim while the
2 victim Tiquan was talking to the others in the car, tell
3 the jury what you saw and be as specific as you can.

4 A. He walked up to the car, he leaned halfway on it,
5 like his arm on the hood, and stuck his head in and said --

6 Q. You're talking about who at this point in time?

7 A. Tiquan.

8 Q. The victim.

9 A. He was -- he was confronting my brother Munchie and
10 Dominique because they was still in the car and he say why
11 do you-all say I took this money and then it turned into
12 an argument and then by that time Tequan said it's a
13 robbery and grabbed him and just shot him.

14 Q. And did he, the Defendant, already have the gun in
15 his hand when he said this was a robbery?

16 A. Yes, he already had it on him.

17 Q. Had it on him. What do you mean by that?

18 A. Like Tiquan was turned around to his back and he had
19 the gun to his back and then he spinned him around and then
20 he shot him.

21 Q. He spun -- he had the gun to his back, spun him around
22 and then just shot him right then?

23 A. Yes, ma'am.

24 Q. What did you see the victim do, if anything, in
25 response to the Defendant telling him it was a robbery?

1 A. He was kind of in shock, he didn't know exactly what
2 to do and we didn't know it was gonna go down like that,
3 but --

4 Q. Did you see him do anything in response?

5 A. No, not at all.

6 Q. Did he give him anything?

7 A. No, he just -- by the time he told him it's a robbery,
8 he done pulled out his iPhone and then he spinned him
9 around and shot him and his phone just went the opposite
10 way.

11 Q. You're talking about the victim's phone?

12 A. Yeah, Tiquan's.

13 Q. And where did you say the victim fell after he was
14 shot?

15 A. Half his body fell inside of the car.

16 Q. Do you know where in the car?

17 A. The passenger seat.

18 Q. Front or back?

19 A. Front.

20 Q. And what did the Defendant say after he shot the
21 victim?

22 A. I need to talk to Tiquan and then that's when my
23 brother punched him and then he got in the car and he
24 realized -- he seen Tiquan in the car and he -- he was like
25 you-all go bury him or do whatever you-all want to do with

1 him.

2 Q. I'm sorry, what did you say?

3 A. He said go bury him or go do whatever you-all want to
4 do with him and then by that time I done called the police
5 and me and my brother got Tiquan's body out of the car
6 because he had been shot.

7 Q. And the Defendant said that about Tiquan?

8 A. Yes, ma'am.

9 Q. Quentin, I'm gonna show you one picture that's
10 already been entered into evidence and I'm gonna ask if
11 you recognize that?

12 A. Yes, ma'am.

13 Q. What's in State's Exhibit Number 3?

14 A. Tiquan.

15 Q. The victim in this case?

16 A. Yes, ma'am.

17 Q. And where he is in this picture, is that where you-all
18 put him when you pulled him out of the car?

19 A. Yes, ma'am.

20 Q. I'm gonna show you a picture that's not in evidence
21 yet and ask if you can identify that?

22 A. That's his phone.

23 Q. That's whose phone?

24 A. Tiquan's phone.

25 Q. And how do you know that?

1 A. I knew -- I know exactly. He had an iPhone. I know
2 that's his phone. It's nobody else's phone.

3 Q. Did you see it fly out of his hand --

4 A. Yes, ma'am.

5 Q. -- like you previously stated? Does that appear to
6 be where it was on the night in question?

7 A. Yes, ma'am.

8 MS. YOUNG: Your Honor, at this point in time we'd
9 offer State's Exhibit Number 7 into evidence.

10 MS. STEINER: No objection.

11 THE COURT: Without objection. Thank you.

12 (State's Exhibit Number 7, a photograph, was
13 admitted into evidence.)

14 MS. YOUNG: And I'll just walk by and quickly publish
15 to the jury.

16 BY MS. YOUNG:

17 Q. Quentin?

18 A. Yes, ma'am.

19 Q. After the Defendant left -- you can take a minute.
20 Do you need a minute?

21 BAILIFF: Here you go.

22 THE COURT: Are you good to go, Mr. Richardson, or
23 do you need a minute?

24 THE WITNESS: Yes, sir. I'm good.

25 THE COURT: You're good to go?

1 THE WITNESS: Yes.

2 THE COURT: Okay.

3 BY MS. YOUNG:

4 Q. You stated after the Defendant left that you called
5 9-1-1?

6 A. Yes, ma'am.

7 Q. Did you stay there at Mr. Kip's house until the police
8 got there?

9 A. Yes, ma'am.

10 Q. Did they respond to that location?

11 A. It took them about -- about thirty minutes to an
12 hour, but they came.

13 Q. And do you know who else was there with you at that
14 time?

15 A. It was me, my brother Munchie and my brother DeMarco,
16 my neighbor Mr. Kip, and that -- pretty much that was it
17 after it happened.

18 Q. Those people stayed after the shooting of Tiquan
19 Oakman?

20 A. Yes, ma'am.

21 Q. You said you, DeMarco, Munchie, Kip. What about
22 Dominique?

23 A. Oh, he still was there, too.

24 Q. He was there also?

25 A. Yes, ma'am.

1 Q. After this happened, what did you do the next day?

2 A. The next day I had to go to work, so I called my --
3 my manager and told her that my best friend just got
4 killed the night before and she was like -- I said I
5 shouldn't be at work and she said I still had to come
6 because that don't have nothing to do with work, so I came
7 to work.

8 Q. Where was that at Quentin?

9 A. Whiskey Road McDonald's. And I was working and I was
10 in the manager's office telling my manager more about the
11 story and of me telling her about it that's when Tequan
12 and my cousin Kwon Mathis they popped up and --

13 Q. And I think it's pretty clear, but when you say they
14 popped up, what do you mean by that?

15 A. They just walked in McDonald's and one of my employees
16 that I was working with told -- told me that my cousin was
17 looking for me, but he called me by my nickname, but at my
18 job everybody knew me by Quentin, but I knew something was
19 funny by the time I seen him, so right then and there I go
20 back into the manager's office and I called the police and
21 I was telling them that the person that shot my best friend
22 the night before is up here at my job and they was trying
23 to get me to describe him and the car he was in and
24 everything and of me describing the car and who he was with
25 and everything, he had left and by the time Aiken Public

1 Safety arrived and they was asking me well, where do I
2 think he would go so fast and I was like the only place he
3 could go is my Uncle Calbo's house right around the corner
4 on Hamilton Drive.

5 Q. All right. Let's -- you said Uncle Calbo?

6 A. Yes, ma'am.

7 Q. Is that a nickname?

8 A. Yeah, that's his nickname, but his real name is
9 Kelvin Mathis.

10 Q. And that's what you told the police or the 9-1-1
11 operator?

12 A. Yes, ma'am.

13 Q. Now you've described both the Defendant and the person
14 you called Kwon Mathis as your cousin?

15 A. Yes, ma'am.

16 Q. And you testified about one of them wanted to speak
17 to you. To whom were you referring?

18 A. Tequan, that he tried to -- I guess he was trying to
19 get me to come out there and talk to him, but I didn't even
20 want to talk to him or nothing, so that's when I called
21 9-1-1.

22 Q. Did you -- you personally saw the Defendant in
23 McDonald's trying to talk to you that day or you saw them
24 come in?

25 A. Yes, ma'am.

1 Q. And you stated you told the 9-1-1 operator what he
2 was wearing?

3 A. He had a white T-shirt, a do-rag, some white Ray-Bands
4 and some gray sweatpants and black shoes.

5 Q. Were you also able to give his license plate number
6 to the 9-1-1 operator?

7 A. No, ma'am. I just described his car to them.

8 Q. And you told them you thought that he went to Kelvin
9 Mathis or Calbo's house?

10 A. Yes, ma'am.

11 Q. And where's that house located?

12 A. It's on Hamilton Drive on the south side.

13 Q. And that's in the city of Aiken?

14 A. Yes, ma'am.

15 MS. YOUNG: Just one minute. No further questions
16 for you, Quentin. Please answer any the defense has for
17 you, okay?

18 THE COURT: Ms. Steiner, cross-examine?

19 CROSS-EXAMINATION

20 BY MS. STEINER:

21 Q. Mr. Richardson, we've been talking a lot about this
22 Dominique Paige. How do you know Dominique Paige?

23 A. I know him from Aiken when I used to stay in Aiken.

24 Q. So does that mean that he's your friend?

25 A. I mean, I wouldn't consider him one of my friends

1 because I never really chill with him or hang out with him
2 like that. I just knew of him.

3 Q. All right. You spoke to the police the night of the
4 incident, correct?

5 A. Yes, ma'am.

6 Q. Did you tell them everything that you knew?

7 A. Yes, ma'am.

8 Q. Did you write all that down?

9 A. Yes, ma'am.

10 Q. One moment, please.

11 You remember making a written statement, correct?

12 A. Yes, ma'am.

13 Q. I'm showing you what has not been marked yet. Do you
14 recognize this?

15 A. Yes. Yes, that's my handwriting. It's my statement
16 I wrote that night.

17 Q. Could you read your statement?

18 A. I was next door --

19 MS. YOUNG: Your Honor, I'm gonna object to that.

20 She can ask him questions about it, but --

21 BY MS. STEINER:

22 Q. I'm sorry. I didn't mean aloud. I meant read over
23 it and make sure that that was everything that you wrote.

24 A. Yes, ma'am.

25 Q. Do you recall writing down that you were next door at

1 your neighbor Mr. Kip's house?

2 A. Yes.

3 Q. And that you were just chilling?

4 A. Yes, ma'am.

5 Q. And then that you walked outside to smoke a cigarette?

6 A. Yes, ma'am.

7 Q. And that you heard your cousin Tequan ask Tiquan do
8 you got any money?

9 A. Yes, ma'am.

10 Q. And that you -- I apologize, strike that. And Tequan
11 shoot Tiquan in the chest?

12 A. Yes, ma'am.

13 Q. Did you actually see Tequan shoot Tiquan?

14 A. Yes, ma'am.

15 Q. But that's not what it says in your statement though.

16 A. What was the question again?

17 Q. Did you write in your statement that you saw Tequan
18 shoot Tiquan?

19 A. I didn't write it in the statement because like I --
20 I didn't write it in there.

21 Q. Were you the one that called 9-1-1?

22 A. Yes, ma'am.

23 Q. How long did you say that it took the police to
24 arrive?

25 A. Like thirty minutes to an hour after I done already

1 called them.

2 MR. STEINER: No further questions.

3 THE COURT: Thank you.

4 Redirect, Ms. Young?

5 MS. YOUNG: Did you enter that or did you just show
6 it to him?

7 MS. STEINER: Just showed it to him.

8 REDIRECT EXAMINATION

9 BY MS. YOUNG:

10 Q. Is this the same statement that Ms. Steiner just
11 showed you?

12 A. Yes, ma'am.

13 Q. Does your statement say that Tequan shot Tiquan in
14 the chest?

15 A. Yes.

16 MS. YOUNG: No further questions, Your Honor.

17 THE COURT: Thank you.

18 You can step down, Mr. Richardson. Thank you.

19 (Witness excused.)

20 THE COURT: Folks, we'll take the afternoon recess
21 at this time and ask you to step into the jury room.
22 Please remember as always not to discuss this case among
23 yourselves and we'll try to get you back out here at half
24 past the hour. Please do not discuss the case.

25 (Whereupon, the jury retires to the jury room at

1 3:13 PM.)

2 THE COURT: Okay, folks. We'll be in recess for
3 fifteen minutes. Thank you.

4 (Recess taken at 3:14 PM.)

5 (Back on the record at 3:33 PM.)

6 BAILIFF: All rise, please. Court's again in
7 session.

8 THE COURT: All right. Thank you, folks. Please
9 be seated.

10 Ms. Young.

11 MS. YOUNG: Thank you, Your Honor. The State calls
12 Raekwon Mathis.

13 I guess I should wait until the jury gets here.

14 THE COURT: That's probably a good idea.

15 (Whereupon, the jury returns to the courtroom at
16 3:35 PM.)

17 THE COURT: All right, Ms. Young. You can call your
18 next witness.

19 MS. YOUNG: The State calls Raekwon Mathis.

20 THE COURT: Mr. Mathis, come forward, please, and be
21 sworn.

22 (Whereupon, Raekwon Mathis was duly sworn by the
23 Clerk of Court.)

24 THE CLERK: Have a seat in the witness chair, watch
25 your step, and state your full name when you're seated.

1 THE WITNESS: Raekwon Mathis.

2 RAEKWON MATHIS,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. YOUNG:

6 Q. Raekwon, you've got a deep voice. Make sure that
7 microphone is right up at your mouth and speak into it,
8 okay?

9 A. Yes, ma'am.

10 Q. This nice lady has to take down everything you say
11 and the jury needs to hear you.

12 Raekwon, do you know the Defendant in this case,
13 Tequan Holmes?

14 A. Yes, ma'am.

15 Q. How do you know him?

16 A. We're related. We're cousins.

17 Q. I'm sorry, what did you say?

18 A. We're related. We're cousins.

19 Q. Can you describe your relationship?

20 A. My grandmother and his mother are cousins.

21 Q. Okay. And how long have you known him?

22 A. About two years.

23 Q. Two years before this case happened?

24 A. Before the case happened. Yes, ma'am.

25 Q. Did you recall seeing him on the night of June

1 the 18th of 2016 when this case happened?

2 A. Yes, ma'am.

3 Q. Where did you see the Defendant that night?

4 A. At my mother's house.

5 Q. Where does your mother live?

6 A. [REDACTED] Brucewood Street.

7 Q. Let me ask you this before we go any further. Is the
8 Defendant present in the courtroom today? Look around
9 carefully.

10 A. Yes, ma'am.

11 Q. Can you describe what he's wearing?

12 A. A white collar shirt.

13 Q. Sitting over at that table?

14 A. Yes, ma'am.

15 MS. YOUNG: Your Honor, we'd ask the record to
16 reflect this witness has identified the Defendant.

17 THE COURT: Yes, ma'am.

18 MS. YOUNG: Thank you, Your Honor.

19 BY MS. YOUNG:

20 Q. You saw him at your mom's house on Brucewood Drive?

21 A. Yes, ma'am.

22 Q. What was he doing when you saw him?

23 A. Getting -- like grabbing stuff out of his car. Like
24 getting stuff out so he can clean it, whatever.

25 Q. Let me ask you this. What time of the day or night

- 1 was this; do you recall?
- 2 A. I don't recall the exact time, but it was nighttime.
- 3 Q. Dark?
- 4 A. Yes, ma'am.
- 5 Q. You said he was pulling stuff out of his car?
- 6 A. Yes, ma'am.
- 7 Q. What kind of car does he drive?
- 8 A. I would say a gold Audi.
- 9 Q. And what were the things he was pulling out?
- 10 A. Like junk, trash and stuff, car stuff.
- 11 Q. I'm sorry, I can't hear what you're saying.
- 12 A. Like trash, junk stuff, his stuff.
- 13 Q. Did you observe anything else about his car that
- 14 night?
- 15 A. Yes, ma'am.
- 16 Q. What did you see?
- 17 A. Blood.
- 18 Q. Where did you see blood?
- 19 A. Like -- like on the floor, around the doors and
- 20 the seats and all that stuff.
- 21 Q. You saw that in the Defendant's car?
- 22 A. In the car, yes, ma'am.
- 23 Q. What part of the car was it in, if you recall?
- 24 A. I don't recall.
- 25 Q. But you said you saw blood and where was it?

1 A. Around the door, around the door seal, on the floor,
2 around the seat, stuff like that.

3 Q. And this was at your mom's house?

4 A. Yes, ma'am.

5 Q. What else did you see him do with regard to the car?

6 A. He tried to wash it off.

7 Q. He tried to wash it out?

8 A. He tried to wash the car.

9 Q. What was he using to wash it out?

10 A. Soap, water, bleach, stuff like that.

11 Q. Do you know where he got those items?

12 A. Not -- I don't recall.

13 Q. That's what he was doing the first time you saw him
14 that night?

15 A. Yes, ma'am.

16 Q. Did you see him with a weapon that night?

17 A. Yes, ma'am.

18 Q. Can you describe it for the jury?

19 A. I just know it was a revolver and it had a tan grip
20 on it.

21 Q. A tan grip?

22 A. Yes, ma'am.

23 Q. A revolver?

24 A. Yes, ma'am.

25 Q. Any other details you can recall?

1 A. No, ma'am. Not that I can remember.

2 Q. Did you ask him what was going on about this car and
3 the blood in it?

4 A. Not at that moment. No, ma'am.

5 Q. Did you ask him some other time?

6 A. Like -- probably like around that night, yeah.

7 Q. Later on that night?

8 A. Yes, ma'am.

9 Q. What did he tell you about that?

10 A. He was denying it at first. Like he was like I don't
11 know what you're talking about and then over time, like
12 probably through the next day, the next morning, that's
13 when he finally said what he did.

14 Q. Did you notice anything else about the Defendant's
15 person that night that was caught in your memory?

16 A. Please explain that to me. Break it down for me.

17 Q. Did you see anything else about him that you remember?

18 A. Blood on his shirt, that kind of thing.

19 Q. I'm sorry?

20 A. Blood on his shirt and stuff like that.

21 Q. Blood on his shirt?

22 A. Yeah.

23 Q. The Defendant's shirt?

24 A. (Nods head.)

25 Q. Were you helping him try to clean the car out?

1 A. No, ma'am. Like that wasn't my intention.

2 Q. You weren't alarmed by this or concerned about it?

3 A. Yeah, I was concerned.

4 Q. Well, what did you do?

5 A. I just asked him. I said what can I do. Like do
6 you need me to do anything to help? Like I wasn't -- how
7 can I explain this? I was nervous, but I wasn't like, you
8 know, because that's my family like. I didn't -- I didn't
9 -- when I actually realized that he actually did it, that's
10 when, you know, everything got serious then.

11 Q. So you weren't nervous initially because you thought
12 he was your family?

13 A. When he first came -- when he first came, I was not
14 nervous. I didn't have no idea.

15 Q. You didn't have what?

16 A. I didn't have no idea when he first came.

17 Q. And without saying what other people told you, at
18 some point that night did you get information about what
19 had happened?

20 A. Yes, ma'am.

21 Q. And that was that Tiquan Oakman was murdered that
22 night?

23 MR. MCCARLEY: Objection, Your Honor. Leading.

24 THE COURT: Well, it is leading, but I think it's
25 a summary of what else that happened and I don't think

1 that's in dispute really.

2 BY MS. YOUNG:

3 Q. Let me ask you this question directly, Raekwon.

4 A. Yes, ma'am.

5 Q. After the Defendant cleaned out the car, tell the jury
6 what the next thing that happened was.

7 A. I got a phone call.

8 Q. Well, you can't talk about what other people said,
9 okay?

10 A. Yeah.

11 Q. Did you stay at your mom's house all night?

12 A. No, ma'am.

13 Q. Where did you go?

14 A. I went to --

15 MR. MCCARLEY: Objection, Your Honor. Continuing
16 to lead.

17 THE COURT: The question was where he did go. That's
18 an open-ended question.

19 THE WITNESS: To my Uncle Kelvin's house.

20 BY MS. YOUNG:

21 Q. To whose house?

22 A. Calbo's. Kelvin Mathis.

23 Q. Is he related to you also?

24 A. Yes, ma'am.

25 Q. All right. How did you get to Calbo's house?

1 A. Tequan's car.

2 Q. That gold Audi?

3 A. Yes, ma'am.

4 Q. Who drove?

5 A. I did.

6 Q. What did -- where did Tequan sit?

7 A. In the passenger seat.

8 Q. Please tell the jury what happened when you got to
9 Calbo's house.

10 A. When we got there, I knocked on the door, you know,
11 and Calbo said we couldn't come in because it was, you
12 know, too early in the morning and stuff like that, so we
13 left. I went back to my momma's house, but I never went
14 inside.

15 Q. You never went inside your mom's?

16 A. No, ma'am.

17 Q. Why not?

18 A. Because I -- I was kicked out, you know, so I was
19 just out there chilling because I didn't have no place
20 to go.

21 Q. She kicked you out?

22 A. Yes, ma'am.

23 Q. So you couldn't stay there?

24 A. I could be there, but I couldn't stay there. I
25 couldn't come in.

1 Q. After you went back to your mom's house when you
2 couldn't get into Calbo's, what's the next thing that
3 happened?

4 A. We sat out there in the yard. Well, I just sat
5 there. Tequan had done went to sleep, passed out or
6 whatever. I was just sitting out there and I was like
7 okay, it's almost daylight, let me go back to my uncle's
8 house, so I went straight back to my Uncle Calbo's house.

9 Q. Where was the Defendant when you say he was passed
10 out or sleeping?

11 A. In the passenger seat.

12 Q. Of that car?

13 A. Yes, ma'am.

14 Q. So you went back to Calbo's house the second time?

15 A. Yes, ma'am.

16 Q. Tell the jury what happened when you went back the
17 second time.

18 A. I knocked on the door and when my Uncle Kelvin came
19 to the door, he was like gosh and he started cussing and
20 stuff like that and he was like so where's Tequan at and
21 I'm like why, he's on the news, you know, he's on the news
22 for doing this and all that.

23 Q. All right. Try not to say what other people said.

24 You can say what the Defendant said, but other people have
25 to testify as to what they said, okay?

1 A. Uh-huh.

2 Q. Did you stay in the car or did you go inside?

3 A. I went inside.

4 Q. What about the Defendant?

5 A. He stayed out for a little bit and then he came in.

6 Q. What did you see personally when you went into Calbo's
7 house?

8 A. I seen Tequan's face on the news. That's it.

9 Q. I'm sorry?

10 A. Tequan was on the TV screen. It had his picture on
11 there.

12 Q. On the news?

13 A. Yes, ma'am.

14 Q. Was he there when that happened?

15 A. Was Tequan there?

16 Q. Was Tequan in the room when his face was on the news?

17 A. Oh, no. He probably came in like two or three minutes
18 after.

19 Q. Did you ask him about that?

20 A. Yes, ma'am.

21 Q. Did he tell you anything about that?

22 A. No, ma'am. He denied it.

23 Q. Denied it?

24 A. Yes, ma'am.

25 Q. Okay. Are you aware of whether or not he still had

1 that gun?

2 A. Yeah, he did.

3 Q. And it was in his possession the whole time?

4 A. Yes, ma'am.

5 Q. Please tell the jury what happened next after you saw
6 the Defendant on the news that morning. Was it morning?

7 A. Yeah, it was morning time. Yes, ma'am.

8 Q. Early in the morning?

9 A. Like 6:30. Probably 6:30, 6:00.

10 Q. What did you do next?

11 A. Sat there. Me and my uncle was just talking about
12 it. He was just like telling me -- well, never mind.

13 Q. You can't say what he said.

14 A. I can't say what he said.

15 Q. Okay. But you talked to your uncle. You did say you
16 talked to your uncle?

17 A. I talked to my uncle.

18 Q. And then what happened next, if anything?

19 A. Tequan was trying to change clothes. He asked did
20 we have an extra shirt, so I figured he wanted to change
21 clothes because he had blood in his car.

22 Q. He was talking about having blood on his clothes?

23 A. Yes, ma'am.

24 Q. Did you stay at Calbo's?

25 A. Yes, ma'am.

1 Q. Did you go anywhere else?

2 A. Yes, ma'am.

3 Q. Where did you?

4 A. McDonald's on the southside.

5 Q. How did you get there?

6 A. Tiquan's car.

7 Q. Who drove?

8 A. I did.

9 Q. Who went with you?

10 A. Tequan.

11 Q. Anybody else?

12 A. No, ma'am.

13 Q. Where did Tequan ride? Where did he -- in the car,
14 where was he?

15 A. He was in the passenger seat.

16 Q. Okay. What happened when you got to McDonald's?

17 A. We pulled up at McDonald's and I went on the inside
18 and I had seen Quentin and -- and I spoke to him and he
19 looked in shock.

20 Q. Quentin looked in shock?

21 A. Yes, ma'am. Like nervous, like shook up, and then
22 the whole job just like got quiet, like everything like
23 paused, and then the woman -- the manager woman was like
24 Quentin had went back out to the trash can and I was like
25 okay, well, I'm gonna go over there to talk to him. So me

1 and Tequan walked out there at McDonald's and went around
2 the back toward the trash can and Quentin was nowhere to
3 be found and I was like oh, boy, something ain't right,
4 I'm going back to my uncle's house, so I went straight
5 back to the car and went straight back to my uncle Calbo's
6 house and started drinking and stuff like that.

7 Q. Let me ask you this before we get to that part.

8 A. Yes, ma'am.

9 Q. Did the Defendant say anything about Quentin when you
10 were at McDonald's?

11 A. Oh, he said I need to go see what's up, what happened,
12 like what they talking about, about the case.

13 Q. He wanted to go talk to him?

14 A. He wanted to see like what they -- what was told and
15 all that.

16 Q. So when you didn't see Quentin at the trash can --

17 A. I just got that -- like something ain't right.

18 Q. You thought that was weird?

19 A. Yes, ma'am.

20 Q. So what happened next?

21 A. I went to the car and got back -- went back to my
22 uncle's house.

23 Q. And who all went back to your uncle's?

24 A. Just me and Tequan.

25 Q. And did you drive again?

1 A. Yes, ma'am.

2 Q. Please tell the jury what happened when you go back
3 to your Uncle Calbo's.

4 A. I told -- told my Uncle Kelvin like what happened at
5 McDonald's and then he was like -- he was no, I can't --
6 I'm sorry about that.

7 Q. That's okay.

8 A. He -- he sat out there in the car and all and started
9 getting some of his stuff out the car, I guess.

10 Q. Who did?

11 A. He went looking for like, I guess, clothes or
12 something in the backseat or the trunk or wherever.

13 Q. Who did?

14 A. Tequan.

15 Q. The Defendant?

16 A. Yes, ma'am.

17 Q. You saw him do that?

18 A. Yes, ma'am.

19 Q. What happened after that?

20 A. We went in the house and started drinking and just
21 talking and Kelvin called caught his vibe that something
22 wasn't right and he's like look out the window. I looked
23 out the window and I seen like two officers like way down
24 the road.

25 Q. You saw police cars?

1 A. No, not the first time.

2 Q. Just the officers?

3 A. I seen officers out there. So I was like well, it
4 looks like the police's down there, probably somebody
5 arguing or something, and so he's like all right, so we
6 sat down and he said it again. He's like something's just
7 ain't right, he's like check again, and I was like -- I
8 opened the blinds again and I seen like a bunch of -- like
9 probably like twenty different cars out there and then I
10 was like yeah, they're coming. I said Tequan, they're
11 coming for you, bro, and then Tequan was like for real,
12 and that's when he started pacing back and forth.

13 Q. The Defendant did?

14 A. Yes, ma'am.

15 Q. All right. Was he saying anything?

16 A. He said like -- I can't remember exactly what he was
17 saying.

18 Q. Okay. At some point you said he admitted what
19 happened?

20 A. Yeah, that was like further on. Like not right there.

21 Q. All right. Well, tell -- tell the jury about that
22 then.

23 A. All right. He told me that he dropped -- he said he
24 had \$400 and he said one of them had took it from him
25 because it was only them in the car and he said one of

1 them had took it from him.

2 Q. That's what the Defendant said?

3 A. Yes, ma'am. And he said that all of them -- first
4 they was pointing fingers at each other and that's when it
5 came down to Tiquan, the victim, it came down to him and
6 he was like he shot him.

7 Q. The Defendant said I shot him?

8 A. Yes, ma'am.

9 Q. Can you tell the jury what his exact words were, if
10 you recall?

11 A. His exact words? He just said -- he said he shot him
12 and he was like go bury him. He's like go bury him like
13 you-all did that dog.

14 Q. I'm sorry. I couldn't hear what you said. Can you
15 say that again?

16 A. He said that -- he said go bury him like you-all did
17 that dog back there.

18 Q. Go bury him like you-all did that dog that time?

19 A. Yeah. Like you-all did the dog, yeah. Yeah.

20 Q. And that's after he told you what about shooting him?

21 A. Yeah. He said that yeah, I shot him, but they stole
22 -- he stole money from him. \$400 to be exact.

23 Q. Did you see the gun again?

24 A. Yes, ma'am. He always had the gun on him.

25 Q. He kept it on his person?

1 A. At all times.

2 Q. Did you see any bullets that night?

3 A. No, not exactly that night, but the -- the next day,

4 yeah.

5 Q. Okay. I'm talking about like from the night until

6 the morning, right?

7 A. Well, yeah. I seen it.

8 Q. I just want to make sure we're talking about the same

9 thing.

10 A. Yes, ma'am.

11 Q. Is that what I'm talking about, like late night into

12 the next morning?

13 A. The next morning, yes, ma'am.

14 Q. But at some point you saw bullets?

15 A. Yes, ma'am.

16 Q. Where?

17 A. In the -- I think he had them in the car. They was

18 in the car visible.

19 Q. You saw them in the car?

20 A. (Nods head.)

21 Q. What happened when you told him the police were there?

22 A. That's when he started pacing back and forth with his

23 gun and like asking us like what can he do, like what to do

24 and stuff like that.

25 Q. Okay. What was the next thing that happened?

1 A. I looked out the back door and I was like there's
2 police back there, too, bro, and then he went in there and
3 used the bathroom and then he came out and then he was like
4 what to do with my -- and then he went to go put -- put the
5 gun up under the sink and I --

6 Q. Who did?

7 A. Tiquan.

8 Q. Okay.

9 A. And that wasn't a good idea and he acted like he was,
10 but he didn't, and he started pacing back and forth again
11 like holding his gun, like he didn't know what to do, and
12 then my Uncle Kelvin -- gosh, that's hard.

13 Q. It's hard, isn't it?

14 A. Yeah.

15 Q. Kelvin said something to him without saying what he
16 said?

17 A. Yes, ma'am.

18 Q. Okay. And then after that what did the defendant do,
19 if he did anything?

20 A. He went -- oh, he listened to my uncle and then my
21 uncle told him to put it --

22 Q. What did you see the Defendant do?

23 A. Put it behind the -- I think it was somewhere by the
24 microwave, something like that. He went towards the
25 kitchen and put it up.

1 Q. Who did?

2 A. Tequan.

3 Q. And what did he put up?

4 A. The gun.

5 Q. All right. After he did that, what happened?

6 A. While in the process of him going towards the kitchen,
7 when he turned his back, my Uncle Kelvin, at the time he
8 was walking, but he made it to the door like in about point
9 two seconds and -- and opened the door because they was
10 still -- he was like -- everybody was nervous, so he opened
11 the door and that's when all the guns cocked back and they
12 was like Mr. Kelvin, come on out and stuff like that. And
13 then --

14 Q. And then what happened? Did he go out?

15 A. Tequan -- I sat -- I sat right there on the couch the
16 whole time. He opened the door and that's when I got
17 stuck. I didn't know what to do after that.

18 Q. When you're talking about "he" opened the door, you're
19 talking about your Uncle Kelvin?

20 A. My uncle, yes, ma'am.

21 Q. And where did he go?

22 A. Away from the house.

23 Q. He went out?

24 A. Yeah, all the way out.

25 Q. And what happened after that?

1 A. I think he said there's like -- he's like Raekwon's in
2 there and a Tequan's in there. My nephew is Raekwon, he
3 ain't got nothing to do with none of that, and that's when
4 they said Raekwon can come out.

5 Q. The police called you out?

6 A. Raekwon. Raekwon Mathis.

7 Q. And you went out?

8 A. Yes, ma'am.

9 Q. And what happened when you went out?

10 A. They put me in the back of one of the other cars like
11 way down the road so I wouldn't be by the -- I guess by the
12 scene or whatever while they was trying to get Tequan out.

13 Q. So you were far away?

14 A. Yes, ma'am.

15 Q. Did you see the Defendant again?

16 A. When he walked out the house. When they made him
17 come out the house.

18 MS. YOUNG: I beg the Court's indulgence just a
19 minute, Your Honor.

20 THE COURT: Yes, ma'am.

21 MS. YOUNG: May I approach?

22 THE COURT: Yes, ma'am.

23 BY MS. YOUNG:

24 Q. Raekwon, I'm gonna show you some pictures one at a
25 time and I'm gonna ask if you know what's in the picture,

1 okay, so don't say what it is, just answer that, and you
2 can say yes or no to that.

3 I'm gonna show you State's Exhibit 12, which has
4 been marked but not entered. Do you know what's in that
5 picture?

6 A. Yes, ma'am.

7 Q. And how do you know what's in it? It's something you
8 saw?

9 A. Yes, ma'am.

10 Q. What's in State's Exhibit 12?

11 A. You say what is it?

12 Q. Yeah, what is it? You can tell the jury.

13 A. The Audi that we was driving.

14 Q. The Defendant's car?

15 A. Yes, ma'am.

16 Q. And do you know where it's marked in this picture?

17 A. Right in front of the -- close to the door. Right
18 there by the door.

19 Q. At where?

20 A. At Kelvin's house.

21 Q. And -- sorry.

22 A. My Uncle Kelvin's house.

23 Q. And that's on Hamilton Drive?

24 A. Yes, ma'am. Hamilton Drive.

25 MS. YOUNG: Your Honor, at this time we'd move to

1 enter State's Exhibit 12 into evidence.

2 MR. MCCARLEY: No objection.

3 THE COURT: Thank you. Without objection, 12's in
4 evidence.

5 (State's Exhibit Number 12, a photograph, was
6 admitted into evidence.)

7 BY MS. YOUNG:

8 Q. Raekwon, I'm gonna show you State's Exhibit Number 22
9 and ask if you know what's in that picture?

10 A. Yes, ma'am.

11 Q. What's in this picture?

12 A. The gun that Tiquan -- that was in Tiquan's
13 possession.

14 Q. How do you know that?

15 A. He always had it on him.

16 Q. This is the one you've been talking about?

17 A. Yes, ma'am.

18 Q. Is this the gun that you saw that night?

19 A. Yes, ma'am.

20 Q. That he had at your mom's house?

21 A. Yes, ma'am.

22 Q. He also had it at Calbo's house?

23 A. Yes, ma'am.

24 MS. YOUNG: Your Honor, at this time we'd move
25 State's 22 into evidence.

1 MR. MCCARLEY: No objection.

2 THE COURT: Thank you. Without objection.

3 (State's Exhibit Number 22, a photograph, was
4 admitted into evidence.)

5 BY MS. YOUNG:

6 Q. And finally, Raekwon, I'm gonna ask you about State's
7 Number 15.

8 A. Yes, ma'am.

9 Q. Do you know what's in this picture?

10 A. Yes, ma'am.

11 Q. And how do you know what's in that picture?

12 A. That's Tequan's shoe.

13 Q. All right. And do you know where this picture was?

14 A. On my uncle's front porch.

15 Q. And how do you know that?

16 A. I was there.

17 Q. And you saw it?

18 A. Yes, ma'am.

19 Q. All right. And this was the day the police came to
20 the house?

21 A. Yes, ma'am.

22 MS. YOUNG: Your Honor, at this time we'd move
23 State's Exhibit Number 15 into evidence.

24 MR. MCCARLEY: No objection.

25 THE COURT: Thank you. Without objection, 15.

1 (State's Exhibit Number 15, a photograph, was
2 admitted into evidence.)

3 BY MS. YOUNG:

4 Q. You stated that was on Calbo's front porch?

5 A. Yes, ma'am.

6 Q. Was that parked there kind of close to where his car
7 was?

8 A. Yes, ma'am. Right out front.

9 MS. YOUNG: I beg the Court's indulgence just one
10 minute.

11 THE COURT: Okay.

12 BY MS. YOUNG:

13 Q. Just to be clear, Raekwon, you testified earlier that
14 you saw blood on the Defendant?

15 A. Yes, ma'am.

16 Q. And can you tell the jury where you saw that blood?

17 A. Like at the bottom of his shirt. Like right here in
18 this area.

19 Q. You're pointing to like the lower part of your shirt
20 near your belt?

21 A. My lower stomach, yes, ma'am.

22 Q. All right.

23 A. And like -- he had like bloodstains like towards the
24 ankle of his pants and it was on his shoes.

25 MS. YOUNG: No further questions, Raekwon, but you

1 do need to answer the questions of the defense.

2 THE COURT: Mr. McCarley, cross-examine?

3 MR. MCCARLEY: Thank you very much, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. MCCARLEY:

6 Q. Mr. Mathis, my name is Nick McCarley. Good afternoon.

7 A. Yes, sir.

8 Q. Just to be clear, you were not present when Mr. Oakman
9 was shot?

10 A. No, sir.

11 Q. So you have no firsthand knowledge whatsoever of who
12 shot Mr. Oakman?

13 A. No, sir.

14 Q. Because you weren't there?

15 A. I wasn't there.

16 Q. Okay. And did you give a statement to police about
17 everything that you just told Ms. Young and this jury?

18 A. I didn't talk with any police at that time.

19 Q. Okay. You did just testify that they called your
20 name. The police called your name.

21 A. Yeah, but I didn't make a statement, like talk to
22 them. I didn't -- they didn't ask me any questions.

23 Q. The police never asked you any questions?

24 A. Never asked me nothing.

25 Q. Okay. And you never wrote down any statement for the

1 police?

2 A. They just now started talking to me.

3 Q. They just now started talking to you?

4 A. Yeah.

5 Q. Okay. Did Mr. Gantt right here -- you might not be
6 able to see through this chair -- did you ever talk to him?

7 A. Which one?

8 Q. Mr. Gantt, right here.

9 A. He came to my house. I told him I didn't want to talk
10 about it.

11 Q. Okay. Did you actually tell him they told me not to
12 speak on it?

13 A. No.

14 Q. You didn't tell Mr. Gantt that?

15 A. No, I said I didn't want to talk about it. I shut
16 it down.

17 Q. Okay. But you do actually want to talk about it.
18 You're here today to talk about it.

19 A. Yeah, I'm talking about it now.

20 Q. Okay. So you do want to talk about it?

21 A. I don't have to necessarily.

22 Q. Okay. Well, did you have to go in on May 17, 2019,
23 and meet with the solicitor's office?

24 A. I don't recall the exact date.

25 Q. How many times have you met with the solicitor's

1 office and talked to them about it since you want to talk
2 about it?

3 A. Two, three times.

4 Q. You met with them two or three times?

5 A. Two or three.

6 Q. But you wouldn't meet with Mr. Gantt at all?

7 A. No.

8 Q. Okay.

9 A. He didn't even tell me -- he said oh, I'm Tequan's
10 public defender, tell me what happened. I said that's not
11 how you approach somebody that you don't know.

12 Q. He just asked you what happened?

13 A. He said what happened exactly when he came to the
14 door.

15 Q. Okay. He just asked you what happened and you said --

16 A. I told him I didn't want to talk about it and shut it
17 down.

18 Q. But, in fact -- so, Mr. Mathis, you do want to talk
19 about it. You're here talking about it today. On May 17th
20 you talked about it with the solicitor's office and
21 yesterday -- actually yesterday you spoke about it with
22 the solicitor's office --

23 A. Yes.

24 Q. -- but yesterday you didn't want to talk to Mr. Gantt
25 about it?

1 A. No.

2 Q. Okay.

3 A. I done talked about it.

4 Q. And there's no written -- you never wrote anything
5 down and gave it to the solicitor's office or the sheriff's
6 office?

7 A. No.

8 Q. Okay. And you never made any recorded statement and
9 gave it to --

10 A. Not recorded, no.

11 Q. -- the solicitor's office or the sheriff's office?

12 A. Not recorded, no.

13 Q. So there's absolutely no way to verify your statement
14 here today from something that happened three years ago?

15 A. Can you explain that better?

16 Q. This happened three years ago; is that correct?

17 A. That's right.

18 Q. And you haven't said nothing to nobody in three years?

19 A. I didn't know that I had -- nobody had said nothing to
20 me either.

21 Q. Well, my investigator tried to say something to you,
22 but you weren't trying to talk to him.

23 A. He said something now, but it's been three years.

24 Q. Okay. You testified a second ago that you were
25 concerned?

1 A. Yeah.

2 Q. But you weren't concerned enough to call the police
3 to tell them what you knew?

4 A. I didn't know -- I didn't know nothing. At the time
5 this is all I know.

6 Q. You didn't know nothing.

7 MR. MCCARLEY: Thank you.

8 THE COURT: Redirect, Ms. Young?

9 MS. YOUNG: No redirect, Your Honor.

10 THE COURT: Thank you, Mr. Mathis. You can step
11 down.

12 (Witness excused.)

13 MS. YOUNG: Your Honor, with regard to the next
14 witness, it's gonna be Kelvin Mathis. He uses a little
15 roolly chair. He has mobility issues. Would it be okay
16 if he just kind of rolls up next to the jury box and we
17 put the microphone down for him?

18 THE COURT: That will be fine as long as the -- the
19 microphone is -- is close to him. His name again?

20 MS. YOUNG: Kelvin Mathis.

21 THE COURT: Okay. All right. You can call him.

22 THE CLERK: Place your left hand on the Bible and
23 raise your right hand.

24 (Whereupon, Kelvin Leonardo Mathis was duly sworn
25 by the Clerk of Court.)

1 THE CLERK: This mic is not gonna pick you up real
2 well, so you need to speak up real loud, okay?

3 THE WITNESS: Okay.

4 THE CLERK: As soon as he gets you settled, state
5 your full name.

6 THE WITNESS: My name is Kelvin Leonardo Mathis.

7 KELVIN LEONARDO MATHIS,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. YOUNG:

11 Q. Good afternoon, Mr. Mathis. Please tell the jury
12 where you currently live.

13 A. [REDACTED] Hamilton Drive, Apartment [REDACTED].

14 Q. And how long have you lived there?

15 A. Going on three years now.

16 Q. Were you living there on June the 18th of 2016?

17 A. Yes, ma'am.

18 Q. How long had you been living there?

19 A. I had just moved in.

20 Q. Just moved in?

21 A. Just moved in.

22 Q. I'm gonna see if I can try to move this so I can hear
23 you. Excuse me. Let's try this again. It's good. It
24 just got turned off.

25 You said you'd been living there -- you'd just moved

1 in?

2 A. Yes, ma'am.

3 Q. And who all lived there at the time?

4 A. Just myself.

5 Q. And where had you previously lived?

6 A. On Greenville Street.

7 Q. Here in Aiken?

8 A. Yeah, Aiken, South Carolina.

9 Q. Let me ask you this. Do you know the Defendant in
10 this case?

11 A. Yes, ma'am.

12 Q. How do you know the Defendant?

13 A. He's my second cousin.

14 Q. Is the Defendant present in the courtroom?

15 A. Yes, ma'am.

16 Q. Can you describe for the jury what he's wearing as
17 best as you can see?

18 A. It looks like a white shirt with stripes on it.

19 Q. Sitting at the table over there?

20 A. Yes, ma'am.

21 MS. YOUNG: Your Honor, we'd ask the record to
22 reflect that Mr. Mathis has identified Tequan Holmes
23 for the record.

24 THE COURT: Yes, ma'am.

25 BY MS. YOUNG:

1 Q. He did not live with you at Hamilton Drive at the
2 time of this murder, did he?

3 A. No, ma'am.

4 Q. I'm gonna ask you to tell the jury if you saw
5 the Defendant around the time this murder happened.

6 A. No, ma'am.

7 Q. Did you see him after the murder happened?

8 A. Yes, ma'am.

9 Q. Where was that?

10 A. At my apartment.

11 Q. When was that?

12 A. I guess -- I think like I had been in there -- I'd
13 just moved in, so I'd been there like two days. I had to
14 have been there for two days.

15 Q. So sometime in June of 2016 the Defendant came to your
16 apartment?

17 A. Yes, ma'am.

18 Q. Tell the jury how that happened. Was he with
19 somebody?

20 A. When he -- when he showed up to the apartment, he was
21 with my nephew.

22 Q. What's your nephew's name?

23 A. Raekwon Mathis.

24 Q. All right. And how did they get to your apartment?

25 A. In Tequan's car.

1 Q. What kind of car was that?

2 A. I guess it was an Audi.

3 Q. Tell the jury what happened when Tequan and Raekwon
4 came to your apartment.

5 A. Well, the morning when they came to the apartment,
6 they came there -- my nephew had knocked on the door, so
7 him and Tequan come in and I was like Tequan, like, you
8 know, they're looking for you for murder, don't you --
9 and he's like they're not -- they're not looking for me
10 for murder.

11 Q. How did you know that?

12 A. When I woke up that morning, I just -- every morning
13 when I get up, I turn on the TV to Channel 6 news and no
14 sooner than I hit the button the first face that popped up
15 was my cousin Tequan.

16 Q. And what did he say when you asked him about it?

17 A. He said I didn't do nothing, I didn't do anything,
18 so I was like well, they're looking for you, and I left
19 it like that.

20 Q. All right. What's the next thing that happened after
21 they got there?

22 A. They had got something to eat. I gave them something
23 to eat and then no sooner than they finished something to
24 eat, Tequan and my nephew they left and they said they was
25 going to McDonald's.

1 Q. All right. So they left and went to McDonald's?

2 A. Yes, ma'am.

3 Q. What happened when they -- did they come back?

4 A. Yes, ma'am.

5 Q. About how long were they gone?

6 A. I stay right around the corner from McDonald's, so
7 they must have been gone like ten minutes at the most.

8 Q. And what happened when they got back?

9 A. Well, they came back probably about -- after they
10 come in the house, there was like ten or fifteen minutes
11 later my whole house was surrounded by public safety and
12 the Aiken County Sheriff's Department and I told them -- I
13 said well, they're out here looking for you, not me.

14 Q. Okay. And what else did you say to the Defendant?

15 A. Like I said, I told them they wasn't looking for me,
16 they're looking for you.

17 Q. Okay. Did you know whether or not the Defendant had
18 a gun?

19 A. Yes, ma'am.

20 Q. Okay. How do you know that?

21 A. Because I seen it in his waistband.

22 Q. You saw it?

23 A. Yes, ma'am.

24 Q. What did it look like, if you recall?

25 A. I can't recall what color it was or anything like

1 that. I just seen -- I just seen the chrome on it.

2 Q. The chrome?

3 A. I seen the chrome on it.

4 Q. And you saw it in his waistband?

5 A. Yes, ma'am.

6 Q. Did you see him with any ammunition or bullets?

7 A. I did not see no -- no bullets.

8 Q. Was there any discussion about the gun at some point?

9 A. About -- what you mean?

10 Q. Well, did the Defendant say anything about the gun
11 once the police are outside?

12 A. Oh, well, once the police was outside, he had the
13 gun, he was looking confused and then he asked me what to
14 do and I said I don't know what -- what you want me to do,
15 I'm not doing nothing, and so he was trying to figure out
16 where did he want to put the gun, you know, and so I was
17 just telling him I don't know where you're gonna put it,
18 you know. He attempted to go to the kitchen and put it
19 under the sink and I said you know good and well they're
20 gonna come and look under the sink, so from then it was
21 like he was confused still, so he just put it behind the
22 microwave. So when he put it behind the microwave, that
23 was my chance to get out the house. So at the time I was
24 walking on my cane, so when he went to put it behind the
25 microwave, I got out the house because I didn't know what

1 was gonna go on from there.

2 Q. And what did you see when you left the house?

3 A. Ma'am?

4 Q. What did you see when you went outside the house?

5 A. Well, about twelve public safety was to my right,
6 about twelve Aiken County sheriffs was to my left.

7 Q. And did you tell the police anything?

8 A. By means?

9 Q. About who was in the apartment.

10 A. Oh, that. Yes, I told them it was two of them in
11 there. I say there's one, there's Raekwon, which is
12 Raekwon Mathis, and there's Tequan, Tequan Holmes.
13 Raekwon Mathis is my nephew, Tequan Holmes is my second
14 cousin.

15 Q. What happened after you gave them that information or
16 told them that?

17 A. They -- okay. They proceeded to get my nephew out of
18 there, which was Raekwon, I told them he was in there, and
19 they called him out. Well, I think --

20 Q. And then what happened?

21 A. Then that's when they was calling for Tequan to come
22 out, so they was talking about, you know, ten, fifteen
23 minutes before he proceeded to come out and they arrested
24 him.

25 Q. When -- let me draw your attention back a little bit.

1 When the Defendant came to your house in that Audi, did
2 you notice anything in particular about it?

3 A. No, ma'am, because I was in the house. I never did
4 go out the door.

5 Q. You only saw it when you went out?

6 A. Yes, ma'am.

7 Q. All right. Kelvin, I'm gonna show you State's
8 Exhibit Number 10, and you can take a look at it, and I'm
9 gonna ask if you recognize that?

10 A. Yes, ma'am. Yes, ma'am.

11 Q. What is it?

12 A. It's a consent to search.

13 Q. And does it have your name and signature on it?

14 A. Yes, my name and my signature.

15 Q. And is that, in fact, the document you signed --

16 A. Yes, ma'am.

17 Q. -- on the day that all this happened?

18 A. Yes, ma'am. Because like I told the officer I don't
19 own a gun because I'm a convicted felon, so I'm not allowed
20 to possess a firearm.

21 Q. Okay.

22 A. So I said yes, I'll give you-all consent to search.

23 MS. YOUNG: Your Honor, at this time we'd offer
24 State's Exhibit Number 10 into evidence.

25 MR. MCCARLEY: No objection.

1 THE COURT: Thank you. Without objection,
2 State's 10.

3 (State's Exhibit Number 10, a consent to search,
4 was admitted into evidence.)

