

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Oct 27 2021

SC Court of Appeals

Appeal from Orangeburg County

Honorable G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAMONT ANTONIO SAMUEL,

APPELLANT.

APPELLATE CASE NO. 2020-001612

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INDEX

INDEX	i
TRANSCRIPT DATED NOVEMBER 30, 2020	1
JURY SELECTION.....	4
TRIAL TRANSCRIPT DATED DECEMBER 1 – 3, 2020	58
OPENING STATEMENT BY MS. GLOVER.....	75
OPENING STATEMENT BY MR. SIMS	82
TESTIMONY	
SHAMEKA WOLFE	87
TERRANCE SMITH.....	121
JOHN GREGG.....	128
CAROLYN QUARLES.....	137
JOHN RAST	143
JAMES ETHRIDGE.....	148
TESTIMONY CONTINUED	
JOHN STOKES	172
MATTHEW TRENTAM.....	185
GERALD CARTER.....	201
December 2, 2020	
TESTIMONY CONTINUED	
RYAN HARTER	253
KENNETH KINSEY	260
LARONDA ASBURY	266

STEVEN JOHNSON	279
JANICE ROSS.....	294
TESTIMONY CONTINUED	
LAKESHA GILLARD	306
ILA SIMMONS	344
F. DAN DEFREESE.....	358
RILEY GODWIN	393
JAMES SHUMPERT.....	416
DEFENSE OBJECTION TO SHUMPERT’S OPINION INTERPRETING TEXT MESSAGES.....	434
COURT’S RULING	435
COLLOQUY WITH DEFENDANT ON HIS RIGHT TO TESTIFY	471
December 3, 2020	
TESTIMONY CONTINUED	
PEGGY HINDS	487
MOTION FOR DIRECTED VIRDICT	493
COURT’S RULING	499
VOLUME II	
STATE RESTS	501
TESTIMONY CONTINUED	
LAMONT SAMUEL	501
DEFENSE RESTS	596
RENEWED MOTION FOR A DIRECTED VIRDICT	597
COURT’S RULING	597

CLOSING ARGUMENT BY MR. SORENSON.....	601
CLOSING ARGUMENT BY MR. SIMS	630
CLOSING ARGUMENT BY MR. SORENSON.....	646
JURY CHARGE	654
VERDICT	669
RENEWED MOTION FOR A DIRECTED VERDICT	680
COURT’S RULING	680
SENTENCING	691
COURT’S EXHIBIT NO. 3 (TRANSCRIPT OF HEARING DATED NOVEMBER 5, 2020)	693
COURT’S EXHIBIT NO. 4 (TRANSCRIPT OF HEARING DATED FEBRUARY 12, 2020)	719
STATE’S EXHIBIT NO. 2 (STATEMENT)	771
STATE’S EXHIBIT NO. 5 (STATEMENT)	774
STATE’S EXHIBIT NO. 8 (STATEMENT)	779
STATE’S EXHIBIT NO. 10 (STATEMENT)	781
STATE’S EXHIBIT NO. 12 (STATEMENT)	782
STATE’S EXHIBIT NO. 97 (TEXT MESSAGES).....	793
INDICTMENT	797
SENTENCE SHEET.....	799
CERTIFICATE OF COUNSEL	800

1 State of South Carolina

Court of General Sessions

2 County of Orangeburg

3
4
5 State of South Carolina)

Transcript of Record

6 vs.)

2012-GS-38-00912

7 Lamont Antonio Samuel,)

8 Defendant.)

9
10 November 30, 2020

11 Orangeburg, South Carolina

12
13 B E F O R E:

14 The Honorable G. Thomas Cooper, a Judge; and a jury

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

17 Donald N. Sorenson, Assistant Solicitor
18 Chelsea A. Glover, Assistant Solicitor
19 On behalf of the State of South Carolina

20 Thomas R. Sims, Sr., Esquire
21 On behalf of the Defendant

22
23 Stacy S. Johnson, RPR
24 Circuit Court Reporter
25

1	<u>I N D E X</u>	
2		<u>PAGE</u>
3		
4	Jury Selection (November 30, 2020)	4
5	Certificate of Reporter	57
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
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1
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E X H I B I T S

NO.