5 MS. YOUNG: Bear with me just a minute, Your Honor.
6 They are in some kind of order. Just not the order I
7 need.

8 THE COURT: All right.

9 BY MS. YOUNG:

10 Q. All right, Kelvin. I hate to do this because I have
11 to stand all up close to you, but I'm gonna show you some
12 pictures one at a time and ask if you know what's in each
13 picture.

14 Right now I'm showing you what's been marked for
15 identification as State's Exhibit Number 8.

16 A. That's my front door of my apartment.

17 Q. All right.

18 A. And it has [REDACTED], but the "[REDACTED]" fell off of the wall right
19 there. That's my front door.

20 Q. So your -- what's your actual apartment number?

21 A. It's [REDACTED].

22 Q. But that one just says [REDACTED]?

23 A. Yeah, because the "[REDACTED]" fell off.

24 Q. All right. And is that how your apartment looked the
25 day that this all took place?

1 A. Yes, ma'am.

2 MS. YOUNG: Your Honor, at this time we'd move to
3 enter State's Exhibit 8 into evidence.

4 THE COURT: Ms. Steiner?

5 MS. STEINER: No objection.

6 THE COURT: Without objection. Thank you.

7 (State's Exhibit Number 8, a photograph, was
8 admitted into evidence.)

9 MS. YOUNG: And I'll just publish it right here
10 since -- so you don't have to pull up to see.

11 BY MS. YOUNG:

12 Q. All right. Let me show you State's Exhibit Number 9
13 next. What's shown in that picture?

14 A. Is my lease. It's a lease I signed to move in
15 apartment [REDACTED] Hamilton Drive.

16 Q. That's your lease for the apartment you've been
17 testifying about?

18 A. Yes, ma'am.

19 Q. And you gave that paperwork to the investigator?

20 A. Yes, ma'am.

21 Q. And is that an accurate copy of your lease?

22 A. Yes, ma'am.

23 MS. YOUNG: Your Honor, at this time we'd move
24 State's Exhibit Number 9 into evidence.

25 MR. STEINER: No objection.

1 THE COURT: Thank you. Without objection.

2 (State's Exhibit Number 9, a photograph, was
3 admitted into evidence.)

4 BY MS. YOUNG:

5 Q. It's kind of a blurry picture, isn't it?

6 A. Yes, ma'am.

7 Q. All right. I'm gonna show you State's Exhibit
8 Number 11. Do you know what's in that picture?

9 A. That's a -- that's a grill in the front yard and
10 that's my cousin's car.

11 Q. And your cousin is who?

12 A. Tequan Holmes.

13 Q. And this is out in front of your apartment?

14 A. Yes, ma'am.

15 Q. Did you see his -- and you saw his car there that
16 day?

17 A. It's parked right there. I guess I had to.

18 Q. You saw that with your own eyes?

19 A. Yes, ma'am.

20 Q. I have to ask you these questions in a weird way.

21 A. Yes, ma'am.

22 MS. YOUNG: All right. Your Honor, at this time
23 we'd move State's Exhibit Number 11 into evidence.

24 MS. STEINER: No objection.

25 THE COURT: Thank you.

1 (State's Exhibit Number 11, a photograph, was
2 admitted into evidence.)

3 BY MS. YOUNG:

4 Q. You do a lot of cooking on that grill?

5 A. All the time.

6 Q. Let me show you State's Exhibit 13.

7 A. Uh-huh.

8 Q. What's that?

9 A. That's a picture of my kitchen sink where my crockpot
10 and the microwave was. Still is.

11 Q. And is that how it looked on the day all this
12 happened?

13 A. Yes, ma'am.

14 MS. YOUNG: Your Honor, at this time we'd move
15 State's Number 13.

16 MR. STEINER: No objection.

17 THE COURT: Without objection. Thank you.

18 (State's Exhibit Number 13, a photograph, was
19 admitted into evidence.)

20 BY MS. YOUNG:

21 Q. I'm gonna show you State's Number 14. Do you
22 recognize that?

23 A. That's the back of my microwave.

24 Q. Okay.

25 A. That's the -- that's the chrome gun right there.

1 And as I said, it's not my gun. I'm a convicted felon.

2 I'm not allowed to possess a firearm.

3 Q. All right. But this was in your apartment when the
4 police got there?

5 A. Yes, ma'am.

6 Q. That's the same gun you saw the Defendant with?

7 A. The chrome part of it. I haven't seen the handle,
8 but I've seen the chrome of it.

9 MS. YOUNG: Your Honor, at this time we'd move
10 State's Exhibit 14 into evidence.

11 MS. STEINER: No objection.

12 THE COURT: Thank you. Without objection.

13 (State's Exhibit Number 14, a photograph, was
14 admitted into evidence.)

15 BY MS. YOUNG:

16 Q. I'm gonna show you State's 15. Do you know what's in
17 that picture?

18 A. Yes, ma'am.

19 Q. This one's already in evidence.

20 A. Yeah, but that's my chair on the front porch and I do
21 not know whose shoe that is. It's not mines.

22 Q. Okay. Did you see that shoe there?

23 A. No, ma'am.

24 Q. Okay. But it's not your shoe?

25 A. Not mines.

1 Q. All right.

2 MS. YOUNG: I beg the Court's indulgence just
3 one minute.

4 THE COURT: Okay.

5 BY MS. YOUNG:

6 Q. Do you have a nickname people call you?

7 A. Yes, ma'am.

8 Q. What is that?

9 A. It's Calbo.

10 Q. Calbo?

11 A. Yes, ma'am, but -- some of them call me Cowboy, but
12 it's Calbo.

13 Q. Calbo?

14 A. Yes, ma'am.

15 MS. YOUNG: All right, sir. Thank you very much
16 for answering my questions. Don't go anywhere yet. The
17 defense has to ask you questions first, okay?

18 THE COURT: Ms. Steiner, cross-examine?

19 MS. STEINER: No questions, Your Honor.

20 THE COURT: Thank you.

21 Mr. Mathis, you can go. Thank you very much.

22 (Witness excused.)

23 THE COURT: Ms. Young, Ms. Hall?

24 MS. HALL: The State calls Deputy Christian Stuttts.

25 THE COURT: Thank you.

1 Deputy Stutts, come forward, please, and be sworn.

2 THE CLERK: Place your left hand on the Bible and
3 raise your right.

4 (Whereupon, Christian Stutts was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: Please have a seat in the witness box
7 and state your full name for the Court.

8 THE WITNESS: My name is Christian Stutts.

9 CHRISTIAN STUTTS,

10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HALL:

13 Q. Deputy Stutts, where are you employed?

14 A. I'm employed by the Aiken County Sheriff's Office.

15 Q. What position do you hold there?

16 A. I'm a special operations deputy with the sheriff's
17 office.

18 Q. And what does that mean?

19 A. It means my daily function is to train and maintain
20 our bloodhound.

21 Q. Okay. Where were you working back on June 19th of
22 2016?

23 A. 2016 I was employed with the Aiken Department of
24 Public Safety.

25 Q. And what was your position with the Department of

1 Public Safety?

2 A. I was -- I was on patrol then.

3 Q. A road officer?

4 A. Yes, a road officer on patrol.

5 Q. And how did you get involved in this case on June 19,
6 2016?

7 A. I was involved with this case when there was a call
8 from Whiskey Road McDonald's for a gold vehicle that was
9 involved in a shooting from the night before that happened
10 in the county. I responded to an apartment on Hamilton
11 Drive that day. After other officers had been to
12 McDonald's and did not locate the car, we went there.

13 Q. How were you -- how were you told to go to Hamilton
14 Drive?

15 A. I believe we were called to Hamilton Drive from the
16 person from McDonald's that called us said that the person
17 left, the gold car had left, and it was headed back
18 possibly to Hamilton Drive.

19 Q. Were you provided a description of the vehicle that
20 you were looking for?

21 A. I do remember it was a gold sedan.

22 Q. Okay. And did you locate that vehicle?

23 A. The vehicle was at Hamilton Drive when we pulled up.

24 Q. Okay. And were other law enforcement officers there
25 with you?

1 A. Yes, there was several other law enforcement officers
2 there.

3 Q. What did you do once you arrived?

4 A. When I was arrived, I was in a position -- my car was
5 in the best position to operate the PA system in the car,
6 which is the public address system, and I took control of
7 my microphone and began to call to an apartment on Hamilton
8 Drive to get the residents to come out.

9 Q. So your car had a speaker --

10 A. Yes, it's a loud speaker.

11 Q. -- where from within the residence they could hear
12 you?

13 A. Yes.

14 Q. And initially when you were calling out, what were
15 you asking them to do?

16 A. I was asking them just to come out of the house with
17 their hands up.

18 Q. Okay. And did anyone come out of the house?

19 A. Yes, there were two -- there was a -- two males came
20 out of the house.

21 Q. Okay. And did they provide you any further
22 information?

23 A. Yeah, I spoke with one of the -- the older male that
24 come out of the house, I believe he come out first, I spoke
25 with him, asked him if -- if there was anybody else in the

1 house, which he answered yes, he's in there, and that was
2 the end of that conversation.

3 Q. Did he provide you a name of that person?

4 A. I don't remember right off if we talked about a name.

5 Q. Okay. But he told you there was someone else in
6 there?

7 A. Yes.

8 Q. Okay. And after you provided that information, did
9 you further call?

10 A. Yes, I continued to call to the apartment and a short
11 time later another male came out of the house.

12 Q. Okay. And what did that male look like?

13 A. It was a taller black male.

14 Q. And once he came out, what happened?

15 A. Once he came out of the house, we got him out to the
16 roadway, then several other deputies moved in and took him
17 into custody.

18 MS. HALL: I beg the Court's indulgence.

19 THE COURT: Thank you.

20 MS. HALL: I have no further questions for you.

21 Please answer any the defense may have.

22 THE COURT: Thank you.

23 Ms. Steiner.

24 CROSS-EXAMINATION

25 BY MS. STEINER:

1 Q. Deputy Stutts, was your car equipped with an in-dash
2 camera?

3 A. Yes, ma'am, it was.

4 Q. Was it activated at the time?

5 A. I -- I couldn't -- I can't recall that.

6 MS. STEINER: I beg the Court's indulgence.

7 THE COURT: Okay.

8 MS. STEINER: No further questions.

9 THE COURT: Thank you.

10 Okay. Any redirect?

11 MS. HALL: None, Your Honor.

12 THE COURT: Thank you, Deputy. You can step down.

13 (Witness excused.)

14 THE COURT: Ms. Hall?

15 MS. HALL: The State calls Ricky Sullivan.

16 THE COURT: Come forward, please, sir, and be
17 sworn.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right.

20 (Whereupon, Richard Sullivan was duly sworn by the
21 Clerk of Court.)

22 THE CLERK: Please have a seat in the witness box
23 and state your full name for the Court.

24 THE WITNESS: My name's Deputy Richard Sullivan with
25 the Aiken County Sheriff's Office.

1 RICHARD SULLIVAN,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. HALL:

5 Q. Deputy Sullivan, what is your position at the
6 sheriff's office?

7 A. Currently my position is a corporal in the uniformed
8 patrol division.

9 Q. Okay. And were you employed with the Aiken County
10 Sheriff's Office back on June 19th of 2016?

11 A. Yes.

12 Q. And how did you become involved in this case
13 initially?

14 A. I was on routine patrol. Aiken Department of Public
15 Safety, I was scanning their channel and I heard a BOLO,
16 be-on-the-lookout, for a gold, I believe it was an Audi A6.
17 They said the vehicle had left the location where it was
18 seen at McDonald's at Whiskey and East Pine Log. They said
19 it was possibly headed to apartments off of Hamilton Drive,
20 so when I responded over there, of course, I observed the
21 vehicle in question and then notified Aiken.

22 Q. And where was the vehicle?

23 A. [REDACTED] Hamilton Drive, Apartment [REDACTED], I believe.

24 Q. Parked in front of the apartment?

25 A. Correct.

1 Q. And what did you do once you located that car?

2 A. When I located the vehicle, I notified the Aiken
3 Department of Public Safety, they responded, and I also
4 notified my supervisor.

5 Q. And why was Aiken Department of Public Safety involved
6 in this sheriff's office case?

7 A. They had received a phone call from a complainant,
8 I'm not sure who it was, but the possible subject of who
9 was the driver of that vehicle at the time, Mr. Holmes.

10 Q. Because that McDonald's was in the city limits?

11 A. Correct.

12 Q. Once you got there, were other law enforcement
13 officers there?

14 A. At McDonald's?

15 Q. At Hamilton Drive. I apologize.

16 A. No, I was the -- I was first one on-scene at Hamilton
17 Drive.

18 Q. And did other law enforcement officers arrive?

19 A. Correct.

20 Q. Okay. What happened next?

21 A. Like I said, I notified Aiken Department of
22 Public Safety. They responded and we set up a perimeter
23 because at that time we had information of trying to
24 find Mr. Holmes and he was the one that was driving the
25 vehicle at the time, so we set up a perimeter around the

1 apartment complex building where he was supposedly in and
2 Aiken Department of Public Safety took the scene over
3 from there.

4 Q. Okay. Did the Defendant -- did the Defendant
5 eventually come out of that apartment?

6 A. Yes.

7 Q. And he was taken into custody?

8 A. He was.

9 Q. Okay. Did -- who took him into custody?

10 A. I did.

11 Q. Okay. And after you took him into custody, what did
12 you do?

13 A. Transported him to Aiken County Detention Center.
14 When we got there, I was advised by our investigator over
15 the case, Investigator Criscillis, to secure his clothes
16 that he had on his person and I collected those clothes
17 from the jail staff.

18 Q. And how did you go about collecting those clothes?

19 A. Like I said, the jail staff searched him in. They
20 went ahead and changed him into a jail uniform and so they
21 collected all his clothes, put them in a plastic bag, and
22 I collected them and signed a property receipt and then I
23 took possession of the clothes from there.

24 Q. And did you create a log of the items that you
25 collected?

1 A. Yes, a property receipt should have been filled out.

2 Q. Okay. And what items did you actually collect?

3 A. I collected a shirt, blue jeans, two white socks and
4 two shoes.

5 Q. What about any undergarments?

6 A. Yeah, I believe there was boxers, but I'm not sure of
7 the color.

8 Q. Okay. And did you place those items that you
9 collected in evidence at Aiken County Sheriff's Office?

10 A. Yes, I did.

11 Q. Okay. And is that a secured facility at the sheriff's
12 office?

13 A. It is.

14 Q. Can you explain how that works when you log something
15 into evidence?

16 A. It really just kind of depends on the time of day as
17 well. Our evidence techs, if they're there during the
18 normal business hours what we'll do is we'll complete a
19 report and give the original property receipt with all
20 the items listed that we're gonna collect and put into
21 evidence. Like I said, if the evidence techs are there,
22 then I hand it directly to the evidence tech. If they're
23 not, then what I do is I get an original copy of the
24 report, the property receipt disposition, then I place it
25 into the evidence lockers at the Aiken County Sheriff's

1 Office.

2 Q. But those evidence lockers are locked?

3 A. Yes.

4 Q. Okay. Now once something's placed in evidence, can
5 just anyone go in and grab it when they want to?

6 A. No, it's in a secured location. You have to have key
7 fob access.

8 Q. Okay. And are the number of keys limited?

9 A. Yes.

10 Q. Are the number of people who have access to it
11 limited?

12 A. Yes.

13 Q. Okay. And if someone accesses that evidence, is it
14 logged?

15 A. Yes.

16 Q. Okay. I'm gonna show you several pieces of evidence.
17 I'm showing you what's been previously marked as State's
18 Exhibit 70. Do you recognize this?

19 A. Yes.

20 Q. What is it?

21 A. It is my name -- it's evidence collected by name. The
22 victim's full name was Mr. Oakman. The suspect's full name
23 is Tequan Holmes. It looks like men's dark blue jeans,
24 size 32.

25 Q. Okay. And were these the jeans that you collected

1 from the Aiken County Detention Center?

2 A. Yes.

3 Q. After you transported the Defendant?

4 A. Yes.

5 Q. Okay. And did you do anything to change or tamper
6 with this pair of jeans?

7 A. No. Like I said, the jail staff collected and put
8 them into a plastic bag, all the clothes, and I secured it
9 from there.

10 Q. Okay.

11 MS. HALL: Your Honor, at this time the State moves
12 to enter State's Exhibit 70 into evidence.

13 MR. STEINER: No objection.

14 THE COURT: Without objection, 70 in evidence.

15 (State's Exhibit Number 70, a pair of dark jeans,
16 was admitted into evidence.)

17 BY MS. HALL:

18 Q. I'm showing you what's been marked as State's 64. Do
19 you recognize this?

20 A. Yes.

21 Q. And what is this?

22 A. It's two black tennis shoes.

23 Q. Okay. Are these the two black tennis shoes you
24 collected from the Defendant at the Aiken County Detention
25 Center?

1 A. Yes, it was.

2 Q. Okay. And did you tamper with or change these in any
3 way before putting them into evidence at the sheriff's
4 office?

5 A. No, ma'am.

6 MS. HALL: Your Honor, at this time the State's
7 moves to enter State's Exhibit 64 into evidence.

8 MR. STEINER: No objection.

9 THE COURT: Thank you. Without objection, 64 in
10 evidence.

11 (State's Exhibit Number 64, two black Nike shoes,
12 was admitted into evidence.)

13 BY MS. HALL:

14 Q. I'm showing you what's been previously marked as
15 State's 73. Do you recognize this?

16 A. Yes.

17 Q. Okay. And what is it?

18 A. It's a pair of white socks that was taken from the
19 Defendant at the detention center.

20 Q. Okay. And did you change or alter or tamper with this
21 in any way before putting it into evidence at the sheriff's
22 office?

23 A. No.

24 MS. HALL: Your Honor, at this time the State moves
25 to enter State's 73 into evidence.

1 MS. STEINER: No objection.

2 THE COURT: Thank you. Without objection.

3 (State's Exhibit Number 73, white socks, was
4 admitted into evidence.)

5 BY MS. HALL:

6 Q. I'm now showing you State's 72. Do you recognize
7 this?

8 A. Yes, it's boxers that was pulled off of the Defendant.

9 Q. Okay. And did you change, alter or tamper in any
10 way with this piece of evidence before placing it into
11 evidence at the sheriff's office?

12 A. No.

13 MS. HALL: Your Honor, at this time the State moves
14 to enter State's 72 into evidence.

15 MS. STEINER: No objection.

16 THE COURT: Thank you. Without objection.

17 (State's Exhibit Number 72, boxer shorts, was
18 admitted into evidence.)

19 BY MS. HALL:

20 Q. All right. Finally, I'm showing you what's been
21 marked as State's 68. Do you recognize that?

22 A. Yes, it was the black T-shirt that was pulled from
23 the Defendant at the jail.

24 Q. And did you change, alter or tamper in any way with
25 this black shirt before you placed it into evidence at the

1 sheriff's office?

2 A. No, ma'am.

3 MS. HALL: Your Honor, at this time the State moves
4 to enter State's 68 into evidence.

5 MS. STEINER: No objection.

6 THE COURT: Without objection, State's 68 in
7 evidence.

8 (State's Exhibit Number 68, a black T-shirt, was
9 admitted into evidence.)

10 BY MS. HALL: Corporal Sullivan, I have no further
11 questions for you. Please answer any the defense has.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Ms. Steiner?

14 MS. STEINER: No questions.

15 THE COURT: Thank you. You can step down.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 MS. YOUNG: The State calls Lieutenant Erik Riddell.

19 THE COURT: Lieutenant Riddell, come forward, please,
20 and be sworn.

21 THE CLERK: Place your left hand on the Bible and
22 raise your right hand.

23 (Whereupon, Erik David Riddell was duly sworn by the
24 Clerk of Court.)

25 THE CLERK: Have a seat in the witness chair, watch

1 your step, and state your full name.

2 THE WITNESS: My full name is Erik David Riddell.

3 ERIK DAVID RIDDELL,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. YOUNG:

7 Q. Pull that microphone closer to you, if you don't mind,
8 lieutenant.

9 A. (Witness complies.)

10 Q. Can you tell the jury where you're employed?

11 A. Aiken County Sheriff's Office.

12 Q. In what capacity?

13 A. Detention division.

14 Q. And where were you working on June 19th of 2016?

15 A. In intake.

16 Q. And where is that located?

17 A. Aiken County Detention Center.

18 Q. What do you do and what are your duties at intake?

19 A. Processing people who have been arrested.

20 Q. Did you -- were you the supervisor or just a staff
21 member at that point in time?

22 A. On that night, I was a supervisor.

23 Q. And as a supervisor, what would your duties have been?

24 A. Monitor employees and securing the safety of the
25 facility, help out where I'm needed.

1 Q. Did you have some involvement with the Defendant in
2 this case, Tequan Holmes?

3 A. I did.

4 Q. And what was that?

5 A. I assisted in confiscating his clothing.

6 Q. And can you describe for the jury the general process
7 that you use when you're gonna take items from a defendant
8 that's coming in and putting them into evidence?

9 A. Such as clothing?

10 Q. Yes. Or maybe I should just say this. More
11 specifically, what did you do in this particular case?

12 A. Well, me and another sergeant, you have to have two
13 of the same sex of the individual who we're confiscating,
14 so if it would have been a female, we'd have two females,
15 but at this time it was a male. So there's another
16 sergeant working that post and I assisted him with what we
17 call a strip search where we give them a county-issued
18 uniform and we have them remove their clothes, but at this
19 point I was told it was for evidence, so I made sure that I
20 was the only one who touched the clothes until I handed it
21 over to Corporal Sullivan.

22 Q. And you took the clothing from the Defendant and
23 handed it directly to Corporal Sullivan?

24 A. Correct.

25 Q. Did you put it in any kind of bags or anything of that

1 nature?

2 A. I placed it in a trash can liner, which is what we
3 normally do, and then I handed it to him and he put it into
4 an evidence bag.

5 Q. Would it be fair to say it went directly from the
6 Defendant to your hands to Corporal Sullivan's hands?

7 A. Yes.

8 Q. Did you do anything to alter or change or tamper with
9 his clothing in any way?

10 A. No.

11 Q. Basically you took it and passed it to the corporal;
12 would that be correct?

13 A. Yes, ma'am.

14 Q. And then what do you have to do to document these
15 actions?

16 A. At the jail we're required to do an incident report
17 and a custody exchange -- or evidence property receipt, so
18 I filled out -- we filled out both of those, made copies
19 and I filled out the report and the other sergeant filled
20 out the bottom of the comment sheet and I did my incident
21 review as the supervisor.

22 Q. The point of that paperwork is documentation, right?

23 A. Absolutely.

24 MS. YOUNG: Lieutenant, I don't have any more
25 questions for you. We'll see if the defense does.

1 THE WITNESS: Sure.

2 MS. STEINER: No questions.

3 THE COURT: Thank you.

4 You can step down, Lieutenant. Thank you for
5 coming.

6 THE WITNESS: Yes, sir.

7 (Witness excused.)

8 MS. YOUNG: Your Honor, may we approach with regard
9 to scheduling?

10 THE COURT: Yes.

11 (Proceedings held at the bench; not reported.)

12 THE COURT: Folks, we were over there whispering
13 behind your backs to plan your immediate future, so I can
14 tell you what we were talking about. It's obvious that
15 the presentation of witnesses have moved along today at
16 quite a fast clip, faster than I think anybody expected,
17 and so they are -- they finished up about twenty minutes
18 sooner than they would have normally finished, and so you
19 will be the beneficiary of that. We're gonna let you go
20 early today. I'll ask you to be back in the jury room
21 tomorrow morning at 9:30 and we'll continue to work
22 tomorrow morning.

23 I'll remind you as always not to discuss the case
24 among yourselves, don't try to find out anything else on
25 your own about it, and enjoy your evening. And you're

1 getting out of here about twenty minutes ahead of the 5:00
2 traffic, so be safe on the way home and I'll see you
3 tomorrow at 9:30.

4 So thank you.

5 (Whereupon, the jury was excused for the day at
6 4:39 PM.)

7 THE COURT: Ms. Young and Hall, ladies, anything
8 further from the State before we break for the day?

9 MS. YOUNG: Nothing for the rest of the day,
10 Your Honor. Thank you.

11 THE COURT: Okay.

12 Mr. McCarley, Ms. Steiner?

13 MR. MCCARLEY: Nothing from the defense, Your
14 Honor.

15 THE COURT: All right. Is there any pre-trial stuff
16 that we need to take care of before 9:30 tomorrow before
17 the jury's brought back in or can we just start and hit
18 the ground running at 9:30?

19 MS. YOUNG: I think we can hit the ground running
20 to my knowledge.

21 MR. MCCARLEY: Yes, sir.

22 THE COURT: Okay. Good enough.

23 All right, folks. We'll be in recess until 9:30
24 tomorrow. Enjoy your evening.

25 MS. YOUNG: Thank you.

1 (Whereupon, the proceedings were concluded for
2 July 23, 2019, at 4:40 PM.)

3 (The following proceedings were held July 24, 2019,
4 beginning at 9:35 AM.)

5 BAILIFF: All rise, please. Court's now in session.
6 The Honorable Tommy Cooper presiding.

7 THE COURT: Thank you. Please be seated.

8 Good morning. It looks like the jury is here and
9 they tell me that they're ready to go.

10 Is the State ready to proceed?

11 MS. YOUNG: Yes, Your Honor.

12 THE COURT: Is the defense ready?

13 MR. MCCARLEY: We are, Your Honor. We just need
14 our client.

15 (Whereupon, the Defendant enters the courtroom at
16 9:35 AM.)

17 THE COURT: Okay. You can bring in the jury.

18 (Whereupon, the jury enter the courtroom at
19 9:37 AM.)

20 THE COURT: Good morning, ladies and gentlemen,
21 and thank you for your prompt return. We'll take over
22 where we left off yesterday afternoon. The State is
23 continuing to offer evidence and testimony in this case.

24 Ms. Young -- Ms. Hall. Excuse me.

25 MS. HALL: Thank you, Your Honor. The State calls

1 Kenneth Rand.

2 THE COURT: Come forward, please, and be sworn.

3 THE CLERK: Place your left hand on the Bible and
4 raise your right.

5 (Whereupon, Kenneth Rand was duly sworn by the
6 Clerk of Court.)

7 THE CLERK: Please have a seat in the witness box
8 and state your full name for the Court.

9 THE WITNESS: My name is Kenneth Rand. I work for
10 Wal-Mart on Whiskey Road, Store 514.

11 KENNETH RAND,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HALL:

15 Q. Mr. Rand, how long have you worked at that Wal-Mart?

16 A. Four years and two months.

17 Q. And what position do you hold?

18 A. Asset protection associate. Some people call it
19 secret shopper.

20 Q. Okay. And what does that mean?

21 A. Basically we try to keep down on theft, so, you know,
22 we do send internals, externals, externals being customers,
23 to jail for shoplifting.

24 Q. Okay. And as part of your job, do you review video
25 surveillance?

1 A. I do. I review video actually daily. Actually
2 probably half my day is reviewing video.

3 Q. Okay. And are you frequently asked to provide video
4 surveillance to law enforcement?

5 A. Weekly. At least a couple of times a week.

6 Q. Okay. How does the video system work at Wal-Mart?

7 A. Well, we have cameras throughout the whole store.
8 The cameras record -- some cameras record 360, others,
9 you know, are stationary. The video is out, you know, a
10 certain amount of time and, therefore, you can go back and
11 record video and put it onto a disk.

12 Q. So you're able to search for video after the fact?

13 A. Yes.

14 Q. And able to burn it to preserve it?

15 A. Yes.

16 Q. Okay. And can that video be altered or tampered with
17 in any way while you're burning it to a disk?

18 A. No.

19 Q. Okay. Did Wal-Mart provide video surveillance in this
20 case?

21 A. Yes.

22 Q. Mr. Rand, I'm showing you what has previously been
23 -- been marked as State's Exhibit 27. Do you recognize
24 this CD?

25 A. Yes.

1 Q. Okay. And what is that?

2 A. That is the video footage and I recognize it because
3 I actually initialled it.

4 Q. Okay. Does this contain video from inside the store
5 as well as the parking lot?

6 A. Yes.

7 Q. Okay.

8 MS. HALL: Your Honor, at this time the State moves
9 to enter State's 27 into evidence.

10 THE COURT: Yes, sir?

11 MR. MCCARLEY: Your Honor, as long as that's an exact
12 copy of what we were provided, that's fine. I haven't
13 actually -- I don't if I viewed that. We do have a copy
14 of Wal-Mart surveillance. I'm just not sure that's an
15 exact copy of what we got.

16 MS. HALL: It hasn't to my knowledge been altered
17 in any way from what was sent to the public defender's
18 office.

19 THE COURT: All right. Thank you.

20 MR. MCCARLEY: Very good. Thank you, Judge. No
21 objection.

22 THE COURT: Thank you. With that understanding, no
23 objection. Thank you.

24 (State's Exhibit Number 27, a Wal-Mart surveillance
25 CD, was admitted into evidence.)

1 BY MS. HALL:

2 Q. Mr. Rand, also during -- when you're investigating
3 cases as a loss prevention agent, are you able to pull up
4 receipts from a particular transaction?

5 A. Yes.

6 Q. Okay. And how do you go about doing that?

7 A. It's called -- it's an application called Smart
8 System. We can actually research receipts ten years ago.

9 Q. And how do you do that?

10 A. You log into the Smart System. Of course, you have
11 to have access to it and once you get into the Smart
12 System, you have to access the terminal, which is the
13 register, and then you go by date and then you can pretty
14 much go back to any transaction. You can go back through
15 it by debit card, you know, or the amount of the purchase.

16 Q. So if you have a particular incident on video that
17 you want to view the receipt of, you can put in those
18 search terms to find the receipt for that transaction?

19 A. Yes. Or you can do the terminal, which is the
20 register. You can also do it that way.

21 Q. Okay. Mr. Rand, I'm showing you what's been marked
22 as State's Exhibit 29. Do you recognize this?

23 A. I do.

24 Q. Is that the receipt for the transaction involved in
25 this case depicted in the surveillance video that we just

1 discussed?

2 A. Yes. The time corresponds with the -- you know, the
3 time on the receipt. Also, the store number is 514, which
4 is our store on Whiskey Road, is also on the top.

5 Q. To your knowledge has this receipt been changed or
6 altered in any way?

7 A. No.

8 MS. HALL: Your Honor, at this time the State moves
9 to enter State's 29 into evidence.

10 MR. MCCARLEY: No objection, Your Honor.

11 THE COURT: 29?

12 MS. HALL: Yes, Your Honor.

13 THE COURT: Thank you. 29 in evidence without
14 objection. Thank you.

15 (State's Exhibit Number 29, a Wal-Mart receipt, was
16 admitted into evidence.)

17 MS. HALL: And, Your Honor, permission to publish?

18 THE COURT: Yes, ma'am.

19 BY MS. HALL:

20 Q. All right. Mr. Rand, if you'd step down on the other
21 side of this TV screen for me.

22 A. (Witness complies.)

23 THE COURT: Mr. Rand, if you'll keep your voice up
24 while you're away from the microphone so that the court
25 reporter, as well as the jury, can hear you, okay?

1 THE WITNESS: All right.

2 THE COURT: Thank you.

3 BY MS. HALL:

4 Q. All right. And I know you mentioned this just now,
5 but I want to get you to point out for the jury the store
6 ID number.

7 A. The store ID number is ST, which stands for store ID,
8 and it's 0514, which is Whiskey Road Wal-Mart.

9 Q. And you know that because you work at that store?

10 A. Yes, and I also know the different store numbers also.

11 Q. Okay. And what is the date and time for this receipt?

12 A. The date and time is always located at the bottom of
13 the receipt, which is 6-18-16. The time is 9:23:35.

14 Q. And which register was this?

15 A. This was Register 77, which is located in sporting
16 goods.

17 Q. Okay. And can you show us where on that receipt
18 that's depicted?

19 A. This is the register number, which is, you know,
20 sporting goods.

21 Q. And does this receipt also describe the item
22 purchased?

23 A. Yes. Ammo is ammunition, of course, also which could
24 be identified by the UPC or SKU number.

25 Q. Okay. And does Wal-Mart have a way of looking up

1 items by the SKU number?

2 A. Yes, we look it up with a TC70, which is a little
3 handheld scanner that types in the number for items.

4 Q. Okay. So you're able to enter this SKU number and it
5 tells you exactly what item that is?

6 A. Yes.

7 Q. Okay. I'm gonna show you what's been marked as
8 State's 31. Do you recognize this?

9 A. I do.

10 Q. Okay. What is that?

11 A. This is a SKU number and this is from the TC70 with,
12 you know, abbreviations --

13 Q. Hold on just a second. Before we talk about what's in
14 it, is that the SKU number that you were able to enter off
15 of this receipt?

16 A. Yes.

17 Q. Okay. And has it been changed or altered in any way?

18 A. No.

19 MS. HALL: Your Honor, at this time the State moves
20 to enter State's 31 into evidence.

21 MR. McCARLEY: No objection, Your Honor.

22 THE COURT: Without objection, 31 into evidence.

23 Thank you.

24 (State's Exhibit Number 31, a SKU label, was
25 admitted into evidence.)

1 MS. HALL: The State would publish.

2 THE COURT: Yes, ma'am.

3 BY MS. HALL:

4 Q. All right. If you could explain what's shown here?

5 A. The UPC, of course, is that number right there. That
6 corresponds with the receipt, which is how you look up
7 items. Also the name of the item is also at the top, which
8 is a Winchester 32. That's ammunition.

9 Q. Okay. One moment, please. You can go ahead and have
10 a seat.

11 A. (Witness complies.)

12 MS. HALL: Mr. Rand, I don't have any further
13 questions for you. Please answer any the defense may
14 have.

15 THE WITNESS: Okay.

16 THE COURT: Mr. McCarley?

17 MR. MCCARLEY: Yes, sir, Your Honor. We would just
18 ask that this video be published.

19 THE COURT: Okay.

20 MR. MCCARLEY: May Ms. Steiner assist? I'm not very
21 techy, Your Honor.

22 THE COURT: That will be fine in the absence of an
23 eight-year-old child.

24 And that is State's 27 which you seek to publish?

25 MR. STEINER: Yes, Your Honor.

1 (Discussion between counsel.)

2 MR. MCCARLEY: Your Honor, the State just -- the
3 State has just told me that they're going to play this
4 in its entirety through the next witness --

5 THE COURT: Okay.

6 MR. MCCARLEY: -- and if that's the case, I'm happy
7 to wait for them so we don't waste folks' time.

8 THE COURT: Thank you. All right. Then we'll hold
9 that out in abeyance for the time being.

10 MR. MCCARLEY: I have no questions for Mr. Rand.

11 THE COURT: Thank you. You can step down, Mr. Rand.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 MS. YOUNG: The State calls Investigator Jimmy
15 Criscillis.

16 THE CLERK: Place your left hand on the Bible
17 and raise you right.

18 (Whereupon, James G. Criscillis, II, was duly
19 sworn by the Clerk of Court.)

20 THE CLERK: Please have a seat in the witness box
21 and state your name for the Court.

22 THE WITNESS: My name's James G. Criscillis, II.

23 JAMES G. CRISCILLIS, II,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. YOUNG:

2 Q. Where are you employed?

3 A. The Aiken County Sheriff's Office.

4 Q. And in what capacity are you employed there?

5 A. I'm a criminal investigator.

6 Q. How long have you been an investigator for the

7 sheriff's office?

8 A. Since September of 2008.

9 Q. And did you have some involvement with this case?

10 A. Yes, ma'am.

11 Q. How did that involvement begin?

12 A. I was the on-duty criminal investigator for the

13 evening and I was dispatched to it.

14 Q. What does it mean to be the on-duty criminal

15 investigator?

16 A. Any major incident that occurs on the road that they

17 need assistance with after normal operating hours, they

18 would page out the investigator.

19 Q. Jimmy, pull that microphone a little closer to you

20 just to make sure we can hear you, okay?

21 A. (Witness complies.)

22 Q. Thank you. Where were you sent on this particular

23 evening?

24 A. [REDACTED] Boucher Court in Warrentonville, South Carolina, in

25 Aiken County.

1 Q. And do you know approximately what time you were sent
2 out there?

3 A. The call came in that evening at 10:12 PM. I'm not
4 really sure what time I was notified.

5 Q. After the call of course?

6 A. Yes, ma'am.

7 Q. What did you do in response to receiving that
8 direction from dispatch to go out to [REDACTED] Boucher or
9 Boucher Court, however you pronounce it?

10 A. I got up and got dressed and drove out there.

11 Q. All right. Tell the jury what happened once you got
12 on the scene and what you observed.

13 A. I met with Sergeant Jeep Gainey once I arrived
14 on-scene. When I pulled up, it was a cul de sac area, it
15 was roped off, and I saw a black male laying on the ground
16 in the driveway, kind of in the grass on the driveway, and
17 I pulled up.

18 Q. And what you did do once you talked to Sergeant Gainey
19 and observed the victim in the driveway?

20 A. I spoke with him and got briefed on the incident as
21 far as what he knew, which was not much. There were some
22 potential witnesses there and I started talking to people.

23 Q. Who were all the witnesses present that you spoke
24 with?

25 A. I spoke with a Dominique Paige and a Roderick Glover,

1 Jr. I also spoke with several other people, but those were
2 the two primary.

3 Q. All right. And who else would have been at the scene
4 regarding assisting in the investigation?

5 A. Investigator Cleveland responded. There were also a
6 couple of other deputies on the scene, but they were there
7 pretty much maintaining security.

8 Q. What did you find out with regard to who owned that
9 residence?

10 A. A Larry "Kip" Boyd was the resident owner of that
11 property.

12 Q. What did you do once you identified him as being the
13 homeowner?

14 A. We got a written consent to search for his property
15 and his house.

16 Q. And you stated that you specifically interviewed
17 several witnesses?

18 A. Yes, ma'am --

19 Q. Which --

20 A. -- I did.

21 Q. I'm sorry I interrupted you. Which witnesses
22 specifically did you interview?

23 A. Roderick Glover, Jr., and Dominique Paige.

24 Q. Where did you interview them?

25 A. Inside my patrol vehicle.

1 Q. At the same time or separately?

2 A. Separately.

3 Q. And what was the basic information that you received
4 about what had happened that night?

5 A. That -- from both of them the basic information that
6 I got was that Tequan Holmes and Tiquan Oakman had been in
7 a disagreement over money.

8 Q. I'm gonna show you what's been marked as State's 1, 3,
9 and 5, and ask you if you recognize those?

10 A. Yes, ma'am, I do.

11 Q. All right. What's shown in State's Exhibit 1?

12 A. It's a photograph of the cul de sac of Boucher Court
13 and illustrating [REDACTED] Boucher Court, and to the left of it,
14 [REDACTED] Boucher Court.

15 Q. And what was the significance of [REDACTED] Boucher Court
16 with regard to things you learned that evening?

17 A. Roderick Glover, Jr., his family lived at that
18 address. Quentin Richardson, as well as DeMarco Richardson
19 were there, and it was kind of in eyesight of everything.

20 Q. What's shown in State's Exhibit 3?

21 A. State's Exhibit 3 is an image of the actual crime
22 scene with the victim laying in the driveway and grass and
23 a pool of blood.

24 Q. Is that what you observed when you arrived there that
25 night?

1 A. Yes, ma'am, it was.

2 Q. And what's shown in State's Exhibit 5?

3 A. It's the same image. A different perspective and
4 closer.

5 (State's Exhibit Number 82 was marked for
6 identification.)

7 BY MS. YOUNG:

8 Q. Investigator Criscillis, I'm gonna show you State's
9 Exhibit Number 82, which is not yet in evidence, and ask
10 if you can identify it?

11 A. Yes, ma'am, I can.

12 Q. All right. What is it?

13 A. It an image of the crime scene at a different angle
14 of the victim lying in the grass and driveway from that
15 evening of the incident that the victim got killed,
16 Mr. Oakman.

17 Q. Is that an accurate depiction of the scene as you
18 observed it that night?

19 A. Yes, ma'am, it was.

20 MS. YOUNG: Your Honor, we'd offer State's 82 into
21 evidence.

22 MR. MCCARLEY: No objection.

23 THE COURT: Thank you. Without objection.

24 (State's Exhibit Number 82, a photograph, was
25 admitted into evidence.)

1 MS. YOUNG: I'd request to publish it and ask him to
2 come down to ask him a couple of specific questions.

3 THE COURT: Yes, ma'am.

4 BY MS. YOUNG:

5 Q. All right. Investigator Criscillis, tell us again
6 what is shown in this picture, which is State's 82, and
7 kind of -- try to be careful because you might block them.

8 A. All right. It's a different perspective of the actual
9 crime scene that was taken that evening. As you can see,
10 you've got the driveway and the pool of blood. The victim,
11 Mr. Oakman, is there laying on the ground and as you can
12 see, you can also see [REDACTED] Boucher Court with almost the
13 entirety of the porch. You can see the front door, the
14 window, as well as the chairs sitting up on the porch.

15 Q. And that would be the Richardson's residence?

16 A. That would be correct.

17 Q. Thank you. You can take a seat now.

18 A. Thank you, ma'am.

19 Q. Can you describe for the jury generally what the
20 lighting was that night out there at the scene?

21 A. Yes, ma'am.

22 Q. Tell them about that, please.

23 A. There was a streetlight outside, as well as some
24 residential lights, so it wasn't a dark scene that you had
25 to concern yourself really about stumbling around. I mean,

1 everybody could see to move.

2 Q. You didn't bring any additional lighting sources or
3 forensics didn't bring any additional?

4 A. No, ma'am. We didn't need to bring a lighting tower
5 or anything of that nature.

6 Q. With regard to this case, you stated that the dispatch
7 occurred because you had a 9-1-1 call?

8 A. Correct.

9 Q. Okay. Do you typically preserve 9-1-1 calls as part
10 of your investigation?

11 A. Yes, ma'am, they're typically preserved.

12 Q. Did you do so in this case?

13 A. We were unable to because there was a lightning strike
14 and the server was destroyed.

15 Q. Did that affect just this night or how large --

16 A. No, ma'am. Anything within that portion stored that
17 was in that server was lost.

18 Q. And that was due to a lightning strike you stated?

19 A. Correct.

20 Q. Investigator Criscillis, I'm gonna show you what's
21 been marked, but not yet put into evidence, as 16, 17 and
22 18, and ask you to look at those -- or the group of them I
23 guess I should say, and tell me if you recognize what's in
24 them.

25 A. Yes, ma'am, I do.

1 Q. All right. And how do you recognize what's in them?

2 A. These were images secured during the original incident
3 of the death of Mr. Oakman at Mr. Larry "Kip" Boyd's house,
4 which is [REDACTED].

5 Q. And you were out there that night and saw it?

6 A. Yes, ma'am, that is correct.

7 Q. And those are accurate depictions of what you
8 observed?

9 A. Yes, ma'am, it is.

10 MS. YOUNG: Your Honor, at this time we'd offer
11 State's 16, 17 and 18 into evidence and request to
12 publish.

13 THE COURT: Mr. McCarley?

14 MR. MCCARLEY: No objection.

15 THE COURT: Thank you. Without objection.

16 (State's Exhibit Number 16, 17 and 18, photographs,
17 were admitted into evidence.)

18 BY MS. YOUNG:

19 Q. I'm gonna get you to come down and go through a couple
20 of these pictures as a group.

21 A. (Witness complies.)

22 Q. Investigator Criscillis, the first picture on the
23 screen is State's Number 16. If you would, please, tell
24 the jury what's shown in that picture.

25 A. This is the porch of [REDACTED] Boucher Court in Mr. Boyd's

1 home. We can see markers in this image with beverages
2 lined up everywhere and his Silverado as well sitting
3 there.

4 Q. Okay. Let's look at State's Number 17 next.

5 A. This is the driveway at [REDACTED] Boucher Court with a
6 marked tire print and the mark was made by blood and it
7 was done in scale.

8 Q. Okay. How about State's Number 18?

9 A. This is another marked tire print from the driveway
10 marked in blood at [REDACTED] Boucher Court.

11 Q. Are those two separate tire prints?

12 A. Yes, ma'am, they are.

13 Q. All right. I'm gonna have you be up and down a
14 little bit.

15 A. Okay.

16 Q. Aside from other investigators from Aiken County
17 Sheriff's Office from the CID, who else responded to the
18 scene that night?

19 A. The Aiken County Coroner's Office.

20 Q. Let me ask you directly. How about forensics? Did
21 you call them out also?

22 A. Yes.

23 Q. Was that your call?

24 A. They were notified directly by Sergeant Gainey.

25 Q. And who responded on behalf of the forensics unit?

1 A. Investigator O'Grady.

2 Q. And you were already there when she arrived?

3 A. Yes, ma'am.

4 Q. Did you-all have some interactions about the crime
5 scene that night?

6 A. Yes, ma'am. That's correct.

7 Q. And briefly what would that have been?

8 A. I advised her that we were still in the early
9 developments of the investigation and to collect anything
10 potentially involved, too, and I described to her that
11 testimony had been provided that people were on the porch,
12 there had been a lot of drinking during the day, and I was
13 wanting to make sure that we collected as much as possible
14 to identify people and parties present.

15 Q. So would she have been the person to put the markers
16 down that were shown in State's Exhibit Number 16?

17 A. That's correct.

18 Q. And would you have been required to remain on-scene
19 until she was done working?

20 A. I wouldn't necessarily say required to, but I was
21 present until she was done working that evening. I was
22 there doing other things working through the investigation.

23 Q. What did you do based on the information that you
24 received that night?

25 A. After receiving the testimony that I did that evening,

1 the next morning I pursued a criminal arrest warrant for
2 the arrest of Tequan Holmes.

3 Q. And did you have any additional information to put out
4 with regard to Mr. Holmes?

5 A. Yes, ma'am. We put out a be-on-the-lookout bulletin
6 for not only Mr. Holmes, but his vehicle that was described
7 to us.

8 Q. What was the next thing that happened with regard to
9 Mr. Holmes and your involvement in the case?

10 A. In my involvement, the following day in the afternoon,
11 I believe it was around -- well, I'm positive it was
12 2:12 PM, I was notified that they had located Mr. Holmes
13 and they had him on Hamilton Drive in the city limits of
14 Aiken, and I got dressed and responded out there.

15 Q. All right. What did you observe when you arrived on
16 the Hamilton Drive scene that day?

17 A. There was a large police presence and Mr. Holmes had
18 already been detained and placed into a vehicle and I met
19 with law enforcement on the scene and was told that this
20 was the apartment of Mr. Kelvin Mathis.

21 Q. All right. Did you have an opportunity to speak with
22 Mr. Mathis also?

23 A. I did.

24 Q. And what did you do with regard to speaking to him?

25 A. Well, I requested consent to search his apartment,

1 which was Apartment [REDACTED] at [REDACTED] Hamilton Drive. He gave
2 me written consent to search the apartment.

3 Q. And then what did you do?

4 A. After -- during the course of the search, he actually
5 pointed out to us that the gun was behind the microwave
6 that Mr. Holmes had left in the apartment.

7 Q. So once he gave you the consent, you and other --

8 A. Officers.

9 Q. -- officers went inside?

10 A. That's correct.

11 Q. And then did you take some steps to document what you
12 found in there?

13 A. Yes, ma'am, I did.

14 Q. All right. I'm gonna show you State's Exhibit --
15 I'm gonna show you what's already in evidence as State's 8
16 and 9 and then 11 through 15, okay? I'm gonna ask if you
17 recognize them.

18 A. Yes, ma'am, I do.

19 Q. And what are they?

20 A. These are all images of [REDACTED] Hamilton Drive,
21 Apartment [REDACTED].

22 Q. And you recognize them?

23 A. Yes, because I took them.

24 Q. Before we get you to talk about them, I'm gonna show
25 you a couple more. Investigator Criscillis, I'm showing

1 you what's been marked for identification purposes as
2 State's 19, 20, 21, 22, and 26. Please look at those and
3 tell me if you recognize those.

4 A. Yes, ma'am, I do.

5 Q. And what are those generally pictures of?

6 A. These are all images from inside the apartment and
7 outside the apartment of Mr. Mathis at [REDACTED] Hamilton Drive.

8 Q. Do those pictures fairly and accurately show the scene
9 as it was on that date?

10 A. Yes, ma'am, it does.

11 MS. YOUNG: Your Honor, at this point in time, the
12 State would move 19, 20, 21, 22, and 26 into evidence.

13 THE COURT: Mr. McCarley?

14 MR. MCCARLEY: No objection, Your Honor.

15 THE COURT: Thank you. Without objection.

16 (State's Exhibit Number 19, 20, 21 and 26,
17 photographs, were admitted into evidence.)

18 (State's Exhibit Number 22, a photograph, was
19 previously admitted on Page 160.)

20 BY MS. YOUNG:

21 Q. I'm gonna have you step down and talk about all of
22 these collectively and tell the jury what you did.

23 A. (Witness complies.)

24 Q. We'll start with State's Exhibit Number 8.

25 A. This is Apartment [REDACTED], Apartment [REDACTED], and the [REDACTED]"

1 fell off.

2 Q. And that's Mr. Mathis's apartment?

3 A. That would be correct.

4 Q. What's shown in State's Exhibit Number 9?

5 A. That's a copy of Mr. Mathis's lease agreement from
6 that apartment showing that he's the only occupant of the
7 apartment.

8 Q. And he provided you that day?

9 A. Yes, ma'am, he did.

10 Q. And did it demonstrate when he moved in?

11 A. Yes, ma'am. It was just a short couple of days prior
12 to if I'm not mistaken.

13 Q. You can look at it if you need to or you can --

14 THE COURT: If you want to lie down on the floor you
15 might be able to see it.

16 THE WITNESS: I'm sorry. That's the back page.

17 THE COURT: I'm sorry, what was that answer?

18 THE WITNESS: That was the back page image.

19 THE COURT: I got you. Thank you.

20 BY MS. YOUNG:

21 Q. Anyway, let's move on to State's Exhibit 10, but he
22 had only moved in there briefly for some brief period?

23 A. Yes, ma'am. That was the vehicle parked in front of
24 Mr. Mathis's apartment and described as Mr. Holmes's
25 vehicle.

1 Q. How about State's 11?

2 A. That's 11.

3 Q. Oh, that's 11. Thanks. How about 12?

4 A. Another perspective of that same vehicle, the
5 passenger side.

6 Q. And State's 15?

7 A. That's Mr. Mathis's front porch with a shoe sitting
8 on the front porch that Mr. Mathis said he did not know
9 who it belonged to.

10 Q. Did you notice anything in particular about that shoe
11 that caught your attention?

12 A. Number one, it was a single shoe sitting there, and,
13 number two, I observed on it what appeared to be blood.

14 Q. And what did you do as a result of making those
15 observations?

16 A. I asked Mr. Mathis if he knew if that was his shoe
17 and if he knew whose it was and he said he did not and it
18 was not his, and at that time I collected it as evidence.

19 Q. How about State's Number -- which one was that 15?

20 A. 15.

21 Q. All right. 26.

22 A. That's the trash can out in front of Mr. Mathis's
23 home. He had pointed out that Mr. Holmes had been washing
24 his vehicle earlier and he said there's a green rag that I
25 might want to look at.

1 Q. And what did you do as a result of that information?

2 A. I went out to the roadway where the can had been
3 left and opened it, photographed it, and collected it as
4 evidence.

5 Q. And just the green washcloth?

6 A. Just the green washcloth.

7 Q. Okay. State's 13.

8 A. That's inside of Mr. Mathis's apartment in his
9 kitchen area.

10 Q. And why was that significant?

11 A. Mr. Mathis said that the gun was behind the microwave.

12 Q. State's 14?

13 A. That's an image behind the microwave before anything
14 was touched or moved illustrating a chrome in color handgun
15 with a tan handle.

16 Q. And once you saw that and took that picture, what was
17 the next thing that you did?

18 A. I removed the gun.

19 Q. How about State's 21?

20 A. That's an image of the gun with me holding it, opening
21 up the chamber with a total of six -- I'm sorry, seven .32
22 caliber Winchester ammunition live rounds.

23 Q. Okay. And State's 22?

24 A. That's another image of the gun with it having an open
25 cylinder.

1 Q. So you took those pictures to document that?

2 A. That would be correct.

3 Q. All right. Did you find anything else of evidentiary
4 value in Mr. Mathis's apartment?

5 A. I did.

6 Q. What was that?

7 A. A box of Winchester .32 ammunition that was up
8 underneath the coffee table in the den.

9 Q. Did you take that into evidence as well?

10 A. Yes, ma'am, I did.

11 Q. Investigator Criscillis, I'm gonna show you what's
12 been marked for identification purposes as State's
13 Exhibit Number 23, and ask if you recognize that?

14 A. Yes, ma'am, I do.

15 Q. What is it?

16 A. It's a gun box for the sheriff's office.

17 Q. And why is it significant to this case?

18 A. It contains the gun that I collected that day.

19 Q. Okay. And you don't have to pull it out, but do you
20 want to verify it to make sure?

21 A. Yes, and that is the gun that I collected that day.

22 Q. All right. That would be the revolver that was shown
23 in those pictures?

24 A. Yes, ma'am. It was very distinctive.

25 MS. YOUNG: Your Honor, at this time we'd move

1 State's 23 into evidence.

2 MR. McCARLEY: No objection.

3 THE COURT: Thank you. Without objection, 23 in
4 evidence.

5 (State's Exhibit Number 23, a handgun in box, was
6 admitted into evidence.)

7 BY MS. YOUNG:

8 Q. And now I'm gonna show you State's Exhibit 24.

9 A. And that would be what I collected from up underneath
10 the coffee table in the den.

11 Q. And specifically for purposes of the record, what is
12 that?

13 A. It's Winchester .32 auto 71 grain ammunition and
14 it has one, two, three, four, nine, ten -- eleven live
15 rounds missing out of the box.

16 MS. YOUNG: Your Honor, at this time we'd move
17 State's 24 into evidence.

18 THE COURT: Any objection?

19 MR. McCARLEY: No objection, Your Honor.

20 THE COURT: Thank you.

21 (State's Exhibit Number 24, bullets, were
22 admitted into evidence.)

23 THE COURT: We'll, of course, maintain the
24 ammunition and the gun separately from each other
25 throughout of the course of this trial.

1 Thank you.

2 MS. YOUNG: Yes, sir. Thank you.

3 BY MS. YOUNG:

4 Q. After you took pictures of the inside of the residence
5 of Mr. Mathis's and collected what was there, what else did
6 you do at his house?

7 A. We also had Mr. Holmes transported to the Aiken
8 County Detention Center, as well as we had the agency
9 towing service respond to collect the vehicle belonging to
10 Mr. Holmes, and that vehicle was transported to the Aiken
11 County Sheriff's Office. And to maintain the security and
12 the chain, Deputy Nicholas Lott responded with that and
13 maintained with the wrecker service all the way to the
14 office.

15 Q. And did you have any particular instructions with
16 regard to Mr. Holmes himself?

17 A. Yes, ma'am. Deputy Sullivan took him in custody to
18 the jail and I requested all of his clothing and shoes be
19 collected.

20 Q. Once the vehicle arrived at the Aiken County Sheriff's
21 Office forensics garage, what was the next thing that you
22 did with relation to this case?

23 A. The following day I obtained a search warrant to
24 search the vehicle for evidence involved in this case.

25 Q. And did that search warrant get executed?

1 A. Yes, ma'am, it did.

2 Q. Okay. And who would have been responsible for doing
3 that?

4 A. Investigator O'Grady.

5 Q. Were you present when that happened?

6 A. Yes, ma'am, I was.

7 Q. What would have been your role there?

8 A. I'm there mainly to observe unless they needed any
9 assistance for whatever purpose.

10 Q. Do you recall them needing any assistance that day?

11 A. Yes, ma'am. The trunk wouldn't open and I had to go
12 through the backseat to the little lift, the little latch
13 thing, and go through and hit the emergency release inside
14 the trunk.

15 Q. And generally what did you observe in the vehicle?

16 A. There were clothes in the trunk, there were phones,
17 there were electronics, such as that.

18 Q. Do you normally take any additional steps with regard
19 to cell phones or do you often take typical additional
20 investigative steps with phones that are recovered?

21 A. If we have any kind of scene, we normally take those
22 into custody to maintain them in case we find out that
23 there could be potential evidentiary value of it.

24 Q. But you have to have additional information?

25 A. That would be correct.

1 Q. Okay. Did you have the victim's phone in this
2 particular case?

3 A. Yes, ma'am, I did.

4 Q. And did you attempt to obtain any information from
5 the victim's phone?

6 A. We did, but the phone was malfunctioning.

7 Q. All right. What all efforts did you take to try to
8 get that information?

9 A. We consulted with the family trying to figure out
10 the passcode for it. It was an iPhone 6 at the time and
11 it was pretty new technology and our office did not have
12 the capability of getting into an iPhone 6 without their
13 assistance and the phone actually went on the -- the
14 easiest way to say it, the fritz, and it just wouldn't --
15 wouldn't work.

16 Q. It had some sort of damage to it?

17 A. Yes, ma'am.

18 Q. Going back to the car which Investigator O'Grady will
19 be here to testify about, but did you yourself observe
20 anything of evidentiary value inside the car itself?

21 A. Inside the vehicle, yes, ma'am, I did. In the front
22 passenger area, it was pointed out to me that there was
23 blood on the trim work on the passenger side, the front
24 seat passenger side.

25 Q. And did Investigator O'Grady take some steps to do

1 the preservation of that?

2 A. Yes, ma'am.

3 Q. Anything else with regard to things found in the trunk
4 or the car that appeared to have evidentiary value?

5 A. Yes, ma'am. In the trunk, there was a backpack that
6 was inside of it that had clothes, specifically sweatpants
7 that were black and gray with like a money sign on it, and
8 it had blood on the -- the leg of the pant.

9 Q. As part of your job as the investigating case agent,
10 is it your responsibility to try to maintain video evidence
11 collected by your agency?

12 A. That is correct.

13 Q. And what steps, if any, did you take with regard to
14 that for this case?

15 A. When I went to try to download video from what we
16 call the view vault, which is the software that we use, it
17 had all expired.

18 Q. Would that have been -- what type of video would that
19 have been at that time?

20 A. That would have been dash cameras.

21 Q. Were there agency-issued body-worn cameras in effect
22 at that time?

23 A. If there were, there were only a few and they were at
24 the test stages.

25 Q. So no video evidence was maintained because it was off

1 the server?

2 A. That is -- that would be correct. Yes, ma'am.

3 Q. After the car was processed, did you take some
4 additional steps to try to find some evidence out -- or
5 try to further investigate this case?

6 A. Yes, ma'am. From one of the statements that I
7 received during the course of the investigation, I followed
8 up with Wal-Mart on Richland -- or on Whiskey Road in
9 Aiken. At that time I found images of Dominique Paige.
10 The reason I knew it was Dominique, I had spoke with him
11 that evening. It was him, Tequan Holmes, as well as
12 Roderick Glover, Jr., entering into that Wal-Mart that
13 evening.

14 Q. And what did you do once you observed them on the
15 Wal-Mart video?

16 A. Well, we followed their actions throughout the store.
17 They lost track of them a couple of times in the store, but
18 ultimately they ended up at the sporting goods counter.

19 Q. And before you describe what happened, just generally
20 did you ask for this to be preserved in some way?

21 A. Yes, ma'am.

22 Q. Well, without taking this out because it's already in
23 here ready to go, have you had an opportunity to look at
24 the video that you tried to preserve at Wal-Mart?

25 A. Yes, ma'am.

1 Q. And this is the video that you got from Wal-Mart?

2 A. Yes, ma'am.

3 Q. All right.

4 MS. YOUNG: It's already been offered and entered
5 into evidence, so at this time we'd request to publish
6 that to the jury.

7 THE COURT: Yes, ma'am.

8 (Whereupon, State's Exhibit Number 27 was published
9 to the Court and jury.)

10 BY MS. YOUNG:

11 Q. Investigator Criscillis, as this video plays, point
12 out to the jury the things that are of evidentiary value.
13 Just try to make sure you don't block that other side.

14 A. In this image right here, this is consistent with the
15 Audi A6 that we'd taken into custody and executed a search
16 warrant belonging to Mr. Tequan Holmes.

17 There's two gentlemen leaving that vehicle.

18 THE COURT: If you could keep your voice up, please,
19 sir, Investigator, if you don't mind. Your back is to the
20 court reporter and she needs to hear you. Thank you, sir.

21 THE WITNESS: Thank you, Your Honor.

22 These are two gentleman leaving that vehicle heading
23 toward the grocery side of Wal-Mart, the entryway. And
24 that's the third person leaving from that vehicle.

25 This is the entry of the grocery side at Wal-Mart.

1 The two individuals corresponding with the times coming
2 in, which is Mr. Paige, as well as Mr. Holmes, followed by
3 Mr. Glover coming through the door.

4 This is at the sporting goods counter approaching;
5 Mr. Paige, Mr. Holmes and Mr. Glover.

6 BY MS. YOUNG:

7 Q. Which one's which?

8 A. The tall gentleman right here is Mr. Paige. The
9 one at the counter actually speaking with the clerk is
10 Mr. Holmes and the one standing back in the white T-shirt
11 with the bandana is Mr. Glover.

12 Q. And in what part of the store are they located at
13 this point on the video?

14 A. The opposite side of the store in the back right
15 corner.

16 Q. What department?

17 A. Sporting goods. Firearms, specifically.

18 And Mr. Holmes paying for what appears to be a box
19 of ammunition. Mr. Holmes taking the box of ammunition
20 and the receipt and change. Mr. Holmes appears to be
21 giving Mr. Paige some change.

22 Q. And what's shown on this part of the video,
23 Mr. Criscillis?

24 A. This is a topical view looking straight down on the
25 cash register at the sporting goods counter during that

1 same timeframe.

2 Q. So this is going to be a different angle of the
3 transaction that was just shown?

4 A. Yes, ma'am. You will see there's Mr. Holmes and if
5 you'll look at his feet he's wearing a gray in color
6 appears to be Converse tennis shoe and Mr. Glover's to his
7 right. There's a better image of his shoes. And there's
8 Mr. Paige as well.

9 And this is back on the grocery side exit of the
10 store and you can see Mr. Glover going out. You can see
11 Mr. Paige going out.

12 We're back outside in the parking lot area.
13 Mr. Glover going out to the vehicle and there's Mr. Paige
14 going out to the vehicle.

15 Q. Investigator Criscillis, is there anything further
16 shown on the video?

17 A. No, ma'am. I don't believe so.

18 MS. YOUNG: Your Honor, we'll stop it at this time.

19 THE COURT: Thank you.

20 If you'll note where that is stopped in case
21 Mr. McCarley plays the remainder of it during the
22 cross-examination.

23 (Whereupon, the video was stopped at approximately
24 19:23 into the video.)

25 BY MS. YOUNG:

1 Q. Investigator Criscillis, I'm gonna show you what's
2 been marked for identification purposes as State's
3 Number 79 and 28, and if ask if you recognize those?

4 A. Yes, ma'am. Those are still images from the video
5 we played.

6 Q. And are those still images accurate depictions of
7 what's shown on the video?

8 A. Yes, ma'am, they are.

9 MS. YOUNG: Your Honor, at this time we'd offer
10 State's 79 and 28 into evidence.

11 MR. MCCARLEY: No objection.

12 THE COURT: Thank you. Without objection.

13 (State's Exhibit Number 79 and 28, photographs,
14 were admitted into evidence.)

15 BY MS. YOUNG:

16 Q. If I could have you come down and testify holding the
17 picture without putting the screen back up.

18 A. (Witness complies.)

19 Q. All right. Start with State's 79.

20 A. This is State's 79 and the gentleman that's taller is
21 Dominique Paige. The gentlemen beside him is the Defendant
22 in this case, Mr. Tequan Holmes. This is the grocery side
23 of Wal-Mart on Whiskey Road the evening of that video being
24 filmed.

25 Q. How did you know that was Dominique Paige in there?

1 A. I spoke with him not long after that.

2 Q. Not long after this?

3 A. This incident being video'd.

4 Q. Okay. And show the jury what's in State's 28.

5 A. This is another image from that same video that same
6 evening with Mr. Glover in it, and I spoke with him as
7 well that evening a short time period after. As well as
8 Mr. Holmes and the gray Converse tennis shoes he's wearing
9 at the sporting goods counter.

10 Q. Okay. And that's a still taken from that area?

11 A. Yes, ma'am, it is.

12 Q. Okay. You can take the witness stand.

13 A. (Witness complies.)

14 Q. Investigator Criscillis, State's 29 and 31 are already
15 in evidence. Do you recognize both of those?

16 A. Yes, ma'am, I do.

17 Q. And tell the jury -- tell them which exhibit number
18 you're talking about and what's shown in each one.

19 A. Exhibit Number 29 is a receipt from Wal-Mart from that
20 evening corresponding the time of the receipt and register
21 with the corresponding time at the sporting goods counter
22 on the Wal-Mart video of a transaction and that transaction
23 was for a box of ammunition, and that's in State's Exhibit
24 29.

25 In State's Exhibit 31 is their -- Wal-Mart's inventory

1 tool to keep track of all their stock, which that number
2 doesn't change, so the -- Mr. Rand was able to pull that
3 up with that SKU number and pull up the exact ammunition
4 described in the transaction because the transaction itself
5 doesn't list it's a .32 caliber Winchester auto, but in the
6 store inventory it does.

7 Q. And how did you obtain that information?

8 A. Through Mr. Rand.

9 MS. YOUNG: Your Honor, I beg the Court's indulgence
10 for just one minute.

11 THE COURT: Okay.

12 BY MS. YOUNG:

13 Q. Investigator Criscillis, I wanted to show you what's
14 been marked for identification purposes as State's
15 Number 66 and ask if you can identify that? You don't
16 have to open it if you're otherwise able to identify it
17 with markings or something to that effect.

18 A. Yes, ma'am. I can identify it with markings. This
19 is a gray Converse tennis shoe that was collected at
20 Mr. Mathis's residence at [REDACTED] Hamilton Drive.

21 Q. That's the one you previously testified about?

22 A. That's correct.

23 Q. And it's in a bag?

24 A. Yes, ma'am. It was preserved in a brown bag and sent
25 to SLED for testing.

1 Q. All right. And what did you do with that shoe after
2 you picked it up, put it in that bag?

3 A. Yes, ma'am.

4 Q. Did it go anywhere else or leave your possession in
5 any way?

6 A. Yes, ma'am. It went to the Aiken County Sheriff's
7 Office evidence storage.

8 Q. All right. I didn't ask that question very well.
9 Did it leave your possession in any uncontrolled manner?

10 A. No, ma'am, it did not.

11 Q. You took the shoe directly from Mr. Mathis to the
12 Aiken County Sheriff's Office evidence?

13 A. Correct.

14 Q. And turned it in for testing?

15 A. Correct.

16 MS. YOUNG: Your Honor, at this time we'd offer
17 State's 66 subject to additional testimony on it later.

18 THE COURT: All right.

19 MR. MCCARLEY: No objection.

20 THE COURT: Thank you. 66 in evidence subject,
21 of course, to further testimony regarding relevance and
22 things of that nature.

23 (State's Exhibit Number 66, a gray Converse shoe,
24 was admitted into evidence.)

25 BY MS. YOUNG:

1 Q. I'm gonna show you State's 63 now and ask if you can
2 identify that? And definitely from markings. You don't
3 need to try to open that. It's the most well-taped box
4 I've ever seen.

5 A. Certainly. Yes, ma'am. It's the green rag I
6 collected from [REDACTED] Hamilton Drive in the trash can.

7 Q. And similarly to the Converse shoe, what did you do
8 once you collected that?

9 A. I collected it and submitted it to the sheriff's
10 office evidence for processing.

11 Q. You didn't take it away or it didn't leave your --

12 A. No.

13 Q. -- control?

14 A. It didn't leave my control and possession.

15 Q. And you didn't tamper with it?

16 A. No, ma'am.

17 MS. YOUNG: Your Honor, at this point in time
18 we'd offer State's 63 subject to some follow-up testimony
19 later.

20 THE COURT: Mr. McCarley?

21 MR. MCCARLEY: No objection.

22 THE COURT: Without objection. Thank you.

23 (State's Exhibit Number 63, a green rag, was
24 admitted into evidence.)

25 BY MS. YOUNG:

1 Q. Going back to the video for a second, you were able
2 to identify Roderick Glover and Dominique Paige because
3 you had spoken to them; is that what you testified to
4 previously?

5 A. Yes, ma'am.

6 Q. After you obtained the Wal-Mart video, did you obtain
7 some additional evidence in this case?

8 A. Yes, ma'am, I did.

9 Q. What was that?

10 A. With his counsel's permission and consent, as well as
11 from the Defendant in this case, I obtain two buccal swabs
12 from Mr. Tequan Holmes for comparison testing for DNA.

13 Q. What's a buccal swab?

14 A. It's basically a big Q-tip on a stick.

15 Q. And what do you do with it?

16 A. You swab the inside of an individual's mouth, the gum
17 line, you preserve it in a paper bag and send it to SLED
18 for testing.

19 Q. I'm gonna show you State's Number 30 and ask if you
20 recognize it from markings? And you can flip that over if
21 you need to.

22 A. Yes, ma'am, I do.

23 Q. What is it?

24 A. It's the container that I placed the buccal swabs in
25 to be tested.

1 Q. Did you do the same -- take the same precautions and
2 care once you obtained that sample from the Defendant and
3 turned it into evidence?

4 A. That is correct. That is correct. I took it into my
5 possession only and took it and submitted it to the Aiken
6 County Sheriff's Office evidence for testing.

7 MS. YOUNG: Your Honor, at this point in time we'd
8 offer State's 30 into evidence subject to additional
9 testimony later.

10 MR. MCCARLEY: No objection.

11 THE COURT: Thank you.

12 (State's Exhibit Number 30, buccal swabs, was
13 admitted into evidence.)

14 BY MS. YOUNG:

15 Q. Detective Criscillis, do you currently know where
16 Roderick Glover, Jr., is?

17 A. No, ma'am.

18 Q. Have you looked for him recently?

19 A. Diligently.

20 Q. And you can't find him?

21 A. No, ma'am.

22 Q. Do you have an idea why that is?

23 A. Yes, ma'am.

24 Q. You've looked for him and you can't find him?

25 A. That's correct.

1 Q. I'm gonna show you what's been marked for
2 identification purposes as State's Number 25 and I'm
3 gonna ask you if you recognize that?

4 A. Yes, ma'am, I do.

5 Q. And what is it?

6 A. It is a conviction -- a sentencing sheet of a
7 conviction of burglary second.

8 MR. MCCARLEY: Objection, Your Honor. That's not
9 what that document is to my knowledge.

10 THE COURT: All right. Can we -- can we clear that
11 up?

12 THE WITNESS: I'll be glad to. I apologize.

13 THE COURT: Okay. Can I see it, please?

14 THE WITNESS: Certainly.

15 THE COURT: Thank you. This appears to be a
16 certified copy of a sentence sheet for common law
17 attempt to commit a burglary in the second degree; is
18 that right?

19 MR. MCCARLEY: That's correct. It's for attempt.

20 THE COURT: All right. Do you want to clear that
21 up for us, please, sir?

22 THE WITNESS: I apologize, Your Honor. I didn't
23 say attempt.

24 THE COURT: That's all right. There's a lot of
25 print on there sometimes. You can go ahead and clear

1 that up.

2 THE WITNESS: Thank you very much. It's a
3 sentencing sheet for attempted common law burglary
4 second.

5 BY MS. YOUNG:

6 Q. Is that classified as a violent crime?

7 A. Yes, ma'am.

8 MS. YOUNG: Your Honor, at this point we'd offer
9 State's 25 into evidence.

10 MR. MCCARLEY: No objection, Your Honor.

11 (State's Exhibit Number 25, a certified conviction,
12 was admitted into evidence.)

13 THE COURT: Ladies and gentlemen, State's Number 25
14 is being offered into evidence for a limited purpose, and
15 I will instruct you at the conclusion of this trial
16 exactly -- in more detail what that limited purpose is.
17 That document is offered to show prior a conviction
18 because that's one of the elements of one of the charges
19 against Mr. Holmes. That is not being offered as
20 evidence of guilt on the charges for which he is on trial
21 before you and you may not consider it as evidence except
22 as an element of one of those charges that he is on trial
23 here for.

24 I know that's confusing. I'll clear it up in greater
25 detail when I charge you as to what the law is and the

1 elements of the offenses.

2 Thank you.

3 BY MS. YOUNG:

4 Q. And that sentence sheet is with regard to this
5 Defendant?

6 A. Yes, ma'am, it is.

7 Q. Tequan Holmes?

8 A. That's right.

9 MS. YOUNG: No further questions.

10 THE COURT: Would you be offended if I took a break
11 before your cross-examination?

12 MR. MCCARLEY: No, sir.

13 THE COURT: Okay. I don't think the jury would be
14 offended either and so we'll take the morning recess at
15 this point in time, ladies and gentlemen, and we'll get
16 you back out here at ten after the hour. Don't discuss
17 this case among yourselves while you're in the jury room.

18 Thank you.

19 Investigator, if you will stay where you are for the
20 time being.

21 THE WITNESS: Yes, Your Honor.

22 (Whereupon, the jury retires to the jury room at
23 10:49 AM.)

24 THE COURT: Investigator, you can step down, but you
25 cannot talk about your testimony with anybody while you're

1 on the stand, okay?

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Thank you.

4 MS. YOUNG: Your Honor, how long are we breaking
5 for? I'm sorry.

6 THE COURT: I'm sorry?

7 MS. YOUNG: How long?

8 THE COURT: Ten after the hour.

9 Thank you, folks. We'll be in recess until ten after
10 the hour.

11 (Recess taken at 10:51 AM.)

12 (Back on the record at 11:13 AM.)

13 BAILIFF: All rise. Court's now in session.

14 THE COURT: Thank you.

15 All right. You can bring us the jury.

16 Thank you.

17 (Whereupon, the jury return to the courtroom at
18 11:14 AM.)

19 THE COURT: Folks, I'm sorry it took me five minutes
20 longer than I thought. I got involved in a telephone
21 call with one of the senators who always takes priority
22 on telephone calls, and so I apologize for my delay.

23 We'll continue now where we left off with the
24 cross-examination of Investigator Criscillis by
25 Mr. McCarley.

1 Mr. McCarley.

2 MR. MCCARLEY: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. MCCARLEY:

5 Q. Good morning, Investigator Criscillis.

6 A. Good morning.

7 Q. I think I'm gonna begin -- and I apologize for
8 bouncing around. It's just kind of the nature of
9 cross-examination in a case like this. I believe I'm
10 gonna begin with what's been entered into evidence as
11 State's Exhibit 82.

12 MR. MCCARLEY: Your Honor, do you mind if I publish
13 it very briefly just so they know what I'm referring to?

14 THE COURT: Yes, sir.

15 BY MR. MCCARLEY:

16 Q. You reviewed this earlier?

17 A. Yes, sir, I did.

18 Q. And looking at -- and, Ms. Steiner, would you mind
19 pulling up 82?

20 I can talk while she does that, but this is [REDACTED]
21 Boucher -- Boucher Court, correct?

22 A. That is correct.

23 Q. That is whose home?

24 A. That's the Richardson home.

25 Q. Okay. So that's not the property on which Mr. Oakman

1 was shot?

2 A. Correct.

3 Q. Okay. Now this was taken from how many -- how long
4 away -- how many feet back from Mr. Oakman?

5 A. I can't tell you that. It's not done to scale.

6 Q. Okay. It wasn't -- it's not taken from exactly where
7 the shooting occurred?

8 A. Like I said, I can't say that. It's not done to
9 scale, but you don't see the roadway or anyone else's
10 property, nor the end of his truck, so you can see from
11 that the property of the crime scene.

12 Q. Based on your investigation, where in this picture
13 would Mr. Oakman have been shot?

14 A. Somewhere right in the front of that vehicle.

15 Q. Right in front of that vehicle. And you would agree
16 that this picture is taken from further back behind the
17 vehicle? You can see the whole cab of the vehicle.

18 A. That's correct.

19 Q. Now where would the gold Audi have been parked at the
20 time that Mr. Oakman was shot?

21 A. Somewhere right there in that area.

22 Q. Okay. And, I apologize, this is -- they can't --
23 well, step down actually. I apologize.

24 MR. MCCARLEY: May he step down?

25 THE COURT: Surely. Once again, just keep your

1 voice up, Investigator, while you're off the stand.

2 THE WITNESS: Thank you, Your Honor.

3 BY MR. MCCARLEY:

4 Q. The first thing I asked -- and just so we can show
5 the jury again, the first thing I asked is where the actual
6 shooting would have occurred and, Investigator Criscillis,
7 you said at the front of the truck?

8 A. Correct. Somewhere right here in front of the
9 vehicle.

10 Q. All right. And then my next question, where the gold
11 Audi would have been parked?

12 A. Somewhere right through this area right through here.

13 Q. Okay. Now if you were closer up to something, okay,
14 you can't see over something that's got height. The closer
15 you get to something, the less you can see what's behind
16 it; is that correct?

17 A. If you're not on an elevation, correct.

18 Q. Absolutely correct. Okay. So what you're telling
19 me is they were back behind where the actual shooting
20 occurred, correct?

21 A. Correct.

22 Q. And there's no car there in between?

23 A. Correct.

24 Q. And there's a bush right there?

25 A. (Nods head.)

1 Q. And then there's the porch that you and Ms. Young
2 talked about?

3 A. That would be correct.

4 Q. Okay. You can have a seat, sir.

5 A. Thank you.

6 Q. Wait a second. We might be able to do one more with
7 it. No, that's good. Go to 16. I'm now gonna be
8 referring to what's already been introduced into evidence
9 as State's Exhibit 16. It will be on screen momentarily.
10 Oh, good job.

11 In the course of your investigation and in your
12 testimony with Ms. Young, you said that you had asked about
13 -- I don't want to misquote you. Let me see exactly what
14 you said. Did everything you could to preserve evidence
15 about other people that were there, correct?

16 A. That would be correct.

17 Q. Okay. Did you submit -- you or the sheriff's office
18 submit these beer cans for fingerprints?

19 A. I believe we submitted those for fingerprints. I
20 couldn't tell you. I don't have anything in front of me
21 at this moment.

22 Q. This is your investigation. You're the chief case
23 agent?

24 A. Correct.

25 Q. Were these items submitted?

1 A. As far as my knowledge goes, we submitted those for
2 processing and nothing developed.

3 Q. Okay. Just one moment. Could you DNA swab these
4 beer cans; these hard surfaces, flat surfaces?

5 A. No, we did not. Not to my knowledge.

6 Q. Okay. Can you get DNA off of a beer can?

7 A. Yes.

8 Q. Just for the record, how many beer cans are in that
9 picture, Investigator Criscillis?

10 A. Four specifically.

11 Q. Okay. There was also another bottle here, Number 18;
12 is that correct?

13 A. That's correct.

14 Q. And a coffee mug here, possibly Number 7?

15 A. Correct.

16 Q. Some glasses with a lens here, Number 6?

17 A. Correct.

18 Q. All hard, flat surfaces?

19 A. (Nods head.)

20 Q. A glass or plastic, don't know, Number 13?

21 A. Correct.

22 Q. And then this grill. Number 11 it looks like.

23 A. There's something that's in that grill, if I'm not
24 mistaken.

25 Q. Okay. The black grill?

1 A. Correct. It's inside there.

2 Q. Yes, sir. So you didn't, in fact, do everything that
3 you could possibly do to find out everybody that was there;
4 is that correct?

5 A. Everything was submitted into evidence for processing
6 and if nothing came back, that would be correct.

7 Q. Okay. But you don't know if anything came back.
8 That's a question for somebody else, correct?

9 A. That would be correct.

10 Q. Okay. You testified earlier -- since we don't know
11 because these -- nothing came back or these items weren't
12 submitted, let's talk about who was actually there. You
13 testified that that night you met with Dominique -- and
14 when I say that night, the night that Mr. Oakman was shot,
15 you met with Dominique Paige and Roderick Glover; is that
16 correct?

17 A. Correct.

18 Q. And you said several other people to quote you in your
19 direct testimony. Who were the other people?

20 A. I spoke with Travis Martin.

21 Q. Yes, sir.

22 A. I spoke with Jermaine Martin by phone.

23 Q. Yes, sir.

24 A. I believe that was all that I spoke with personally
25 that evening.

1 Q. Okay. Were there other officers there speaking with
2 folks?

3 A. Correct.

4 Q. And who were those officers and do you know who they
5 spoke to?

6 A. Investigator Cleveland.

7 Q. Yes, sir.

8 A. I believe Investigate Phillips spoke with somebody
9 briefly, but didn't obtain a statement.

10 Q. Yes, sir.

11 A. And beyond that I do not know.

12 Q. Okay. And you've reviewed all the documents in this
13 case? This is your case, okay?

14 A. Correct.

15 Q. And the second officer on the scene was Travis
16 Blackwelder --

17 A. Correct.

18 Q. -- and in his report he says he met with several
19 witnesses.

20 MS. YOUNG: Your Honor, I object to what the report
21 says. It's hearsay.

22 THE COURT: Tell me the question again.

23 MR. MCCARLEY: Your Honor, the question was about
24 what Sergeant Blackwelder -- or Deputy Blackwelder's
25 report wrote. The question beforehand was have you

1 reviewed that document.

2 THE COURT: Right, and I'll allow that question.
3 If we get into the content of whatever is said, then
4 I'll have to revisit that on the basis of whatever the
5 question is.

6 MR. McCARLEY: Okay.

7 BY MR. McCARLEY:

8 Q. To your knowledge in your investigation, did Deputy
9 Blackwelder meet with witnesses that night?

10 A. Not to my knowledge.

11 Q. And you've read every document in this case?

12 A. Yes, sir. I did not speak with him.

13 Q. But you've read every --

14 A. He did not -- yes, sir, I did read that, but I did
15 not speak with him directly and was supplied that
16 information.

17 Q. Okay. But you read a document from Deputy Blackwelder
18 that said he met with -- that wrote and you read that he
19 met with witnesses that night?

20 A. That's correct.

21 Q. Okay. How many phones did you take into custody or
22 your investigation take into custody in the course of this?

23 A. I believe a total of seven.

24 Q. Seven. Seven phones. You spoke with the solicitor
25 about one of those phones, Mr. Oakman's.

1 A. Correct.

2 Q. What about the other six phones? Were those, for lack
3 of a better term -- well, were those searched?

4 A. No, they were not.

5 Q. Okay. And why is that, sir?

6 A. Well, I didn't have anything come up through the
7 investigation that would indicate specific evidentiary
8 value of those.

9 Q. In the course of your investigation, you interviewed
10 multiple people -- did you interview multiple people from
11 whom you learned a phone call took place from the car on
12 the way back from Wal-Mart or to Wal-Mart to Mr. Oakman?

13 A. Yes, sir, that was through Facebook.

14 Q. Okay. So did you subpoena or search Facebook to
15 confirm that call?

16 A. At that time, Facebook you could not -- to my
17 knowledge you could not search Facebook at that particular
18 point in time.

19 Q. So you were unable to verify whether that call took
20 place or not?

21 A. That is correct.

22 Q. Okay. You met with Roderick Glover on how many
23 occasions, sir, in regards to this case?

24 A. Twice.

25 Q. Twice. The second time you met with him he admitted

1 to a burglary; is that correct?

2 A. Yes, sir.

3 Q. And you didn't arrest him?

4 A. At that moment.

5 Q. You didn't arrest him at that moment; is that correct?

6 A. Correct.

7 Q. Okay. Why not?

8 A. It was still under investigation.

9 Q. He admitted to it.

10 A. Yes, sir.

11 Q. Okay. Also in your interview of Roderick Glover you
12 asked about a motive for Dominique Paige to kill Tiquan
13 Oakman; is that correct?

14 A. Yes, sir.

15 Q. Okay. And why did you do that?

16 A. To clear up any air, to make sure the correct people
17 were charged.

18 Q. Well, you weren't talking to Dominique Paige or Tiquan
19 Oakman {sic}, you were talking to Roderick Glover.

20 A. Well, he was standing there during the whole incident
21 and had been with him that evening.

22 Q. Okay. Well, you asked him in reference to an armed
23 robbery from previously --

24 A. I --

25 Q. -- where Tiquan Oakman would have been present while

1 Dominique Paige was robbed?

2 A. That would be correct. Yes, sir.

3 Q. You referenced that in the course of this
4 investigation. You referenced this in your meeting with
5 Roderick Glover?

6 A. Correct, because I was told that.

7 Q. Okay. You've never read an incident report to that
8 effect?

9 A. Off the top of my head at this moment, no, sir.

10 Q. Okay.

11 MR. MCCARLEY: May I approach?

12 THE COURT: Yes, sir.

13 BY MR. MCCARLEY:

14 Q. Would you mind reviewing this document, sir?

15 MS. YOUNG: Before you ask him any questions, can
16 I look at it?

17 MR. MCCARLEY: Yes, ma'am. I'm sorry. I've got a
18 copy for you. My apologies.

19 BY MR. MCCARLEY:

20 Q. I'm sorry. Have you reviewed that?

21 A. Yes, sir.

22 Q. Is that what you were referring to when you asked
23 Roderick -- when you asked Roderick Glover about Dominique
24 Paige's motive to kill Tiquan Oakman?

25 A. I've never seen this report before.

1 Q. Is that what you were referring to, that incident,
2 when you asked Roderick Glover about Dominique Paige's
3 motive to kill Tiquan Oakman?

4 A. I can't say that that was that incident.

5 Q. Okay. But you asked Roderick Glover about Dominique
6 Paige's motive to kill Tiquan Oakman?

7 A. I was specifically told there was an incident that
8 occurred in Richmond County, Georgia.

9 Q. The same document.

10 A. I realize that, but that does not indicate a timeframe
11 or a specific period to what I was being told.

12 Q. Okay.

13 A. I was not given a date, an approximate, other than
14 particulars. Now whether there was more than one, one
15 incident or not, I can't say because, like I said, I've
16 never seen this report.

17 Q. Okay. But just to clarify, you asked Roderick Glover
18 about Dominique Paige's motive to murder Tiquan Oakman?

19 A. Yes.

20 Q. You referenced -- you described Dominique Paige as the
21 tall one and the tall gentleman; is that correct?

22 A. Correct.

23 Q. In the Wal-Mart video?

24 A. Uh-huh.

25 Q. Okay. Do you know how tall he is?

- 1 A. No, sir. Not off the top of my head.
- 2 Q. Okay. In your report on this case, does it --
- 3 A. He's taller than I am and I'm six-foot tall.
- 4 Q. Okay. Is he obviously taller than Roderick Glover?
- 5 A. Yes, sir.
- 6 Q. Than Quentin Richardson?
- 7 A. Yes, sir.
- 8 Q. Than Tequan Holmes?
- 9 A. Yes, sir.
- 10 Q. Than Tiquan Oakman?
- 11 A. Yes, sir.
- 12 Q. In the course of your investigation, where did you
- 13 learn that Dominique Paige was at the time the shot was
- 14 fired?
- 15 A. Can you say that one more time?
- 16 Q. Where does your investigation say that Dominique
- 17 Paige was standing when the shot that killed Mr. Oakman
- 18 was fired?
- 19 A. I was told that they were exiting the vehicle.
- 20 Q. Okay. How far -- in the course of your investigation,
- 21 how far would you say he was from where the shot was fired?
- 22 A. Just a few feet.
- 23 Q. And did you see -- did you take any -- did you take
- 24 clothes off of Mr. Paige that night?
- 25 A. No, sir, I did not.

- 1 Q. You met with him that night though?
- 2 A. Correct.
- 3 Q. And your investigation turned up that he was just a
- 4 few feet?
- 5 A. Correct.
- 6 Q. Okay. Did you take any clothes off of anyone else
- 7 that night?
- 8 A. No, sir, I did not.
- 9 Q. Did you learn that anybody else was in close proximity
- 10 to the shooting?
- 11 A. Roderick Glover, Jr.
- 12 Q. And you met with him that night?
- 13 A. Yes, sir, I did.
- 14 Q. And you took no clothes from him?
- 15 A. That's correct.
- 16 Q. The solicitor's office asked you if you knew where
- 17 Roderick Glover was.
- 18 A. That's correct.
- 19 Q. Okay. Do you know where Dominique Paige is?
- 20 A. Yes, sir.
- 21 Q. Where's he?
- 22 A. Currently the Aiken County Detention Center.
- 23 Q. Okay. Where did he come from to get to the Aiken
- 24 County Detention Center?
- 25 A. Department of Corrections.

1 Q. Why is he in the Department of Corrections?

2 A. On a burglary, if I'm not mistaken.

3 Q. Okay. Is he also in the Department of Corrections on
4 accessory after the fact to A, B, C felony or murder?

5 A. I haven't seen his sentencing sheet, so I don't -- I
6 don't want to speculate.

7 Q. Were you present in court when he pled guilty on
8 June 28, 2016?

9 A. No, sir, I was not.

10 Q. Okay. Even though he was involved in this murder
11 investigation?

12 A. Correct.

13 Q. Okay. Were you present when he was back in this
14 courtroom and was sent to prison?

15 A. No, sir, I was not.

16 Q. Okay.

17 MR. MCCARLEY: Just a moment, Your Honor.

18 THE COURT: Yes, sir.

19 BY MR. MCCARLEY:

20 Q. Let me try to get a little context to this entire
21 situation. There's been a number of different references
22 to a disagreement over money.

23 A. That's correct.

24 Q. Where did that -- where did that disagreement over
25 money start? In the course of your investigation, did you

1 find that out?

2 A. Yes, sir, I did.

3 Q. Okay. Where did it start?

4 A. Are you referring -- I'm not sure what you're asking
5 me. Can you rephrase it?

6 Q. In the course of your investigation --

7 MS. YOUNG: Your Honor?

8 THE COURT: Yes, ma'am, Ms. Young.

9 MS. YOUNG: May we approach?

10 THE COURT: Okay. Come around here.

11 (Proceedings held at the bench; not reported.)

12 THE COURT: Folks, sometimes we have to whisper over
13 there behind your back in dealing with matters of law more
14 than matters of fact, and I always tell jurors during the
15 course of a trial like this if you're real curious about
16 what we're whispering about when your role as jurors in
17 this case is over if you ask me what we were whispering
18 about, and if I can remember what we were whispering
19 about, I'll tell you. But that's been an open invitation
20 now for twenty-seven years and I've never had a single
21 juror come up to me and say what were you-all whispering
22 about. I count on you-all to keep that record intact.

23 MR. MCCARLEY: No further questions.

24 THE COURT: Thank you.

25 Redirect, Ms. Young?

1 MS. YOUNG: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. YOUNG:

4 Q. Investigator Criscillis, Mr. McCarley asked you
5 some questions about where Dominique Paige and Roderick
6 Glover were at the time of the murder. What did your
7 investigation tell you about that?

8 A. They were in the backseat of the vehicle when they
9 pulled up and the victim, which is Mr. Oakman, approached
10 them in the vehicle during the disagreement inquiring
11 information from them and within seconds this transaction
12 -- well, incident went down between Mr. Holmes and
13 Mr. Oakman as they were exiting the vehicle from the
14 information I was provided.

15 Q. So Dominique and Roderick were still in the vehicle
16 when the shooting occurred?

17 A. They were coming out of it.

18 Q. You had an opportunity to speak with them in depth
19 that night?

20 A. Yes, ma'am, I did.

21 Q. Did you observe any visible blood on their clothing?

22 A. No, ma'am, I did not.

23 Q. And both of them were at the scene for you to
24 interview when you came to do your investigation?

25 A. That's correct.

1 MS. YOUNG: No further questions.

2 THE COURT: Any follow-up on that point,
3 Mr. McCarley?

4 MR. MCCARLEY: Yes, sir.

5 RECROSS EXAMINATION

6 BY MR. MCCARLEY:

7 Q. Would you have been able to see all the blood no
8 matter what?

9 A. Not no matter what.

10 Q. Correct.

11 MR. MCCARLEY: Thank you, sir.

12 THE COURT: All right. You have the last word,
13 Ms. Young.

14 MS. YOUNG: I don't wish to ask him any more
15 questions, Your Honor.

16 THE COURT: Thank you very much. That's a good
17 last word.

18 Investigator Criscillis, you may step down.

19 THE WITNESS: Thank you, Your Honor.

20 (Witness excused.)

21 THE COURT: Ms. Hall.

22 MS. HALL: The State calls Deputy Nicholas Lott.

23 THE COURT: Deputy Lott, come forward, please, and
24 be sworn.

25 THE CLERK: Raise your right hand and place your

1 left hand on the Bible.

2 (Whereupon, Nicholas Lamont Lott was duly sworn by
3 the Clerk of Court.)

4 THE CLERK: Have a seat in the witness chair, watch
5 your step, and state your full name when you're seated.

6 THE WITNESS: Okay.

7 NICHOLAS LAMONT LOTT,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. HALL:

11 Q. Can you state your full name for the record?

12 A. Nicholas Lamont Lott.

13 THE COURT: Deputy Lott, will you pull that
14 microphone down a little bit closer to you, please,
15 sir, and speak directly into it.

16 Thank you very much.

17 BY MS. HALL:

18 Q. Deputy Lott, where are you employed?

19 A. Aiken County Sheriff's Office.

20 Q. What position do you hold there?

21 A. I'm the coordinator for the sex offender registry.

22 Q. How long have you worked for the sheriff's office?

23 A. Since 3-31-2012.

24 Q. And were you working as a deputy with the Aiken County
25 Sheriff's Office back on June 19th of 2016?

1 A. Yes, ma'am.

2 Q. Can you, please, tell the jury how you got involved
3 in this case?

4 A. I was on road patrol that day and we got a call about
5 the suspect vehicle being parked at McDonald's. So I was
6 permanently assigned to the north side of Aiken, but with
7 the case being the case it was, an all-hands-on-deck thing,
8 we got called over to assist, but once we made it to the
9 McDonald's the vehicle had left. Before I could make it
10 back to the north side, we got another call that the
11 vehicle had made it back to the apartment on, I believe,
12 Hamilton Drive. So once we arrived there, we observed the
13 vehicle parked in front of an apartment, we started calling
14 out to the apartment complex and an elderly gentleman
15 appeared first and which he came out, didn't say much, and
16 a younger gentleman came out, and we continued to call out
17 to the apartment, and then the suspect came out.

18 Q. What did you do after the Defendant came out of that
19 apartment?

20 A. We went in and cleared the apartment.

21 Q. What do you mean by cleared the apartment?

22 A. To make sure there was no other individuals hiding in
23 any closets or anything like that.

24 Q. What else did you do after clearing the apartment?

25 A. We came back out and the investigator, I believe,

1 spoke with the homeowner and got consent to actually search
2 the apartment.

3 Q. Did you go in with them when they searched the
4 apartment?

5 A. I did.

6 Q. Okay. And did you witness them collect any particular
7 pieces of evidence from inside the apartment?

8 A. Yes, ma'am. Investigator Criscillis removed a -- I
9 don't remember the actual model, but it was a black in
10 color revolver with a brown wood grip on it from behind the
11 microwave in the kitchen.

12 Q. I'm gonna show you State's 14. Do you recognize this
13 picture?

14 A. Yes.

15 Q. Okay. Is that the gun that you saw Investigator
16 Criscillis pull from behind the microwave?

17 A. Yes.

18 MS. HALL: Let the record reflect the officer has
19 identified State's 14 as the gun that he witnessed in
20 the apartment.

21 THE COURT: Okay.

22 BY MS. HALL:

23 Q. After Investigator Criscillis found the gun, what did
24 you do?

25 A. I immediately turned around and walked out.

1 Q. And after leaving the apartment, did you do anything
2 else while on-scene?

3 A. The way we all parked our cars were kind of jammed in
4 there and we called for a tow truck to secure the suspect's
5 vehicle, so I escorted the vehicle back to the sheriff's
6 office to a secure facility.

7 Q. Deputy Lott, I'm showing you what's been marked as
8 State's Exhibit 12. Do you recognize this picture?

9 A. Yes, ma'am.

10 Q. What's in this picture?

11 A. That's the suspect's vehicle.

12 Q. Is that the vehicle that you assisted in towing back
13 to the sheriff's office?

14 A. Yes, ma'am.

15 Q. And when you say you helped with towing the vehicle,
16 what was your role with the sheriff's office in the vehicle
17 being towed?

18 A. Once we have a vehicle towed, it's the deputy's
19 responsibility to make sure that no one else enters the
20 vehicle or anything gets added to or removed from the
21 vehicle.

22 Q. If anybody were to open the door of that vehicle,
23 where are you at when that happens?

24 A. Standing over their shoulder.

25 Q. To make sure nothing's tampered with?

1 A. Nothing's tampered with.

2 Q. And once that vehicle was hooked up to the tow, where
3 did you-all go?

4 A. We went straight back to the sheriff's office in
5 which our -- the rear of the sheriff's office is secured,
6 so I had to give them access to get into the rear of the
7 facility.

8 Q. Okay. So is that a gated facility?

9 A. Yes, ma'am.

10 Q. Okay. And you had to give the tow driver access to
11 get in there?

12 A. Yes, ma'am.

13 Q. And once you got inside the gated area of the
14 sheriff's office, where did that vehicle go?

15 A. We have another secured facility within that one where
16 we store vehicles. It's like a two-car garage.

17 Q. Okay. And is that garage also secured and locked?

18 A. Yes, ma'am.

19 Q. Okay. And did you have access to get into that garage
20 yourself?

21 A. No, ma'am, we do not have keys.

22 Q. Then how did you get access to that garage?

23 A. One of our forensic techs has keys to it.

24 Q. And so a forensic tech met you there to get into it?

25 A. (Nods head.)

1 Q. And after that vehicle was placed in the garage, it
2 was secured?

3 A. Yes, ma'am.

4 Q. And then at any point during the towing process or
5 while it was being placed in that garage, did you observe
6 anybody tamper with that vehicle?

7 A. No, ma'am.

8 MS. HALL: I have no further questions for you.
9 Please answer any the defense may have.

10 THE COURT: Ms. Steiner?

11 MR. STEINER: No questions.

12 THE COURT: Thank you, ma'am.

13 You can step down, Deputy Lott.

14 (Witness excused.)

15 THE COURT: Ms. Young?

16 MS. YOUNG: Your Honor, the State's next witness
17 is gonna be Investigator Mary Frances O'Grady and I was
18 gonna ask the Court if you could indulge me just a few
19 minutes. I have a lot of evidence and exhibits to show
20 her to try to get those organized.