DESCRIPTION

I.D.

EVD.

(No exhibits marked.)

1 (The following proceedings were held November 30,
2 2020, beginning at 2:46 PM.)

3 BAILIFF: All rise. Court's now in session.

4 THE COURT: Thank you. Be seated.

5 All right, ladies and gentlemen. Thank you for
6 returning. As I indicated to you before you left,
7 we're now going to go into jury selection, but before
8 we -- and the same process. It's probably gonna be
9 easier because you're all a little closer to me now
10 for me to hear you, but the same process.

11 If I ask you a question, I'll ask you to stand
12 and give me your number and -- and answer the question
13 however you think is appropriate. There will not be
14 a separate come-up-to-the-bench session after this.
15 If you can, just answer the questions from where you're
16 seated, and that's it. Just answer the questions.

17 All right. Now in a criminal case, as you probably
18 know, the State is represented by -- in South Carolina
19 by the -- our state Solicitor and the process basically
20 is -- the whole criminal justice system is that law
21 enforcement is in the community. If they find criminal
22 activity, they issue a warrant and an arrest is made,
23 and they are the -- they're the law of law and order
24 just as a reference to a TV show.

25 The order is, on the other hand, the second phase

1 of any criminal prosecution, that the State acting on
2 behalf of theoretically the State of South Carolina,
3 they prosecute the case and a defendant is called
4 before the Court. I mean, that's the simple process.

5 Your state Solicitor -- your elected state
6 Solicitor in this district is Mr. David Pasco. Now
7 Mr. Pasco is not with us today. He's not prosecuting
8 the case. Two of his deputy solicitors are prosecuting
9 the case and I'm gonna ask -- I'm gonna introduce them
10 to you and ask them to stand. Mr. Donald Sorenson and
11 Ms. Chelsea Glover are representing the State.

12 Is any member of the jury panel related by blood,
13 connected by marriage, employment or a close personal
14 acquaintance of either Mr. Don Sorenson or Ms. Chelsea
15 Glover? If so, please stand.

16 Thank you, attorneys.

17 Any member of the jury panel or any member of your
18 family who are close personal acquaintances or work in
19 the office of the state Solicitor? The state Solicitor's
20 office here in Orangeburg, and the other counties are
21 Dorchester and --

22 MR. SORENSON: Calhoun.

23 THE COURT: -- Calhoun, Mr. Pasco represents all
24 three counties.

25 So I'll ask if any member of the jury panel, any

1 member of your family are close personal friends or
2 work for Mr. Pasco's office in any of those three
3 counties?

4 Okay. Now because the -- as I said, the cases
5 that come before us are heavily involved with law
6 enforcement, I need to ask if any member of the jury
7 panel or any member of your family is involved in
8 law enforcement. And that can be anything from the
9 Orangeburg city police department, the Orangeburg
10 County Sheriff's Office, any other law enforcement
11 agency, SLED, the FBI, any military law enforcement
12 agency, any law enforcement agency that either you or
13 a member of your family or close personal acquaintance
14 works for. If so, please stand.

15 (Prospective jurors stand.)

16 THE COURT: Okay. Now I'm gonna ask you to give
17 -- I'm gonna ask you for your numbers.

18 Let's see, the lady with the checked shirt -- or
19 jacket on, what's your number, please?

20 PROSPECTIVE JUROR: 217.

21 THE COURT: All right. Now I'm gonna ask you to
22 take your mask down when you talk because I'm gonna be
23 better able to hear you better.

24 217?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: And who is involved in law enforcement?
2 I mean, what relative of yours?