21 THE COURT: Okay. Would you like for us to stand
22 down a few minutes while you get that done?

23 MS. YOUNG: I don't think it will take me more than
24 five minutes at the most, but probably not that much time.
25 That will probably be the best, if you don't mind.

1 THE COURT: All right.

2 All right. Ladies and gentlemen, it will expedite
3 things if Investigator O'Grady, whom you've heard referred
4 to during the examination, has a chance to talk with
5 Ms. Young out of everybody's presence so they can organize
6 this stuff, so I'm gonna send you back to your jury room
7 for just a few minutes, not long, and we'll continue the
8 trial of this case as soon as they've got the evidence
9 lined up.

10 Thank you. Don't talk about the case among
11 yourselves.

12 (Whereupon, the jury retires to the jury room at
13 11:44 AM.)

14 THE COURT: All right. We'll stand down.

15 Ms. Young, tell me when you're ready.

16 MS. YOUNG: Thank you. I appreciate it.

17 (Recess taken at 11:45 AM.)

18 (Back on the record at 11:51 AM.)

19 BAILIFF: Come to order, please. You can remain
20 seated.

21 THE COURT: Is Investigator O'Grady in the courtroom
22 now?

23 MS. YOUNG: She is, Your Honor.

24 THE COURT: Good. So we won't have to march her in
25 through the doors this time.

1 Bring the jury in, please.

2 (Whereupon, the jury return to the courtroom at
3 11:52 AM.)

4 THE COURT: Thank you.

5 Ms. Young, you can call your next witness.

6 MS. YOUNG: The State calls Investigator Mary
7 Frances O'Grady.

8 THE COURT: Investigator O'Grady, come forward,
9 please, ma'am, and be sworn.

10 THE CLERK: Place your left hand on the Bible and
11 raise your right hand.

12 (Whereupon, Mary Frances O'Grady was duly sworn by
13 the Clerk of Court.)

14 THE CLERK: Please have a seat in the witness
15 chair, watch your step going up, and state your name
16 when you're seated.

17 THE WITNESS: Mary Frances O'Grady.

18 MARY FRANCES O'GRADY,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. YOUNG:

22 Q. Where are you employed?

23 A. Aiken County Sheriff's Office.

24 Q. In what capacity?

25 A. I'm am a member of the forensics unit. I'm an

1 investigator with that particular unit.

2 Q. How long have you held that position?

3 A. I have been there since January of 2005.

4 Q. Do you have a nickname in case I call you by a
5 different name?

6 A. Saige.

7 Q. Saige.

8 Okay. Did you have involvement with the murder trial
9 that we're here for today?

10 A. I did.

11 Q. How did you become involved in that case?

12 A. I was on call that night and responded to the incident
13 location.

14 Q. And what did you observe when you responded to the
15 scene?

16 A. There was a number of vehicles, a number of people.
17 There happened to be one body in the driveway, a number
18 of different items surrounding it, but that's just a
19 precursor, an observation, so.

20 Q. Do you mind scooting just a little closer to that
21 microphone?

22 A. (Witness complies.)

23 THE COURT: Or you can move it closer to you if you
24 can pull that neck down.

25 Thank you.

1 BY MS. YOUNG:

2 Q. As the on-duty investigator for forensics, what are
3 your responsibilities once you actually get to the scene?

4 A. We basically are for documentation purposes,
5 collection and preservation of evidence. We will work a
6 scene from the beginning to the end. We work in tandem
7 with the primary investigator, with the coroner's office,
8 with other agents, if necessary. It's a matter of -- we
9 have half of the actual case. We're responsible for
10 predominately the inanimate objects that will be involved
11 here today.

12 Q. Once you approach the scene, how do you begin your
13 initial forensic investigation?

14 A. We'll do a precursor observation of the area that's
15 basically involved in what's going on. That could be
16 inside, it could be outside, it could be both. In this
17 case, all of my scene was outside in the front yard of
18 the incident location. You'll then go back and go through
19 kind of a list in your head of what kind of packaging
20 you'll need, what you're gonna be able to do with certain
21 things, what is in play, what is out of play as far as
22 being collected, what is gonna potentially have importance,
23 whether it's now or potentially down the road.

24 You'll get your camera out, you'll get everything
25 ready, you'll take your scale if you need it. Basically

1 a scale being a ruler. There's a couple different types
2 that I use depending on the situation. You'll go out and
3 you'll start taking your photographs and what you're doing
4 is you're documenting the scene for situations like today
5 because I was there, you will not be, and what you're gonna
6 capture is the scene in its entirety as it's being given
7 to you right then and there so that when the picture's
8 shown you're taking different angles, you're taking
9 different close-ups, you're taking a memory of what was at
10 that time.

11 Once you get that taken care of, you go into the
12 process of basically either -- you'll take a second set
13 of photographs, I should say that, with markers. Your
14 markers will denote which items you're gonna collect.

15 Q. Let me just interrupt you real quickly to direct. So
16 the first step is taking pictures, right?

17 A. Correct.

18 Q. And you did that on this night?

19 A. Yes.

20 Q. I'm gonna show you State's Exhibit 3, 5, 6, 7, 16, 17,
21 and 18, they're already in evidence, and just generally
22 look at those and tell me if you can identify those.

23 A. These would be the photographs that I took of the
24 crime scene that night.

25 Q. Can I get you to come down off the witness stand and

1 briefly testify about what's seen in each one.

2 A. (Witness complies.)

3 THE COURT: Ms. O'Grady, if you'll, please, keep your
4 voice up while you're away from the microphone and speak
5 so the court reporter can hear what you're saying, okay?

6 THE WITNESS: Yes, sir.

7 BY MS. YOUNG:

8 Q. I'm gonna start with State's Exhibit Number 3.

9 A. This is gonna be a picture of the front of the house.
10 Basically what you're trying to encompass here is the
11 surrounding area, where your victim is laying and the
12 current condition of his body and everything around it.

13 Q. And how about State's Exhibit Number 5?

14 A. This is a different angle.

15 Q. Wait, wait. That's not 5. That's 5.

16 A. A little bit closer version of what you've already
17 seen. What you're trying to do is you're just basically
18 getting closer to him to document what his body condition
19 is, what's around him, the scene in its entirety.

20 Q. And, in particular, with regards to State's Exhibit 5,
21 where is the victim's body positioned with respect to the
22 tire track that's also shown in the picture?

23 A. You'll have the first tire track here and there's a
24 little bit right here next to the left side of his body,
25 his shoulder and arm. It's basically a transfer of the

1 wheel coming back off of where it was parked initially and
2 it just transferred the medium, which would be the blood,
3 back into the next demarcation as it's rolling back out of
4 the driveway.

5 Q. And how about State's Exhibit Number 6?

6 A. This is gonna be a frontal version of the same scene,
7 but now you're taking into account a little bit more of
8 what's going on with his body and the cell phone, you see
9 the cup. It's just to show you relevance as to what it is
10 and what has happened.

11 Q. State's Exhibit 7.

12 A. This is going away from him. You're basically just
13 turning around and you're focussing to the other objects
14 that are actually in the front yard. It's the same cell
15 phone here, so you're using that as a correlation and
16 building upon each different photograph. We're working
17 our way back toward the front of the stairway.

18 Q. How about State's 16?

19 A. This is the front porch. There's a number of items
20 and when you get there this is how it was, so it's not
21 a matter of deciding what you're gonna take, you take
22 everything because you don't know who was there, where
23 they were or anything, so everything, especially like
24 cans, bottles, anything that could potentially give you
25 DNA evidence, you're gonna take. You can rule it out

1 later, but for all intents and purposes this is your
2 one shot that you're there. You take it all. And, like
3 I said, it can be ruled out later or it may be something
4 beneficial to you down the road.

5 Q. Do you often collect items that aren't later tested?

6 A. Yes.

7 Q. Why would that be?

8 A. During the investigation, the primary investigator,
9 supporting investigators, they'll find out information as
10 regard to who, what, when or why. A lot of times you will
11 correlate what you already have and you'll say hey, yes,
12 that is or no, that is not, or it may just not be relevant
13 because of what they find out. So if you just hang onto
14 it, you don't get rid of it, you'll have it, but you just
15 keep it. So you concentrate on those items that are
16 important to you at that time.

17 Q. So it's only relevant based on the additional
18 investigation that's done?

19 A. Correct.

20 Q. Can you describe for the jury what's seen in State's
21 Number 17?

22 A. This is the tire track, the second one that if you
23 were envisioning his body it would be the one farther to
24 the left, more toward his leg. It's a transference of
25 that medium, of the actual blood, the wheel rolling back

1 through it, so it leaves you this impression.

2 This is the scale that I was talking about. There's
3 a number of different rulers, this is one of the rulers
4 that I would use, and you're showing size, you're showing
5 correlation as to what the pattern of this wheel should be
6 if you get a car, so to us this is important.

7 Q. And how about State's Exhibit Number 18?

8 A. This is another version -- or this should be the
9 other tire mark. There should be two. Some of them will
10 be better than others. You always take more than one
11 photograph of what you're looking at. The pattern is very
12 important because when you send it off to somebody, an
13 analyst who looks at these things, they want to see the
14 differentiation between these things. If there's something
15 very distinct about this tire, they have enough knowledge
16 and experience to say yes, I know this, and when they come
17 up here to tell you these things, they'll be able to point
18 this out to you. I'm just the collector of this for you.

19 Q. Okay. That's it for this round. You can jump back
20 up there on the stand.

21 A. (Witness complies.)

22 Q. Investigator O'Grady, would you need to have the
23 particular tire mark evidence examined if in the interim
24 you found additional or more direct DNA evidence some other
25 place?

1 A. We did on the vehicle.

2 Q. Okay. So if you didn't -- I'll ask you that question
3 later.

4 You took pictures and you collected evidence. Was
5 that basically all that was done at the scene or did you
6 do something else?

7 A. We basically will do that. That's the scope of what
8 we do. We took a GSR kit off of the victim before he was
9 placed in the body bag, but other than that, no, everything
10 else, what you saw, is collected by me.

11 Q. And was the GSR in this case tested?

12 A. No, it was not.

13 Q. What was your next involvement with doing a forensic
14 investigation with regard to this case?

15 A. I processed the vehicle pursuant to a search warrant.

16 Q. Where did you do that?

17 A. It was in the forensic garage that we have at the
18 sheriff's office.

19 Q. And Deputy Lott briefly testified, but can you
20 describe the security measures for the forensic garage
21 at the sheriff's office?

22 A. We have a two-bay car garage in the back of the
23 sheriff's office compound. It basically is pretty much
24 for processing a variety of different things, especially
25 if we need a bigger space. It's also air-conditioned and

1 it's secured because three of us; meaning my lieutenant,
2 one of the guys I work with, Chris Johnson, who you'll see
3 after me, and myself have keys to it and then we also have
4 one in the key box in the evidence room, which is locked
5 by an alarm.

6 There are two keys -- you need two keys to get into
7 this office or into this garage, so it's a matter of
8 security when we're locking things down. And this is a
9 pretty big item to have to be responsible for in the scheme
10 of things, so this is, I guess, an extension of what would
11 be the primary evidence room.

12 Q. So once the car was delivered to that location, it
13 would have been secured pending a search warrant and your
14 examination?

15 A. Correct.

16 Q. And nobody would have been able to access it or tamper
17 with it in any way?

18 A. No.

19 Q. Can you briefly describe to the jury once you got the
20 search warrant and once the search warrant was obtained and
21 you started your forensic investigation of the car, how did
22 that -- what are the steps on that?

23 A. We'll do basically the same type of search that we
24 would do like at the actual scene itself. We have the
25 paragraph that the primary investigator is going to be

1 concerned with and he'll give you a laundry list of things
2 that he wants you to look for. If you do this long enough,
3 you already know in the back of your mind what types of
4 things you're looking for, where they might be located,
5 how you're going to obtain them, et cetera, et cetera.

6 So the first thing you're gonna do is take the
7 photographs of the vehicle in its entirety as it is the
8 way it stands. That's it. Then once you go through, you
9 start documenting the items that are within the vehicle or
10 on the vehicle depending on what you are given with that.
11 Now the items that we're looking for can be DNA, it could
12 be fingerprints, it could be guns, it could be bullets
13 depending on the situation at hand. You go and with those
14 photographs document each one of those things where you
15 find them in that vehicle and then you will, you know,
16 collect them from that vehicle, package them and hold onto
17 them with the rest of the items that you have.

18 Sometimes when you're processing a vehicle, you will
19 have to do it -- it won't just be readily available for
20 you to take it off or to take it away, so sometimes we
21 later have to disassemble a vehicle, we'll have to take
22 swabs off the vehicle. In this case, when we're looking
23 at the passenger side of this Audi we knew that it had
24 taken place on this side, so we're gonna concentrate on
25 this side of the vehicle. It's not that we're gonna ignore

1 anything else, but when we're looking for a transition
2 from victim to suspect, this is where your concentration
3 is gonna be.

4 So we started finding things that tested positive for
5 what would be blood. We have test kits that we will use to
6 isolate something that tests positive. It would be either,
7 depending on the kit, would show pink or show green. In
8 this case we used one, but the whole thing is you're gonna
9 take what's pertinent to you at that time.

10 Q. Before you get into all these details, what I'm gonna
11 do is I'm gonna show you State's Exhibit 32 to 48, which
12 have not yet been introduced into evidence. Take your time
13 and look at all those and tell me if you can identify what
14 all of those are.

15 A. These are all pictures of the vehicle that day that
16 we did the search warrant.

17 Q. That you took?

18 A. Yes.

19 Q. Do those pictures fairly and accurately reflect the
20 vehicle as it looked on the day you did your forensic
21 examination?

22 A. Yes.

23 MS. YOUNG: Your Honor, at this time we'd offer
24 State's Exhibit 32 through 48 into evidence.

25 THE COURT: Ms. Steiner?

1 MS. STEINER: No objection.

2 THE COURT: Without objection. Thank you.

3 (State's Exhibit Number 32 through 48, photographs,
4 were admitted into evidence.)

5 MS. YOUNG: May I have the witness come down? I
6 think her testimony might be more understood if she's
7 talking about what she did as the pictures are shown.

8 THE COURT: Certainly. Yes, ma'am.

9 MS. YOUNG: Thank you.

10 THE COURT: Once again, Investigator, if you'll
11 make sure to keep your voice up.

12 Thank you.

13 BY MS. YOUNG:

14 Q. All right, Investigator O'Grady. The first picture
15 is 32. If you would describe what's shown and tell the
16 jury why that's relevant.

17 A. This is gonna be the driver's compartment within the
18 Audi itself. So what you're doing is you're basically
19 documenting what you have at that time. This is how you
20 find it, this is how it comes in. So all of these
21 contents, the condition of the vehicle, are documented for
22 our purposes. We are searching for a variety of different
23 things within or on this vehicle. So when you start
24 taking your pictures, you're actually kind of doing a
25 survey indirectly so you make sure that you hit all your

1 highlights of each compartment and what they contain.

2 Q. So before you do anything, you're just documenting
3 this car as it was at that time?

4 A. Yes.

5 Q. Okay. How about State's 33?

6 A. This is the back passenger floorboard area. What
7 you'll see is shoes, you'll see what's in the map pocket
8 net. You're basically looking to see everything for now
9 because this is what we're observing when we first open it
10 up, so we want you to see the same thing.

11 Q. How about State's 34?

12 A. This is the trunk and the contents of the trunk.
13 There's a few other items that are kind of nicknack things
14 stuck around, but for all intents and purposes this is how
15 it was when we opened the trunk up.

16 Q. And can you tell the jury what's shown in State's
17 Exhibit Number 35?

18 A. This backpack was within the trunk. Within the
19 backpack are the clothing items that you see here. Most
20 of the time we're looking for potentially clothing that
21 could have been worn during the incident. You don't know
22 what's in play. You may have a description based on what
23 the officers are being told, you may not, so when we go
24 through we take things out, we look at them, and in this
25 case we were specifically centering it in on this

1 particular pair of pants.

2 Q. How about State's 36?

3 A. This is another pair of pants that was taken out and
4 what caught our attention was the coloration that was not
5 relative to how the pants should be looking. There's a
6 red discoloration. We were basically going to see what it
7 was and we kept it.

8 Q. So you took that out and you took it into your custody
9 and preserved it for later processing?

10 A. Correct.

11 Q. Because that appeared to be blood?

12 A. Yes.

13 Q. All right. How about State's Exhibit Number 37?

14 A. The front passenger section of the vehicle. This is
15 where a lot of this action took place during the initial
16 incident, so we went looking and we started having to do --
17 we'll get up under seats and everywhere we need to go and
18 we started seeing discolorations in certain aspects of the
19 facade up underneath the seat and we decided that we were
20 going to remove it and keep it in its current state so if
21 we need it later we have it, and this is one of those
22 situations where it's capable of being taken apart and we
23 keep it.

24 Q. And where did you say that came from in the car?

25 A. This is gonna be up underneath the front passenger

1 seat.

2 Q. Okay. How about State's 38?

3 A. This is just another view of the underside of this
4 particular plastic piece or facade of that seat.

5 Q. And why did you feel like this was relevant to
6 document?

7 A. It's the discoloration, things that you should not
8 see here when -- it almost sends a light bulb off that
9 this might be something you need, so these are things that
10 we will automatically trigger on and keep.

11 Q. State's 39.

12 A. A little bit closer version or photograph of that
13 same demarcation. The substance is unknown, that's why
14 we're taking it, and that's why I basically took the photos
15 I did because I want you to see what I saw that day, and
16 as matter of curiosity here it is before anything's done
17 with it.

18 Q. How about State's 40?

19 A. This is the electrical section of it where there's a
20 little bit of discoloration right above it. Right here,
21 a little bit here. It sometimes can give you enough. If
22 it's something that you want, we'll take a swab of it and
23 we will send it to the lab.

24 Q. State's 41.

25 A. This is still that same front passenger section. We

1 started in here taking things apart because from what we
2 understood a lot of action took place in this compartment
3 and we took the blood testing kit and what it does is it
4 basically will flash depending on the chemical you're
5 using. In this case, it was the green one that we had in
6 the garage at the time and it basically tells you it's
7 positive for blood, animal or human. So it tells you it's
8 blood. It doesn't tell you whose, but you will know that
9 there is something there, so we start centering in on this
10 particular aspect of the car.

11 Q. And so the purpose of this picture, which is State's
12 41, is to document --

13 A. It showed up green.

14 Q. And you're pointing to what?

15 A. This swab right here within the rubber gasket that
16 goes around the door frame.

17 Q. How about State's 42?

18 A. This is just a closer version of that same swab that
19 we took.

20 Q. And State's 43?

21 A. We're still taking -- we're running the swab around
22 different things. You may not see it, but obviously
23 there's enough there to trigger the reaction chemically in
24 the kit, so we're just documenting every place we take a
25 swab and it turns green.

1 Q. When you do a chemical swab as you've done in this
2 picture, which is State's 43, do you do anything else or
3 do any other swabs or is it just the chemical swab?

4 A. We will take a secondary swab, which will then be
5 introduced into evidence. This is just kind of a
6 precursor to see if anything is there. It gives you a
7 more definitive response so you know you're on the right
8 track and we just don't know whose it is, but we're gonna
9 take it, so.

10 Q. Would it be fair to say the presumptive test would be
11 the first step, the first swab?

12 A. Yes.

13 Q. And then describe for the jury briefly what you did
14 for the secondary swab or what you were trying to do.

15 A. Secondary swabs, what we would use, they're
16 self-enclosed in a little packet and basically it is --
17 it's kind of a long Q-tip and it has a cap on the top of
18 it. The cap basically will open and you slide it down.
19 There are two holes in this cap that will allow the Q-tip
20 to breath. It is essential for this to breathe because of
21 being biological in nature. We will collect what we can
22 in these nooks and crannies and we will then seal it back
23 up, put the cap on. We'll put it into an envelope. The
24 envelope is also breathable, which is very, very important.
25 We will address the envelope as to where you got it, the

1 time you collected it, your name, all the pertinent
2 information as to what this case is up on top so you know
3 it's pertaining to this and that will be whatever item it's
4 gonna be, but this is the systematic collection of it, and
5 then you submit it with the rest of the stuff and then you
6 will submit it back into the evidence room with the rest of
7 the stuff that you've collected, so everything stays in one
8 spot.

9 Q. So the secondary swab would then be sent off for
10 additional testing, correct?

11 A. Yes, to the State lab.

12 Q. SLED?

13 A. Yes.

14 Q. Can you describe to the jury what's shown in State's
15 44?

16 A. This is the front tire. The same scale that I used
17 that night on the driveway, I would use here because it's
18 a large object and what you're trying to do is show size
19 and just basically document the tread wear on the
20 particular item, in this case the front tire. This was
21 the whole section of the vehicle that we were concentrating
22 on, so we felt this would have been that tire. If it isn't
23 a match, we'll send it to somebody to have them observe it,
24 but this is the documentation we would do as a precursor to
25 this.

1 Q. How about State's 45?

2 A. We start getting into the wheel well of the front
3 right passenger section. Some of it in the photographs
4 did not really appear as most people would think that
5 blood, I guess, would be, but in our case that's where we
6 took those swabs and we took the actual kit to start doing
7 these tests because we want the stuff that pertains, not
8 the stuff that doesn't. And when we put the flashlight in,
9 we started seeing things that were kind of a dark color,
10 kind of gelatinous in there, and we started looking further
11 in that section.

12 Q. State's 46.

13 A. A more up close version of right behind the tire.
14 This one is -- it is a gelatinous item, but it's dried.
15 But it's an unknown substance that you need to go and find
16 out what it is, so that's why we're gonna take a sample of
17 it and see what it comes out as.

18 Q. And where on the vehicle is it located, Investigator
19 O'Grady?

20 A. This is the right front wheel well right behind where
21 the wheel would come up off the road and it's sitting into
22 the front portion -- or I should say if you're sitting here
23 and here's your wheel, it's coming back up off back toward
24 the actual passenger section.

25 Q. How about State's 46?

1 A. I apologize for the photograph. We were trying to get
2 in there to get a brighter view of this, but this whole
3 section for the most part had bits and pieces of the same
4 medium and what we were trying to do is show that there was
5 more than one aspect of this.

6 Q. Was that 46 or 47?

7 A. 47.

8 Q. Okay.

9 THE COURT: That's 47?

10 MS. YOUNG: Yes. That's 47. I'm sorry. Can you go
11 back to -- did you already talk about 46?

12 THE WITNESS: Yeah.

13 MS. YOUNG: Great. You all keep me straight.

14 BY MS. YOUNG:

15 Q. And 48.

16 A. Here's a better view of that section of that -- of
17 the inside of the tire wheel well. A lot of it does not
18 appear, it just appears like anything off the road. In
19 this case, we went searching and a lot of these little
20 specks we took samples off of it to see if it was or was
21 not in play and the things that hit and turned, we
22 collected. And we'll try, especially if you're given
23 enough, we just hand it over to the analyst and let them
24 tell us yay or nay.

25 Q. I'm gonna direct your attention back to State's

1 Exhibit Number 41 and just ask you generally if you made
2 any other observations about this vehicle while you were
3 doing your examination.

4 A. This was a little damp.

5 Q. What are you pointing to on the -- for the court
6 reporter?

7 A. The actual section here is damp.

8 Q. You're pointing at the floor?

9 A. At the floorboard. It was wet at one particular
10 point in time, it was damp, and usually you don't get
11 that unless you have some other thing that goes on. The
12 driver's floorboard was fine.

13 Q. It was not wet?

14 A. It was not. This whole floorboard was damp and we
15 actually were looking, like I said, in these different
16 sections and you could tell that somebody had either put
17 water in it or it had some other leak or whatever the deal
18 was, but it did not match in the car, so something was
19 going on in this floorboard.

20 Q. Okay. You can take a seat.

21 A. (Witness complies.)

22 Q. Who was assisting you with the processing that day,
23 if anybody, Investigator O'Grady?

24 A. Investigator Chris Johnson.

25 Q. And what did he do with regard to any forensic

1 examination?

2 A. Well, we're -- he was -- it's better to have two than
3 one and it's also a good thing to have an extra set of
4 hands. Chris actually dusted the car, which is the last
5 thing that you do because you want to get all your DNA
6 evidence and everything else out before you put that
7 particular medium on the car or in the car.

8 Q. And when you say dusted, what are you referring to?

9 A. For fingerprints. Latent fingerprints are those that
10 are not visible and what we were doing with the fingerprint
11 powder was trying to make them appear. And there were
12 certain aspects of the car that we would dust, usually the
13 outside door handles, inside we do door handles, we do
14 mirrors. It all depends on the surface at hand that you're
15 being given and in this case we wanted to see who was on
16 the car, in the car. It's part of what we normally do as
17 a search warrant on a vehicle. You either get them or you
18 don't get them, so in this case I believe we had a few.

19 Q. Investigator O'Grady, I'm gonna show you State's 59,
20 60, 61, and 62, and ask you to take a look at those, and
21 tell me if you can identify those. Just generally at first
22 and then I'll ask you specifically.

23 A. These are all items that I collected from the vehicle.

24 Q. All right.

25 MS. YOUNG: Your Honor, at this point we would offer

1 State's 59, 60, 61, and 62 into evidence pending further
2 testimony.

3 THE COURT: Thank you.

4 Ms. Steiner?

5 MS. STEINER: No objection.

6 THE COURT: Thank you. Without objection.

7 (State's Exhibit Number 59, a used Band-Aid, 60, a
8 dried substance, 61, swabs, and 62, swabs, were admitted
9 into evidence.)

10 BY MS. YOUNG:

11 Q. Okay. So tell me what State's 59 is.

12 A. 59 is a used bandage with a dried red liquid on
13 surface. It was up underneath the front passenger seat of
14 the 2002 Audi.

15 Q. So it's a band-aid?

16 A. It's a band-aid.

17 Q. 59?

18 A. Yes.

19 Q. All right. How about State's 60?

20 A. 60 is one piece of dried red substance from front
21 passenger wheel well.

22 Q. And 61?

23 A. 61 is one swab of the exterior front surface of the
24 front passenger side wheel well.

25 Q. And how about 62?

1 A. Is two swabs of plastic base housing to front
2 passenger seat.

3 Q. Would those be the secondary swabs you were referring
4 to earlier when you testified to the jury?

5 A. Yes.

6 Q. I'm gonna take those back from you and I'm gonna show
7 you State's 55 and ask if you can identify that, please.
8 You don't have to take it out if you can identify it from
9 your --

10 A. This is a bag that I had filled out. It is the
11 men's money themed sweats with the dried red liquid on the
12 surface of them.

13 Q. These are the ones -- 55 is what you collected from
14 the car?

15 A. Yes. Right.

16 Q. And, particularly, from what area?

17 A. From the trunk.

18 Q. And you collected it and you put it in that paper bag?

19 A. I did.

20 Q. And then what happens to it after you put it in the
21 bag?

22 A. We will seal it up, we will house it for a certain
23 period of time before it's taken to SLED to be analyzed,
24 if then. So it's a matter of deciding what will go and
25 what will stay, but in this case it did go.

1 Q. Yes. That's why I'm asking you about it.

2 A. Yes, it was a taken to SLED for analysis to find out
3 what the substance was.

4 MS. YOUNG: Your Honor, we'd offer State's 55 at
5 this time.

6 THE COURT: Thank you. No objection.

7 (State's Exhibit Number 55, sweatpants, was
8 admitted into evidence.)

9 BY MS. YOUNG:

10 Q. Next I'm gonna show you State's 39, 63, and 66, and
11 just generally ask if you recognize these by looking at
12 them?

13 A. I transported these to SLED. I did not collect these
14 initially.

15 Q. All right. Which evidence item are you referring to?

16 A. Item 60 -- I'm sorry, Item 30, which is the buccal
17 swabs from Tequan Holmes.

18 Q. When you transported those to SLED, did you tamper or
19 alter those in any way, shape or form?

20 A. No.

21 Q. You delivered them exactly as you had received them?

22 A. Yes.

23 Q. How about State's 63?

24 A. 63 is one green rag.

25 Q. And State's 66?

1 A. 66 is a gray Converse sneaker. It's the right shoe.

2 Q. And as part of your job duties, Investigator O'Grady,
3 are you tasked with being the main person that has to take
4 things to SLED?

5 A. I do.

6 Q. So would it be fair to say that anything that goes to
7 SLED you pretty much take it?

8 A. I do.

9 Q. And how do you maintain it to make sure that no
10 tampering or things of that nature are done with them?

11 A. Everything is sealed from -- from the outset. It
12 will also be sealed again when you get to SLED. SLED has
13 a policy of overpacking and depending on which aspect of
14 the lab that you are going to, it will group things
15 accordingly. In this case, when you're going to DNA, you
16 will actually take a box and you'll put all of your DNA
17 items with the exception of usually swabs or something of
18 that nature into a box, and then you will seal the box, you
19 will put on the box what the items are, what your barcodes
20 are, so this way they know what's in the box, and then you
21 will seal it with tamperproof tape so when it gets to the
22 analyst it's exactly as you shut it up after you dropped it
23 off.

24 Q. And these are the procedures that you followed with
25 all of this evidence?

1 A. Yes.

2 Q. All right. Let me show you State's 64 and ask if you
3 recognize that?

4 A. Yes.

5 Q. All right. Do you know what it is?

6 A. The black tennis shoes that I transported. Suspect's
7 clothing.

8 Q. What did you say?

9 A. It says suspect's clothing.

10 Q. I'm sorry. I'm trying not to ask you stuff while I
11 have the bag right by the microphone.

12 How about State's 68?

13 A. 68 is a black T-shirt from suspect's clothing.

14 Q. State's 73.

15 A. 73 is one pair of white socks with dried red liquid.
16 Suspect's clothing.

17 Q. State's 70.

18 A. 70 is a pair of YX -- WXY men's dark blue jeans, size
19 32. Suspect's clothing transported to SLED.

20 Q. By you?

21 A. By me.

22 Q. Finally, State's 72.

23 A. This is a pair of white boxers with green and blue
24 stripes, Fruit of the Loom brand. Suspect's clothing
25 transported to SLED by me.

1 Q. How about other types of evidence such as firearms
2 evidence? Do you transport that as well?

3 A. Yes.

4 Q. I'm gonna show you State's 23.

5 A. It's a revolver that I transported.

6 Q. For this case?

7 A. For this case.

8 Q. And I don't think I pulled it out, but if Investigator
9 Johnson had collected a bullet at the autopsy, would you
10 have been tasked with transporting that also?

11 A. Yes.

12 Q. Would you have done anything to tamper or alter
13 anything --

14 A. No.

15 Q. -- with regard to that?

16 A. No.

17 Q. All right.

18 MS. YOUNG: I beg the Court's indulgence one moment.

19 THE COURT: Thank you.

20 BY MS. YOUNG:

21 Q. Let me ask you this while I'm looking for that. Do
22 you -- if you receive a firearm and it has ammunition in
23 it, is that also -- is transported as its found to SLED?

24 A. If it's the type of gun that we cannot get it out,
25 we will mark it and make them aware of it when we bring it

1 in so ballistics will handle it accordingly. We will not
2 transport any weapons that are loaded. We'll not even
3 have them come into evidence loaded.

4 Q. I'm gonna show you State's 23-A and ask if you
5 recognize that?

6 A. These are bullets that are accompanying this case.
7 They're .32 autos.

8 Q. And you're able to tell that by your markings on
9 those?

10 A. Yes. I did the envelope or the packet.

11 Q. And would it have gone to SLED? If it has other --
12 what if it has other initials on it, is that --

13 A. Ammunition is one of those things that they do not
14 need unless there's some other reason for you sending it.
15 They have their own ammunition to fire -- to test fire
16 weapons. They usually do not require us to transport
17 bullets.

18 Q. Let me do one thing first.

19 MS. YOUNG: Your honor, I don't think I offered this,
20 so I'd offer State's 23-A into evidence at this time.

21 MR. STEINER: No objection.

22 THE COURT: Without objection, 23-A is in evidence.

23 (State's Exhibit Number 23-A, bullets, were
24 admitted into evidence.)

25 BY MS. YOUNG:

1 Q. I want to draw your attention to those initials right
2 there.

3 A. But they did go to SLED.

4 Q. They did go to SLED?

5 A. Yes.

6 Q. That would be the analyst's initials?

7 A. Yes, that would be the analyst's initials, so there
8 was a reason for them having to go.

9 Q. And is that another way of documenting that things go
10 and come back a certain way?

11 A. Every time an analyst opens up a piece of evidence
12 that is submitted to them for analysis, they will put
13 their initials and the date when they reseal it so you know
14 who's handled it and who is responsible for that particular
15 aspect of your case.

16 Q. And finally, Investigator O'Grady, I'm gonna show you
17 State's 76 and ask if you can identify that?

18 A. This is a fired bullet, which was collected at autopsy
19 because we will get a printout for each one of our items
20 that we collect or that they collect at autopsy. It goes
21 from their chain or their custody to us, so we have to sign
22 a chain for them to accept these items and they will also
23 put the corresponding information for every single packet
24 we receive from them. In this case, this would be the
25 round that was removed from -- the bullet removed from the

1 body.

2 Q. And you would have transported that to SLED for
3 additional analysis?

4 A. Yes.

5 MS. YOUNG: Excuse me just one minute, Your Honor.

6 BY MS. YOUNG:

7 Q. You testified previously that Investigator Johnson
8 took some latent lifts?

9 A. Yes.

10 Q. Would he have turned those over to you to enter into
11 evidence?

12 A. They will go into the evidence room as part of the
13 case and then they will eventually be turned over to
14 Lieutenant Adams for him to analyze, look at, observe,
15 compare.

16 Q. And did you alter or tamper with the latent lifts
17 that Investigator Johnson turned over in any way, shape or
18 form?

19 A. No.

20 MS. YOUNG: Your Honor, I have no further questions
21 for Investigator O'Grady.

22 THE COURT: All right. Thank you.

23 Cross-examine, Ms. Steiner?

24 MS. STEINER: Court's indulgence for one moment.

25 CROSS-EXAMINATION

1 BY MS. STEINER:

2 Q. Did you take this photograph?

3 A. Probably. I don't remember going back out to the
4 scene, but if it's with all the rest of the pictures on
5 the server, yes, I probably would have.

6 MS. STEINER: I beg the Court's indulgence for a
7 second.

8 THE COURT: Yes, ma'am.

9 BY MS. STEINER:

10 Q. I think this might help a little bit. And just for
11 the record I'm showing her State's Exhibit 1. Can you tell
12 now if you took that photograph or does it maybe look like
13 it came off of Google?

14 A. That wouldn't be on my camera.

15 THE COURT: I'm sorry. I didn't hear the answer.

16 THE WITNESS: I'm sorry. That would not be on my
17 camera. We don't have -- we don't show any type of feet
18 or anything else when it comes to our photographs.

19 BY MS. STEINER:

20 Q. Okay. Thank you. So you did not take State
21 Exhibit 1, correct?

22 A. Correct.

23 Q. Did you take a photograph standing on the porch of
24 [REDACTED] Boucher looking at the body?

25 A. There are a number of photographs. Which photograph

1 are you pertaining to?

2 Q. I'm just asking if you took a photograph with the
3 perspective of standing on the porch from [REDACTED] to look
4 towards the body?

5 A. I know I took a number of photographs on the ground
6 encompassing him and everything that was around him and
7 there were a number of photographs I took of the porch,
8 both on and off of it, so there may be one in there.
9 Without having to look at what I already have to tell you
10 definitively, no, I'm not -- no, I don't -- do you have a
11 set that I could look at?

12 Q. I don't have a photo standing from the porch from that
13 perspective, so that's why I was asking. Did you take a
14 photo from the porch of [REDACTED] Boucher to show the body? I
15 mean -- I'm sorry, [REDACTED]. I apologize. I might have said
16 [REDACTED] again. [REDACTED] Boucher, the house next door.

17 A. No, I'm concentrating on the house itself. I was
18 maintaining within that integrity of that scene.

19 Q. Did you go onto the property of [REDACTED] Boucher at all?

20 A. If it was, it would have been skirting it in order
21 to get certain photographs to document where everything
22 was in place.

23 Q. All right. And you said you collected all the beer
24 cans from the porch?

25 A. Everything that was visible, yes.

1 Q. All right. And you collected all of the cups?

2 A. Yes.

3 Q. Do you know if those were analyzed for fingerprints
4 or DNA?

5 A. If I did analyze them, there would have been a photo
6 -- or a report of them. I don't think that we even had
7 them in play at the time and I don't think I put them in
8 to retain them.

9 Q. Did you photograph of any clothing from anyone on the
10 scene?

11 A. No. Except for the victim, no.

12 Q. Did you collect clothing from anyone else on the
13 scene?

14 A. No.

15 Q. Did you personally view any of the witnesses on the
16 scene?

17 A. I'm a little bit busy at the time, so the people who
18 are being interviewed I was nowhere near them.

19 MS. STEINER: I beg the Court's indulgence.

20 BY MS. STEINER:

21 Q. In preparation for this trial, did you review every
22 piece of evidence that you collected and every photograph
23 that you took?

24 A. We had two separate sessions that we did go through
25 the evidence.

1 MS. STEINER: Thank you. No further questions.

2 THE COURT: Redirect, Ms. Young?

3 MS. YOUNG: No redirect, Your Honor.

4 THE COURT: Thank you, Investigator O'Grady. You
5 may step down. Thank you, ma'am.

6 (Witness excused.)

7 THE COURT: Ladies and gentlemen, the lunch hour
8 is upon us and so I'm gonna send you out to lunch now.
9 We're gonna take an hour and a half for lunch because --
10 not because it will take you that long to eat, but we
11 have some other business that we need to attend to in
12 cases not involving these folks. I have some other
13 cases to try to dispose of during the lunch hour, so
14 we'll be taking a part of our lunch hour to do that, but
15 you get the benefit of that because you get an hour and a
16 half for lunch and that means you'll be back in the jury
17 room at 2:15.

18 Please return to the jury room at 2:15. Please do
19 not discuss this case among yourselves or with anyone
20 else while you're out of the courthouse. I'll see you
21 back at 2:15.

22 Thank you.

23 (Whereupon, the jury was excused for lunch at
24 12:42 PM.)

25 THE COURT: Folks, we're still in session, please.

1 Thank you.

2 This trial will then be in recess until 2:15. Court
3 will be in recess until 1:45. That's an hour from now.
4 I'll need court personnel back. We've got a couple of
5 guilty pleas we're gonna start at 1:45, okay? Everybody
6 understand that?

7 MR. McCARLEY: Yes, sir, Your Honor.

8 THE COURT: Thank you. We'll be in recess.

9 (Whereupon, a luncheon recess was taken at
10 12:42 PM.)

11 (Back on the record at 2:17 PM.)

12 BAILIFF: All rise, please. Court's again in
13 session.

14 THE COURT: Thank you, folks. You-all can be
15 seated. Good afternoon.

16 All right, folks. Are both sides ready for the
17 jury?

18 MS. YOUNG: The State's ready, Your Honor.

19 THE COURT: All right.

20 Ms. Young, do you have your next witness in court
21 already?

22 MS. YOUNG: One moment, Your Honor.

23 THE COURT: Why don't you get your next witness in,
24 so we don't have to go through the grand entrance.

25 MS. YOUNG: Okay. Thank you.

1 THE COURT: All right. Bring us the jury,
2 please.

3 (Whereupon, the jury return to the courtroom at
4 2:19 PM.)

5 THE COURT: Thank you, ladies and gentlemen for
6 your prompt return from lunch. We're now ready to
7 continue as the State continues to offer evidence and
8 testimony in this case.

9 Ms. Young -- Ms. Hall. I'm sorry.

10 MS. HALL: Thank you, Your Honor.

11 The State calls Dr. Janice Ross.

12 THE COURT: Please come forward, Dr. Ross, and be
13 sworn.

14 THE CLERK: Place your left hand on the Bible and
15 raise your right.

16 (Whereupon, Janice Edwards Ross was duly sworn by
17 the Clerk of Court.)

18 THE CLERK: Please have a seat on the witness box
19 and state your full name for the Court.

20 THE WITNESS: Janice Edwards Ross.

21 JANICE EDWARDS ROSS,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. HALL:

25 Q. Dr. Ross, where are you employed?

1 A. I'm currently in Charleston, South Carolina. I have
2 a contract with the coroner's department there to do
3 autopsies. Before that, I was at Newberry Pathology in
4 Newberry, South Carolina.

5 Q. And were you employed with Newberry Pathology in
6 June of 2016?

7 A. Yes.

8 Q. And what was your position there?

9 A. Forensic pathologist.

10 Q. What does that mean?

11 A. A forensic pathologist is a doctor, so I've been
12 through four years of college and four years of medical
13 school and have over five years of training in the field
14 of pathology. That's where we learn how to identify and
15 diagnose diseases like cancers by using a microscope in
16 a laboratory in the hospital. We also learn how to do
17 an autopsy to find the cause of death. A forensic
18 pathologist, furthermore, does a forensic autopsy where
19 we are able to identify patterns of injury, document
20 injuries for the court of law and take fluid for
21 toxicology and come and put together the report for cause
22 and manner of death.

23 Q. And how long have you been a forensic pathologist?

24 A. Forty-three years.

25 Q. During those forty-three years, about how many

1 autopsies would you perform a year?

2 A. Well, a total of over fourteen thousand.

3 Q. And have you testified in courts of South Carolina
4 as an expert witness before?

5 A. Yes.

6 Q. How many times?

7 A. Over two hundred times.

8 MS. HALL: Your Honor, at this time the State
9 moves to enter Dr. Ross as a forensic pathologist.

10 THE COURT: Any voir dire?

11 MS. STEINER: No, Your Honor.

12 THE COURT: Thank you. Dr. Ross is so qualified.

13 Thank you. Ms. Hall.

14 BY MS. HALL:

15 Q. Dr. Ross, while at Newberry Pathology, did you perform
16 an autopsy on Tequan Holmes?

17 A. Yes.

18 Q. Tiquan Oakman. I apologize.

19 A. Tiquan, yes.

20 Q. What was the date and time of your examination?

21 A. June 19, 2016, at 9:30 in the morning.

22 Q. And where was that autopsy performed?

23 A. At the morgue in Newberry County Memorial Hospital.

24 Q. And how did you receive Mr. Oakman's body?

25 A. He -- first of all, the coroner calls us and

1 authorizes the autopsy and transports to the morgue at
2 Newberry County Memorial Hospital. He's received in a
3 body bag. So we open the body bag, take an inventory of
4 the clothing and any personal items, and do photographs,
5 clothed and unclothed. In this case, there was an evident
6 gunshot wound, so we further did x-rays to look for any
7 remaining bullets.

8 Q. And did you receive the body in this case as you
9 ordinarily do?

10 A. Yes.

11 Q. How is that bag sealed?

12 A. I'll have to look at the picture. It's sealed with
13 a red plastic tag that goes through the zipper and the
14 zippers come together and is sealed with a locked plastic
15 tag.

16 Q. And did you perform an autopsy on Mr. Oakman's body
17 as you ordinarily do?

18 A. Yes.

19 Q. If you could, please explain to the jury the
20 difference between manner of death and cause of death.

21 A. Yes. Cause of death is just what it says, what
22 caused the person to die. The manner of death is how that
23 cause of death came about. In other words, was it a
24 natural death, an accidental death, a suicide, homicide,
25 and occasionally we can't determine, so we -- there's a

1 fifth manner of death, which is undetermined.

2 Q. And did you reach a conclusion to a reasonable degree
3 of medical certainty as to the manner of death of Tiquan
4 Oakman?

5 A. Yes.

6 Q. And what was that?

7 A. Homicide.

8 Q. And did you come to a conclusion based to a reasonable
9 degree of medical certainty as to the cause of death of
10 Mr. Oakman?

11 A. Yes.

12 Q. And what was that?

13 A. Exsanguination, which means to bleed out, due to
14 laceration of the aorta, which is the main artery coming
15 off the heart, due to a gunshot wound to the chest.

16 Q. And can you, please, describe the gunshot wound in
17 this case.

18 A. Yes. The gunshot -- the shot entered the body just
19 to the left of the upper sternum in the left chest and it
20 went backward and towards the right slightly upward. It
21 went through the aorta after the aorta came off the heart
22 and then it went into the upper lobe of the right lung and
23 that's where we found the bullet itself.

24 Q. Did you notice anything about the skin around that
25 entrance wound?

1 A. Yes. The skin had -- the entrance wound had soot and
2 some stippling around it. That is an indicator of range;
3 in other words, how far the muzzle of the gun was from the
4 skin. There was soot and some stippling. Stippling is
5 caused by powder that comes out of the gun. When the
6 bullet comes out, there's also soot and powder. The soot
7 only goes a certain distance and the powder only goes a
8 certain distance, whereas the bullet will go -- continue
9 a lot further so that the -- because the soot and the
10 tattooing or stippling from the powder was present, it
11 indicates that the muzzle of the gun was pretty close to
12 the skin, maybe two to three inches.

13 Q. So this gunshot wound would have been -- the gun
14 would have been fired two to three inches from Mr. Oakman's
15 body?

16 A. Yes. Yes.

17 Q. And were you able to recover the bullet from
18 Mr. Oakman's body?

19 A. Yes.

20 Q. Okay. And did you collect that bullet?

21 A. Yes.

22 Q. Okay. I'm showing you what has previously been
23 marked as State's 76. Do you recognize this?

24 A. Yes. This is the bullet that we retrieved out of
25 the lung of Tiquan Oakman. We put it in a plastic bag and

1 seal it and I initial it.

2 Q. Okay. Is that a heat-sealed bag?

3 A. Yes.

4 Q. And does that basically mean that if it's tampered
5 with there's evidence of it?

6 A. Correct.

7 Q. Did Mr. Oakman have any other injuries on his body?

8 A. Just a small abrasion on the right knee, which was
9 not patterned, and it was very small.

10 Q. Were you ever able to determine anything else about
11 that abrasion?

12 A. No.

13 Q. I'm gonna show you some pictures now.

14 Dr. Ross, I'm showing you what's been previously
15 marked as State's 49 through 54 and if you would take a
16 look at those for me and tell me if you recognize those
17 for me.

18 A. Yes. These are pictures of x-rays and an entrance
19 wound and bullet that we retrieved at the time of autopsy
20 of Tiquan Oakman.

21 Q. And these are photographs from the autopsy that you
22 performed?

23 A. Yes.

24 Q. Do they appear to be changed or altered in any way?

25 A. No.

1 MS. HALL: Your Honor, at this time the State moves
2 to enter State's 49 through 54 into evidence.

3 (State's Exhibit Number 49 through 54, photographs,
4 were admitted into evidence.)

5 MR. STEINER: No objection.

6 THE COURT: Without objection into evidence.

7 Thank you.

8 MS. HALL: We wish to publish those at this time.

9 THE COURT: Yes, ma'am.

10 MS. HALL: And, Dr. Ross, if I could get you to
11 step down for me.

12 THE COURT: And, Dr. Ross, if you'll keep your voice
13 up, of course, while you're away from the microphone and
14 speak so that the court reporter can hear you as well.

15 THE WITNESS: Yes.

16 THE COURT: Thank you, ma'am.

17 BY MS. HALL:

18 Q. Dr. Ross, I'm actually gonna get you to stand on the
19 other side. Thank you.

20 All right. Dr. Ross, I'm asking you look at State's
21 49. If you could explain what's in this picture for me.

22 A. Yes. This is an x-ray of the upper body at autopsy,
23 so it's front to back and it shows this bullet in the
24 right upper chest.

25 Q. State's 50.

1 A. The same thing. This is the diaphragm level. This
2 is the heart and this is the right upper chest.

3 Q. And that's the projectile that you just showed us?

4 A. Yes.

5 Q. State's 51.

6 A. This shows the entrance wound; of course, the neck
7 and chin, and the left and right -- right and left nipples.
8 That's where the entrance wound is.

9 Q. State's 52.

10 A. That's a close-up of the entrance wound. You see
11 that dark black is soot and these little punctate marks is
12 what we refer to as stippling where the powder fragments
13 hit the skin.

14 Q. And based off of that, that's what's able to help you
15 make that determination of how close in range this gunshot
16 wound was?

17 A. Yes.

18 Q. And State's 53.

19 A. That's the bullet that we found in the upper right
20 lung of the deceased.

21 Q. State's 54.

22 A. And that's another picture just to show the base of
23 the bullet and that's where ballistics determine the
24 caliber of the bullet.

25 Q. Thank you. You can have a seat.

1 A. (Witness complies.)

2 Q. Dr. Ross, as part of the autopsy do you also provide
3 blood samples from Mr. Oakman to the coroner's office?

4 A. Yes.

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

6 A. Yes.

7 Q. And how is that provided to them?

8 A. It's also sealed in a contain -- in a package and
9 given to the law enforcement who was in the morgue,
10 Chris Johnson.

11 Q. And was this a vial of blood?

12 A. I'm not -- I don't have that written down. It's
13 either a vial or what we call a blood spot. It's -- both
14 are good for DNA purposes.

15 Q. Okay. But anything you would have provided to them
16 would have been in a heat-sealed tamper-evident bag?

17 A. Correct.

18 MS. HALL: I have no further questions for you.
19 Please answer any the defense may have.

20 THE COURT: Thank you.

21 Ms. Steiner, cross-examine?

22 MS. STEINER: No questions, Your Honor.

23 THE COURT: Thank you, Dr. Ross. You may step
24 down and you're excused. Thank you for coming, ma'am.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 MS. HALL: The State calls Investigator Christopher
3 Johnson.

4 THE COURT: Investigator Johnson, come forward,
5 please, and be sworn.

6 THE CLERK: Place your left hand on the Bible and
7 raise your right.

8 (Whereupon, Christopher Lynn Johnson was duly
9 sworn by the Clerk of Court.)

10 THE CLERK: Please have a seat in the witness box
11 and state your full name for the Court.

12 THE WITNESS: My full name is Christopher Lynn
13 Johnson.

14 CHRISTOPHER LYNN JOHNSON,
15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. HALL:

18 Q. Investigator Johnson, where are you employed?

19 A. I'm employed with the Aiken County Sheriff's Office.

20 Q. And what is your position there?

21 A. I am a forensic investigator.

22 Q. Okay. What all does that mean?

23 A. I respond to the crime scenes and process -- I
24 document, photograph and collect evidence, I process
25 evidence, package evidence, do a report.

1 Q. As part of your job duties, do you also frequently
2 attend autopsies?

3 A. Yes, ma'am.

4 Q. And did you attend an autopsy in this case on
5 June 19th of 2016?

6 A. Yes, I did.

7 Q. Okay. And did you collect a bullet or a projectile
8 from autopsy?

9 A. Yes, ma'am.

10 Q. Okay. And how did you receive that item?

11 A. It was in a heat-sealed clear plastic bag with
12 Dr. Ross's initials.

13 Q. And what's the purpose of that bag being heat-sealed?

14 A. To make it tamper resistant.

15 Q. And what did you do when you received that evidence?

16 A. Transported it back to the sheriff's office and stored
17 it until it could be turned into evidence.

18 Q. Okay. And is evidence -- the evidence room at Aiken
19 County Sheriff's Office a secured facility?

20 A. Yes, it is.

21 Q. Investigator Johnson, I'm showing you what's
22 previously been marked State's Exhibit 76. Do you
23 recognize this?

24 A. Yes, ma'am.

25 Q. Okay. And what is that?

1 A. That is the projectile I got at autopsy.

2 Q. Okay. And the bag that it was originally contained
3 in?

4 A. Yes, ma'am.

5 Q. At some point in the investigation of this case,
6 were you aware that a search warrant was obtained for the
7 Defendant's vehicle?

8 A. Yes, ma'am.

9 Q. And did you assist Investigator O'Grady in processing
10 that vehicle?

11 A. Yes, I did.

12 Q. And more specifically I want to direct you to
13 processing the vehicle for latent prints. Did you do that
14 in this case?

15 A. Yes, ma'am.

16 Q. And what is meant by the term latent prints?

17 A. Latent prints are fingerprints left behind that you
18 cannot see with your naked eye.

19 Q. And if you could explain to the jury the process for
20 collecting those prints.

21 A. Like I said, latent prints are fingerprints that you
22 can't see with your naked eye; therefore, they have to be
23 developed, and we use a black powder to develop the
24 fingerprints. We have a fiberglass brush that we use,
25 dip it in the powder, and when you twirl it in your hand

1 you can apply the powder onto the surface that you're
2 looking for these fingerprints. Once the fingerprints are
3 developed, we take fingerprint lift tape and we apply the
4 tape to the surface, which sticks to the powder, and we're
5 able to lift the fingerprint off of the surface. From
6 that point we take that and put it on the back of a latent
7 lift card so we can actually see the fingerprint that we
8 developed and take it and do comparisons on it.

9 Q. Where did you dust for fingerprints in the suspect's
10 vehicle in this case?

11 A. I fingerprinted the back side of the interior door
12 handles on both the front passenger and front driver's.

13 Q. What kind of surfaces were those?

14 A. They were smooth, shiny surfaces like a chrome door
15 handle. Very smooth, very shiny.

16 Q. And does the type of surface that fingerprints are
17 left behind on come into play on how easily or whether or
18 not it's possible to obtain fingerprints?

19 A. Yes. Absorbant materials, cloth, paper, you're not
20 gonna be able to use powder very well and develop a
21 fingerprint. You have to use a chemical. Smooth, shiny,
22 glass, chrome, anything that's gonna be a hard, nonporous
23 surface and have a smooth finish on it, you stand a good
24 chance of getting fingerprints if they're left behind.
25 Textured surfaces, a fingerprint can be there, but the

1 texture of the actual surface is gonna be breaking up the
2 fingerprint, so there's different techniques that you can
3 use to lift fingerprints from those surfaces.

4 Q. So why was this -- why were the door handles in this
5 case of interest to you?

6 A. Once again, going back to the smooth, shiny surface,
7 if you're inside of a vehicle the last thing you're gonna
~8 touch when you're getting out -- or one of the first things
9 you're gonna touch when you're getting out of a vehicle is
10 the door handle. Typically people if they are trying to
11 maybe wipe down a vehicle afterwards it's not something
12 that they think of right off the bat; hey, don't forget
13 the inside of the door handle you'd just gotten out of,
14 they'll just do, you know, a main wipe down, so that back
15 side of that door handle is a very good place to look for
16 fingerprints.

17 Q. Investigator Johnson, I'm showing you what has
18 previously been marked as State's Exhibit 77 and 80. If
19 you would take a look at those for me.

20 A. Yes, ma'am.

21 Q. Do you recognize these?

22 A. Yes, ma'am, I do.

23 Q. And what are they?

24 A. Those are the actual taped lifts, the tape on the back
25 of a fingerprint or a latent lift card.

1 Q. And these are the latent lifts that you did yourself?

2 A. Yes, ma'am. Latents I developed.

3 Q. Have they been changed or altered in any way to your
4 knowledge?

5 A. No, ma'am.

6 Q. And what is on the back of these cards?

7 A. On the back of the cards, it's the information that --
8 where the fingerprint was obtained. One side has the date,
9 the case number and all the pertinent information about
10 where the fingerprint was obtained, and then the other side
11 is like a diagram to try and explain with a picture where
12 the fingerprint was taken from.

13 MS. HALL: All right. Thank you. Investigator
14 Johnson, I have no further questions for you. Please
15 answer any the defense may have.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Ms. Steiner, Mr. McCarley?

18 MR. MCCARLEY: May we have a brief moment?

19 THE COURT: Sure.

20 (Discussion between counsel.)

21 CROSS-EXAMINATION

22 BY MS. STEINER:

23 Q. Did you process anything else that was collected in
24 this entire case?

25 A. Not to my knowledge. No, ma'am.

1 MS. STEINER: Thank you. No further questions.

2 THE COURT: Any follow-up, Ms. Hall, on that issue?

3 MS. HALL: No, Your Honor.

4 THE COURT: Thank you.

5 You can step down, Investigator Johnson.

6 Thank you.

7 (Witness excused.)

8 MS. YOUNG: The State calls Lieutenant Clay Adams.

9 THE COURT: Detective Adams, come forward, please,
10 and be sworn.

11 THE CLERK: Place your left hand on the Bible and
12 raise your right.

13 (Whereupon, Martin Clay Adams was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: Have a seat in the witness box and
16 state your full name for the Court.

17 THE WITNESS: Martin Clay Adams, A-D-A-M-S.

18 MARTIN CLAY ADAMS,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. YOUNG:

22 Q. Lieutenant Adams, where are you employed?

23 A. I'm employed at the Aiken County Sheriff's Office.

24 Q. In what capacity?

25 A. I'm a lieutenant of forensic investigations.

1 Q. Can you describe some of your job duties generally
2 for the jury?

3 A. I oversee the day-to-day operations of the forensic
4 section, which includes our crime scene response, our drug
5 laboratory, our processing laboratory and our evidence
6 facility.

7 Q. And do you have any particular certifications with
8 regard to forensic examinations?

9 A. I do. I'm a certified law enforcement officer, but
10 I hold an international certification as a latent print
11 examiner.

12 Q. Through what agency are you certified?

13 A. Through the International Association for
14 Identification, also called IAI.

15 Q. Are there any other certifying agencies for latent
16 fingerprint examiners?

17 A. No.

18 Q. Have you previously been qualified as an expert
19 witness in latent print examination in the courts of
20 South Carolina?

21 A. I've qualified and testified twenty-two times as an
22 expert.

23 MS. YOUNG: Your Honor, we'd offer Lieutenant Adams
24 as an expert witness in the field of latent fingerprint
25 examination.

1 THE COURT: Voir dire?

2 MR. STEINER: No, sir. No objection.

3 THE COURT: Lieutenant Adams, make it
4 twenty-three.

5 BY MS. YOUNG:

6 Q. Did you perform an examination on fingerprints for
7 the case involving this defendant, Tequan Holmes?

8 A. I have. Yes, ma'am.

9 Q. You received some latent lifts from evidence?

10 A. Yes.

11 Q. The ones that have been -- well, who lifted those or
12 who actually processed them? I'm showing you State's 77
13 and State's 80.

14 A. Investigator Johnson and Investigator O'Grady.

15 Q. With regard to State's Exhibit 77, that would be the
16 latent lift for which you performed that examination or one
17 of your examinations in this particular case?

18 A. Yes.

19 Q. Does it appear to be the same latent lift that you
20 previously examined before coming to court today?

21 A. Yes, ma'am.

22 MS. YOUNG: Your Honor, we'd offer State's
23 Exhibit 77 into evidence at this time.

24 THE COURT: Any objection?

25 MR. STEINER: No objection.

1 THE COURT: Thank you. Without objection, in
2 evidence.

3 (State's Exhibit Number 77, a latent lift card,
4 was admitted into evidence.)

5 BY MS. YOUNG:

6 Q. And I'll go ahead and ask you the same questions about
7 State's Exhibit Number 80. Do you recognize that?

8 A. Yes, ma'am.

9 Q. And is it a latent lift that you examined prior to
10 coming into court today?

11 A. Yes, ma'am.

12 Q. Does it appear to be in the same condition and
13 unaltered?

14 A. It does. Yes, ma'am.

15 MS. YOUNG: Your Honor, we'd also offer State's
16 Exhibit Number 80 into evidence at this time.

17 THE COURT: Also without objection, Ms. Steiner?

18 MR. STEINER: No objection.

19 THE COURT: Thank you.

20 (State's Exhibit Number 80, a latent lift card,
21 was admitted into evidence.)

22 BY MS. YOUNG:

23 Q. How do you basically do or start this examination
24 process?

25 A. A fingerprint examination, we -- the first thing I do

1 is I look to see if there's -- there's any pattern to it.
2 In a fingerprint, there's only three types of patterns.
3 It's either gonna be a loop, a roll or an arch. So the
4 first thing I do is I look at the lift to even see if
5 there's a pattern that I can see. Once I determine that
6 I can see a pattern, I look for what's called level two
7 detail. Level two detail is gonna be the ridges, the
8 detail that will actually give a person -- to a specific
9 person. So once I determine that there's enough quality
10 and clarity to the fingerprint to do an examination, then
11 I will do a comparison to a specific individual, if known.
12 Q. Okay. And before we even get into those details, are
13 fingerprints completely unique?
14 A. They are.
15 Q. And what does that mean exactly?
16 A. That means that no other person has the same
17 fingerprint.
18 Q. Anywhere in the world?
19 A. Anywhere in the world.
20 Q. What about identical twins?
21 A. Identical twins do not have identical fingerprints.
22 Q. I believe you testified that you are often given some
23 names by investigators for purposes of making your print
24 comparisons?
25 A. Yes, ma'am.

1 Q. Is that correct?

2 A. That's correct.

3 Q. And were you given names regarding this particular
4 case?

5 A. Yes, ma'am.

6 Q. What names were you given?

7 A. I was asked to compare these latent lifts to a Raekwon
8 Mathis, Tequan Holmes, Tiquan Oakman, Roderick Glover, and
9 Dominique Paige.

10 Q. And to a reasonable degree of scientific certainty, do
11 you have an opinion regarding the latent lift from the
12 passenger door and known standards in this case? And I
13 believe that's State's Exhibit Number 77.

14 A. Yes, ma'am, I do.

15 Q. And what is that opinion?

16 A. That they are on State's Exhibit 77, developed on
17 interior front passenger door handle back side, is
18 identified as the number seven, which is the left index
19 finger, and the number eight, which is the left middle
20 finger, of the person whose prints appear on the
21 fingerprint card bearing the name Tequan Martrell Holmes.

22 Q. The Defendant in this case?

23 A. Yes, ma'am.

24 Q. Prior to coming to court today, have you prepared a
25 presentation to show to the jury to try to explain a little

1 bit better how this process works?

2 A. Yes, ma'am.

3 Q. Lieutenant's Adams, I'm gonna show you State's Exhibit
4 Number 78 and ask you if you recognize that?

5 A. Yes, ma'am, I do.

6 Q. What is it?

7 A. This is a CD of a PowerPoint for the Tequan Holmes
8 case.

9 Q. All right. This is one that you prepared?

10 A. Yes.

11 MS. YOUNG: Your Honor, at this time we'd offer
12 State's Exhibit Number 78 into evidence.

13 THE COURT: Any objection?

14 MS. STEINER: No objection.

15 THE COURT: Thank you. 78 in evidence.

16 (State's Exhibit Number 78, a PowerPoint
17 presentation, was admitted into evidence.)

18 MS. YOUNG: Request to publish and have him step
19 down?

20 THE COURT: Yes, ma'am.

21 (Whereupon, State's Exhibit Number 78 was
22 published to the jury.)

23 THE WITNESS: This is a digital picture of the lift
24 in question. This was the lift that was developed on
25 interior front passenger door handle back side. In this

1 case, I've identified that there is a pattern that I can
2 see in both of the fingers. Closer examination of it
3 shows that there's more detail -- level two detail, which
4 is going to be ridge endings, bifurcations and dots. Big
5 words, but basically it's what the ridge patterns are
6 doing. So by being able to look at this, I can see that
7 there's enough detail for me to identify it to a specific
8 individual. In this case, because there's two latent
9 prints, I start with the one that has a more peculiar
10 pattern to it, something that kind of stands out at me.
11 In this case, it's gonna be this one right here.

12 BY MS. YOUNG:

13 Q. Let me ask you a question. There's two images on the
14 screen, correct?

15 A. Yes.

16 Q. One image is the lift itself, right?

17 A. This is one lift.

18 Q. Okay.

19 A. This is the one lift off the back side of the interior
20 front passenger door handle and what this is called is this
21 is called a simultaneous impression, which means the two
22 fingers are together at the same time of contact with the
23 item. So I focussed in on this finger, this fingerprint
24 right here, and then what I do is I will then examine the
25 -- the known prints, the inked fingerprints, of the people

1 that I've been asked to specifically compare to.

2 The next one. Sorry.

3 Q. The next one.

4 A. This is just a little bit larger so that you can see
5 it isolated from the other fingers.

6 Next one. This is the print that I'm gonna compare
7 it to. This is the inked impression for the known
8 fingerprint of Mr. Holmes.

9 Next one. I then put them side by side and I do a
10 comparison. In this case, what I do is I use what's called
11 a two-glass method and I basically use a magnifying glass,
12 which is times ten power, and so I'll look at the latent
13 print and I'll have another glass on the inked print and
14 then I -- what I do is I find what's called a starting
15 point. So I will find a characteristic of the print that
16 sticks out in my mind, sticks out in my eye, and then I
17 will look at the latent, see the starting point that I want
18 to, and then I look for a corresponding marking in the
19 inked print.

20 Next one, sir. So I've identified this being what's
21 called the core of the fingerprint, the center. That's
22 where the -- the pattern type originates and this is where
23 I start looking for that detail that's gonna identify to a
24 specific individual.

25 Next one. Next one. And the next one. This -- this

1 is for court purposes. What I've done is I've mapped out
2 in this fingerprint nine individual characteristics of this
3 print. These nine prints were chosen for display purposes.
4 There are far more identifying characteristics in this
5 fingerprint that I used to identify it, but because of the
6 red lines and the red numbers it would just -- it would
7 clutter the whole print, so that's why there's only nine
8 markings on this to show you-all what it is that I was
9 looking at.

10 Q. And can you give a little bit more detail. Just kind
11 of show from one to the other how you made that comparison.

12 A. Sure. So what I did was, talking about that -- that
13 characteristic of the print that kind of stands out in my
14 eye, is this swoosh out of the -- out of the core, so what
15 I did was I looked and found a similar swoosh. Not being
16 a scientific, technical term, but that's what I call it.

17 So once I've seen both in both prints, then I will
18 look for like Item Number 1, which is a ridge ending, and
19 you can see where that ridge comes down and stops. For
20 clarification, the -- the black that you see in the inked
21 impression is the top of the ridge. A fingerprint is
22 actually three dimensional. It has ridges and furrows. So
23 if you took a cross-section of a fingerprint and looked at
24 it, it would look like little mountains all the way across,
25 so what you're actually seeing is the top of the ridge of

1 the fingerprint.

2 In this portion of the ridge, that's where our sweat
3 pores are, and you can actually see the little white
4 circles inside the ridges. Those are the actual sweat
5 pores. That allows for us to grip and grasp items.
6 Subsequently, what happens is the way a fingerprint is
7 deposited is that fluid from your sweat coming out of the
8 sweat pores basically coats that ridge and so when you
9 handle an item, you're leaving that moisture, that water
10 and amino acids and metals which are in your sweat as you
11 take your hand away. When a fingerprint is developed like
12 this, the powders that we use are superfine powder and that
13 powder adheres to the moisture in that fingerprint that's
14 left in the ridges. Just like a stamp. If you took a
15 stamp to an ink pad to a piece of paper, that's a
16 fingerprint.

17 Another version that I like to say is how many times
18 have you left a glass of water on the -- on the table and
19 your wife or mom or husband or daughter has got mad at you
20 and said put a coaster down and you lift it up and there's
21 a water ring. And how do you get rid of it? You just
22 wipe it off. That's a fingerprint. That's exactly a
23 fingerprint just on a much greater scale. But by finding
24 these ridges and what they're doing, are they stopping,
25 are they splitting off, are they just small, what's their

1 pattern type, that's what we're looking for when we make
2 an identification.

3 So in this instance, we looked for -- I looked for
4 specific things like a ridge ending and then I start from
5 there. I find one ridge ending and I say okay, there it
6 is. Well, if I come up one, there's another one, and then
7 so basically I just leapfrog and just keep going. Now I'm
8 looking for these ridge endings, the bifurcations where the
9 ridge splits off into two ridges, the dots, I'm looking for
10 these specific items, but I'm also looking to see what's
11 not there. So where there may not be any bifurcations,
12 dots or ridge endings, there shouldn't be any in the inked,
13 too. So not only am I looking for what's there, I'm also
14 making sure that's nothing not there.

15 Next one. So I've identified this as the Number 7,
16 which is the left index. All fingerprints are standard.
17 Your right thumb is always the number one finger, two,
18 three, four, five, six being your left thumb, seven, eight,
19 nine, ten, and that's standardized around the world.

20 Next one. Back to the original lift. Like I said,
21 we had two -- two impressions. It's a simultaneous
22 impression. I've identified this as the Number 7 finger,
23 the left index, of Mr. Holmes, so what I've done now is to
24 verify that. I now look at his Number 8, left middle, so
25 if it's in sequence the same ridge detail that's in this

1 fingerprint should be in the inked one.

2 Next one. Okay. And, again, side by side, put them
3 together, and start the examination.

4 Next one. And the next one. And for court purposes
5 I've done the same thing in this one, identified the
6 characteristics that I'm seeing so that you can see what
7 it is that I was looking at. The process is the exact same
8 for each finger. Find the starting point and basically
9 just leapfrog from there.

10 Next one. And, of course, I identified this as the
11 Number 8 left middle finger of Mr. Holmes.

12 Q. Is that it for the PowerPoint?

13 A. I think it is.

14 Q. I have a few more questions for you.

15 A. Okay.

16 Q. Do you have any way when you're doing your fingerprint
17 examination or looking at a latent lift of knowing how long
18 a fingerprint's been on an item?

19 A. No, we cannot date or time a fingerprint.

20 Q. And with that in mind, was there any additional
21 significance to the simultaneous impression in this
22 particular case and location from where it was found?

23 A. I can say that Mr. Holmes was the last person to touch
24 this item.

25 Q. All right. And where was that latent lift obtained

1 from?

2 A. From the interior front passenger door handle back
3 side, so the back side of the door handle.

4 Q. You've also stated that you were able to make an
5 examination regarding State's Exhibit Number 80, correct?

6 A. Yes, ma'am.

7 Q. And that would be a latent lift taken from what
8 location?

9 A. This was developed on interior driver's door handle
10 back side.

11 Q. And to a reasonable degree of scientific certainty,
12 do you have any opinion regarding the latent lift from the
13 driver door in this case, particularly State's Exhibit
14 Number 80?

15 A. Yes, ma'am, I do.

16 Q. And what is that opinion?

17 A. That developed on the inside driver's door handle back
18 side was identified as the Number 9 or left ring finger of
19 the person whose prints appear on the fingerprint card
20 bearing the name Raekwon Montez Ikeal (ph.) Mathis.

21 MS. YOUNG: Lieutenant Adams, that's all the
22 questions I have for you. Please answer any questions
23 the defense may have.

24 MR. MCCARLEY: One second, Your Honor, please.

25 THE COURT: Yes, sir.

1 MR. STEINER: No questions. Thank you.

2 THE COURT: Thank you.

3 Investigator -- Lieutenant Adams, you can step
4 down.

5 (Witness excused.)

6 THE COURT: Ms. Hall.

7 MS. HALL: The State calls Coroner Darryl Ables.

8 THE COURT: Mr. Ables, come forward, please, and be
9 sworn.

10 THE CLERK: Place your left hand on the Bible and
11 raise your right hand.

12 (Whereupon, Darryl McKenzie Ables was duly sworn by
13 the Clerk of Court.)

14 THE CLERK: Have a seat in the witness chair, watch
15 your step, and state your full name when you're seated.

16 THE WITNESS: Darryl McKenzie Ables.

17 DARRYL McKENZIE ABLES,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HALL:

21 Q. Coroner Ables, where are you employed?

22 A. Aiken County Coroner's Office.

23 Q. And what position do you hold?

24 A. I'm the Aiken County coroner.

25 Q. And how long have you been employed with the coroner's

1 office?

2 A. Since October of 1999.

3 Q. And were you employed -- what was your position back
4 in June of 2016?

5 A. I was the chief deputy coroner.

6 Q. And did you respond to [REDACTED] Boucher Court for a death
7 investigation back in June of 2019 -- 2016? I'm sorry.

8 A. Yes, I did.

9 Q. And what did you observe that night?

10 A. I observed a gentleman lying on the ground. He was
11 lying facedown in the driveway of a residence. There was
12 a pool blood beneath his upper torso and below his feet.

13 Q. And were you able to identify that deceased
14 individual?

15 A. Yes, Tiquan Lartrell Oakman.

16 Q. And what did you do with Mr. Oakman's body after you
17 arrived and made your observations?

18 A. After observation, I got the necessary information and
19 he was placed in a transport pouch.

20 Q. Okay. And what exactly is that?

21 A. It's another word for a body bag.

22 Q. Okay. And is that sealed or locked in any way?

23 A. Yes, it was sealed with a red tag.

24 Q. Did you also go to the autopsy for Mr. Oakman?

25 A. Yes, I did.

1 Q. And what is the purpose of that?

2 A. To pass on information to the pathologist that she may
3 have, if she has any questions, and to observe the autopsy
4 process itself.

5 Q. And was that autopsy performed on June 19th of 2016?

6 A. Yes, it was. Yes.

7 Q. And what items did you collect at autopsy?

8 A. I collected the tox -- toxicology specimens.

9 Q. Okay. To include Mr. Oakman's blood?

10 A. That's correct.

11 Q. And how does -- how does that process work? Do you
12 actually watch that blood being drawn from Mr. Oakman?

13 A. Yes, I watch -- watch the process of the doctor
14 actually extracting the toxicology specimen, I watch the
15 doctor as they put the specimens into different tubes,
16 containers, along with tissue specimens, then I observe
17 the technician label each specimen and put those items in
18 heat-sealed bags.

19 Q. And do you actually have a vial of the victim's blood
20 that was obtained that day at autopsy?

21 A. Yes, I do.

22 (State's Exhibit Number 83 was marked for
23 identification.)

24 BY MS. HALL:

25 Q. Coroner Ables, I'm showing you what has been marked

1 as State's 83. Do you recognize this?

2 A. Yes.

3 Q. Okay. And what is State's 83?

4 A. It's a purple vial of blood, iliac blood, that was
5 sent to SLED for toxicology analysis.

6 Q. And is this the vial of blood you obtained from
7 autopsy June 19th of 2016 from Mr. Oakman?

8 A. That's correct.

9 Q. And once you obtained that vial of blood, is there
10 any way for you to tamper with that in the bag without it
11 being evident?

12 A. There's no way because the bag when we -- when items
13 are picked back up from SLED, they're in heat sealed bags.

14 Q. And did you tamper with it in any way?

15 A. No, ma'am.

16 MS. HALL: No further questions. Please answer
17 any the defense may have.

18 THE COURT: Thank you.

19 Cross-examine?

20 MR. MCCARLEY: No questions for Mr. Ables.

21 THE COURT: Thank you.

22 Coroner, you can step down.

23 (Witness excused.)

24 THE COURT: Ms. Hall.

25 MS. HALL: The State calls Deputy Coroner Jeff

1 Smith.

2 THE COURT: Mr. Smith, come forward, please, and
3 be sworn.

4 THE CLERK: Place your left hand on the Bible and
5 raise your right hand.

6 (Whereupon, Alton Jeffrey Smith was duly sworn by
7 the Clerk of Court.)

8 THE CLERK: Have a seat in the witness chair, watch
9 your step, and state your full name as you're seated.

10 THE WITNESS: My name's Alton Jeffrey Smith.

11 ALTON JEFFREY SMITH,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HALL:

15 Q. Where are you employed?

16 A. I'm the chief deputy coroner for Aiken County.

17 Q. All right. And how long have you held that position?

18 A. I've been chief deputy for the last two months, but I
19 was deputy coroner since 2005.

20 Q. And is that when you began working with the coroner's
21 office in Aiken County?

22 A. Yes.

23 Q. And were you working at the coroner's office back in
24 June of 2016?

25 A. Yes.

1 Q. And how did you become involved in this case?

2 A. I transported the blood, the toxicology samples, from
3 our office to SLED, to the forensic lab at SLED.

4 Q. And when you transported that blood, how was it
5 packaged?

6 A. In sealed envelopes from autopsy.

7 Q. I'm showing you what has previously been marked as
8 State's Exhibit 83. Do you recognize this?

9 A. Yes, that's where I logged it in at SLED.

10 Q. Okay. And this is the vial of blood that you took to
11 SLED in this case?

12 A. Yes.

13 Q. Okay. And when you transported this bag, did it
14 appear to be tampered with in any way?

15 A. No, it was sealed.

16 MS. HALL: Okay. I have no further questions for
17 you. Please answer any the defense may have.

18 THE COURT: Thank you.

19 Any cross-examination?

20 MR. McCARLEY: No, sir.

21 THE COURT: Thank you.

22 Coroner Smith, you may step down. Thank you for
23 coming.

24 (Witness excused.)

25 MS. HALL: Your Honor, at this time we'd ask for a

1 brief recess to organize some more exhibits. The next
2 few witnesses have quite a few pieces of evidence.

3 THE COURT: Okay. Folks, we'll go ahead and take
4 the afternoon recess at this time. We'll resume at 3:30
5 this afternoon. We'll conclude the work starting at 3:30.
6 Thank you. Don't discuss this case among yourselves.

7 (Whereupon, the jury retires to the jury room at
8 3:10 PM.)

9 THE COURT: All right, folks. We'll stand down
10 until 3:30.

11 (Recess taken at 3:11 PM.)

12 (Back on the record at 3:33 PM.)

13 BAILIFF: All rise, please. Court's again in
14 session.

15 THE COURT: Thank you. Thank you, folks. You-all
16 can be seated.

17 Okay, folks. Everybody ready for the jury?

18 All right. You can bring in the jury.

19 (Whereupon, the jury return to the courtroom at
20 3:33 PM.)

21 THE COURT: Ms. Hall, call your next witness.

22 MS. HALL: Thank you, Your Honor. The State calls
23 Jessica Stowe.

24 THE COURT: Ms. Stowe come forward, please, ma'am,
25 and be sworn.

1 THE CLERK: Place your left on the Bible and raise
2 your right.

3 (Whereupon, Jessica Herron Stowe was duly sworn
4 by the Clerk of Court.)

5 THE COURT: Have a seat in the witness box. State
6 your full name for the Court.

7 THE WITNESS: My full name is Jessica Herron Stowe.

8 JESSICA HERRON STOWE,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. HALL:

12 Q. Ms. Stowe, where are you employed?

13 A. I am employed with the South Carolina Law Enforcement
14 Division, also referred to as SLED.

15 Q. And what is your position there?

16 A. I am a forensic serologist.

17 Q. And, generally speaking, what does that mean? What
18 do you do?

19 A. Okay. So serology is the identification of body
20 fluids, such as blood, semen and saliva. So as a forensic
21 serologist, it is our job to examine items of evidence, be
22 it knives, all sorts of weapons, clothing, et cetera, for
23 the presence of whatever body fluid is probative to that
24 specific case. Then we take items off of that. For
25 example, if we have knife, we're gonna take swabs from the

1 knife and then we're gonna forward that for DNA analysis.

2 Q. And how long have you held that position?

3 A. Going on seven and a half years.

4 Q. And can you briefly explain your educational
5 background and training?

6 A. Sure. I have a bachelor's from the University of
7 South Carolina in biology, with a minor in chemistry. I
8 have a master's from the University of Florida in
9 microbiology and cellular science, with a concentration in
10 medical microbiology and biochemistry. Upon my start at
11 SLED, it began with just reading the policies and the
12 procedures that go along with being a forensic serologist.
13 In the beginning, I was doing a lot of observation where
14 I'm getting comfortable in the lab and I'm being trained by
15 a court-qualified evidence processing technician and a DNA
16 analyst. So once I'm getting comfortable, I then begin to
17 start testing under their supervision just small pieces of
18 evidence just working my way up until I take a five-part
19 competency exam roughly about a year later and where I was
20 deemed competent to perform independent casework in
21 forensic serology.

22 Q. And how often do you process evidence for DNA
23 analysis?

24 A. I'd say multiple times a week. Often.

25 Q. Do you know roughly how many cases you've processed?

1 A. Hundreds, if not close to a thousand.

2 Q. And have you previously testified in courts of South
3 Carolina as an expert witness?

4 A. Yes, I have.

5 MS. HALL: Your Honor, at this time the State would
6 move to introduce Jessica Stowe as an expert in the field
7 of forensic serology.

8 THE COURT: Voir dire?

9 MS. STEINER: No, sir. No objection.

10 THE COURT: Thank you. No voir dire. Ms. Stowe is
11 qualified as an expert in forensic serology.

12 Thank you.

13 BY MS. HALL:

14 Q. Ms. Stowe, if you could walk us through the process of
15 what you do when you receive a piece of evidence in a case
16 to examine for DNA or blood.

17 A. Sure. So whenever there is a case to be worked, I
18 review all of the documentation that goes along with it,
19 the incident report, any comments that the submitting
20 agency may submit to SLED, and then just get an actual idea
21 of what I need to do; so if it's a blood case, a semen
22 case, a saliva case. And then once I get that evidence, I
23 then open it up and perform an inventory to make sure that
24 what I am going to analyze is actually there and then I
25 perform the necessary testing.

1 Q. And once you've itemized the things that you've
2 received, what do you do with those items?

3 A. I then begin my examination process for that specific
4 body fluid that I'm looking for.

5 Q. And how do you start that examination process with
6 each piece of evidence?

7 A. So that varies depending on what body fluid I'm
8 looking for. If it is blood, that begins with just a
9 simple visual examination. Blood is, you know, bright red,
10 deep red, and it shows up in a variety of different ways.
11 It's a very thick substance. Dried it can be very shiny.
12 Semen, you're gonna -- it's hard to see with the naked eye
13 sometimes, so you're gonna use a special light source to
14 look for fluorescence. The same with saliva. It's just
15 all dependent, but it begins with a visual examination.

16 Q. If you're looking for blood, what would the next step
17 be?

18 A. Once I have identified visually an area of interest,
19 I would perform a two-part chemical test where in the
20 presence of potential blood it turns a bright pink color.
21 That is what we consider a presumptive test and then it
22 gets forwarded for DNA analysis.

23 Q. And how do you actually analyze or collect evidence
24 off of different types of items?

25 A. Sure. So if it's an item such as clothing, for

1 example, that's easy to cut. We'll just take a cutting of
2 the stain I have tested. However, if there is a potential
3 bloodstain on wood or something harder, then we're going to
4 use swabs because that material is very difficult to cut.
5 So we take either the cutting or the swabs from the item,
6 it gets packaged individually and then forwarded to the DNA
7 section.

8 Q. When you say you take swabs, how do you do that?

9 A. We take sterile swabs, we add sterile water to it and
10 then we use those swabs to pick up the stain that is
11 present.

12 Q. Okay. And then once you pick up that stain, what do
13 you do with those items?

14 A. It gets packaged and then forwarded to the DNA
15 section.

16 Q. And so your job is to basically collect the DNA
17 evidence for it to be later analyzed?

18 A. Exactly. Yes.

19 Q. And what if you, as you mentioned, you take cuttings
20 or do swabs, what do you do with that original piece of
21 evidence?

22 A. That original piece of evidence -- so, for example,
23 if it's a shirt, that no longer needs to go forward because
24 we have that stain that we're interested in collected off
25 of it via the cutting that I took, so that piece of

1 evidence will then get packaged up and then returned to
2 the submitting agency.

3 Q. And did you get an opportunity to process multiple
4 items of evidence in this case?

5 A. Yes, I did.

6 Q. I'm gonna start showing you some of this evidence.
7 I'm gonna start with State's 75 and 83 if you could tell me
8 if you recognize these.

9 A. Yes, I do recognize these. State's Exhibit 83 is our
10 Item 5 for case L-168387. I can identify this through my
11 initials, the JHS that is written on the bags. And then
12 the next piece would be State's Exhibit 75, which I also
13 recognize in the same manner with my initials being
14 present, and this is our Items 5.1 for L-168387.

15 Q. And what exactly is Item 83?

16 A. So State's Exhibit 83 is a known blood standard. So
17 known blood standards are blood that has been collected
18 from an individual that's going to contain that
19 individual's DNA. So it comes in a tube that you can see
20 in liquid form. So when it's in liquid form for a long
21 period of time it is prone to potential mold or
22 degradation, so it's our responsibility to take a portion
23 of it and dry it down. So we're gonna -- or I opened this
24 tube, poured a small portion of the blood onto a sterile
25 piece of paper of sorts, which then becomes the dried blood

1 standard, which is this item, and this is what's going
2 forward for DNA analysis.

3 Q. And that's State's 75?

4 A. That is State's 75. Yes, ma'am.

5 Q. And the blood we're talking about is the victim,
6 Mr. Oakman's?

7 A. Yes, Tiquan Oakman.

8 Q. Thank you. Now I want to show you State's 55. If you
9 could tell me what that is?

10 A. State's Exhibit 55 is our Item 2, L-1611744. Again,
11 there are my initials right here and the date that I
12 performed the analysis or opened up the package. Item 2
13 is a pair of sweatpants.

14 Q. And if you could look at State's Exhibit 56, 57, and
15 58, and tell me what those are.

16 A. Okay. So State's Exhibit 56 is our Item 2.1, which
17 would be a cutting for potential blood that I took from
18 the pants. So besides looking for possible blood on these
19 pants, there was also a request from the submitting agency
20 to get an idea of who may have worn the pants. So in order
21 to do that, I take a sterile scraper and I focus on areas
22 of the item that's going to come into contact mostly with
23 whoever wore it. So with a pair of sweatpants, you're
24 gonna think the waistband, so I took a swab from the
25 waistband for that purpose, which is State's Exhibit 57,

1 our Item 2.2. Additionally, as part of figuring out who
2 wore it, we also look for hair analysis, which is hair I
3 collected off these pants, which is State's 58, and that's
4 our Item 2.3.

5 Q. Okay. So just to clarify, State's 55 was submitted to
6 you and State's 56, 57, and 58 were items that you created
7 from that original pair of pants?

8 A. That is correct, yes.

9 Q. I'm now showing you State's 63. If you could identify
10 that for me.

11 A. State's Exhibit 63 is our Item Number 8, which is
12 L-1611744. Again, I can recognize my initials on here and
13 this is actually a green in color rag collected from a
14 trash can in a driveway.

15 Q. Okay. And can you tell me what you did with that
16 item?

17 A. Yes. This item was submitted for blood analysis, so
18 I performed a blood screen on this item.

19 Q. And how do you do that?

20 A. Again, it begins with a visual examination and for
21 this particular item I ended up screening the entire item.
22 It was very dirty, so I didn't want the dirtiness to
23 camouflage any stain that could be present, so I swabbed
24 the entire item.

25 Q. And what were you able to determine?

1 A. The presumptive testing for blood was negative.

2 Q. Okay. So was this item forwarded to the DNA section
3 for analysis?

4 A. No, since it was negative it was not needed to.

5 Q. I'm now showing you State's 64. If you could identify
6 that for me.

7 A. State's Exhibit 64 is our Item 10. It is black Nike
8 Air Jordan shoes. I recognize this from my initials and
9 then the corresponding information.

10 Q. And what did you do with State's 64?

11 A. I screened the shoes for blood.

12 Q. And how did you do that?

13 A. The same manner where I perform a visual examination,
14 use a two-part chemical test, and depending on the result
15 forward it for DNA analysis or not.

16 Q. Okay. I'm showing you State's 65.

17 A. Okay. State's 65 is Item 10.1. They are swabs taken
18 off the black shoes. My presumptive test for blood was
19 positive in this case, so I collected the evidence and
20 forwarded it to the DNA department.

21 Q. And the item that was forwarded would have been the
22 swab itself?

23 A. Yes, the shoes would not have been forwarded.

24 Q. Okay. I'm now showing you what has been marked as
25 State's 66. If you could tell me what this item is.

1 A. State's Exhibit 66 is our Item 11, and that is a gray
2 men's Converse canvas shoe, and it is the right shoe.

3 Q. Okay. And what did you do with this item?

4 A. The same thing. I performed presumptive screening
5 for blood and then because it was also positive for the
6 potential presence of blood, I took swabs from the shoe and
7 forwarded it to the DNA section.

8 Q. Okay. I'm showing you State's 67.

9 A. Uh-huh. State's 67 is the swabs I took from the gray
10 Converse shoe, which is our Item Number 11.1.

11 Q. Okay. And State's 67 is what would have been
12 forwarded to DNA for analysis?

13 A. That is correct.

14 Q. I'm now showing you State's 68. If you could identify
15 that item for me.

16 A. State's Exhibit 68 is our Item 12 and that is a black
17 Hanes X-Temp short sleeve T-shirt, size large.

18 Q. Okay. And if you could explain what you did with that
19 item.

20 A. Again, I performed the presumptive test for blood. It
21 was, indeed, positive, so I took a cutting from the shirt
22 and forwarded it to the DNA section.

23 Q. Okay. State's 69.

24 A. State's 69 is that item. It's our Item 12.1.

25 Q. And so just this cutting was forwarded to DNA for

1 analysis?

2 A. That is correct, yes.

3 Q. I'm now showing you State's 70. If you could identify
4 that item for me.

5 A. Okay. State's Exhibit 70 is our Item 13. It is dark
6 blue denim WXY jeans, size 32.

7 Q. Okay. And what did you do with that item?

8 A. I also screened the jeans for the presence of blood.
9 The presumptive blood test was positive, so I took a
10 cutting from the jeans, which was forwarded to the DNA
11 department.

12 Q. I'm showing you State's 71.

13 A. State's Exhibit 71 is our Item 13.1, the cutting from
14 the jeans with the stain of interest, and it was forwarded
15 to the DNA section.

16 Q. And State's 72, if you could identify that item for
17 me.

18 A. State's Exhibit 72 is SLED's Item 14 for this case.
19 It is Fruit of the Loom white with blue slash green striped
20 boxers.

21 Q. And what processing did you perform on Item 72?

22 A. I performed a blood examination.

23 Q. Okay. And what results did you get?

24 A. The presumptive testing for blood on this item was
25 negative.

1 Q. So was there any further analysis or forwarding to DNA
2 on that?

3 A. No, ma'am.

4 Q. Okay. State's 73.

5 A. State's Exhibit 73 is our Item 15. These are two
6 white socks, which I also performed blood screening on.

7 Q. Okay. And what was the result of that screening?

8 A. The presumptive testing for blood was positive.

9 Q. And what did you do based off of that?

10 A. I then took a cutting from the socks, which was
11 forwarded to the DNA section.

12 Q. Okay. State's 74.

13 A. State's 74 is that cutting, Item 15.1, from the socks.

14 Q. Thank you.

15 Ms. Stowe, I previously showed you State's 75 and 83.
16 If you could identify these items again for me just for the
17 record.

18 A. State's 75 is Item 5.1 for L-168387. This is the
19 dried blood standard that was made off of State's
20 Exhibit 83, which is Item 5 for L-168387, which is the
21 liquid blood standard that's was submitted.

22 Q. And when you received State's 83, did it appear to be
23 tampered with in any way?

24 A. No.

25 MS. HALL: Your Honor, at this time the State moves

1 to introduce State's 83 into evidence.

2 MR. STEINER: No objection.

3 THE COURT: Without objection. Thank you.

4 (State's Exhibit Number 83, a blood vial, was
5 admitted into evidence.)

6 MS. HALL: Your Honor, at this time the State also
7 moves to introduce State's 75 into evidence.

8 MS. STEINER: No objection.

9 THE COURT: Without objection, 75 is in evidence.
10 Thank you.

11 (State's Exhibit Number 75, a DNA standard, was
12 admitted into evidence.)

13 MS. HALL: Ms. Stowe, I have no further questions
14 for you. Please answer any the defense may have.

15 THE WITNESS: Sure. Thank you.

16 THE COURT: Ms. Steiner, cross-examine?

17 MS. STEINER: No questions. Thank you.

18 THE COURT: Thank you.

19 Agent Stowe, you may step down. Thank you, ma'am.

20 (Witness excused.)

21 MS. YOUNG: The State calls Catherine Leisy.

22 THE COURT: Ms. Leisy, come forward, please, and be
23 sworn.

24 THE CLERK: Place your left hand on the Bible and
25 raise your right.

1 (Whereupon, Catherine Leisy was duly sworn by the
2 Clerk of Court.)

3 THE CLERK: Please have a seat in the witness box
4 and state your full name for the Court.

5 THE WITNESS: Catherine Leisy, L-E-I-S-Y.

6 CATHERINE LEISY,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. YOUNG:

10 Q. Where are you employed?

11 A. I work for the South Carolina Law Enforcement
12 Division, more commonly referred to as SLED.

13 Q. In what capacity?

14 A. I am a forensic scientist assigned to the DNA casework
15 department.

16 Q. And what sort of education, background and training do
17 you have to have to do that job?

18 A. I have a bachelor of science degree in genetic
19 engineering from Cedar Crest College in Allentown,
20 Pennsylvania. I've also been trained in-house by other
21 court-qualified analysts at SLED in all the different
22 types of testing analyses I'm required to perform. I also
23 spent approximately four years working as a forensic DNA
24 analyst at a private testing facility known as Orchid
25 Cellmark in Germantown, Maryland.

1 Q. And do you have to belong to any professional
2 associations as part of this?

3 A. I am a member of the American Academy of Forensic
4 Scientists.

5 Q. Have you been qualified as an expert in the state
6 courts of South Carolina before?

7 A. Yes, I have.

8 Q. In what area?

9 A. Forensic DNA identification testing.

10 Q. How many times?

11 A. Over fifty.

12 MS. YOUNG: Your Honor, at this time we'd
13 offer Agent Leisy as an expert in the field of DNA
14 identification testing.

15 MS. STEINER: No voir dire.

16 THE COURT: Without objection, Agent Leisy is so
17 qualified.

18 Thank you.

19 BY MS. YOUNG:

20 Q. If you could, please, explain to the jury basically
21 what DNA is.

22 A. DNA stands for deoxyribonucleic acid. It's the
23 genetic material found in all of our body cells with the
24 exception of our red blood cells. DNA is packaged into
25 structures called chromosomes, which contain our genes,

1 and genes are simply strands of DNA that code for our
2 physical characteristics such as our height or our eye
3 color. We inherit one copy of DNA from our mother and one
4 from our father and, therefore, have two copies of every
5 gene. Now approximately 99.9 percent of an individual's
6 DNA is identical to that of everyone else's and it's the
7 variation of that remaining .1 percent that we test to try
8 and tell different people apart.

9 Q. For any given individual is the DNA information in one
10 body fluid or tissue the same as DNA information in other
11 body fluids or tissues in that same person?

12 A. Yes, it is.

13 Q. Is there any dispute in the scientific community about
14 the premise for what you just testified?

15 A. No, there is not.

16 Q. When you get a case at SLED, what are you generally
17 trying to determine through DNA identity testing?

18 A. The purpose of our testing is to try and develop a
19 DNA profile from unidentified biological material found on
20 an item of evidence or at a crime scene and then compare
21 that DNA profile to the profile of a known individual
22 that's been submitted for comparison to try and determine
23 whether or not that individual could have contributed the
24 biological material found involved in the case.

25 Q. So if I understand you correctly, you're comparing the

1 DNA from a known source to an unknown source to determine
2 if they might be contributed by the same source?

3 A. That's correct.

4 Q. And what type of DNA testing is performed at the SLED
5 lab?

6 A. We perform what is referred to as PCR STR testing.
7 PCR stands for polymerase chain reaction. It's a technique
8 that allows us to make millions of copies of these specific
9 DNA locations that we're interested in testing and those
10 locations are known as STRs, or short tandem repeats, and
11 STR is simply a location in our DNA where a short core unit
12 of DNA repeats a certain number of times. So by making
13 copies of these locations we can count the number of
14 repeats and these repeats vary at different locations for
15 different individuals and that's the variation that we're
16 looking for.

17 Q. What steps are involved in doing that sort of testing?

18 A. The first step in DNA identification testing is just
19 the extraction of DNA or isolating it or removing it from
20 the item that we're testing. We then perform the PCR
21 analysis, which makes copies of the STR locations. Once
22 we've completed that, we have what we refer to as the DNA
23 profile, and that is the collection of information at all
24 the STR locations that we've tested. That then allows us
25 to compare the profile developed from evidence to the DNA

1 profile of a known individual.

2 Q. What sort of safeguards and controls do you have in
3 place at SLED to make sure that the evidence you test
4 maintains integrity from both the samples and the testing
5 procedure?

6 A. When evidence is submitted, it is placed into a
7 heat-sealed plastic pouch. That pouch is sealed and the
8 initials and the date of the seal are placed across it so
9 we can see who's been into the pouch and who may have had
10 access to the evidence. Each case is identified with a
11 specific SLED lab number and each item within the case is
12 identified with a specific item number. That way we
13 can keep track of exactly what item relates back to the
14 submission paperwork and information that's been provided
15 by the submitting agency. Those packaging and the items
16 are all given a barcode that allows us to track it through
17 our electronic chain of custody system so we know where it
18 is at all times and who has had custody of it.

19 Q. Did you receive evidence in this case involving
20 Tequan Holmes?

21 A. Yes, I did.

22 Q. And from whom did you receive it?

23 A. I took custody of the items that I tested from members
24 of our evidence control login department.

25 Q. Did you receive more than one thing?

1 A. Yes, I did.

2 Q. What I'd like to do now is go over some of the items
3 that you received, make sure we have everything in
4 evidence, and then get you to talk some more about the
5 analysis that you did for these particular items, okay?

6 A. Yes, ma'am.

7 Q. Okay. Agent Leisy, I'm handing you what's been marked
8 for identification purposes as State's Exhibit Number 30
9 and ask if you recognize that?

10 A. Yes, I do.

11 Q. And what is it?

12 A. This package contains what are referred to as buccal
13 swabs, which are just cotton swabs collected from the
14 inside of the cheek that we use to develop a DNA profile
15 of a known individual and these particular buccal swabs
16 are identified as being taken from Tequan Holmes.

17 Q. And how are you able to identify that that sample is
18 the one that you tested?

19 A. I can recognize the SLED lab number on the barcode on
20 the pouch. I also recognize my initials on the front of
21 the pouch, as well as my initials and the date that I
22 sealed it after returning the evidence to the pouch. The
23 SLED case number, item number, and my initials also appear
24 on the envelope inside the pouch identifying this item.

25 MS. YOUNG: Your Honor, at this time we'd offer

1 State's Exhibit Number 30 into evidence in this case.

2 MS. STEINER: No objection.

3 THE COURT: Thank you. Without objection 30 is in
4 evidence.

5 (State's Exhibit Number 30, buccal swabs, was
6 previously admitted on Page 242.)

7 BY MS. YOUNG:

8 Q. Agent Leisy, next I'm showing you what's been marked
9 for identification purposes as State's Exhibit Number 75
10 and I'd ask if you recognize that item?

11 A. I do. Again, based on the SLED lab number on the
12 barcode sticker, as well as my initials on the pouch and on
13 the envelope, this is the dried blood standard taken from
14 Tiquan Oakman.

15 MS. YOUNG: Your Honor, we would offer State's 75
16 into evidence, if it's not already in.

17 MS. STEINER: I believe it's already in evidence.

18 THE COURT: I think so, too.

19 If not, it's in evidence now without objection.

20 MS. YOUNG: Thank you. I'm just gonna try to be
21 thorough, so.

22 (State's Exhibit Number 75, a DNA standard, was
23 previously admitted on Page 358.)

24 BY MS. YOUNG:

25 Q. I'm gonna show you what's been marked as State's

1 Exhibit Number 56, 57, and 58, and ask if you had an
2 opportunity to receive those items in this case?

3 A. Yes, I did.

4 Q. They've been taken out of the bag.

5 A. Correct.

6 Q. Did you perform some analysis on those items?

7 A. That's correct.

8 Q. When you received them, were they in the heat-sealed
9 packaging with the correct, you know, safeguards for the
10 integrity of the evidence?

11 A. They were. They were perfectly packaged when I took
12 custody of the evidence.

13 MS. YOUNG: Your Honor, we would offer State's 56,
14 57, and 58.

15 MS. STEINER: No objection.

16 THE COURT: Without objection. Thank you.

17 (State's Exhibit Number 56, cutting from sweatpants,
18 57, swab from sweatpants, and 58, hair from sweatpants,
19 were admitted into evidence.)

20 BY MS. YOUNG:

21 Q. Agent Leisy, next I'm going to show you State's 59
22 and ask if you recognize that?

23 A. I do.

24 Q. And?

25 A. Identified as a used bandage with dried red liquid on

1 the surface.

2 Q. How are you able to recognize that?

3 A. Again, based on the SLED case number, the item number,
4 and my initials present on the envelope.

5 MS. YOUNG: Your Honor, we'd offer State's 59 into
6 evidence at this time.

7 MS. STEINER: No objection.

8 THE COURT: Without objection, 59.

9 (State's Exhibit Number 59, a used Band-Aid, was
10 previously admitted on Page 295.)

11 BY MS. YOUNG:

12 Q. Agent Leisy, now I'm handing you State's Exhibit 60.
13 Do you recognize that?

14 A. I do.

15 Q. And what is that?

16 A. This is identified as SLED Item Number 4. Again, I
17 recognize the case number and my initials on the envelope
18 and it's identified as a piece of dried red substance from
19 the front passenger wheel well.

20 MS. YOUNG: Your Honor, we'd offer State's 60 into
21 evidence at this time.

22 MS. STEINER: No objection.

23 THE COURT: All right. I thought that some of these
24 are were already in evidence under Investigator O'Grady,
25 but I might be wrong. But, anyway, they're in evidence

1 now.

2 MS. YOUNG: Okay. Thank you.

3 (State's Exhibit Number 60, a dried substance, was
4 previously admitted on Page 295.)

5 BY MS. YOUNG:

6 Q. State's 61?

7 A. I recognize, again, the SLED item number, the case
8 number, and my initials on the envelope, and it is
9 identified as the swab of the exterior front surface of
10 the front passenger side wheel well.

11 MS. YOUNG: It might be already in, but just to
12 close the chain, I'm gonna offer 61 at this time.

13 THE COURT: That's fine.

14 (State's Exhibit Number 61, a swab from dried
15 substance, was previously admitted on Page 295.)

16 BY MS. YOUNG:

17 Q. And, finally, 62.

18 A. Again, I can recognize the SLED case number, the
19 item number, and my initials on the envelope, and it's
20 identified as swabs of plastic base to the front passenger
21 seat.

22 Q. Agent Leisy, now I'm showing you what's been marked
23 for identification as Sate's 65 and ask if you recognize
24 that?

25 A. I do. This is identified as SLED Item 10.1 and it's

1 identified as swab from a black shoe.

2 MS. YOUNG: Your Honor, we'd offer State's 65 into
3 evidence at this time.

4 MS. STEINER: No objection.

5 THE COURT: Without objection. Thank you.

6 (State's Exhibit Number 65, a swab from black Nike
7 shoes, was admitted into evidence.)

8 BY MS. YOUNG:

9 Q. Next I'll show you State's 67. Same question, whether
10 or not you can identify that.

11 A. I do recognize this item. It's identified as SLED
12 11.1, swabs from gray Converse.

13 Q. And you're able to recognize it the same way?

14 A. Yes, based on the SLED lab number that's written on
15 the envelope, as well as the item number and my initials.

16 MS. YOUNG: Your Honor, we'd offer State's 67 into
17 evidence at this time.

18 MS. STEINER: No objection.

19 THE COURT: Without objection. Thank you.

20 (State's Exhibit Number 67, swab from gray Converse,
21 was admitted into evidence.)

22 BY MS. YOUNG:

23 Q. I'm gonna show you 69, 71, and 74. We'll start with
24 69. Do you recognize that item?

25 A. I do. Again, I recognize the case number and the item

1 number and it's identified as swabs from a black T-shirt.

2 MS. YOUNG: Your Honor, we'd offer State's 69 at
3 this time.

4 MR. STEINER: No objection.

5 THE COURT: Without objection. Thank you.

6 (State's Exhibit Number 69, swabs from black T-shirt,
7 were admitted into evidence.)

8 BY MS. YOUNG:

9 Q. All right. And the next one should be 74.

10 A. 74 I recognize, again, the SLED item number, item
11 number and my initials, and it's identified as cutting from
12 a sock.

13 MS. YOUNG: Your Honor, we'd offer 74.

14 MS. STEINER: No objection.

15 THE COURT: Without objection. Thank you.

16 (State's Exhibit Number 74, a cutting from white
17 socks, was admitted into evidence.)

18 BY MS. YOUNG:

19 Q. And, finally, 71.

20 A. I recognize this item as well. It's identified
21 as SLED Item 13.1 from the same case. My initials are
22 present and it's identified as a cutting from a pair of
23 jeans.

24 MS. YOUNG: And that will be State's 71. Your
25 Honor, we offer that at this time.

1 MS. STEINER: No objection.

2 THE COURT: Thank you. Without objection.

3 (State's Exhibit Number 71, a cutting from a pair
4 of jeans, was admitted into evidence.)

5 BY MS. YOUNG:

6 Q. Thank you for bearing through that with me. Were
7 these all the items of evidence that you were able to
8 receive in this case?

9 A. Yes, ma'am.

10 Q. And with regard to each individual item, did you
11 perform a PCR testing on each item?

12 A. I did.

13 Q. And would you go through the conclusions you have
14 formed as a result of your testing.

15 A. For SLED Item 2.1, which was identified as a
16 cutting from the right leg of sweatpants, the DNA profile
17 developed matches the DNA profile of Tequan Holmes and
18 the probability of randomly selecting an unrelated
19 individual having a DNA profile matching this item is
20 approximately 1 in 200 octillion.

21 Q. How many zeros is that?

22 A. An octillion, I believe, is twenty-seven zeros, so it
23 would be a 1 with twenty-seven zeros behind it.

24 SLED Item 2.2, which was identified as swab from a
25 scraping of the interior waistband of the sweatpants.

1 The profile developed is a mixture of at least three
2 individuals. The partial DNA profile developed from the
3 major contributor to this mixture matches the DNA profile
4 of Tequan Holmes. The probability of randomly selecting
5 an unrelated individual having a DNA profile matching the
6 major contributor to this mixture is approximately 1 in
7 510 septillion. And due to the inability to calculate a
8 statistic, no further interpretation can be offered
9 regarding the minor contributors to this mixture.

10 The next item is SLED Item 2.3.1, identified as hair
11 from sweatpants. No DNA profile was able to be developed
12 from that particular item.

13 SLED Item 3, used bandage from beneath front
14 passenger seat. When I received that item, I initially
15 performed a preliminary or presumptive screening test for
16 the possible presence of blood. That test result was
17 positive indicating it was possibly blood on the item.
18 The DNA profile developed from this item is a mixture of
19 at least two individuals, but due to the inability to
20 calculate a statistic, no further interpretation can be
21 offered.

22 SLED Item 4 was identified as a piece of dried
23 substance collected from the front passenger wheel well of
24 a 2002 Audi. Again, I performed the same preliminary blood
25 test and it was positive indicating the possible presence

1 of blood on the item. The DNA profile developed matches
2 the DNA profile of Tiquan Oakman and the probability of
3 randomly selecting an unrelated individual having a DNA
4 profile matching this item is approximately 1 in 1.3
5 nonillion.

6 SLED Item Number 5 was a swab of dried substance
7 adhering to exterior surface of front passenger wheel well
8 of a 2002 Audi A6. The preliminary test for blood was
9 positive, again, indicating the possible presence of blood
10 on the item. The DNA profile developed matches the DNA
11 profile of Tiquan Oakman and the probability of randomly
12 selecting an unrelated individual having a DNA profile
13 matching this item is approximately 1 in 1.3 nonillion.

14 SLED Item Number 7, swabs from the exterior surface of
15 plastic housing to front passenger seat. The preliminary
16 test for blood was positive indicating the possible
17 presence of blood on the item. The DNA profile developed
18 is a mixture of at least two individuals. The partial DNA
19 profile developed from the major contributor matches the
20 DNA profile of Tiquan Oakman. The probability of randomly
21 selecting an unrelated individual having a DNA profile
22 matching the major contributor to this mixture is
23 approximately 1 in 23 octillion. And due to the inability
24 to calculate a statistic, no further interpretation will
25 be offered regarding the minor contributors.

1 The next item is SLED Item 10.1, which was identified
2 as swabs from exterior outer area of left black Nike Air
3 Jordan, size 10, shoe. A DNA profile suitable for
4 comparison was developed. Tiquan Oakman is excluded as a
5 possible contributor.

6 At the time that this item was submitted, we had
7 changed the manner in which we perform statistical
8 calculations, so this statistic is a little bit different
9 than the prior statistics that I've read. This is what is
10 referred to as a likelihood ratio and a likelihood ratio
11 is just a comparison between two possible explanations for
12 the DNA profile that was developed and the likelihood ratio
13 value, or LR, that is developed provides support for which
14 one of those possible explanations is more likely.

15 So for this particular item I interpreted it as a
16 single source DNA profile. As I had already excluded
17 Mr. Oakman, I only ran a comparison with Tequan Holmes,
18 so the first possible explanation would be that Tequan
19 Holmes contributed the DNA profile developed from this
20 item. The second possible explanation would be that an
21 unidentified, unrelated individual contributed the profile,
22 and based on the likelihood ratio value this particular
23 DNA profile is approximately 2.4 octillion times more
24 likely if Tequan Holmes contributed the profile than an
25 unidentified, unrelated individual contributed the profile.

1 For SLED Item 11.1, it was identified as swabs from
2 exterior arch side of right Converse canvas shoe. Again,
3 a DNA profile suitable for comparison was developed. For
4 this particular item, I interpreted it as a mixture
5 originating from three individuals. So when we have a
6 mixture and we have multiple known subjects that need to
7 be compared, we're required to do a comparison with each
8 known subject individually and then if they -- if everyone
9 that's been tested shows an inclusionary or an LR that
10 supports their presence in the profile, we then run those
11 individuals together, so I calculated three separate
12 statistics for this particular item.

13 And, again, this item was interpreted as a mixture
14 originating from three individuals. The first possible
15 explanation would be that Tiquan Oakman and two
16 unidentified, unrelated individuals contributed the
17 profile. The second possible explanation would be that
18 three unidentified, unrelated individuals contributed the
19 profile, and based on the calculation this DNA profile is
20 approximately 4.1 octillion times more likely if Tiquan
21 Oakman and two unidentified, unrelated individuals
22 contributed to the profile than if three unidentified,
23 unrelated individuals contributed. So this would be
24 considered an inclusionary LR as it supports the
25 explanation that Tiquan Oakman contributed to the profile.

1 The second calculation, again, was run interpreting
2 the mixture as being from three individuals. The first
3 possible explanation in this calculation would be that
4 Tequan Holmes is a possible contributor along with two
5 unidentified, unrelated individuals, but the second
6 possible explanation being that three unidentified,
7 unrelated individuals contributed, and the LR indicated
8 that the DNA profile is approximately three times more
9 likely if Tequan Holmes and two unidentified, unrelated
10 individuals contributed than if three unidentified,
11 unrelated individuals contributed.

12 And, again, three would be weaker support, but it is
13 still considered an inclusionary LR to the possibility
14 that Tequan Holmes is a contributor to this profile.
15 I, therefore, ran a third calculation including both
16 Mr. Oakman and Mr. Holmes. So, again, the profile was
17 interpreted as a mixture of three individuals. The first
18 possible explanation would be that both Tiquan Oakman
19 and Tequan Holmes, along with an unidentified, unrelated
20 individual contributed to the profile. The second possible
21 explanation being that three unidentified, unrelated
22 individuals contributed to the profile. And it was
23 determined that the DNA profile is approximately 50
24 octillion times more likely if Tiquan Oakman, Tequan Holmes
25 and an unidentified, unrelated individual contributed to

1 the mixture than if three unidentified, unrelated
2 individuals contributed to the mixture.

3 It also has to be pointed out though that the
4 likelihood ratio for this third calculation was calculated
5 just to confirm that both Tiquan Oakman and Tequan Holmes
6 could explain the contribution of DNA to this particular
7 item, but due to the disparity in the individual LRs
8 calculated for Mr. Oakman and Mr. Holmes, it's recommended
9 to put more weight on the results of the second calculation
10 that included only Mr. Holmes rather than on the third
11 calculation that included both of them, and the reason for
12 that is that the first calculation that included Mr. Oakman
13 was a very large number, it provides very strong support
14 for the possible explanation that Mr. Oakman and two
15 identified, unrelated individuals contributed to the
16 mixture, whereas the likelihood ratio for Mr. Holmes
17 individually was only three, and that's considered only
18 weak support for that particular explanation.

19 So when you run the two of them together, the fact
20 that Mr. Oakman's LR was so much higher influences the LR
21 of the calculation when you run the two of them together,
22 so it's really much more fair and more appropriate to
23 consider the likelihood ratio involving just Mr. Holmes in
24 considering whether or not he contributed to this mixture.

25 SLED Item 12.1 was identified as cutting from front

1 exterior of black Hanes X-Temp short sleeve, size large,
2 T-shirt. A DNA profile suitable for comparison was
3 developed. Tequan Holmes is excluded as a possible
4 contributor. The calculation was based on the
5 interpretation of this item as a single source profile.
6 The first possible explanation being that Tiquan Oakman
7 contributed the profile. The second possible explanation
8 being that an unidentified, unrelated individual
9 contributed the profile, and it was determined that the
10 DNA profile is approximately 12 octillion times more likely
11 if Tiquan Oakman contributed the profile than if an
12 unidentified, unrelated individual contributed the profile.

13 SLED Item 13.1, cutting from the bottom left leg of
14 dark blue denim WXY, size 32, jeans. A DNA profile
15 suitable for comparison was developed. Tequan Holmes is
16 excluded as a possible contributor. Likelihood ratio
17 values were generated for comparison using Tiquan Oakman,
18 so the profile was interpreted as a single source profile.
19 The first possible explanation being Tiquan Oakman
20 contributed the profile. The second possible explanation
21 being that an unidentified, unrelated individual
22 contributed the profile, and it was determined that the
23 DNA profile is approximately 12 octillion times more
24 likely if Tiquan Oakman contributed the profile than if
25 an unidentified, unrelated individual contributed.

1 And the last item was SLED Item 15.1, cutting from
2 toe area of white sock. A DNA profile suitable for
3 comparison was developed. Tiquan Oakman is excluded as a
4 possible contributor. The profile was interpreted as a
5 single source with the first possible explanation being
6 that Tequan Holmes contributed the profile, and our
7 second possible explanation being that an unidentified,
8 unrelated individual contributed, and the DNA profile is
9 approximately 2.4 octillion times more likely if Tequan
10 Holmes contributed the profile than if an unidentified,
11 unrelated individual contributed the profile.

12 Q. Agent Leisy, was there anything wrong with your
13 previous analysis, statistical method, that was used on
14 some of the earlier items in this case?

15 A. There was not. The reason for moving to this newer
16 type of calculation using the different software was just
17 that our previous method was somewhat restrictive. With
18 more complex mixtures or lower level samples we weren't
19 able to interpret some of the data that we were generating
20 just because it didn't meet the standards and the protocols
21 that we have set in place. This newer analysis method and
22 software allows us to interpret more complex mixtures and
23 lower level samples which allows us to do a more thorough
24 job determining contributors verses non-contributors.

25 Q. You talked a lot about different numbers, nonillion,

1 septillion, octillion. How many people are there on the
2 planet Earth at this time?

3 A. Currently approximately seven billion.

4 Q. And what would that number be in relation to
5 nonillion, octillion and septillion?

6 A. It would be a much smaller number.

7 Q. The current population of Earth right now?

8 A. Correct.

9 Q. You prepared a report in this case?

10 A. I did.

11 (State's Exhibit Number 84 was marked for
12 identification.)

13 BY MS. YOUNG:

14 Q. I'm gonna show you State's 84 and ask if you recognize
15 it?

16 A. This appears to be a copy of the report that I
17 generated on April 17th of this year.

18 Q. Would that be the report that you've just testified
19 about here in court today?

20 A. That's correct.

21 MS. YOUNG: Your Honor, we'd offer State's 84 into
22 evidence at this time.

23 MR. STEINER: No objection.

24 THE COURT: Without objection, 84 in evidence.

25 Thank you.

1 (State's Exhibit Number 84, DNA report, was
2 admitted into evidence.)

3 MS. YOUNG: No further questions for Agent Leisy
4 from the State.

5 THE COURT: Thank you.
6 Cross-examine, Ms. Steiner?

7 MS. STEINER: No questions, Your Honor.

8 THE COURT: Thank you.

9 Agent Leisy, you can step down. Thank you, ma'am.

10 THE WITNESS: Thank you, sir.

11 (Witness excused.)

12 MS. YOUNG: The State calls Paul Greer.

13 THE COURT: Mr. Greer, come forward, please.

14 THE CLERK: Place your left hand on the Bible and
15 raise your right hand.

16 (Whereupon, Paul Greer was duly sworn by the Clerk
17 of Court.)

18 THE CLERK: Please have a seat in the witness chair,
19 watch your step going up, and state your name when you're
20 seated.

21 THE WITNESS: My name is Paul Greer, G-R-E-E-R.

22 PAUL GREER,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. YOUNG:

1 Q. Where are you employed?

2 A. I'm employed at the South Carolina Law Enforcement
3 Division, commonly known as SLED.

4 Q. In what capacity are you employed there?

5 A. I'm employed in the firearms department and that is
6 within the forensic services laboratory.

7 Q. Tell the jury about your education and training and
8 background that you've had to become a SLED agent.

9 A. Yes, ma'am. I earned a bachelor of science in
10 biological sciences from the University of South Carolina.
11 Upon my employment at SLED, I began in a training program
12 and completed the SLED firearm and toolmark course of
13 instruction. What this is, is basically an extensive
14 multiyear, apprenticeship-style training program that is
15 conducted under the supervision of other court-qualified
16 examiners. During this time of training I completed
17 multiple written, practical and oral examinations. I
18 assisted other examiners prep cases, I toured facilities,
19 manufacturing facilities, and also conducted many
20 microscopic comparisons. At the conclusion of that
21 training, I was given a comprehensive final exam, which
22 included casework. I successfully passed that final exam
23 and was able to begin casework on my own. In addition to
24 that training, I'm also a provisional member of the
25 Association of Firearm and Toolmark Examiners and I've

1 attended their annual and regional conferences.

2 Q. Have you testified as an expert witness in the
3 courts of South Carolina before in the area of firearms
4 identification?

5 A. Yes, ma'am, I have.

6 Q. How many times?

7 A. Four times.

8 MS. YOUNG: Your Honor, we'd offer Agent Greer
9 as an expert in the area of firearms identification at
10 this time.

11 MS. STEINER: No voir dire.

12 THE COURT: No voir dire. Agent Greer is so
13 qualified.

14 Thank you.

15 BY MS. YOUNG:

16 Q. Agent Greer, if you could for the members of the jury
17 describe the basic types of handguns that there are as a
18 starting point.

19 A. Yes, ma'am. For handguns, typically you think of
20 revolvers and pistols. When you think of a revolver, you
21 can kind of think of like maybe an older western movie
22 where they're pulling out a big revolver out of the holster
23 and what a revolver essentially is, is it's a handgun that
24 has a cylinder that has multiple chambers and in those
25 chambers you're able to load cartridges. That cylinder

1 then rotates around a central axis and it's fired by --
2 essentially by the same firing mechanism.

3 A pistol on the other hand is a firearm in which the
4 barrel and the chamber are integral with each other. To
5 take that a step further, you hear a lot about a
6 semiautomatic pistol. That simply means that with each
7 pull of the trigger one shot is fired and when you pull
8 that trigger and that shot is fired, that cartridge is
9 fired, the energy from that firing will help to actuate
10 or operate that firing cycle, so the firearm will operate
11 on its own, and those are simply two of the basic types
12 of handguns, a pistol and a revolver.

13 Q. What does firearms identification entail?

14 A. Firearms identification is simply a discipline of
15 forensic science. Its main objective that we're doing
16 every day is to look at fired ammunition components. That
17 would be such as a fired cartridge case or a fired bullet
18 and we're trying to determine their origin, if they were
19 fired by a specific firearm or by a particular firearm.

20 Q. Generally what do you do when you get -- or how do
21 you conduct firearms analysis in particular or just in
22 general speaking?

23 A. When I receive evidence, it's received from the
24 evidence control department at SLED. I will go downstairs
25 and pick my evidence up. When I bring it up into my

1 laboratory and I'm ready for the examination, I will
2 conduct any type of an analysis to make sure the seals
3 are still intact and make sure the evidence has not been
4 tampered with. I will open the evidence and document what
5 I find inside with photography and also look at it closer
6 and document any information about a bullet or cartridge
7 case, the firearm or whatever may be in that envelope or
8 that package on an intradepartmental worksheet.

9 Depending on what type of evidence I have in the
10 case, I will then take my next step. That may be to
11 examine things under a comparison microscope. A comparison
12 microscope just to kind of give you a visual is a
13 microscope with -- looking at two microscopes, but they're
14 connected with one optical bridge, so basically I can look
15 at two things at one time. I can put those under high
16 magnification and different light sources to look at all
17 the different features that may be on some of these fired
18 components.

19 If I have a firearm in the case, I may also test fire
20 that firearm inside our SLED bullet recovery tank. That's
21 simply a tank that's full of water and we test fire into
22 that in order to recover our fired bullets and our
23 cartridge cases, and that water doesn't really damage our
24 bullets that we're gonna look at under the microscope.

25 At the conclusion of all of that, I will reach a --

1 some type of result or some conclusion whether these
2 bullets or cartridge cases were fired by the same firearm,
3 a different firearm or by the firearm I received in the
4 case, and I will have another examiner step into my office
5 and review these conclusions that I've reached.

6 Q. Directing your attention to this case specifically,
7 did you receive some evidence in the case involving the
8 Defendant, Tequan Holmes?

9 A. Yes, ma'am, I did.

10 Q. And do you recall what evidence you received in this
11 case?

12 A. Yes, ma'am. May I refer to my notes?

13 THE COURT: Yes, you can.

14 THE WITNESS: Thank you, sir.

15 In this case, I received one fired bullet and I also
16 received one Omega Model 5 revolver, a .32 Smith & Wesson
17 Long caliber, Serial Number 57478, with seven unfired .32
18 auto caliber cartridges.

19 BY MS. YOUNG:

20 Q. I'm showing you what's been marked for identification
21 purposes as State's Exhibit Number 23 and ask if you
22 recognize that item?

23 A. Ladies and gentlemen, this firearm is locked with a
24 cable lock and it's safe for me to handle. I do recognize
25 this revolver. It is marked still with my SLED lab number,

1 item number and initials that I placed on it when it was in
2 the laboratory.

3 Q. You placed those on the gun itself?

4 A. Yes, ma'am.

5 Q. I'm gonna show you State's Exhibit Number 76 and ask
6 if you recognize that?

7 A. Yes, ma'am. This is the fired bullet that is still
8 packaged in the same packaging as I put it in as it left
9 the laboratory. It still has my seal date and initials
10 and it is scribed also with the SLED item number, the lab
11 number and my initials as well.

12 MS. YOUNG: Your Honor, out of an abundance of
13 caution I'm gonna offer State's 23 and 76 in evidence
14 at this time before he testifies about them.

15 THE COURT: I have them already marked, but I'll --

16 MS. STEINER: I have them already marked as well.

17 THE COURT: Thank you. 23 and 76 in evidence.

18 (State's Exhibit Number 23, a handgun, was previously
19 admitted on Page 227 and State's Exhibit Number 76, a fired
20 bullet, was admitted into evidence.)

21 BY MS. YOUNG:

22 Q. Agent Greer, are these the items that you analyzed in
23 this case?

24 A. Yes, ma'am, they are.

25 Q. What conclusions did you form after analyzing these

1 particular items?

2 A. After analyzing these items, it is my opinion that
3 the fired bullet that's State's Exhibit 76, SLED Item
4 Number 1, was fired by State's Exhibit 23, and that's SLED
5 Item Number 6, the Omega revolver.

6 MS. YOUNG: No further questions. Please answer
7 any the defense may have.

8 THE WITNESS: Thank you.

9 THE COURT: Cross-examine, Ms. Steiner?

10 MR. STEINER: No questions. Thank you very much.

11 THE COURT: Thank you.

12 Agent Greer, you can step down. Thank you, sir.

13 (Witness excused.)

14 THE COURT: Ms. Young?

15 MS. YOUNG: Your Honor, the State rests.

16 THE COURT: Thank you.

17 Ladies and gentlemen, the State has now rested
18 its case in chief. That means that you have heard all
19 of the evidence and testimony that you will hear from
20 the State in the presentation of its case in chief.

21 Necessarily, at this juncture of every trial of
22 this nature, I have to deal with certain matters of law
23 outside of your presence and it just so happens it's a
24 good time of the day to do it because it's about time to
25 send you home anyway and by the time we'd finish dealing

1 with those matters, it would be after 5:00 and so we're
2 not gonna be in a position to present anything else to
3 you today.

4 And so I'm gonna send you home and I'm gonna ask
5 that you be back in your jury room tomorrow morning at
6 9:30 once again.

7 You've heard all of the State's evidence and
8 testimony in the presentation of its case in chief, but
9 there's more to be heard yet in this case and so you're
10 not at liberty to talk about this case among yourselves
11 or with anybody else or to try to find out anything on
12 your own about this case from any other source. So my
13 instructions to you at the outset of this trial will
14 continue in that regard until I tell you otherwise.

15 So have a safe trip home, ladies and gentlemen,
16 and I'll see you-all tomorrow morning at 9:30.

17 Yes, sir, Mr. Clerk.

18 THE CLERK: Ladies and gentlemen of the jury,
19 we'll have sausage biscuits for you in the morning. If
20 you wish to have one, please come ten to fifteen minutes
21 early so we don't delay the court starting, but we'll
22 have them for you in the jury room.

23 THE COURT: Good. Thank you, folks.

24 Thank you, Mr. Clerk.

25 THE CLERK: Thank you, sir.

1 (Whereupon, the jury was excused for the day at
2 4:31 PM.)

3 THE COURT: Mr. McCarley or Ms. Steiner, I'll be
4 glad to hear your motions from the Defendant.

5 MR. MCCARLEY: Your Honor, may we reserve the right
6 since the jury's gone home today anyway to make those in
7 the morning?

8 THE COURT: Sure. The jury's not gonna be here to
9 hear them anyway.

10 MR. MCCARLEY: Great. Thank you, sir.

11 THE COURT: I was trying to save a little bit of
12 time, but that's fine.

13 MR. MCCARLEY: I may be able to save a little bit
14 of time. Your Honor, at this time would you mind
15 talking to my client about his right to testify and
16 not and making sure he's -- making double sure. I've
17 obviously talked to him quite a bit about that.

18 THE COURT: Yeah, I'll be -- I'll be glad to deal
19 with that.

20 Mr. Holmes, will you, please, stand where you are
21 and raise your right hand.

22 (Whereupon, Tequan Holmes was duly sworn by the
23 Court.)

24 THE COURT: Thank you. You can be seated.

25 Mr. Holmes, the State has presented the evidence

1 and testimony in this case against you in its case in
2 chief. As to whether they'll offer any other testimony
3 or not depends on what happens from this point on in the
4 trial, but in any event now it turns to you for the
5 opportunity to offer evidence and testimony if you choose
6 to do that.

7 And as you've heard me tell the jury in this case
8 before this thing started, you don't have to offer any
9 evidence and testimony in this case if you choose not to
10 do it because under our constitution, the United States
11 Constitution, the Fifth Amendment, and a similar
12 counterpart of our state constitution says that no
13 individual in a criminal case can be compelled to offer
14 evidence or testimony against himself, and that means
15 that you have the right to remain silent. If you choose
16 not to testify in this case, as you have a right to do,
17 the jury will be instructed at the conclusion of the
18 trial that they cannot take that into account, that they
19 cannot even discuss that in their considerations and
20 the deliberation on the question of your guilt or your
21 innocence because you have a constitutional right not
22 to testify, you have a constitutional right to remain
23 silent. If you choose to exercise that right, that
24 cannot and must not be used against you in court.

25 On the other hand, you also have the right to

1 testify if you choose to, and if you choose to testify
2 and give up the right against self-incrimination that
3 our constitution -- protections that our constitution
4 gives you, then you will take the witness chair like
5 everybody else has in this trial, you'll take an oath,
6 and you'll be asked questions not only by your own
7 attorneys, but also from the State's attorneys, and you
8 can be cross-examined and impeached on any issue that is
9 relevant in this particular case.

10 And so you have the right to testify and you have
11 the right not to testify and those are rights that belong
12 only to you and nobody else can exercise those rights and
13 nobody can give them up but you.

14 Do you understand what your rights are concerning
15 testifying and not testifying in this case?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you want to ask me any questions
18 about those rights?

19 THE DEFENDANT: No, I'm good.

20 THE COURT: So from that then I gather that if you
21 choose to testify or if you choose not to testify that
22 you're making that decision with a full understanding of
23 what your rights are in this trial?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Thank you.

1 Mr. McCarley, do you wish me to put any more
2 questions to him?

3 MR. MCCARLEY: No, sir, Your Honor.

4 THE COURT: Okay.

5 All right. Anything else then from the defense
6 before we break for the day?

7 MR. MCCARLEY: Just in regards to scheduling, I
8 was able to e-mail with the witness and they will be
9 able to be here and take the stand at nine and we can
10 do that -- do that testimony outside the presence of
11 the jury hopefully and then begin again with the jury
12 at 9:30.

13 Is that what Your Honor -- is that when Your Honor
14 and Mr. Hart asked them to be back?

15 THE COURT: Yes, sir. That's fine.

16 I recommend you-all for reading overnight Rule 611
17 of the South Carolina Rules of Evidence that bear on this
18 issue and so can you look at that overnight --

19 MR. MCCARLEY: Yes, sir.

20 THE COURT: -- because that's what I'll be referring
21 to.

22 MR. MCCARLEY: Yes, sir.

23 THE COURT: All right.

24 Anything further from the State before we break
25 today?

1 MS. YOUNG: Nothing further from the State, Your
2 Honor.

3 THE COURT: All right. Thank you.

4 All right, folks. We'll stand in recess until
5 9:00 tomorrow morning.

6 Thank you-all.

7 And, Ms. Steiner, you'll be here for part of the day
8 tomorrow?

9 MS. STEINER: Yes, part of the day.

10 THE COURT: Okay. Good. We'll see you then.

11 We're in recess until 9:00 tomorrow. Thank you.

12 (Whereupon, the proceedings were concluded for
13 July 24, 2019, at 4:36 PM.)

14 (The following proceedings were held July 25, 2019,
15 beginning at 9:21 AM.)

16 BAILIFF: All rise. Court is now back in session.
17 The Honorable Tommy Cooper presiding.

18 THE COURT: Thank you, ladies and gentlemen. Please
19 be seated.

20 Good morning.

21 MR. McCARLEY: Your Honor, may I go get co-counsel
22 and my client?

23 THE COURT: That's a good idea. Yes, sir.

24 (Whereupon, the Defendant enters the courtroom at
25 9:22 AM.)

1 THE COURT: Madam Reporter, the record will
2 reflect that the State had rested its case in chief
3 yesterday afternoon before we broke, so now having
4 advised Mr. Holmes of his constitutional rights to
5 testify or not to testify, we move onto motions first
6 to the State's case motions by the Defendant.

7 Mr. McCarley -- Ms. Steiner.

8 MS. STEINER: Your Honor, at this point in time
9 we'd like to make a motion for a directed verdict based
10 upon a failure of competent evidence tending to prove
11 malice aforethought. And, Your Honor, also I might be
12 completely mistaken, but I cannot recall if the State
13 asked for you to make a specific finding on the record
14 that common law attempted burglary, second degree, is a
15 violent felony crime under 16-1-60.

16 THE COURT: The question was asked of the witness
17 who -- through whom that was introduced if it was a crime
18 of violence and I think -- I'm not sure, but I think the
19 verdict form itself states it's a violent crime; does it
20 not? I haven't looked at it lately. I know that the
21 question was asked. I thought the witness, whoever put
22 that in -- Madam Reporter, do you have that exhibit? I
23 don't have the number of it.

24 THE COURT REPORTER: Is that the conviction one?

25 THE COURT: Yes, the certified conviction. It was

1 introduced during --

2 THE COURT REPORTER: Oh, Number 25.

3 THE COURT: Can somebody get me Number 25?

4 (Pause in proceedings.)

5 THE COURT: The verdict form itself indicates it
6 is a violent crime and the witness testified as to a
7 crime of violence, okay? Do you want to look at it?

8 MS. STEINER: And, Your Honor, I believe that the
9 statute does require that you make a specific finding on
10 the record.

11 THE COURT: Well, the record speaks for itself, but
12 I'll be glad to make a specific finding that the verdict
13 form speaks for itself and burglary is a -- attempted
14 burglary is a crime of violence as the statute provides.

15 MS. STEINER: Thank you, Your Honor.

16 THE COURT: Okay. Thank you.

17 Anything -- anything else in addition to the
18 Rule 19 motion? I understand this -- of course, it
19 covers everything, but specifically is designed to
20 address the lack of proof of malice aforethought; is
21 that right? Did I understand correctly?

22 MS. STEINER: That's correct, Your Honor.

23 THE COURT: Okay.

24 All right. Thank you for your patience, folks.

25 Rule 19, of course, of the Rules of Criminal

1 Procedure is the rule that governs Rule 19 motions of
2 this sort and the cases cited thereunder give us the
3 standard that the trial court must follow in deciding
4 such motions and we know, first of all, in ruling on a
5 Rule 19 motion all of the evidence must be taken in the
6 light most favorable to the State, the nonmoving party
7 in this regard, and if there's any direct or substantial
8 circumstantial evidence which reasonably tends to prove
9 the guilt of the accused, then the motion must be denied.
10 The trial judge according to the law and body of law is
11 only concerned with whether there's some existence of
12 such direct or substantial circumstantial evidence and
13 not with the weight of it itself.

14 As an aside, I continue to labor under the hope
15 that one of these days our appellate courts will remove
16 the adjective -- the adverb "substantial" before the word
17 "circumstantial". It causes needless confusion. It's
18 neither here nor there for this trial, but I'm an old
19 English teacher and when I'm told that I'm not concerned
20 about the weight of the evidence but I'm only concerned
21 with its existence, but yet I charge that if there's
22 any direct substantial circumstantial evidence and
23 substantial tells me I must be concerned about the
24 weight of it or I wouldn't put that adverb in there to
25 described the adjective circumstantial.

1 So, there, I've been trying to teach the appellate
2 courts English grammar for twenty-seven years in my
3 railing against that word, but it's still there, and I
4 do find that in this case taking the evidence in the
5 light most favorable to the State there is direct and
6 circumstantial evidence which reasonably tends to prove
7 the guilt of the accused. If I deal with the overall
8 evidence, of course, there's the eyewitness testimony,
9 there's the circumstantial evidence tying the weapon
10 to the Defendant and the weapon to the crime and those
11 matters that the record is replete with, but as to your
12 specific issue, Ms. Steiner, which I note, and that is
13 the failure of proof of malice aforethought, the jury
14 will be charged that aforethought means that the intention
15 to do the unlawful act was conceived or planned sometime
16 before the actual commission of the unlawful act, but it
17 need not exist for any particular length of time prior to
18 the act. Repeating, once again, malice need not be in the
19 mind of the one doing the act for any particular length of
20 time before the act of killing in order to render the
21 killing murder. If it is present in the mind of the one
22 doing the killing any length of time before the act, then
23 its presence would be sufficient to render the killing
24 murder.

25 In this particular case, we have what was the day

1 before -- the day before the crime an empty weapon with
2 no bullets and then we have at sometime prior to the
3 crime -- immediately prior to the crime in the context
4 of things, an effort was made and completed to obtain
5 bullets for that weapon shortly before the killing
6 itself. As to whether the jury would tend to think
7 that that was evidence of malice, of course, is a matter
8 within the purview of the jury, they've got the right
9 to conclude that if they want to, but in any event I do
10 find that there is evidence from which this jury could
11 conclude whether it's the buying of the bullets beforehand
12 or whether it was the fact that the Defendant came up to
13 the scene on that particular case and had talked about
14 some concern about some money being missing in an earlier
15 context that they could find that there was malice at
16 least present at the time of the shooting sufficient to
17 render the killing murder.

18 The motion is respectfully denied on that basis.

19 MR. STEINER: Thank you, Your Honor.

20 THE COURT: Thank you.

21 All right. Any further motions now from the defense
22 before we go forward, Mr. McCarley?

23 MR. MCCARLEY: No, sir. We're ready to call our
24 first witness when the jury is here.

25 THE COURT: All right. We'll get the jury in and

1 we'll proceed. Thank you.

2 MS. HALL: Your Honor, the State would have a motion
3 as to the defense's first witness.

4 THE COURT: As to who?

5 MS. HALL: As to who we anticipate is the defense's
6 first witness.

7 THE COURT: All right. Tell me who the first
8 witness is going to be and tell me what the State's
9 motion is.

10 Mr. McCarley, your first witness will be?

11 MR. MCCARLEY: Jabarick Quiller.

12 MS. HALL: We'll reserve that until a separate
13 witness is called.

14 MR. MCCARLEY: We --

15 THE COURT: So no objection as to that first
16 witness now?

17 MS. HALL: No, Your Honor.

18 THE COURT: Okay. There's another witness that
19 there will be an objection to?

20 MS. HALL: Yes, sir.

21 THE COURT: And who will that be?

22 MR. MCCARLEY: I don't know who they're gonna object
23 to. I'm guessing --

24 MS. HALL: If the defense intends to call Deputy
25 Travis Blackwelder, we will have a motion.

1 THE COURT: Okay.

2 MR. MCCARLEY: If Your Honor wants to, I can change
3 my witness order. I'm happy to call him first if you
4 want to get this out of the way while the jury's still
5 out and not have them come back and forth. I'm happy to
6 call Travis Blackwelder.

7 THE COURT: Well, we can deal with this -- with
8 the motion now even if you don't take them out of order,
9 okay?

10 MR. MCCARLEY: And I plan on calling him.

11 THE COURT: All right. And, Ms. Hall, what is the
12 motion in regard to Mr. Blackwelder?

13 MS. HALL: Your Honor, Deputy Blackwelder was a
14 witness that arrived second on-scene to the incident
15 location. He did write a report as has been told to
16 Your Honor; however, outside of his testimony as it
17 pertains to this case based off of the other witnesses
18 that the defense has subpoenaed and information that
19 we've received, we anticipate that the defense intends
20 to question Deputy Blackwelder about prior instances,
21 prior testimony unrelated to this case.

22 Specifically, the defense filed a motion in this
23 case in which they alleged they were going to show that
24 Deputy Blackwelder had lied on the stand in a previous
25 case and we would make a motion to limit his testimony

1 in that sense.

2 THE COURT: All right.

3 MS. HALL: And we would ask for a proffer of his
4 testimony so that we could hash out those details.

5 THE COURT: All right.

6 Okay. Mr. McCarley?

7 MR. MCCARLEY: Your Honor, I'm not aware of any
8 motion filed on behalf of Mr. Holmes or me saying that
9 Deputy Blackwelder lied in this case. There have been
10 discussions between the parties trying to deal with
11 scheduling and things like that, but no motion's been
12 made --

13 THE COURT: That was -- that was the context of
14 a discussion we had at sidebar yesterday though as I
15 recall. I'm not sure whether you initiated it or
16 whether --

17 MR. MCCARLEY: Right. It just wasn't a motion of
18 some sort that I filed saying somebody lied.

19 MS. HALL: Your Honor, I'm just referencing his
20 motion to continue that was filed in this case.

21 THE COURT: Okay.

22 All right. Thank you.

23 All right. I'm prepared, of course, to deal with
24 any questions to Deputy Blackwelder or former deputy --
25 is he still a deputy?

1 MS. HALL: Yes, Your Honor.

2 THE WITNESS: -- that would deal with Deputy
3 Blackwelder's former statements regarding other issues
4 not related to this when they come up at the time the
5 objection is filed. I can take care of those at that
6 time unless we need to go through his testimony entirely
7 in limine and let me give a script. Frankly, I prefer
8 just to deal with it as it comes up.

9 MS. HALL: Your Honor, the State's only concern is
10 that as soon as that question is asked, it's already in
11 the jury's mind regardless of what he says. If a question
12 comes out about the officer lying in a previous hearing,
13 whether I object or it gets answered or not, the jury's
14 already heard that question and it's in their mind.

15 THE COURT: Right.

16 When you're talking about an officer lying, this
17 officer lying in a previous testimony; is that right?

18 MS. HALL: We -- no, we do not agree that he lied.
19 That is what was put in the defense's motion to continue,
20 which is what I anticipate they are trying to elicit
21 from him. We disagree that he has lied in the previous
22 testimony -- in a previous hearing, which is another
23 reason why we would like to go ahead and proffer that
24 testimony so that the jury doesn't hear anything that
25 isn't correct.

1 THE COURT: All right.

2 Mr. McCarley, tell me what the relevance of that
3 line of testimony would be.

4 MR. MCCARLEY: Your Honor, Deputy Blackwelder has
5 testified before on the record in this court that he
6 breached policy and procedure. He was the second person
7 on the scene. Sergeant Gainey said that he pretty much
8 passed -- well, passed a lot of what happened there
9 initially off to Deputy Blackwelder. Deputy Blackwelder
10 wrote the initial incident report. It's his incident
11 report, not Sergeant Gainey's. Sergeant Gainey simply
12 approved it. Sergeant Gainey said that he did not talk
13 to any of the witnesses, Deputy Blackwelder did. And
14 getting back to why his credibility and ability to follow
15 policy and procedure is relevant and important in this
16 case, he's the first person with fingerprints on the case.
17 He arrived, he spoke with witnesses. I think witness
18 credibility is a large issue in this case and I've tried
19 to get that out through cross-examination, so his ability
20 to follow policy and procedure is -- is important to the
21 -- to the theme of the defense, to presenting a full and
22 complete defense of Mr. Holmes.

23 I think I can maybe get little bit more specific.
24 There was a line of questioning in this previous hearing
25 with Deputy Blackwelder about the circumstances, his

1 knowledge of negative job reports previous to his
2 termination. He testified thirteen times that no --
3 that he had no knowledge whatsoever of any reports. That
4 is the reason that South Carolina Department of Public
5 Safety has been subpoenaed here by me today depending
6 on his answers and whether or not he made a prior
7 inconsistent statement. I would then call into question
8 his credibility and, thus, the credibility of this entire
9 investigation because he's the first person with his
10 fingerprints on it. He filed the first report, he was
11 on-scene talking to these people first.

12 THE COURT: All right. Let me chop that up into
13 little pieces first of all, Mr. McCarley. You said that
14 he wrote the incident report, right?

15 MR. MCCARLEY: Yes, sir.

16 THE COURT: The incident report is not in evidence,
17 so what bearing does that have before this jury?

18 MR. MCCARLEY: I'll be able to question him as to
19 the contents of that incident report. That's a recording
20 of what happened. That's -- that's the best evidence I
21 have having not spoken with him about it. What he wrote
22 down there, who he listed as a suspect, who he listed as
23 witnesses and why --

24 THE COURT: Right.

25 MR. MCCARLEY: -- are things that I -- I would

1 anticipate asking on cross if -- if they came up, so his
2 -- on direct. I'm sorry. Old habits.

3 THE COURT: I'm still struggling as I was yesterday,
4 quite frankly, with the -- the concept of -- of presenting
5 what might be tainted evidence or might not, I'm not sure,
6 what might be tainted evidence to a jury that the jury
7 has not yet considered and has not yet seen and will
8 not see unless you choose to -- to introduce it. He
9 interviewed the witnesses, of course, as you said
10 initially according to the investigation. Of course, I
11 can't recall with one or two exceptions, and I'm not sure
12 whether they relate to Deputy Blackwelder or not, any
13 statements of any witnesses that were introduced through
14 third parties relevant to the witnesses themselves; that
15 is to say this jury has had a chance to look at the
16 witnesses and hear the witnesses and to evaluate their
17 testimony on their own without regard to having to take
18 somebody else's opinion about the witnesses' credibility.
19 How does that play into your concern?

20 MR. McCARLEY: Your Honor, the witnesses that have
21 been -- that the jury has been allowed to see have been
22 witnesses the State has called. What I'm trying to do
23 is shine a light on the investigation in whole or at
24 least in further and call witnesses that obviously
25 wouldn't help the prosecution.

1 THE COURT: Well, you can do that. Certainly you
2 can do that.

3 MR. MCCARLEY: And that's -- that's exactly what
4 I'm trying to do through Deputy Blackwelder.

5 THE COURT: Yeah, but Deputy Blackwelder doesn't
6 know anything about this other than what somebody else
7 has told him, right?

8 MR. MCCARLEY: Correct. Well, and did he -- in his
9 inability to follow policy and procedure, did he write
10 that down correct on the incident report.

11 THE COURT: Is -- is there anything in the incident
12 report that he has written, typed?

13 MR. MCCARLEY: I -- I apologize. I'm not following
14 you, Judge.

15 THE COURT: Is there anything in the incident report
16 that he wrote that you're referring to that calls into
17 question the integrity of the investigation as this jury
18 has seen or heard?

19 MR. MCCARLEY: I would say not yet taking this at
20 face value, which I can't afford to do.

21 THE COURT: Well, if we take it at face value and
22 if there's nothing there that seems to call into question
23 the integrity of it and there's nothing before this jury
24 that calls it into question, are you saying that Deputy
25 Blackwelder himself would offer something outside of the

1 report that calls into question the integrity of the
2 report or the investigation?

3 MR. MCCARLEY: I would say his on the record
4 inability to follow policy and procedure calls into
5 question his report.

6 THE COURT: It's not enough to say that he has
7 shown in the past that -- that he's done all these
8 terrible things that he's accused of doing, and perhaps
9 have been found guilty of doing for all I know, and I'm
10 not trying to protect Deputy Blackwelder's reputation in
11 this court at all, what I'm trying to do is to -- is to
12 keep something before this jury that's extraneous to the
13 issues before it that -- that call into question into
14 this particular case something that he may have done in
15 prior cases not related to this case.

16 MR. MCCARLEY: Well --

17 THE COURT: Go ahead.

18 MR. MCCARLEY: If he says he didn't breach policy
19 and procedure in this case, so be it, but then we've got
20 somebody that -- did he do it right this time, didn't do
21 it right the last time. This is his job. This is not a
22 lay witness, this is not somebody that was in the yard or
23 in the bushes crying or not. This is somebody that's
24 been trained to respond to these and trained to do these
25 reports, respond to these incidents, follow policy and

1 procedure.

2 Your Honor, I think it goes -- it goes to the
3 credibility of the witness and the jury's task is to
4 evaluate that and I'm gonna call a witness who I think
5 is incredible and I believe I can prove that he's
6 incredible to the jury.

7 THE COURT: Well, if you call a witness who is not
8 credible simply for the purpose of proving that he is
9 not credible and the State has not offered him for
10 anything at all, where does that leave us? You've got
11 a witness who's not involved in this trial and -- and
12 I'm trying to figure out how his credibility bears on
13 his incident report and bears on his investigation in
14 this case.

15 MR. MCCARLEY: And not to quote Your Honor, we all
16 say the trial of the case.

17 THE COURT: Right.

18 MR. MCCARLEY: He is not involved in this trial
19 because the State has chosen not to call him. Now I --
20 I have my own guesses on why they wouldn't want to call
21 him, but that is what it is. He was gonna be called
22 when this case was called to trial a couple of months
23 ago. He was in the courtroom with a box of evidence,
24 et cetera. So if I was unable to call witnesses to call
25 into question the credibility of the entire investigation

1 because they're the first person that gave an incident
2 report, the first person that talked to witnesses, I
3 think -- he is not yet involved in this trial. He is
4 absolutely completely involved in this case, this
5 incident, having filed paperwork in it, having been at
6 the scene, having met with these people whose very
7 statements have gone back and forth. Some of which,
8 not all statements have gone back and forth.

9 THE COURT: All right. I'm gonna let you call him
10 and I'm gonna let you ask him questions about what he has
11 done in connection with this investigation. That's fair
12 game. What he says in the report, the incident report,
13 that's fair game, that's fine. But now to bring up these
14 other issues that are outside that you've talked about
15 earlier, how does that survive a 403 and 404 analysis in
16 this particular case; that is, character evidence not
17 admissible to prove conduct?

18 MR. MCCARLEY: Your Honor, I have no problem
19 whatsoever with the man's character. I don't know him.

20 THE COURT: All right.

21 MR. MCCARLEY: I'm not trying to prove character.
22 I'm trying to prove did he or did he not do his job.
23 I'm calling into question the credibility of the
24 investigation based on him having been there and put
25 fingerprints on it almost immediately.

1 THE COURT: All right. What Rule 404(b) says is
2 evidence of other wrongs or acts is not admissible to
3 prove the character of a person in order to show action
4 that's in conformity with that character. It is
5 admissible to show motive and identify, the existence of
6 a common scheme or plan, the absence of a mistake or
7 intent and anything of that nature, and so without
8 knowing what the questions are gonna be obviously it's
9 hard for me to write a script to tell you-all what you
10 can and what you can't say.

11 MR. McCARLEY: I agree.

12 THE COURT: But I need to be guided by the rules of
13 evidence in this case, Rule 403, 404, Rule 607, 8 and 9
14 to the extent that they apply, and so I'll let you call
15 him and we can see where it leads us.

16 MR. McCARLEY: Okay. May I say something briefly?

17 THE COURT: Yes, sir.

18 MR. McCARLEY: Just in listening to Your Honor,
19 absence of mistake would be one of the ways in which I
20 would possibly discuss those prior -- it's not a mistake.
21 This is something he's done before. There's also some
22 other issues in the past with him not turning on his
23 body-worn camera in a breach of policy and procedure.
24 Now I've never seen any video from that night, I don't
25 know if Deputy Blackwelder had a body-worn camera on or

1 not, but he's breached policy and procedure in not turning
2 that on before as well and that would be an absence of
3 mistake depending on how he testifies.

4 THE COURT: And I take it, of course, that perhaps
5 is designed to show that perhaps the -- the testimony of
6 the witnesses that were taken at the scene was otherwise
7 as has been represented, perhaps otherwise and as the
8 witnesses themselves testified to. If you've got some
9 evidence of that, of course, that calls that testimony
10 into question, you can go down that road, that's fine.
11 What I'm saying is you can't throw something out there
12 and say you lied before, so you must have lied now. I
13 don't know when you lied and I don't know what lies you
14 told and I don't know why you told them, but you must
15 have lied because you lied before. Now that is -- that's
16 off limits.

17 MR. MCCARLEY: And I'm not -- and I'm not trying to
18 say you lied before. I'm trying to say you didn't follow
19 policy and procedure before.

20 THE COURT: I thought you had some folks here today
21 that -- qualified to say that he did lie when he talked
22 about those negative junk reportings.

23 MR. MCCARLEY: I do, but that's not -- that's --
24 that sounds very clear that Your Honor's not gonna let
25 me go down that road, so.

1 THE COURT: You're gonna have to show me a better
2 reason than you've shown me far.

3 MR. MCCARLEY: When a -- if you want me to speak
4 on that, I'm happy to.

5 THE COURT: Well, I can imagine. I'll give you a
6 chance to speak on that. We don't need to do this
7 twice.

8 And, Ms. Hall, I appreciate your concern about the
9 bell not being unrung once it's out there rung. The
10 State has presented about twenty-five or thirty witnesses,
11 I haven't counted them all, it's presented all of its
12 testimony in this case. I don't know what Mr. Blackwelder
13 can do to undo that testimony or upset all of that,
14 but he's gonna have a chance to do it if he can. If he
15 can throw some bomb in the middle of this that shows
16 everything this jury's heard before is incredible and
17 this investigation is tainted to the extent that the
18 whole theory of this case is -- has somehow or another
19 been misrepresented by the witnesses, then he's gonna
20 have a chance to do it. But it's got to be done in
21 accordance with the rules.

22 All right, folks.

23 MS. HALL: Your Honor, I would like to point out
24 specifically Rule 608. The defense -- it states specific
25 instances of conduct of a witness for the purpose of

1 attacking their credibility, I guess, presumably if we're
2 gonna get into whether or not he turns on his body-worn
3 camera in every case as the policy requires, this rule
4 states that it may not be proved by extrinsic evidence --

5 THE COURT: That's right.

6 MS. HALL: -- which is exactly what they're seeking
7 to do. And it states that if in the discretion of the
8 Court if it's probative of truthfulness, which I would
9 submit it's not, it can be inquired on cross-examination.
10 This isn't cross-examination, this would be direct
11 examination of the defense.

12 THE COURT: Right. It is direct examination, but
13 it's not -- I threw in 611 yesterday, which I think
14 gives him some latitude to make this, in effect,
15 cross-examination, but, like I said, you-all know what
16 his testimony is gonna be and you know what the questions
17 are and you know where the minefields are, I don't know
18 that, and I'm really not concerned with that. I'm
19 concerned with Rule 404, 403, and Rule 608. I know what
20 that says, okay?

21 MS. HALL: Thank you, Your Honor.

22 THE COURT: All right.

23 All right, folks. Are we ready for the jury?

24 MS. YOUNG: (Nods head.)

25 THE COURT: You can bring us the jury.

1 (Whereupon, the jury enters the courtroom at
2 9:49 AM.)

3 THE COURT: Mr. Foreman, ladies and gentlemen of
4 the jury, thank you very much. You were prompt today
5 and we had some matters that we had to deal with, so we
6 were here at 9:00 this morning dealing with those matters
7 in order to proceed on. I'm hopeful that you were able
8 to enjoy the sausage biscuits and somehow or another that
9 will assuage your concern about our delay in getting you
10 out here.

11 We're now ready to proceed with the trial of this
12 case. As you call before we broke yesterday, the State
13 had rested its case in chief, and as I told you before
14 the trial began the Defendant at this juncture has the
15 right to offer evidence and testimony, but he is under
16 no obligation to offer any evidence and testimony because
17 he does not have to prove his innocence in this case,
18 the State has the burden as you already now, so I turn
19 now to the defense.

20 Mr. McCarley?

21 MR. MCCARLEY: Thank you very much, Your Honor.

22 The defense calls Travis Blackwelder.

23 THE COURT: Mr. Blackwelder. He's in sequestration?

24 MR. MCCARLEY: Sorry. I forgot about that judge.

25 Thank you, Judge.

1 THE COURT: That's okay. Thank you.

2 Deputy Blackwelder, come forward, please, and be
3 sworn.

4 THE CLERK: Place your left hand on the Bible and
5 raise your right.

6 (Whereupon, Travis Blackwelder was duly sworn by
7 the Clerk of Court.)

8 THE CLERK: Have a seat in the witness box and,
9 please, state your full name for the Court.

10 THE WITNESS: My name is Sergeant Travis Blackwelder,
11 B-L-A-C-K-W-E-L-D-E-R.

12 TRAVIS BLACKWELDER,
13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MCCARLEY:

16 Q. Good morning, sir.

17 A. Good. Morning.

18 Q. Thank you for coming this morning.

19 Sergeant Blackwelder, where do you work?

20 A. The Aiken County Sheriff's Office.

21 Q. Okay. And what is your job there, sir?

22 A. Currently I'm assigned to the special operations
23 division as a K-9 trainer/supervisor.

24 Q. Okay. Do you also respond to dispatches to incidents?

25 A. Very rarely at this point in my career.

1 Q. Okay. Taking you back to three years ago, did you
2 respond to a shooting in Warrenville?

3 A. Yes, sir.

4 Q. Okay. And could you, please, tell me what you saw
5 when you got there.

6 A. When I arrived on-scene, it was a cul de sac. I
7 remember there were several people walking around. I
8 remember my sergeant was the first one on-scene. There
9 was a young man laying in the driveway that was obviously
10 -- at the time I assumed was deceased due to the amount
11 of blood that was in the driveway. And that's what I saw
12 initially when I arrived on-scene.

13 Q. All right. And you said sergeant, is that Sergeant
14 Gainey?

15 A. Yes, sir.

16 Q. So were you the second police officer?

17 A. As far as I'm aware I was the second one there.

18 Q. Okay. And you just said you saw several people
19 walking around?

20 A. Yes, sir.

21 Q. Okay. And did you file the initial incident report
22 in this case?

23 A. I am the person who wrote the incident report, yes.

24 Q. Okay. And did you talk with any witnesses in this
25 case?

1 A. My report says that I have people listed on the
2 report, but at this particular time it was so long ago
3 I can't remember any specific conversations I had with
4 anyone on-scene.

5 Q. Yes, sir. When did you file that report?

6 A. It would have been that night.

7 Q. Okay.

8 A. One of the ones I was securing for evening.

9 Q. Okay. So that would have been the best recollection
10 of what you saw as opposed to threes years today?

11 A. Yes.

12 Q. Okay. When you pulled up to this incident location,
13 did you turn your in-car camera footage on?

14 A. I would imagine it was probably already running
15 because I ran blue lights and siren and the in-car camera
16 comes on automatically.

17 Q. Were you wearing -- well, what did you do with that
18 footage? If you turned it on -- if you turn your blue
19 lights -- I'm sorry. I'm bouncing around.

20 A. That's okay.

21 Q. If you turn your blue lights on, the camera
22 automatically comes on, correct?

23 A. That's correct.

24 Q. Okay. And then if you went blue lights on the way
25 there, there would be footage. What did you do with

1 footage, if anything?

2 A. Typically when you come into rollcall the next day
3 or the next rollcall, you download your video cards in
4 the squad room and that footage would be saved to the
5 view vault server system at the sheriff's office.

6 Q. Do you know how long it's saved on the view vault?

7 A. My understanding it's ninety days, but I'm not sure
8 if that's accurate or not. I've never tested it.

9 Q. Were you wearing a body-worn camera when you responded
10 to this incident location?

11 A. I don't know if I had a body-worn camera yet or not.
12 I know I tested the body-worn camera during that year, but
13 I do not recall if it was during this time period.

14 Q. Do you always turn your body-worn camera on when you
15 get to an incident location?

16 A. Most times. There's times that I've forgot to turn
17 it on initially, especially during that first few months
18 of getting a body camera.

19 Q. Okay. Have you seen the footage -- in reviewing this
20 case, your involvement in this case, have you seen the
21 footage from where you pulled up?

22 A. I have not.

23 Q. Okay. Have you listened to any audio from when you
24 pulled up?

25 A. I have not.

1 Q. Okay. When you turn on your blue lights and the
2 in-car camera turns on, can you also if you're wearing a
3 microphone or a speaker can hear what's going on outside
4 on the in-car audio, correct?

5 A. Yeah, typically we have a -- what we call a belt link
6 that's worn on our duty belt. When you're outside the car,
7 the mic picks up your conversations as you move around,
8 yes.

9 Q. Okay. Have you heard any audio from this incident
10 that would have been taped because you turned on your blue
11 lights?

12 A. I have not.

13 Q. Okay.

14 MR. MCCARLEY: I beg the Court's indulgence. I'm
15 sorry.

16 THE COURT: Yes, sir.

17 BY MR. MCCARLEY:

18 Q. Would you mind describing the several people you saw?

19 A. Describing as in --

20 Q. Anything you can think of as a descriptor; running,
21 walking, black, white, tall, short. I'm just trying to
22 give you examples, but I'm not leading you, sir.

23 A. At this time I'm not clear of what you're actually
24 asking.

25 Q. Any description that you can think of.

1 A. The only thing I can remember is that that cul de sac
2 is a predominantly African American cul de sac and the
3 people that I saw walking around were African American,
4 but I -- they were male, they were female. I don't know
5 heights, weights, I don't know anybody's names. It was
6 the people who lived in that neighborhood cul de sac.

7 Q. Okay. Now did you get anybody's name? You said you
8 don't remember anybody's name. Did you put anybody's name
9 in your incident report?

10 A. I do believe there was a couple of names listed there
11 in the report on, I think, Page 2.

12 Q. Yes, sir. Do you want me to hand you a copy of it up?

13 A. If you won't mind.

14 Q. No problem.

15 MR. MCCARLEY: Do you-all have one?

16 MS. HALL: Uh-huh.

17 BY MR. MCCARLEY:

18 Q. All right, sir. Those heights and weights on Page 2,
19 I believe, sir --

20 A. Okay.

21 Q. -- how tall is Quentin Richardson?

22 A. It says here he's five-six.

23 Q. Okay. And how tall is Roderick Glover?

24 A. It says here five-ten.

25 Q. And how tall is -- sadly to say, how -- how tall was

1 Tiquan Oakman? That would be, I believe, back on Page 1,
2 sir.

3 A. It says here five-seven.

4 Q. Okay. And is there a height listed for Tequan Holmes?

5 A. Yes, five-seven.

6 Q. Yes, sir. And bouncing back to Page 2 --

7 A. Yes, sir.

8 Q. -- what about Dominique Paige?

9 A. Six-two.

10 Q. Okay. So four inches taller than anybody else there?

11 A. If the math is right, yes, sir.

12 Q. Yes, sir. So did you write those descriptions down
13 of those folks?

14 A. I put them in the report, yeah, so I wrote them
15 down --

16 Q. Okay.

17 A. -- or they were given to me. I don't -- I don't
18 recall how I got them.

19 Q. Okay. Yes, sir. I understand. Just a moment.

20 The information that you gathered and put in your
21 report here, did you pass that onto Investigator Criscillis
22 or Sergeant Gainey or both in the course of that evening --
23 night?

24 A. Sitting here, I don't remember the -- the action of
25 doing that, but I can say that if I'm writing a report and

1 I gather any kind of names I would have passed those along,
2 but sitting here I do not actually remember the act of
3 doing that.

4 Q. Yes, sir. I understand.

5 MR. MCCARLEY: No further questions.

6 THE COURT: Thank you.

7 Any cross?

8 MS. HALL: No, Your Honor.

9 THE COURT: Thank you.

10 Detective, you can step down. Thank you.

11 THE WITNESS: Am I dismissed?

12 MR. MCCARLEY: Yes. Your Honor?

13 THE COURT: You can be excused.

14 Without objection?

15 MS. HALL: Yes, Your Honor.

16 THE COURT: Thank you, sir, for coming.

17 (Witness excused.)

18 MR. MCCARLEY: Your Honor, may we handle something
19 very briefly outside the presence of the jury? It won't
20 take thirty seconds.

21 THE COURT: All right.

22 (Proceedings held at the bench; not reported.)

23 THE COURT: Mr. McCarley?

24 MR. MCCARLEY: Yes, sir, Your Honor.

25 The defense calls Sergeant Daymon Spann.

1 THE COURT: Sergeant Daymon Spann.

2 Sergeant Spann, come forward, please, and be sworn.

3 THE CLERK: Place your left hand on the Bible and
4 raise your right.

5 (Whereupon, Damyon Louis Spann was duly sworn by
6 the Clerk of Court.)

7 THE CLERK: Have a seat in the witness box and
8 state your full name for the Court, please.

9 THE WITNESS: Daymon Louis Spann.

10 DAYMON LOUIS SPANN,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MCCARLEY:

14 Q. Good morning, sir.

15 A. Good morning.

16 Q. Thank you for being here.

17 A. Yes, sir.

18 Q. And is it sergeant?

19 A. Lieutenant now.

20 Q. Oh, I apologize.

21 A. That's okay.

22 Q. If I accidentally say sergeant, I'm very sorry.

23 A. That's okay.

24 Q. Lieutenant Spann, where do you work?

25 A. Aiken Public Safety.

1 Q. And what is your job there, sir.

2 A. I'm a lieutenant on patrol. Shift supervisor.

3 Q. Okay. Do you respond to dispatches?

4 A. Yes, sir.

5 Q. Okay. Did you respond to a dispatch on June 20, 2016?

6 A. Yes, sir. There's several, but, yes, sir.

7 Q. I understand. I'll be a little bit more specific.

8 It was on Abbeville Avenue at approximately 9:30 PM.

9 A. Yes, sir.

10 Q. Okay. And who is listed as the victim in this
11 incident report?

12 A. Could I -- could I see a copy of the report?

13 Q. Yes, sir. Absolutely.

14 MR. MCCARLEY: Do you-all have it?

15 MS. YOUNG: (Nods head.)

16 BY MR. MCCARLEY:

17 Q. Let me make sure I'm handing you the right copy. I
18 think that's actually a redacted copy, but I believe we
19 can get through it.

20 A. Yes, sir. Victim Number 1 is listed as Dominique
21 Paige.

22 Q. Okay. When you responded to that incident, did you
23 meet with witnesses?

24 A. Yes, sir.

25 Q. Okay. And you -- did you write that incident report?

1 A. I did, yes, sir.

2 Q. And you filed it or turned it in. What's your
3 procedure --

4 A. Yes, sir. Subject to normal procedure, yes.

5 Q. What type of incident was this?

6 A. It was originally dispatched, I believe, as an assault
7 or a disturbance, I'm not sure which way they titled it at
8 the moment, but involving a firearm.

9 Q. Okay. And according to your investigation, who was
10 the gun pointed at?

11 A. Dominique Paige and also I think the report references
12 a gun was pointed at one of the other family members as
13 well.

14 Q. Okay. And according to your investigation, why was
15 that gun pointed at Dominique Paige?

16 MS. YOUNG: Objection, Your Honor. Hearsay.

17 THE COURT: It doesn't go to the matter of truth, it
18 simply goes to his understanding of the res gestae. I'll
19 let him answer.

20 THE WITNESS: If I could read through just a moment.

21 BY MR. MCCARLEY:

22 Q. Yes, sir. Absolutely.

23 A. According to the -- what I put in the narrative of
24 the report, that Mr. Paige indicated that he did not know
25 the subjects, but assumed it had to do with a recent

1 incident in Warrenville which he was a part of.

2 Q. Okay. And what is this incident date on your incident
3 report, sir?

4 A. The date that I took this report was June the 20th,
5 2016.

6 Q. Okay. Just a moment, sir.

7 A. Sure.

8 MR. MCCARLEY: No more questions at this time.

9 THE COURT: Thank you.

10 Any cross?

11 MS. YOUNG: No cross for Lieutenant Spann,
12 Your Honor.

13 THE COURT: Thank you.

14 Lieutenant, you can step down. Thank you for
15 coming.

16 MR. MCCARLEY: Your Honor, I'll be happy to
17 release him if you see fit.

18 THE COURT: Without objection?

19 MS. YOUNG: No objection.

20 THE COURT: You can go back to work, Lieutenant.
21 Thank you for coming, sir.

22 (Witness excused.)

23 MR. MCCARLEY: Just a moment, Your Honor.

24 THE COURT: Yes, sir.

25 MR. MCCARLEY: Your Honor, the defense calls

1 Jabarick Quiller.

2 Mr. Quiller, come forward, please, and be sworn.

3 THE CLERK: Place your left hand on the Bible and
4 raise your right hand.

5 (Whereupon, Jabarick Quiller was duly sworn by
6 the Clerk of Court.)

7 THE CLERK: Have a seat in the witness chair, watch
8 your step going up, and state your full name when you're
9 seated.

10 JABARICK QUILLER,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MCCARLEY:

14 Q. Please state your full name, sir.

15 A. Jabarick Quiller.

16 Q. Okay. Are you in the Aiken County Detention Center?

17 A. Yes, sir.

18 Q. Okay. Do you have current pending charges?

19 A. Yes, sir.

20 Q. Okay. Do you have a lawyer?

21 A. Yes, sir.

22 Q. Okay. What's your lawyer's name?

23 A. Berry Thompson.

24 Q. Is he present in the courtroom, Mr. Quiller?

25 A. Yes, sir.

1 Q. Okay.

2 MR. MCCARLEY: Your Honor, may the record reflect
3 that Mr. Thompson raised his hand and he is present in
4 the courtroom?

5 THE COURT: It does reflect that.

6 Thank you.

7 MR. MCCARLEY: Yes, sir, Your Honor.

8 BY MR. MCCARLEY:

9 Q. Mr. Quiller, I'll get straight to the point. Were
10 you present on Boucher or Boucher Court the night that
11 Tiquan Oakman was shot?

12 A. Yes, sir.

13 Q. And what were you doing there, sir?

14 A. I was at my brother's house.

15 Q. Who is your brother?

16 A. DeMarco Richardson and Quentin Richardson.

17 Q. Did you see Tiquan Oakman get shot?

18 A. No, sir.

19 Q. Do you know who shot him?

20 A. No, sir.

21 Q. Did you hear the gunshot?

22 A. Yes, sir.

23 Q. Please -- and bear with me, jury and Judge, while I
24 look for Number 1.

25 MR. MCCARLEY: Do you know, Mr. Harte?

1 THE COURT REPORTER: They might be in order.

2 MR. MCCARLEY: Oh, are they in order? There we go.

3 BY MR. MCCARLEY:

4 Q. I'm gonna refer to State's Exhibit Number 1. Do you
5 mind turning just a little bit so you can point out on this
6 to the jury. When you said you were at your brother's
7 house, which one of the houses is this?

8 A. (Indicating.)

9 Q. The one on the left?

10 A. Yeah.

11 Q. Okay. And then whose house is this?

12 A. Kip Boyd, Shawn Boyd.

13 Q. Okay. If you wouldn't mind, Mr. Quiller, where were
14 you standing? Describe to the jury where you were standing
15 when you heard the gunshot.

16 A. Back there in the back of the house.

17 Q. The back of which house?

18 A. DeMarco's house. DeMarco, my brother. Right there.

19 Q. Okay. So you were in the back of the house on the
20 left?

21 A. Yeah, on this side. So right --

22 Q. You were on the right of the house?

23 A. Yeah.

24 Q. Okay. So in relation to the driveway, where were
25 you?

1 A. A little past the driveway to the back --

2 Q. Okay.

3 A. -- to the right.

4 Q. I'm not -- I'm not trying to put words in your mouth,
5 but to the -- to the right of the house in the backyard at
6 the end of the driveway?

7 A. Yeah.

8 Q. Okay. Who were you standing with?

9 A. Tequan, Quentin, Munchie and DeMarco.

10 Q. Who is Tequan?

11 A. Holmes.

12 Q. Okay. Would you mind pointing him out in the
13 courtroom, please, sir.

14 A. (Indicating.)

15 Q. Okay. What's he wearing?

16 A. A dress shirt. What was he wearing?

17 Q. Yeah, if you can speak to the colors of what he's
18 wearing.

19 A. Blue.

20 Q. Okay. What color's his tie?

21 A. The who?

22 Q. What color's his tie?

23 A. Oh, yellow.

24 Q. Okay.

25 MR. MCCARLEY: Your Honor, the record will reflect

1 that he's identified Tequan Holmes.

2 THE COURT: Okay. It does.

3 Thank you.

4 BY MR. MCCARLEY

5 Q. And, again, I ask that partially because of the names,
6 the similarity of the names.

7 A. Yes, sir.

8 Q. And who else were you standing with besides Tequan
9 Holmes?

10 A. DeMarco -- DeMarco Richardson, Quentin Richardson
11 and their other brother Munchie. I don't know his real
12 name.

13 Q. Okay. Was Tiquan Oakman standing with you?

14 A. No, sir.

15 Q. Okay. When -- did you see a gun on Tequan Holmes?

16 A. No, sir.

17 Q. You just testified that you were standing next to
18 Tequan Holmes when you heard the gunshot.

19 A. Yes, sir.

20 Q. Okay. Did Tequan Holmes shoot Tiquan Oakman?

21 A. No, sir.

22 Q. And you met with Aiken County Sheriff's Office --

23 A. Yes, sir.

24 Q. -- and discussed this case, correct?

25 A. Yes, sir.

1 Q. Okay.

2 MR. McCARLEY: I beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 BY MR. McCARLEY:

5 Q. Have you been advised about -- by your lawyer about
6 talking here today?

7 A. Yes, sir.

8 Q. What did he tell you the most important thing was?

9 A. To tell the truth.

10 MR. McCARLEY: No further questions at this time.

11 THE COURT: Thank you.

12 Cross-examine, Ms. Young?

13 MS. YOUNG: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. YOUNG:

16 Q. Good morning, Mr. Quiller.

17 A. Good morning.

18 Q. The first time you spoke to anybody about this case
19 was in October of 2018, correct?

20 A. Yes, ma'am.

21 Q. And that would be when you were in the jail on
22 attempted murder charges; is that correct?

23 A. Yes, ma'am.

24 Q. And you contacted Investigator Hahn and asked her to
25 come speak with you about this, correct?

1 A. Yes, ma'am.

2 Q. And do you recall telling her at that time that there
3 was an argument over money and that Tiquan Oakman was
4 suspected of having the money?

5 A. Yes, ma'am.

6 Q. Do you recall telling her at that time that Tequan
7 Holmes got out of the driver's seat and walked around to
8 the front passenger side where Tiquan Oakman was sitting
9 and shot Tiquan Oakman?

10 A. Yes, ma'am.

11 Q. Do you recall telling her at that time that you then
12 left and called your father to tell him that this is what
13 had happened?

14 A. Yes, ma'am.

15 Q. So you had left the scene immediately after this
16 happened based on what you previously told Investigator
17 Hahn?

18 A. Yes, ma'am.

19 MS. YOUNG: No further questions of this witness.

20 THE COURT: Redirect, Mr. McCarley?

21 MR. MCCARLEY: Yes, sir, Your Honor.

22 THE COURT: Okay.

23 REDIRECT EXAMINATION

24 BY MR. MCCARLEY:

25 Q. Did you tell Investigator Hahn what you heard or what

1 you saw?

2 A. What I heard.

3 Q. Did she threaten you -- to charge you with anything?

4 A. If I lied.

5 MR. MCCARLEY: No further questions.

6 THE COURT: Thank you.

7 Any follow-up on that point?

8 MS. YOUNG: Just briefly.

9 RECROSS EXAMINATION

10 BY MS. YOUNG:

11 Q. And what you told Investigator Hahn was that the
12 Defendant, Tequan Holmes, shot Tiquan Oakman, correct?

13 A. Off of hearsay.

14 Q. So you didn't see what happened?

15 A. I didn't see him with no gun. I didn't see nobody
16 shoot him.

17 Q. So what you told Investigator Hahn previously was a
18 lie?

19 A. She didn't asked me what I seen, she just asked me
20 what happened and what I heard.

21 Q. Well, you just told me that you told her that the
22 Defendant shot the victim.

23 A. Yes, ma'am.

24 Q. So --

25 A. That's --

1 Q. -- did you see it or not?

2 A. No, ma'am.

3 Q. So you didn't see what happened?

4 A. No, ma'am.

5 MS. YOUNG: No further questions.

6 THE COURT: You've got the last word, Mr. McCarley.

7 MR. MCCARLEY: No further questions.

8 THE COURT: Thank you.

9 Mr. Quiller, you can step down. Thank you.

10 (Witness excused.)

11 THE COURT: Mr. McCarley?

12 MR. MCCARLEY: May I respectfully request a very
13 brief recess?

14 THE COURT: Okay.

15 MR. MCCARLEY: Five minutes, sir, at most.

16 THE COURT: All right.

17 We'll take -- we'll take at least ten. It's hard
18 to get in and out by that time. Let's try to start back
19 at 10:30, if we can.

20 Ladies and gentlemen, please, do not discuss this
21 case among yourselves in the jury room. Thank you very
22 much.

23 (Whereupon, the jury retires to the jury room at
24 10:16 AM.)

25 THE COURT: Folks, we'll be in recess for ten

1 minutes.

2 Mr. McCarley, if you'll let me know when you're
3 ready.

4 MR. MCCARLEY: I apologize, Your Honor. I was
5 talking with Mr. Harte.

6 THE COURT: I said just let me know when you're
7 ready.

8 Yes, sir. Absolutely. I'm just gonna confer with
9 my client.

10 THE COURT: Oh, yes, sir.

11 (Recess taken at 10:17 AM.)

12 (Back on the record at 10:34 AM.)

13 BAILIFF: All rise, please. Court's in session.

14 THE COURT: Thank you, folks. You can be seated.

15 Folks, I understand we've got an issue involving
16 Mr. Holmes's prior record as to what is or is not
17 admissible for impeachment purposes should he choose to
18 testify. Can you-all help me with that and point to the
19 -- point to the areas of controversy.

20 MS. YOUNG: Yes, Your Honor.

21 He has a conviction for strong arm -- excuse me,
22 strong arm robbery and grand larceny between one thousand
23 and five thousand in 2010. He has an intimidation of
24 court official, juror or witness in 2012. He has a
25 burglary second or attempted burglary conviction that's

1 in evidence in this case. He also has, excuse me, a
2 shoplifting conviction from 2014.

3 The State was -- feels that his -- the fact that
4 intimidating witness potentially has been brought up
5 in this case by the Defendant's actions in going to
6 McDonald's the next day to try to talk to one of the
7 eyewitnesses, as well as the testimony of DeMarco
8 Richardson, who was asked about giving a retracting --
9 or a retraction statement to the public defender's
10 office, and he stated that he knew that the Defendant was
11 gonna start blaming people. I'm trying to quote that as
12 directly as I recall. And also that he was trying to,
13 quote, cover himself, Your Honor, so we feel like that
14 has probative value in terms of this case if he chooses
15 to testify.

16 THE COURT: Okay.

17 MS. YOUNG: The State also feels we can ask him
18 about the grand larceny and the shoplifting as they go
19 to his dishonesty or honesty under Rule 609(a)(2).

20 THE COURT: All right.

21 Okay. Mr. McCarley, what says the defense?

22 MR. MCCARLEY: Your Honor, in regards to the
23 intimidation of a -- intimidation of court official,
24 juror or witness, there's nothing in there about blaming
25 anyone. I think that that's what -- the small hook I

1 think that the State is trying to get that in by
2 specifically DeMarco Richardson said that he anticipated
3 Tequan Holmes trying to blame someone, so that's just --
4 it's blame, it's not intimidation. It's not anything
5 like that.

6 Also the incident at McDonald's, Your Honor, all
7 this, again, is recollection versus the record, I'm
8 gonna be insufficient, but all that was said is that he
9 went there.

10 THE COURT: Right.

11 MR. MCCARLEY: He didn't even -- didn't even talk
12 to the guy. And, I'm sorry, I said DeMarco, I meant
13 Quentin. Quentin Richardson just said that he appeared
14 there, he was with somebody else. In his 9-1-1 call, I
15 don't believe he said he was threatened in any form or
16 fashion. He just said the guy was here that, you know,
17 is alleged to have shot. So while it's likely a felony,
18 I have not looked it up, it does carry three years, so,
19 you know, that is what it is, but the name of the charge,
20 Your Honor, I think, and I'm going under here 609, is far,
21 far more prejudicial than it would be probative. You've
22 got jurors hearing about threatening jurors, you've got
23 obviously witnesses whose credibility they're gonna gauge.
24 There's court officials all over the place, including
25 myself, and I don't think -- I guess the door hasn't been

1 -- I believe the door has not been opened in any form or
2 fashion and I believe that it's far, far more prejudicial
3 than it would be probative.

4 THE COURT: Okay. Is there any dispute about the use
5 of the other charges, the grand larceny, the shoplifting,
6 the burglary, whatever they happen to be?

7 MR. MCCARLEY: The burglary, Your Honor, is already
8 in the record. I think they can probably discuss that
9 without being able to cite anything to discuss that,
10 specifically as to the charge. The shoplifting would be
11 a crime of veracity, the grand larceny would be a crime
12 of veracity.

13 THE COURT: Right. Okay.

14 All right. So we'll deal then with the witness
15 intimidation.

16 There's a recent Supreme Court case. I know it's
17 a court case, I can't remember if it's Supreme Court or
18 Court of Appeals case, which went into depth in deciding
19 cases like this. It primarily dealt with moral turpitude,
20 crimes of honesty and dishonesty, but in that opinion they
21 -- they cited the -- what appears to be the seminal case
22 in helping judges decide these, which is the Coif, C-O-I-F,
23 case. C-O-I-F is the name of the defendant in that case.
24 It's a Court of Appeals case from 1998. It's found at
25 332 S.C. 313 or 504 S.E.2d. 360. There's salient language

1 from that opinion which bears on Mr. McCarley's recent
2 argument that has to do with the similarity of the offense
3 from the prior conviction with what is not charged conduct
4 in this case, but what certainly there is evidence of.

5 And in this case if Mr. Holmes takes the stand, he's
6 gonna be -- you're gonna be able to ask him about that
7 witness intimidation, you're gonna be able to ask him if
8 he went there and talked with these people and did all
9 these sorts of things and so -- and, frankly, on the --
10 on the real issues before this Court, that is his guilt
11 or his innocence, that is probably far more probative
12 than a seven or eight-year-old record for a similar
13 offense. And as Mr. McCarley has said, the -- the
14 probative value of that prior conviction is far outweighed
15 by its prejudicial impact, and that's one of the things
16 that the Coif case talked about and it said that the
17 admission of evidence of a similar offense often does
18 little to impeach the credibility of a testifying
19 defendant while undoubtedly prejudicing him. That's the
20 case in this -- in this instance as well.

21 You'll not be allowed to ask him about the witness
22 intimidation charge in 2012, but you can ask him about
23 the other three, okay?

24 All right. Does that sort of clear the deck now
25 for us to go forward?

1 MR. MCCARLEY: I believe it does. I think
2 Ms. Steiner is actually going to leave us at this
3 juncture for a vacation; is that right?

4 THE COURT: Well, Ms. Steiner, it's been good
5 working with you this week and we will all see you go
6 with envy because, you know, we'll still be here working
7 while you're flying off to the northern climes.

8 MS. STEINER: And I apologize that I am leaving
9 early, but I did enjoy this week..

10 MR. MCCARLEY: It falls on deaf ears.

11 THE COURT: Thank you. That's exactly right. Yeah,
12 we know how much you regret leaving. You're doing a good
13 job at hiding that regret. I'll say this.

14 MS. STEINER: Well, any day to uphold the
15 constitution is a good day.

16 THE COURT: Thank you, Ms. Steiner.

17 All right. Is the State ready for the jury as well?

18 MS. YOUNG: Yes, Your Honor.

19 THE COURT: Good. You can bring us the jury.

20 (Whereupon, the jury returns to the courtroom at
21 10:42 AM.)

22 THE COURT: Thank you, ladies and gentlemen. We
23 continue now as the Defendant continues to offer evidence
24 and testimony in this case.

25 Mr. McCarley?

1 MR. MCCARLEY: Yes, sir, your. Thank you very much.

2 The defense calls Tequan Holmes.

3 THE COURT: Mr. Holmes, come around, please, and be
4 sworn.

5 THE CLERK: Have a seat on the witness stand, watch
6 your step, and state your full name when you're seated.

7 (Whereupon, Tequan Martrell Holmes was duly sworn
8 by the Clerk of Court.)

9 TEQUAN MARTRELL HOLMES,
10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MCCARLEY:

13 Q. State your fall name like Mr. Harte asked you to,
14 please, sir.

15 A. Tequan Holmes.

16 Q. What's your middle name?

17 A. Martrell.

18 Q. Okay. Did you spell your last name? Spell your last
19 name, please.

20 A. H-O-L-M-E-S.

21 Q. All right. Mr. Holmes, have you ever been diagnosed
22 with social anxiety disorder?

23 A. Yes, sir.

24 Q. Okay. And what does that mean?

25 A. It just means that I have real bad anxiety problems

1 when I get in front of a large group of people.

2 Q. Okay. Is this a large group of people here today for
3 you?

4 A. Yes, sir.

5 Q. Okay. Tequan, I'm gonna cut straight to the chase.
6 Did you shoot Tiquan Oakman?

7 A. No, sir.

8 Q. Were you present on Boucher or Boucher Court when he
9 was shot?

10 A. Yes, sir.

11 Q. Did you see who shot him?

12 A. No, sir.

13 Q. Did you hear the gunshot?

14 A. Yeah, I heard a gunshot.

15 Q. Okay.

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

17 THE COURT: Please do.

18 MR. MCCARLEY: Referring to State's Exhibit 1,
19 Your Honor.

20 THE COURT: Yes, sir.

21 BY MR. MCCARLEY:

22 Q. Tequan, would you mind showing the jury, point on
23 here, where you were standing when you heard the gunshot.

24 A. I was standing in the backyard like over behind this
25 area.

1 Q. Okay. Now whose house is this to the best of your
2 knowledge?

3 A. That's DeMarco Richardson's house.

4 Q. Okay. Where was your car parked?

5 A. I had parked my car over here.

6 Q. Okay. What kind of car do you drive?

7 A. It's an Audi.

8 Q. How long have you driven it?

9 A. Maybe a couple of months.

10 Q. Okay. What color is it?

11 A. It's tan.

12 Q. Okay. Is it actually your car?

13 A. Yes, sir.

14 Q. Okay. Who were you standing with when you heard the
15 gunshot, Tequan?

16 A. I was standing with Quentin, DeMarco and Jabarick
17 Quiller. There was a couple of other people back there,
18 too, but I don't -- I don't know their name. This was my
19 first time actually chilling in Warrentonville, so I really
20 don't know nobody but them.

21 Q. Okay. Let's jump way back for just a little bit.
22 Where are you from, Tequan?

23 A. Aiken, South Carolina.

24 Q. Okay. Have you lived here all your life?

25 A. Yes, sir.

1 Q. Okay. Where were you working when this happened?

2 A. At Amick's Farms.

3 Q. What is Amick's Farms?

4 A. I was handling chickens.

5 Q. Say that again, please, sir.

6 A. I was handling chickens.

7 Q. Okay. Now as we've already heard, and you've been
8 in courtroom, okay, you've been convicted of a crime
9 before, correct?

10 A. Yes, sir.

11 Q. Okay. You've been convicted of attempted burglary,
12 correct?

13 A. Yes, sir.

14 Q. Okay. You've also been convicted of a grand larceny;
15 is that correct?

16 A. Yes, sir.

17 Q. Okay. And you've also been convicted of a
18 shoplifting?

19 A. Yes, sir.

20 Q. Okay. Now in those cases, did you have a trial or
21 did you plead guilty?

22 A. I pled guilty.

23 Q. Okay. Why did you plead guilty and admit your crime?

24 A. I did it.

25 Q. Okay. Why not plead guilty today? Why have a trial?

1 A. Because I didn't -- I didn't do this.

2 Q. Let's talk about some of the folks that were there
3 that night. How long had you known Tiquan Oakman?

4 A. I had just met him maybe three or four days.

5 Q. Okay. What about Dominique Paige?

6 A. I've been knowing Dominique maybe three weeks.

7 Q. What about DeMarco Richardson?

8 A. I'm knowing Dominique -- I mean, DeMarco Richardson
9 and Quentin Richardson maybe a little over a year.

10 Q. Okay. What about Larry "Kip" Boyd?

11 A. I had just met him a couple of days prior to that.

12 Q. Okay. Now you've been in the courtroom. There's
13 some video from Wal-Mart.

14 A. Uh-huh.

15 Q. Who asked you to go to Wal-Mart?

16 A. Dominique.

17 Q. Dominique who?

18 A. Paige.

19 Q. Okay. Does Dominique Paige have a car?

20 A. No.

21 Q. Does Dominique Paige have an ID?

22 A. No.

23 Q. Okay. When you got to Wal-Mart, tell this jury what
24 happened. Tell them what you did at Wal-Mart.

25 A. Before we walked in Wal-Mart, he told me he didn't

1 have an ID.

2 Q. Who's he?

3 A. Dominique Paige.

4 Q. Okay.

5 A. He gave me money to buy the bullets, so we went in
6 Wal-Mart. He told me that he needed some .32 bullets, I
7 got the bullets for him, I showed the cashier my ID, and
8 I paid for the bullets.

9 Q. What did you do with the change?

10 A. I walked off from the cashier and I gave him his
11 change back.

12 Q. Who's him?

13 A. Dominique.

14 Q. Okay.

15 A. I was about to give him the bullets back, but he said
16 hold up, wait, give them to me when we get to the car, and
17 we left.

18 Q. Do you have any idea why he told you to wait to give
19 him the bullets?

20 A. I'm guessing because he ain't want me to give them to
21 him on camera.

22 Q. Okay. Who else was with you-all that night -- or at
23 Wal-Mart?

24 A. Roderick Glover was there with us, too.

25 Q. Okay. How long have you known Roderick Glover?

1 A. A little over a year.

2 Q. Okay. So you met him about the same time you met
3 DeMarco Richardson and Quentin Richardson?

4 A. Yeah.

5 Q. Okay. How are they related --

6 A. They --

7 Q. -- to the best of your knowledge?

8 A. They brothers.

9 Q. Okay. Who handed you the money that you gave the
10 cashier?

11 A. Dominique.

12 Q. Who asked you to go to Wal-Mart?

13 A. Dominique.

14 Q. Who asked you to buy bullets?

15 A. Dominique.

16 Q. And that's Dominique -- what's Dominique's last name?

17 A. Paige.

18 Q. Okay. Those bullets bring us to this gun.

19 MR. MCCARLEY: May I approach?

20 THE COURT: Yes, sir.

21 BY MR. MCCARLEY:

22 Q. I have State's Exhibit 23 in a box in my hand. I'm
23 gonna show you something, okay? Is that your gun?

24 A. No.

25 Q. How did that gun get in your car then?

1 A. When I heard the gunshot go off, I jogged to my car,
2 I seen Dominique in the trunk closing the trunk.

3 Q. Of your car?

4 A. In my car.

5 Q. Okay.

6 A. So I'm guessing that he put that --

7 Q. Don't guess.

8 A. -- in the trunk.

9 Q. Don't guess, okay? You just saw Domin -- you didn't
10 see the gun then, correct?

11 A. No, I didn't see what he put in the trunk.

12 Q. Okay. You jogged to your car. Then what did you do?

13 A. I seen Roderick Glover on the ground next to my car,
14 the passenger door was open, he was giving CPR to this guy
15 that was laying on the ground. I asked someone what had
16 happened. He said Dominique was tripping.

17 Q. Okay.

18 A. Dominique walked up on me and he said that he was
19 about to leave --

20 MS. YOUNG: Objection. Hearsay.

21 THE COURT: I'll sustain the objection as to what
22 Dominique may have said.

23 Thank you.

24 BY MR. MCCARLEY:

25 Q. Okay. You said Dominique walked up on you?

1 A. Yeah.

2 Q. Okay. What did you do after he walked up on you?

3 A. I got into the car and he said we was about to leave.

4 He said he need to grab something out of the house.

5 Q. Okay. And what did you do?

6 A. When I got inside the car, I told Roderick to get in

7 the car, let's go. He said he wasn't leaving his friend.

8 Q. Okay. Why didn't you wait on Dominique. He drove

9 there with you. Why didn't you wait on him?

10 A. I don't know him like that to let him get in my car

11 to get involved with him with a murder.

12 Q. Okay.

13 A. I got scared and I left.

14 Q. Where did you go?

15 A. I went to my cousin Kelvin's house.

16 Q. Okay. I'm gonna take you back just a couple of

17 minutes, and I apologize. Did you get in the driver's

18 side of your car?

19 A. Yeah.

20 Q. Had you ridden in the passenger side of your car

21 earlier that day?

22 A. No. Why would I be in the driver's side -- I mean,

23 the passenger side?

24 Q. Who drove to Wal-Mart?

25 A. I was driving.

1 Q. Okay. Has anybody else driven your car?

2 A. No.

3 Q. Okay. Have you ever been in the passenger side of
4 your car?

5 A. No.

6 Q. You've never even been over there?

7 A. No.

8 Q. Okay. How did the blood get on your clothes?

9 A. The next morning I woke up, my cousin asked me about
10 taking him to the grocery store. There was blood all in
11 my car. I had to go out and clean that up.

12 Q. You cleaned your car?

13 A. Yeah.

14 Q. Why didn't you call the police when you saw all the
15 blood on your car, when you saw the dead body or the shot
16 body?

17 A. I didn't -- I didn't want to get involved with
18 whatever went on last night. I didn't want somebody to
19 come back and do the same thing that they did to Tiquan.
20 I was scared.

21 Q. Okay. So you cleaned out your car?

22 A. Yeah, I -- I had cleaned out my car. Nobody else
23 wasn't gonna clean it out, so that's why I cleaned it out.

24 Q. You've been in the courtroom as I've said a couple
25 of times. There's been some people that have testified.

1 People said that you said bury him like a dog. Did you
2 say that?

3 A. That don't even sound right.

4 Q. What do you mean that doesn't even sound right? Did
5 you say that, Tequan?

6 A. No, I didn't say that.

7 Q. Okay. People said that you admitted to this, that
8 you told them you did it. Did you tell anybody that you
9 committed this crime?

10 A. No.

11 Q. How old are you Tequan?

12 A. I'm twenty-nine. About to turn thirty.

13 Q. Okay. How old are all the other folks involved in
14 this in general?

15 A. Can't be no older than twenty-four.

16 Q. Did you threaten anybody?

17 A. No.

18 Q. When you went to McDonald's, did you threaten Quentin
19 Richardson?

20 A. No.

21 Q. The gun, how did it get out of the trunk of your car
22 and into Kelvin Mathis's house?

23 A. With the process of me getting done cleaning up my
24 car, I told my cousin to go in the trunk. I had some
25 Jordans, all black.

1 Q. Who is your cousin?

2 A. Kwon.

3 Q. Do you know his full name?

4 A. Raekwon Mathis.

5 Q. Okay.

6 A. And I told him to go in the trunk and get the Jordans
7 out of my trunk. He got the shoes out of the trunk, he
8 handed me the shoes, he told me that there was a gun and
9 some bullets in the trunk and he asked me did I know what
10 was in the trunk, I told him no, he went to the trunk,
11 grabbed the gun and the bullets, brought them to me, showed
12 them to me, so I told him -- I was like that must have been
13 what Dominique was doing in the trunk when I seen him
14 closing the trunk last night, so he was like you need to
15 get this out of the car.

16 MS. YOUNG: Objection. Hearsay.

17 THE COURT: I'll sustain the objection as to what
18 he -- what he heard.

19 MR. MCCARLEY: Yes, sir, Your Honor.

20 BY MR. MCCARLEY:

21 Q. You voluntarily gave a blood sample in this case; is
22 that correct?

23 A. Yes, sir.

24 Q. Why did you -- did you voluntarily give up your blood
25 to be tested?

1 A. I didn't have nothing to hide.

2 Q. Okay. And you chose to take the stand here today,
3 correct?

4 A. Yes, sir.

5 Q. Okay. Just a second, okay?

6 MR. MCCARLEY: Just a second, Your Honor.

7 THE COURT: Yes, sir.

8 MR. MCCARLEY: No further questions at this time.

9 Mr. Holmes, please answer any questions that they have,
10 okay?

11 THE WITNESS: Yes, sir.

12 THE COURT: Thank you.

13 Ms. Young, you can cross-examine.

14 CROSS-EXAMINATION

15 BY MS. YOUNG:

16 Q. You admit that you were at [REDACTED] Boucher Court on the
17 night of this murder, correct?

18 A. Yes, sir -- yes, ma'am.

19 Q. You admit that you were there in your gold Audi,
20 correct?

21 A. Yes, ma'am.

22 Q. You admit that other people present were Quentin,
23 DeMarco, Dominique, Roderick and Kip Boyd, correct?

24 A. Yes, ma'am.

25 Q. Now you and Mr. Jabarick Quiller are housed in same

1 unit at the jail, aren't you?

2 A. Yes, ma'am.

3 Q. And you've talked to him about this case, haven't you?

4 A. No, I never talked to him.

5 Q. You're housed in the same unit and you've never talked
6 to him about coming to court today?

7 A. No, we're on two different tiers. He come out on the
8 bottom block and I come out on the top block.

9 Q. How long have you-all been in the same unit?

10 A. Maybe a month now.

11 Q. You admit that that's you on the video in Wal-Mart
12 going to buy those bullets?

13 A. Yes, ma'am.

14 Q. And you're the one that handed the money to the
15 cashier and received the bullets?

16 A. Yes, ma'am.

17 Q. And you admit that you left the scene in that Audi
18 that everybody's talked about the last couple of days?

19 A. Yes, ma'am.

20 Q. And you admit that there was blood in the car and that
21 you cleaned it out?

22 A. Yes, ma'am.

23 Q. And you admit that you and Raekwon were riding around
24 in that car together, don't you?

25 A. Yeah, we was riding around, but I never did tell that

1 just now, but we was -- we did go to the grocery store.

2 Q. So after you left the scene where this person had just
3 been murdered, you went to Raekwon's house and you-all went
4 to the grocery store?

5 A. No, I never did go to Raekwon's house, I went to
6 Kelvin Mathis's house.

7 Q. But at some point Raekwon was in your car with you?

8 A. Yes, ma'am.

9 Q. But you state that you drove the whole time?

10 A. Yes, ma'am.

11 Q. And you've never been on the passenger side of your
12 car?

13 A. No, ma'am.

14 Q. Do you admit that that's you on that Wal-Mart video
15 wearing a black do-rag, a dark shirt, dark jeans and gray
16 Converse shoes?

17 A. Yes, ma'am.

18 Q. And you admit that you were at Kelvin's home the next
19 morning, correct?

20 A. Yes, ma'am.

21 Q. And you and Raekwon went to McDonald's together,
22 correct?

23 A. Yeah, we went to McDonald's.

24 Q. And after you went to McDonald's, you and Raekwon went
25 back to Kelvin's house?

1 A. Yes, ma'am.

2 Q. And you were at Kelvin's house when the police got
3 there?

4 A. Yes, ma'am.

5 Q. And you admit that you took this gun and bullets and
6 hid them in Kelvin's house?

7 A. Raekwon Mathis got this gun out of the trunk and took
8 in the house. I never did touch this gun.

9 Q. But you admit that the gun was found in the house?

10 A. Of Kelvin Mathis.

11 Q. Kelvin Mathis.

12 A. Yes, ma'am.

13 Q. And you admit that when the police got there they
14 called out Kelvin, correct?

15 A. Yes, ma'am.

16 Q. And then they called out Raekwon?

17 A. Correct.

18 Q. And then they called out you?

19 A. Correct.

20 Q. And you admit that from the time you were taken into
21 custody shortly thereafter they took you to the jail and
22 took your clothes from you, correct?

23 A. Yes, ma'am.

24 Q. Now you stated you had a prior conviction for grand
25 larceny. Was that from about 2010?

1 A. Yes, ma'am.

2 Q. And you stated you had a prior conviction for
3 shoplifting in 2012, correct?

4 A. Yes, ma'am.

5 Q. And you admit that you had that prior burglary
6 conviction that Investigator Criscillis has testified
7 about, correct?

8 THE COURT: Attempted burglary.

9 MS. YOUNG: Attempted common law burglary. Excuse
10 me.

11 THE COURT: Thank you.

12 BY MS. YOUNG:

13 Q. That's the correct charge, right?

14 A. Yes, ma'am.

15 Q. So after you left Boucher Court with this bloody car
16 and this gun that you didn't know was in your trunk, you
17 were too scared to do anything about it?

18 A. Yeah, I had just seen somebody dead on the ground.

19 Q. But I thought you said you didn't see him get shot.

20 A. I never did say that I did see him get shot. I said
21 that I seen somebody dead on the ground.

22 Q. And you didn't want to try to report that or let
23 somebody know there was blood in your car?

24 A. I didn't want to get involved. I was too scared to
25 get involved with what had just happened.

1 Q. Okay. And you state that after you left there in that
2 Audi you went to Kelvin's and that's where you were found
3 the next day, correct?

4 A. Yes, ma'am.

5 Q. At some point in time have you been in the same
6 housing unit with Dominique Paige?

7 A. Yes, ma'am.

8 Q. And you've talked to him about this case, too, didn't
9 you?

10 A. He came up to my door wanting to talk to me. I told
11 him that I didn't want to talk to him.

12 Q. Okay. So it's your testimony today that you had
13 nothing to do with this, it all just happened in your car
14 with a gun that was found in your car?

15 MR. MCCARLEY: Objection, Your Honor. Misstates
16 the evidence. The gun was not found in my client's car.

17 THE COURT: I'll sustain that objection.

18 Thank you.

19 BY MS. YOUNG:

20 Q. This crime happened and blood ended up in your car,
21 correct?

22 A. Yes, ma'am.

23 Q. And the gun ended up in the possession of where you
24 were found the next day, correct, inside the house?

25 A. Yes, ma'am.

1 Q. And the box of bullets ended up there, too, didn't
2 they?

3 A. Yes, ma'am.

4 Q. And a shoe with the victim's blood on it?

5 A. Yes, ma'am.

6 Q. That you were wearing on the video at Wal-Mart?

7 A. Yes, ma'am.

8 Q. Where you bought the bullets?

9 A. Yes, ma'am.

10 Q. Not even an hour before this man was murdered?

11 A. Yes, ma'am.

12 MS. YOUNG: No further questions.

13 THE COURT: Thank you.

14 Redirect?

15 MR. MCCARLEY: Very briefly. I think we always say
16 that. It rarely is.

17 REDIRECT EXAMINATION

18 BY MR. MCCARLEY:

19 Q. You testified that you cleaned the car out?

20 A. Yes, sir.

21 Q. Where was the blood in the car?

22 A. It was on the passenger side floor.

23 Q. Okay.

24 MR. MCCARLEY: Thank you.

25 THE COURT: All right.

1 Thank you, Mr. Holmes. You can step down.

2 (Witness excused.)

3 THE COURT: Mr. McCarley?

4 MR. MCCARLEY: Just a brief moment, Your Honor.

5 THE COURT: Okay.

6 MR. MCCARLEY: Your Honor, the defense has no more
7 witnesses.

8 THE COURT: All right. Thank you.

9 Ms. Young, Ms. Hall, anything from the State in
10 reply?

11 MS. YOUNG: Your Honor, could we have a brief
12 recess to discuss that?

13 THE COURT: Okay. A brief recess to talk about
14 that.

15 And, ladies and gentlemen, it might extend beyond
16 a brief recess depending upon what the discussion is.
17 If the State wishes to offer reply testimony, we'll bring
18 you out to receive that testimony. If the State chooses
19 not to offer reply testimony, then we will go immediately
20 into the arguments and the charge, and so if that's what
21 we're gonna do, it will take a little bit longer to get
22 that pieced together than it will for them to decide if
23 they want to offer reply testimony, but you'll know in
24 short order whether -- we'll let you know if it's gonna
25 be an extended recess.

1 You can go back there right this minute and certainly
2 it will take a few minutes and we'll keep you posted as to
3 what we're doing out here.

4 Thank you. Go ahead. Do not yet discuss this case
5 among yourselves.

6 (Whereupon, the jury retires to the jury room at
7 11:06 PM.)

8 THE COURT: All right. Ms. Young, you can let me
9 know as soon as you hear.

10 MS. YOUNG: Thank you, Your Honor. I appreciate
11 that.

12 THE COURT: All right.

13 (Recess taken at 11:07 AM.)

14 (Back on the record at 12:19 PM.)

15 BAILIFF: All rise, please. Court's again in
16 session.

17 THE COURT: Thank you, folks. Please be seated.
18 Good afternoon.

19 Ladies and gentlemen, we're advised that the jury
20 is ready.

21 Is the State ready to proceed, Ms. Young?

22 MS. YOUNG: The State's ready, Your Honor.

23 THE COURT: Mr. McCarley, the defense?

24 MR. MCCARLEY: I need my client and I think I also
25 need to renew my directed verdict motion on the same

1 grounds.

2 THE COURT: All right. And while Mr. Holmes is
3 being brought in, I'll note the renewal of the defense
4 motions under Rule 19 and any additional motions which
5 are applicable under our rules at this time. Hearing no
6 additional grounds or no additional motions, I'll simply
7 renew the earlier rulings that I made at the conclusion
8 of the State's case. The record is preserved in that
9 regard.

10 Thank you.

11 MR. MCCARLEY: Thank you, sir.

12 THE COURT: All right.

13 (Whereupon, the Defendant returns to the courtroom.)

14 THE COURT: All right. You can bring in the jury,
15 please.

16 (Whereupon, the jury returns to the courtroom at
17 12:21 PM.)

18 THE COURT: Mr. Foreman and ladies and gentlemen of
19 the jury, you have now heard all of the evidence and
20 testimony that you will hear in the trial of this case
21 and now we'll proceed to the final phases of this case
22 which consists of the arguments that the lawyers will
23 present to you and the charge that I will give after that
24 has been done.

25 Under our rules, Ms. Young, on behalf of the State,

1 will present the first of the final arguments laying out
2 in full the State's case and summarizing the evidence
3 that she thinks she needs to summarize in order to
4 present the argument of the State fully before you. When
5 she has presented the argument on behalf of the State,
6 Mr. McCarley, on behalf of the Defendant, Mr. Holmes, will
7 present the argument on Mr. Holmes's behalf and then after
8 that has been done Ms. Young will have the right to reply
9 to any information or arguments raised by Mr. McCarley.
10 The State has the burden of proof in this case and that's
11 the reason that the rules give them the final argument
12 and then I will instruct you, as I've said, on the law.

13 You have been very attentive throughout the trial of
14 the case. You have paid attention, you've understood the
15 seriousness of the charges, the issues that are involved
16 in this case, and I'm sure you appreciate the fact that
17 it's equally important that you give that same attention
18 to the lawyers and to me as they make arguments and as I
19 instruct you on the law.

20 Thank you, ladies and gentlemen.

21 Ms. Young.

22 MS. YOUNG: Thank you, Your Honor, Mr. McCarley.

23 May it please the Court?

24 THE COURT: Yes, ma'am.

25 MS. YOUNG: Good afternoon, ladies and gentlemen.

1 You've heard all the evidence in this case, all the
2 evidence that's gonna come in, the physical type of
3 evidence, pictures, it's all before you, and after we do
4 our arguments it's gonna be time for you-all to consider
5 the evidence that you've heard from the witness stand and
6 the evidence that you're gonna have the opportunity to
7 look at in the back. And I told you at the beginning that
8 you were gonna hear from the eyewitnesses who were there
9 that night and who saw what happened and you have and
10 now I'd like to tell you why I think their testimony is
11 important and how the important part of their testimony
12 is what makes that picture a full picture like I told
13 you in my opening.

14 The important part of all those eyewitnesses that
15 came in here and got on the stand is not just what they
16 told you, but it's also what they told you separately and
17 independently of each other without hearing what the other
18 witnesses testified about, how what each witness told you
19 corroborates other testimony that you have in the case.

20 The state's first witness was DeMarco Richardson
21 and he told you that he's the next door neighbor of
22 Mr. Boyd, he lived out there at Boucher Court, or did at
23 the time. He told you he was there that day and that he
24 saw the Defendant, Roderick Glover who's his brother, and
25 Dominique Paige all coming and going a couple of times in

1 that gold Audi. He told you he saw them come and go two
2 or three times I believe he said, but the final time that
3 they came was about 9:30 that night and they were all
4 together.

5 The three of them, the Defendant, Dominique, and
6 Munchie pulled up in that gold Audi. He told you that he
7 heard the victim and the Defendant having a discussion
8 about money and he told you that he was trying to get
9 away from the situation and go over to his own house and
10 his own porch, but he was able to see what happened out
11 there because of the streetlight and because of the fact
12 that he was up on the porch. And he told that you the
13 Defendant all of a sudden yelled out give me what you got,
14 it's a robbery. And then he told you that the Defendant,
15 Tequan Holmes, shot the victim and he said, and this is
16 important, it was within arms reach. That's how close
17 they were.

18 Why is that important? Well, DeMarco Richardson
19 couldn't have known that the pathologist was gonna come
20 in here and testify that this gunshot wound was within
21 two or three inches of the victim's chest. That's how
22 close it happened to him. And who did he tell you was
23 within arms reach? Tequan Holmes. And he told you that
24 he was up on this porch in his house in this picture
25 that was taken the night this murder happened and he was

1 standing up there and he was able to see over those bushes
2 to see what happened, that he had a view of what happened,
3 and that's what he saw that night.

4 Now he also told you that he had seen somebody with
5 a gun and it was a .32 revolver and the person that
6 DeMarco told you he saw with a gun that day was this
7 Defendant. DeMarco told you he saw it and he described
8 it to you. A .32 revolver.

9 And DeMarco's testimony about what happened next is
10 also very important. DeMarco told you that after this
11 happened, after the Defendant told him it was a robbery
12 and shot the victim in the chest, the victim fell halfway
13 into the passenger car -- seat of the Defendant's car.
14 When he -- when he described that and gave that testimony,
15 he had no way of knowing that the Aiken County Sheriff's
16 Office was gonna find blood exactly where he told you the
17 victim fell, on the passenger side of the Defendant's car,
18 that it was gonna go off to SLED to be tested and it was
19 gonna come back that it was, in fact, the blood of the
20 victim in this case exactly where DeMarco told you that
21 that was found.

22 Now apparently in the meantime DeMarco went and told
23 the defense attorney that he didn't see anything and the
24 trees were in his way even though there aren't any trees
25 between those two houses as shown in the picture, but

1 what's important is he came in here and put his hand on
2 that Bible to testify under oath and when he came in this
3 courtroom and got on that witness stand he told you Tequan
4 shot Tiquan, that that's what he saw, and that's what his
5 testimony was.

6 Now the next witness we had was Mr. Kip. I don't
7 know if you-all noticed, but Mr. Kip might have mentioned
8 a few time that he was quite intoxicated. I think he
9 made that very clear, but he said something to the effect
10 of I recall glimpses or memories of what happened in
11 between the alcohol intoxication and he told you that
12 earlier that same day he saw the Defendant, Tequan Holmes,
13 and Dominique Paige and they came to his house and they
14 all rode around together aimlessly I think he said or they
15 weren't really doing anything, but what he told you that
16 was important was that he saw that Defendant with a gun
17 earlier that day and he remembered that fact because he
18 distinctly remembered it was a chrome revolver and that
19 the Defendant didn't have any bullets.

20 Well, the Defendant didn't have any bullets. That's
21 why he had to go to Wal-Mart in between the time he was
22 riding around and toting Mr. Kip around and when he came
23 back and shot the victim. Mr. Kip told you he didn't have
24 bullets. Lo and behold he shows up later with bullets
25 that fit that gun that he had in his possession according

1 to Mr. Kip. And he did tell you that he was intoxicated,
2 but he told you very distinctly under oath he saw Tequan
3 shoot Tiquan Oakman and he said I'll never for get that.
4 He saw the muzzle flash. I'll never forget that. Then
5 he told you he went and hid in the bushes and cried until
6 the police got there.

7 Now the next witness that I'd like for you to
8 consider is Quentin Mathis. And I'm sorry I have to use
9 my notes, but I don't want to forget anything because
10 this is important. And I'd submit to you, ladies and
11 gentleman, that Quentin Mathis -- I mean, Quentin
12 Richardson -- excuse me. A lot of these names are
13 similar and it's confusing to me even. Quentin
14 Richardson was in the best position to tell you, the
15 jury, what happened. And why was that? Well, he was
16 definitely the most sober person there. I mean, he
17 hadn't been there all day drinking like everybody says
18 they were. He was actually at work, had gone from his
19 job at McDonald's that he told you about, and said that
20 he got home and a couple of hours later who shows up?
21 The Defendant, Roderick Glover who is his brother, and
22 Dominique Paige, and he told you the positions of where
23 they were in the car. I believe he said that the victim
24 -- the Defendant was driving and I might be getting
25 Quentin and DeMarco confused, so you-all will know what

1 they said or you-all listen to what they told you, but
2 they all came up. He did tell you that. The Defendant
3 was driving, that Roderick was in the front seat, and
4 that Dominique was in the back passenger seat, and that's
5 important.

6 Now he told you that prior to them coming back that
7 last time from when they went to Wal-Mart and the
8 Defendant bought the bullets that the victim had come
9 over and told him there's some sort of argument between
10 the victim and the Defendant over some missing money or
11 stolen money and that the victim was upset about it and
12 he was trying to call Roderick and Dominique and talk to
13 them about why they said he took the money. So when they
14 came back he told you he saw -- Quentin saw the Defendant
15 get out of the driver's seat, that the Defendant and the
16 victim had a conversation and he said it was kind of near
17 the porch about this stolen money, and then the victim
18 heads over to the Audi, which is parked there in Mr. Kip's
19 driveway, because he wants to confront Roderick and
20 Dominique about why are they telling him he took this
21 money. And on the way there before he could finish
22 talking to them about that, the Defendant shouts out
23 this is a robbery. The victim has his back turned to the
24 Defendant on the steps, he's walking over to the car to
25 talk to Roderick in the front seat and Dominique in the

1 back seat and before he can complete that the Defendant
2 shouts this is a robbery, give me your money.

3 Quentin told you that the Defendant, Tequan Holmes,
4 had his gun pointing at the back of Mr. Oakman and that
5 he grabbed his shoulder and spun him around and that
6 basically without any further words or provocation he
7 just pulled the trigger and shot him. He told you that
8 the victim had his phone in his hand and that when the
9 shooting happened -- I thought I brought it up here, and
10 you will see it in evidence, that the phone went flying
11 out of his hand. The phone flew out of the victim's
12 hand and lands in the yard exactly where it was when the
13 police get there a little bit later.

14 Now Quentin also told that you that the victim's
15 body fell halfway into the passenger seat where that
16 blood was found later where Raekwon told you he saw the
17 blood and where it was found by the forensic analyst and
18 tested at SLED. But Quentin also told you who was still
19 there when the police got there. Quentin Richardson,
20 DeMarco Richardson, Roderick Glover, Dominique Paige, and
21 Mr. Boyd. Notice that nobody has said that was at the
22 scene that night that Jabarick Quiller was there. He
23 told you that Quentin, Dominique, Roderick and Mr. Boyd
24 are there. They're the ones that are still there when
25 the police get there to investigate.

1 And it's important to point out to the jury, I know
2 Quentin -- I think he said it took thirty minutes or an
3 hour. I know it must have seemed like it to him, but
4 the 9-1-1 call went out at 10:12 or 10:13 PM and Sergeant
5 Gainey said he was there within two or three minutes at
6 the most of receiving the call. So according to the
7 Defendant's testimony somewhere between two or three
8 minutes between the 9-1-1 call and Sergeant Gainey
9 getting there.

10 Apparently all of these witnesses have had time
11 to come together, concoct the exact same story for some
12 unknown reason about why Dominique did this. Dominique's
13 such a cool customer he's just staying there on the
14 scene and he's there and they all point the finger to
15 him according to what the Defendant told you.

16 Ladies and gentlemen, the judge is gonna talk to
17 you about using your common sense and what's reasonable.
18 And you need to do that, particularly with regard to
19 what these eyewitnesses told you from this witness stand.

20 Now next we have Kelvin Mathis. Kelvin is the
21 uncle to Raekwon, he's the uncle to the Defendant,
22 Mr. Holmes, and he told you that he's at his house the
23 next day, the Defendant shows up, he's in his gold Audi,
24 he's got Raekwon with him, they come in together is what
25 Kelvin told you, and that this thing was on the news

1 about the Defendant murdering somebody and the Defendant
2 denied it. And he was pretty specific in his testimony.
3 I mean, he even told you that he gave them some chicken
4 to eat and not a few minutes later they're wanting to get
5 in the car and drive off to McDonald's.

6 Well, you know, it just so happens it's at that same
7 McDonald's where Quentin Richardson works and he's forced
8 to go to work the next day, he told you he was very upset,
9 but he had to go to work. He testified that when he was
10 at work the Defendant and Raekwon show up wanting to talk
11 to him, and he's having none of that. He immediately
12 calls 9-1-1. This is confirmed because you know the
13 police responded and Mr. Raekwon Mathis and the Defendant
14 aren't there anymore, but Quentin told them he might be
15 over at my uncle's house on Hamilton Drive just a little
16 ways down the road and they go over there and, lo and
17 behold, they're there.

18 Well, what did Raekwon tell you? He told you that
19 if he wanted to go to McDonald's, then the Defendant
20 wanted to go with him, too, because he wanted to talk to
21 Quentin. So Raekwon told you that Quentin looked scared
22 when they show up at McDonald's. He looked scared,
23 something to those words, something about his face
24 showing surprise, and somebody at McDonald's tells them
25 that they're at the trash can, Raekwon goes and they're

1 not at the trash can and that gave him a bad feeling.

2 But, anyway, going back to Kelvin and his testimony,
3 he told you that before they even went to McDonald's
4 I believe it was he saw the gun and it was in the
5 Defendant's waistband. It wasn't in the trunk. It was
6 never in the trunk because it's the Defendant's gun. It
7 was in the Defendant's waistband and when they get back
8 to the house and the police are outside and, you know,
9 it's the end of the road at this point, he told you that
10 the Defendant was acting nervous, asking me what am I
11 gonna do with this gun, what am I gonna do with this gun,
12 and he told him hide it under the sink I think he said
13 first, hide it behind the microwave, and he told you very
14 clearly that was not his gun because he's not allowed to
15 have the gun because he's a convicted felon. And, lo and
16 behold, when the police get there and do a search, that
17 gun that he described earlier -- or told you he saw
18 earlier that day is, in fact, behind that microwave right
19 where Kelvin said the Defendant put it.

20 Now Raekwon was the next witness and he -- I want
21 to point out some things about -- to you about his
22 testimony because nobody has said at all that Raekwon was
23 there at Boucher Court when the shooting happened and so
24 much of what Raekwon came in here and testified -- he was
25 a really nervous looking guy, he kept doing like this, it

1 kind of looked like he'd rather be anywhere but here, but
2 so much of his testimony was corroborated by evidence he
3 could not have know anything about, so I'd ask you to pay
4 particular attention to his testimony.

5 He told you he was hanging out at his mom's house on
6 Brucewood Drive, I believe, and that for some reason he
7 got kicked out. So he could be there, he just couldn't
8 stay there, and the night the murder happens the Defendant
9 shows up in his gold Audi that he's admitted to you is
10 his car and he's pulling stuff out and taking stuff out
11 and Raekwon goes and looks at the car and told you he
12 saw blood and that it was in the passenger side, on the
13 floor, around the door, I think he even said at the top,
14 but you heard his testimony. Raekwon had no way of
15 knowing that later testing was gonna show that blood was
16 exactly in that car where he said he saw it the night
17 after the murder. Well, Raekwon said the Defendant's
18 trying to clean out the car. He told you that happened
19 at his house, he told you he saw him do it. Raekwon
20 didn't have any way of knowing that when Investigator
21 O'Grady did the forensic analysis on the car the next
22 day, sometime later, she told you this passenger side was
23 still wet right where the Defendant was trying to clean
24 it out. Just like Raekwon testified here in court. He
25 didn't have any way of knowing that.

1 Raekwon also told you that he himself saw on the
2 Defendant's clothing blood and he said it was on the
3 bottom of his shirt and it was on the bottom of his pants
4 near the bottom -- or the cuff or the bottom of the foot
5 and he saw it on the Defendant's shoes. Raekwon didn't
6 have any way of knowing that's exactly where SLED found
7 the victim's blood on the Defendant's clothes, on the
8 bottom of that shirt, on the pants leg, and on those
9 shoes. Raekwon didn't know anything about the Wal-Mart
10 video, so he couldn't have know that the Defendant would
11 be on the video wearing those gray Converse where the
12 police later found the victim's blood. He didn't know
13 about that.

14 Now Raekwon also told you that he saw the Defendant
15 with bullets. Raekwon didn't know they're on video, that
16 the three of them would go there together and that this
17 Defendant is on video buying those bullets. The same
18 caliber of bullets that fit in this gun that he had that
19 earlier that day he didn't have any bullets for. Raekwon
20 didn't have any way of knowing about that. The Defendant
21 also admitted to Raekwon that he shot the victim and
22 Raekwon told you specifically what he said; that you need
23 to go bury him like you did that dog that time. I talked
24 about heartless in my opening. That you need to bury him
25 like you did that dog.

1 Now, ladies and gentlemen, one thing about forensic
2 evidence is forensic evidence doesn't have any motive.
3 It's evidence that it is what it is and it comes into
4 court and however it fits into what happened in the case
5 and supports the case it does. And it's -- this is
6 important. Why is this important? Because when he came
7 in here and testified right here and told you that the
8 Defendant came to his house, cleaned out the car and
9 then basically got in the passenger seat and passed out
10 while Raekwon drove him around all night, Raekwon didn't
11 have any way of knowing that Raekwon's fingerprint was
12 gonna be found on the driver's side and Tequan's
13 fingerprint was gonna be found on the passenger side.
14 The Defendant told you he's never even been on the
15 passenger side, but Lieutenant Adams told you that
16 finding his fingerprints there means he was the last
17 person who touched that. So Raekwon's testimony was
18 gonna later be supported by forensic analysis and
19 fingerprints found in the car. He didn't have any way
20 of knowing that was gonna be the case. He didn't.

21 You're gonna hear the judge tell you about motive
22 of the witnesses and who has credibility and it is up to
23 you to judge the credibility of the witnesses, so you
24 need to think about the motive of all the witnesses who
25 have come in here and testified before you. Why did

1 anybody have any motive to blame Tequan for something
2 that Dominique allegedly did? There just isn't any.

3 Well, let's talk about Jabarick. Jabarick says he
4 was at the residence. Well, the police officers didn't
5 see him there. Sergeant Gainey didn't see him,
6 Blackwelder didn't see him, Investigator Criscillis
7 didn't talk to him, but he's supposedly there. Nobody
8 knows about him being there until he calls law
9 enforcement and wants to speak to an investigator over
10 two years after this murder when he's sitting up at the
11 detention center with pending charges of his own. Does
12 he have motive to come in here and try to make a story?
13 But in any event, when he talks to Investigator Hahn, he
14 told you he told her I saw Tequan shoot Tiqun, and he
15 comes in here today and says well, I didn't tell her
16 that. He's not credible. He has no credibility. He's
17 housed in the same unit as the Defendant at the jail. In
18 his previous statement, he said the Defendant did it, but
19 not until today for the first time did Jabarick come in
20 here and say well, that's not really what happened, I was
21 really standing behind the house and I couldn't see
22 anything, and guess who else was there with me, Quentin
23 and DeMarco, everybody but Dominique as a matter of fact,
24 even the Defendant. That doesn't match anybody else's
25 testimony or any of the evidence that's been put before

1 you other than what the Defendant came in here and told
2 you today.

3 And the Defendant admitted that was his car. He
4 admitted he was wearing those clothes that he's seen in
5 in the Wal-Mart video. He admitted he bought those
6 bullets. He admitted that his clothes went straight to
7 investigations once he was taken into custody. He
8 admitted that he cleaned out the car, but he wasn't --
9 he wasn't worried enough about it to do it before he went
10 to the grocery store. Ladies and gentlemen, use your
11 common sense. Is that reasonable? Is that a reasonable
12 explanation of what happened in this case?

13 Apparently the Defendant was having the worst day
14 ever because he testified this was his first time hanging
15 out in Warrenville and he didn't really know any of these
16 people and this horrible thing happens. He also told you
17 that, lo and behold, the gunshot happens, he hears it, he
18 sees the victim's body on the ground and he sees Roderick
19 Glover doing CPR on him in his white shirt that he's on
20 the video in at Wal-mart. Investigator Criscillis
21 talked to Roderick Glover that night because he stayed
22 at the scene. The Defendant didn't stay. Investigator
23 Criscillis talked to Dominique Paige that night because
24 he stayed at the scene. The Defendant didn't stay.
25 Investigator Criscillis testified he didn't see any blood

1 on the clothes of Roderick Glover or Dominique Paige.

2 Investigator Criscillis also testified to something
3 that you might have missed, but I submit to you is an
4 important fact. He told you when he was standing there
5 watching Investigator O'Grady and Investigator Johnson
6 do this forensic analysis on the Defendant's car that
7 they could not open the trunk from the outside and that
8 he had to go through the inside of the car to get the
9 trunk latch to release. So they couldn't do it the
10 next day, but the night before Dominique apparently was
11 standing there and putting this gun and bullets in his
12 car and hiding them and then stayed at the scene telling
13 law enforcement what happened. Ladies and gentlemen,
14 that's not reasonable and that's not credible because
15 that's not what happened.

16 I want to point out something to you that's
17 important. When Investigator Criscillis found this gun
18 at Kelvin Mathis's house, it was loaded and it was loaded
19 with live rounds, not empty. So apparently after -- the
20 Defendant wants you to believe that after Dominique shot
21 Tiquan Oakman that he took the time to reload the gun
22 before he hid it in the Defendant's car to try to pin it
23 on him. Ladies and gentlemen, that's not reasonable.
24 That's not what happened in this case.

25 The evidence before you supports what happened.

1 Tequan Holmes shot Tiquan Oakman. That's why the blood's
2 on his clothes. Oh, he told you he had to clean out the
3 bloody car. It wasn't that big of a deal. He went to
4 the grocery store first and waited until the next morning
5 when he woke up, so he's cleaning out the bloody car and
6 in doing so that's enough contact to put blood on his
7 shirt, on his pants cuff at the bottom and on his shoes?
8 No. He had that blood when he put that gun to the
9 victim's chest and pulled the trigger at pointblank
10 range because he was mad about this money that they
11 were arguing about.

12 Ladies and gentlemen, use your common sense. The
13 evidence in this case is clear. All of the evidence
14 supports the fact that this Defendant murdered Tiquan
15 Oakman at [REDACTED] Boucher Court. This Defendant is the one
16 who left the scene and left his body laying there. This
17 Defendant's the one who had a bloody car that he had to
18 clean out, that Raekwon saw him do it, that the evidence
19 from the sheriff's office showed that happened. The
20 victim's blood is on the Defendant's clothing because
21 the Defendant murdered the victim.

22 Now, ladies and gentlemen, briefly, the charge in
23 this case, murder, is the unlawful killing of another
24 with malice aforethought, and the judge is gonna instruct
25 you, I believe, that malice can be formed at any time

1 including immediately before an act. It doesn't have to
2 -- there doesn't have to be some extended period of
3 malice. It could have happened when he had the gun
4 pointed to his back and said this is a robbery. But,
5 ladies and gentlemen, there's evidence of malice much
6 earlier than that. There's evidence of malice when this
7 Defendant went to Wal-Mart that night to buy bullets for
8 his gun so he could come back and murder the victim.

9 You've heard testimony and you're gonna have in
10 evidence the prior conviction which the Defendant
11 admitted he has for common law or attempted burglary,
12 which is a violent offense. That's another charge he's
13 facing. Possession of a weapon by a person convicted of
14 a violent crime. He's convicted of a violent crime.
15 That's in evidence before you. And, finally, possession
16 of a weapon during the commission of a violent crime. He
17 had that gun. Murder's defined as a violent crime. When
18 the Defendant pulled the trigger with the gun in his hand,
19 he possessed that weapon during the commission of that
20 crime.

21 Now I get to come back and talk to you again after
22 the defense, but I do want to point out to you the State's
23 burden, which is proof beyond a reasonable doubt. The
24 judge is gonna tell you that's proof that leaves you
25 firmly convinced that the Defendant murdered the victim.

1 Ladies and gentlemen, all of the evidence in this
2 case should have you firmly convinced that this Defendant
3 is guilty.

4 THE COURT: Thank you, Ms. Young.
5 Mr. McCarley.

6 MR. MCCARLEY: Thank you, Your Honor.

7 Good afternoon. I always tell myself that I'm not
8 gonna do this and respond to what they said and just talk
9 to you-all about the case as it was tried and I almost
10 never can do it.

11 What the State would have you believe, okay, is
12 that because Tequan Holmes and Jabarick Quiller are
13 housed together or in the same tiers -- the same pods but
14 in different tiers at the Aiken County Detention Center
15 that Jabarick Quiller is not credible, you can't believe
16 him because of that, but let's use our common sense on
17 two things. One, they don't decide where they're housed
18 at the Aiken County Detention Center. And, number two,
19 she says that Quentin Richardson states -- says that
20 Quentin Richardson and DeMarco Richardson are credible
21 when they're brothers and they live together and their
22 stories don't even match up.

23 In the same vein, they say that all evidence supports
24 the fact that Tequan Holmes committed this crime. That's
25 simply demonstrably untrue. It's incorrect. Two people

1 took the stand and said Tequan did not do this. One of
2 them was Tequan and one of them was Jabarick Quiller.
3 That's evidence. That evidence comes from here; not from
4 what I say, okay, and not from what any of the other
5 lawyers say. That's the evidence and that goes with what
6 may end up being the theme of what I have to tell you
7 here this afternoon, is that the investigation and the
8 prosecution of this case they just want to ignore things
9 that don't add up to them and them trying to convict
10 Tequan for something he didn't do.

11 For example, didn't even talk to you about Sergeant
12 Gainey in the closing and that's because Sergeant Gainey
13 said some things that are very, very important. Sergeant
14 Gainey said when he got there, there was one person, but
15 then Deputy Blackwelder got up here and said when we got
16 there, there were several people. Now is that the biggest
17 deal in the world? No, but they deprived you also of the
18 video recording and the audio recording of that. They
19 could have let you see that; who was there, who wasn't
20 there. They could have let you see that if they had
21 wanted you to see that. Just like they could have called
22 Jabarick Quiller to the stand and let you hear what he
23 had to say. Like they could have called Dominique Paige
24 to the stand and let you hear what he had to say.
25 Everybody says Dominique Quiller was there -- I'm sorry,

1 Dominique Paige was there. Everybody says Dominique Paige
2 was there.

3 And Investigator Criscillis testified that he's at
4 the Aiken County Detention Center. The sheriff of Aiken
5 County, who's prosecuting this case along with the
6 solicitor's office, runs the Aiken County Detention
7 Center. They know where he is and then they want to say
8 that Roderick Glover, they're out there looking for him.
9 Roderick Glover per Investigator Criscillis admitted to
10 a burglary sitting in front of Investigator Criscillis
11 and wasn't arrested and then the solicitors want to ask
12 him if you're still looking for him. Yeah, we're looking
13 hard. Well, you had him. Just like you had the video.

14 Something else they had that's very, very important.
15 They had this gun and they didn't fingerprint this gun.
16 They're gonna call an expert witness to testify about
17 fingerprints on my client's own car, his fingerprints on
18 his car, but they're not gonna fingerprint this gun when
19 their witnesses said -- I mean, I'm nervous to even open
20 it, but obviously this is the gun, okay, in this case.
21 They didn't fingerprint it. This is shiny. Expert --
22 expert fingerprint witness, ladies and gentlemen, it
23 don't get any more shiny than that. Their witness,
24 Kelvin Mathis, testified that Tequan Holmes put this
25 behind the microwave. Then fingerprint it. And give

1 -- give us a big ceremony about fingerprints on my
2 client's own car, but you're not gonna fingerprint
3 that gun. That proved who had that gun and they even
4 testified that some things didn't come back as
5 fingerprints. Well, fingerprint the gun and if it
6 doesn't come back with any fingerprints, tell you-all
7 that. We tried. All the beer cans, they don't come
8 back with fingerprints. Fine, they don't come back
9 with fingerprints, we couldn't do it, we couldn't do
10 that analysis, but they didn't even do it. Maybe
11 Jabarick Quiller drinks Bud Light. I saw a lot of Bud
12 -- you-all will have that back there. I think it's Bud
13 Light. Sorry if I misquoted what beer cans were out
14 there. Maybe Jabarick Quiller drinks Bud Light. They
15 don't want to know that because Jabarick Quiller is not
16 saying exactly what they want him to say.

17 Raekwon Mathis. They'd have you believe that
18 Raekwon Mathis came in here today out of a bubble after
19 three years of this. Raekwon Mathis testified that he
20 talked to the solicitor's office two separate times
21 almost three years after this happened. He didn't come
22 in here not knowing what was happening. He doesn't live
23 in a bubble. He wasn't sequestered. Why is this not
24 like a jury trial? These people live together, these
25 people communicate all the time. This is the real world.

1 Just because they came in that door after being held
2 apart and not being allowed to listen to all this doesn't
3 mean they haven't talked about this. The most credible
4 witnesses that the solicitor's office is asking you to
5 believe the most live together, yet you can't believe
6 anything that Tequan and Jabarick Quiller say because
7 they're housed near one another at the Aiken County
8 Detention Center.

9 I'm gonna try to go through each witness, each and
10 every witness, and discuss some of the things that bring
11 rise to a reasonable doubt, things that -- items that are
12 the reason that Tequan Holmes should be found not guilty
13 of these crimes because they are a reasonable doubt.
14 Guilty beyond a reasonable doubt. Any reasonable doubt,
15 ladies and gentlemen. Any reasonable doubt.

16 DeMarco Richardson, the first -- the State's first
17 witness. No one was sober. One time he said he saw
18 who shot, next time he said he didn't. Which -- which
19 DeMarco Richardson do you even believe? The State's own
20 witness number one.

21 Larry "Kip" Boyd. Again, drinking. And there's no
22 -- nobody's arguing that and, you know, nobody's arguing
23 that Tiquan Oakman was shot, and that's -- that's a
24 tragedy in its own right and that's a crime, but the fact
25 is, all right, the fact is there's a reasonable doubt,

1 many, many reasonable doubts that Tequan Holmes is not
2 the person -- Tequan Holmes is not the person that
3 committed that crime.

4 Larry "Kip" Boyd, the night of, gives an
5 audio-recorded statement to Investigator Criscillis that
6 I asked Investigator Criscillis about, says nothing about
7 nobody. He mentioned a tan car, a tan Volvo, and a tall
8 guy. And I asked Investigator Criscillis specifically
9 about his audio-recorded statement and he said the tall
10 guy, two guys, just them, no one else; if one didn't
11 shoot the other, then the other did, and then he didn't
12 remember a lot of other stuff. Glimpses.

13 So what the solicitor's office, the prosecution in
14 this case, wants you to believe is these glimpses are
15 this full picture. Glimpses. That is what you get is
16 glimpses and not a full picture.

17 The next witness was Sergeant Gainey. And, again
18 -- and I kind of already reviewed that a little bit. I
19 think -- an important thing to note I think of what
20 Sergeant Gainey said if he's correct that there's
21 one person, it's been made a big deal that Tequan left.
22 Tequan told you he left. One person there when Sergeant
23 Gainey gets there. That means everybody left. That
24 means everybody besides whoever that one person was, who
25 we don't even know who that was because they don't have

1 camera -- they didn't -- they didn't preserve their
2 camera footage, they didn't preserve their audio,
3 everybody else that left is a suspect if Tequan's a
4 suspect because he left. Tequan just had a car. Tequan
5 happened to have a car that he parked there. That is a
6 bad day.

7 Quentin Richardson testified next. He'd been
8 drinking. He had a cup of E&J brandy and was feeling
9 good. Interesting to compare his testimony to Sergeant
10 Gainey. Sergeant Gainey said we were there within two
11 to three minutes. Quentin Richardson testified it was
12 thirty minutes to an hour. The prosecution guesses that
13 it felt like -- it felt like thirty minutes to an hour.
14 I would submit to you that maybe nobody called the police
15 at all. Maybe nobody called the police at all for
16 thirty minutes to an hour, then when somebody finally
17 calls the police they come. But, again, I don't know
18 because I don't have the video and you didn't hear the
19 9-1-1 call because lightning struck. Talk about a bad
20 day.

21 Quentin Richardson wrote a statement that night.
22 On cross-examination he said -- on cross-examination he
23 was asked about that statement and that statement said
24 that he heard the shot.

25 Raekwon Mathis, we've already talked about him a

1 little bit. The solicitor's office, the prosecution in
2 this case, wants you to believe he's a very, very credible
3 witness and they want you to believe that after he was
4 present when Mr. Holmes was arrested and then for
5 three years didn't say or do anything, the police didn't
6 go look at -- look for him. He walked out of the house
7 and they didn't ask him anything, they didn't take his
8 statement, they didn't talk to him about anything,
9 right, but he's a great witness. He hadn't had a single
10 thought about this entire case in three years until he
11 just walks into the solicitor's office in May and wants
12 to talk about this case. But you can't believe Jabarick
13 Quiller because he waited two years to call the police
14 and talk about the case?

15 So -- and what I'm -- what I'm getting at is that
16 I don't know who to believe and you can't know who to
17 believe based on the evidence that was put here because
18 the exact same reason you would believe one person can
19 be used to not believe another person. Like that. They
20 waited a long time. Well, they wanted a long time. That
21 makes them look like, you know, they're really, really
22 truthful or they're incredible. They left the scene.
23 Everybody except this one person who we don't know who
24 they are left the scene. The reason Quentin Richardson
25 is still there and DeMarco Richardson is still there,

1 they live there. That's it. You don't think they've
2 talked in the -- in the thirty minutes to an hour to
3 two hours before the sheriff's office came to talk to
4 them?

5 Kelvin Mathis. This is the gentleman who's my
6 client's cousin or uncle depending on who was testifying.
7 My client was at his house when he was arrested.
8 Interestingly enough, Kelvin Mathis said nor was he
9 asked any -- about any admissions, anything that my
10 client said about being guilty of this charge. And he
11 was there in that apartment with Raekwon and with Tequan.
12 He didn't say anything about that. He wasn't asked about
13 it. Now why wasn't he asked about it? The same reason
14 Jabarick Quiller wasn't called to the stand, the same
15 reason Dominique Paige wasn't called to the stand by the
16 State.

17 Deputy Stutts. Deputy Stutts testified that he
18 arrived at the scene where they arrested Mr. Holmes in
19 this case and he said something important. He said that
20 the old man came out and a short time later the young man
21 came out, so the opportunity for Tequan to say all these
22 -- all these admissions or confessions, say he was guilty
23 and talk about all this, would have been a short time.
24 So the State's theory of the case is that Kelvin leaves
25 and Tequan starts just admitting to everything right and

1 left to Raekwon and then Raekwon comes out the house and
2 he doesn't say anything. Raekwon comes out of the house,
3 isn't asked anything, doesn't say anything.

4 Deputies -- I hope I get this right, I think they're
5 deputies -- Sullivan and Riddell, they testified they took
6 Tequan's clothes into evidence. I think it's important --
7 it is important to note that nobody else's clothes were
8 taken. There was testimony that -- from Investigator
9 Criscillis that in the course of his investigation he --
10 he found that Dominique Paige, who is six-two at least per
11 the incident report, was a couple of feet, a couple feet
12 away and the length of that gun, can't get it two, three
13 inches? And I'm not saying Dominique Paige did this. I
14 don't know and this evidence didn't show you and it didn't
15 show that Tequan Holmes did it either beyond a reasonable
16 doubt.

17 Kenneth Rand was the gentleman from Wal-Mart who got
18 that video into evidence. That video shows them there.
19 My client testified that he was there and the video
20 shows Dominique Paige hand him the money and the reason
21 Dominique Paige asked him to buy the bullets is because
22 my client has an ID. Just like my client had a car. He
23 gave him the change back. Whose bullets are they? If
24 you -- if you give somebody the money to get something
25 and they give you the change back, whose bullets are

1 they? I don't know..

2 Investigator Criscillis talked kind of in and out
3 about his testimony the entire time. Importantly, he was
4 on the scene when this gun was taken into evidence. You
5 heard forensics from the Aiken County Sheriff's Office,
6 I believe it was Mrs. O'Grady, say that we ask -- we take
7 direction from and ask questions of the case -- the chief
8 case officer, in this case Investigator Criscillis.
9 Investigator Criscillis testified that he was there and
10 they took this gun into custody and they chose not to
11 fingerprint this gun, but they want to give a big
12 presentation and have an expert about my client's own
13 fingerprints in his own car.

14 Investigator O'Grady interestingly, State's
15 Exhibit 1, testified that she probably took that picture.
16 Kip Boyd testified that picture was taken five to
17 seven years prior. She then testified that she didn't
18 remember taking that picture and then testified that she
19 didn't actually take that picture, and that's -- that's
20 to say -- that's to speak to something that's important.
21 Physical evidence is -- it's correct. It does not have
22 any motive. The people that decide on and submit this
23 physical evidence do. And if the first thing that was
24 heard at that scene was Tequan, where did Tiquan go, or
25 Tiquan. They could have been saying Tiquan. You heard

1 the solicitor's officer ask if the pathologist did an
2 autopsy on Tequan Holmes. So the names, you know, very,
3 very well could be important in this case. Maybe there's
4 a bunch of people running around yelling Tiquan. We
5 don't know. We weren't there. The people that were
6 there have not proven to you beyond a reasonable doubt,
7 the evidence from this stand, that Tequan Holmes is
8 guilty of this crime.

9 And going back -- I'm a little bit off course here.
10 I get off my notes and it's not good. I forget things.
11 The forensic evidence, the solicitor is correct, has no
12 motive. It's science. But what is tested is decided by
13 humans. Beer cans, the gun, you-all. The gun that their
14 -- that witnesses at the scene said he put this this
15 place.

16 I think finally, well, finally for the State, Deputy
17 Lott testified and he testified that he saw the gun and
18 that Criscillis -- or Investigator Criscillis testified
19 that he was there.

20 I apologize, you-all. I'm making sure I've got all
21 this.

22 Dr. Ross testified that Mr. Oakman died of a gunshot
23 wound. That's not something that's in -- in contention.
24 It's not in contention that Mr. Oakman passed away of a
25 gunshot wound. What's in contention is who did that.

1 Now this brings us to the witnesses that -- that we
2 called. Travis Blackwelder interestingly said several
3 people were there. If two trained police officers who
4 as their job go to these incident locations don't agree
5 on whether there was one or several people there, but
6 the State's gonna ask you to believe beyond a reasonable
7 doubt people gave conflicting testimony and were drunk
8 and are brothers and cousins.

9 Sergeant Spann testified that two days after this
10 crime and the day after my client was arrested that
11 guns were pulled on Dominique Paige about an incident
12 in Warrenville that he was involved in.

13 Then came Jabarick Quiller who I've already talked
14 about a lot. If you can't believe Jabarick Quiller, you
15 can't believe Raekwon Mathis. They -- the solicitor's
16 office said that Jabarick Quiller was not at the scene.
17 They don't know. The solicitor's office said a lot about
18 what people know. How would people know? People know
19 because they've met with the solicitor's office.
20 Testimony from the stand from the fact witnesses that
21 they met with the solicitor's office and wouldn't meet
22 with us. That's how people know things. How could
23 these people have known these things happened? They also
24 talked to people that are involved in the case.

25 Jabarick Quiller also put his hand on the Bible and

1 testified before you, to you, that he was standing next
2 to Tequan Holmes when he heard the shot, Tiquan Oakman
3 wasn't anywhere around there, and everybody ran. If you
4 want to talk about believable, that's believable, that
5 everybody ran. Because when at least one police officer
6 got there, there was only one person. Now maybe that
7 was two minutes, maybe that was thirty minutes. We don't
8 know. You've been deprived of that view by the sheriff's
9 office. They don't want to show you that camera footage.
10 They didn't want to keep it on the server.

11 Deputy Blackwelder testified it was ninety days.
12 Ninety days had to pass. They talked to witnesses and
13 my client was arrested the next day. They'll arrest
14 somebody in two days, but they won't download some
15 footage in ninety days because they don't want you to
16 really see.

17 Investigator O'Grady. I take these pictures so
18 that you can see exactly what it was like when we got
19 there. Not correct. They don't -- they didn't want to
20 in this case. They didn't want to show you exactly what
21 it looked liked, otherwise, in that ninety days when they
22 were going through this car and finding my client's own
23 fingerprint's on his car own car, arresting my client,
24 not arresting Roderick Glover, meeting with Dominique
25 Paige multiple times, meeting with Roderick Glover

1 multiple times, they would have downloaded the footage.
2 They don't want you to see that.

3 Tequan Holmes, the last person who testified.
4 Tequan Holmes voluntarily gave up his blood in this case.
5 Investigator Criscillis said that on direct examination.
6 Tequan Holmes then testified that he did that because he
7 didn't have anything to hide. He also voluntarily gave
8 up his constitutional right to remain silent to sit
9 in this chair and tell you what happened and to answer
10 questions from a trained professional that is trying to
11 convict him of murder. He could have sat over there and
12 said, you know, he chose to give up his blood and he
13 chose to give up his constitutional rights voluntarily.
14 Nobody could have forced him to do those things. Nobody
15 did. Nobody did force him to do those things.

16 Ladies and gentlemen, I think -- ladies and
17 gentlemen, if you take all of the evidence from this
18 witness chair and your common sense and all of these
19 exhibits, all of it, not just the parts that we want to
20 talk about because they fit our narrative, just take all
21 of it, what's -- what's the real -- what's the big
22 difference between Dominique Paige and Tequan Holmes?
23 Both of them have burglaries, both of them in jail, both
24 of them at this party that night. And I'm not saying --
25 again, I am not asking you to find Dominique Paige guilty.

1 I'm telling you that Dominique Paige is one of the many,
2 many reasonable doubts. The fact that Investigator
3 Criscillis specifically asked a witness in this case who
4 he chose not to arrest when he admitted to burglary about
5 Dominique Paige's motive in this case, but the motive that
6 the solicitor's office is asking you to believe is just
7 something vague about money. What -- what money? Where's
8 it from? Nobody knows? All these people around, all
9 these people that know this story and saw these specific
10 things and nobody knows what this money is about, what
11 it's from, anything like that. No testimony to -- it's
12 just money. Just an argument about money.

13 Ladies and gentlemen, Tequan Holmes is not guilty
14 of murder. He's not guilty of possessing this gun. He's
15 not guilty of possessing a weapon during a violent crime
16 because he did not commit this violent crime beyond a
17 reasonable doubt. The definition of reasonable doubt is
18 one that Judge Cooper will read to you and when you apply
19 that -- and it's not just guilty, not guilty, it's guilty
20 beyond a reasonable doubt. Please take the law and these
21 witnesses and this evidence, this evidence and the
22 witnesses are evidence, and your common sense into the
23 jury room and pool those things together and take your
24 time and when you apply these facts just from this stand
25 to the law and to your oath, when you do that, find

1 Tequan Holmes not guilty.

2 Thank you very much.

3 THE COURT: Thank you, Mr. McCarley.

4 Ms. Young.

5 MS. YOUNG: Very briefly, Your Honor.

6 Ladies and gentlemen, just a few brief points. Who
7 to believe is your whole job, so I'm not gonna spend a
8 lot of time talking about it beyond what I've already
9 said other than when I sit down I'm gonna ask you to go
10 in there and do your job about deciding who to believe
11 because that's -- finding the facts is your job as a
12 jury.

13 Defense attorney is making a big deal about the
14 fact that Quentin and DeMarco live together and they
15 were brothers and they had all this time to make up a
16 statement, but he's not pointing out the fact or doesn't
17 want you to look at the fact that Quentin and DeMarco
18 gave a statement to the police that night, told them what
19 happened. The Defendant shot the victim. They haven't
20 been talking about that for three years. They told the
21 police that night what happened.

22 Ladies and gentlemen, statements to the police and
23 information to law enforcement is important because it
24 gives them an angle to investigate and it lets them know
25 what to do, but the statement can't sit on this witness