3 PROSPECTIVE JUROR: Not a relative, close friends
4 that work for the sheriff's department.

5 THE COURT: Works for the sheriff's department?

6 PROSPECTIVE JUROR: Yes. Several friends.

7 THE COURT: And how's that person related to you?

8 PROSPECTIVE JUROR: They're not related, they're
9 close friends.

10 THE COURT: Oh, close friends. Okay. Of which
11 sheriff's department?

12 PROSPECTIVE JUROR: Orangeburg county.

13 THE COURT: Orangeburg county.

14 Is this an Orangeburg county case, Solicitor?

15 MR. SORENSON: Yes, sir.

16 THE COURT: Could you give me that person's name?

17 PROSPECTIVE JUROR: There's several of them. They
18 all work for the sheriff's department.

19 MR. SIMS: I can't --

20 THE COURT: We're having a -- the acoustics in this
21 room are not real good. Just come on up and tell me
22 those names.

23 PROSPECTIVE JUROR: Felder, Stokes and Ladson.

24 Felder, Stokes and Ladson. They all work for the
25 sheriff's department.

1 THE COURT: Mr. Felder, Mr. Stokes --

2 PROSPECTIVE JUROR: Deputy Felder and Deputy Stokes.

3 THE COURT: All right.

4 Solicitor, are any of these people involved in this
5 case?

6 MR. SORENSON: Yes, John Stokes.

7 THE COURT: Stokes?

8 Okay. And Mr. -- Mr. Stokes is a what?

9 PROSPECTIVE JUROR: Close friend.

10 THE COURT: Close friend. Okay. Ms. 217, would
11 that fact in any way interfere with your ability to give
12 both the State and the Defendant a fair and impartial
13 trial in this case?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: Okay. Thank you very much, Ms. 217.

16 MR. SIMS: May I be heard?

17 THE COURT: I'm sorry?

18 MR. SIMS: May I be heard?

19 THE COURT: Eventually, okay?

20 MR. SIMS: Sure.

21 THE COURT: All right. The next lady come up here.
22 It's probably easier.

23 PROSPECTIVE JUROR: 214, Caroletta Ivey.

24 THE COURT: And how is your -- or who's involved
25 with law enforcement?

1 PROSPECTIVE JUROR: My cousin's James Shumpert in
2 the sheriff's department and they're also -- I'm sorry.
3 I'm cousin to James Shumpert.

4 THE COURT: Shumpert?

5 PROSPECTIVE JUROR: Yes, in the sheriff's
6 department.

7 THE COURT: Orangeburg?

8 PROSPECTIVE JUROR: Orangeburg sheriff's
9 department. I'm sorry.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: And then we also worked
12 together at Claflin University, as well as Leroy
13 Ravenell, Randy Williams and Ken Kinsey --

14 THE COURT: They work --

15 PROSPECTIVE JUROR: As well as I'm acquainted
16 with Richard Johnson.

17 THE COURT: Do they work for the University?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Any of those people?

20 MR. SORENSON: Yes, sir.

21 THE COURT: Johnson?

22 MR. SORENSEN: Shumpert and then Kenny Kinsey is
23 also on our list as well.

24 THE COURT: And, Ms. 214, what is your connection
25 with --

1 PROSPECTIVE JUROR: I'm the coordinator for
2 criminal justice at Claflin University.

3 THE COURT: So you work with Mr. Shumpert?

4 PROSPECTIVE JUROR: I work with him and I'm
5 semi-supervisor of him.

6 THE COURT: Okay. Thank you very much. Let me
7 ask you this. Would that fact in any way interfere
8 with your ability to give both the State and the
9 Defendant a fair and impartial trial in this case?

10 PROSPECTIVE JUROR: No, it would not.

11 THE COURT: Thank you very much, Ms. 214.

12 Yes, ma'am.

13 PROSPECTIVE JUROR: Hi. I have a nephew that
14 works for the city police department and then one that
15 I'm not sure if it's still Calhoun County or it could
16 be North. Last name is Kook with a K.

17 THE COURT: Anybody named Kook involved in this
18 case?

19 MR. SORENSEN: (Shakes head.)

20 What's her number?

21 THE COURT: Oh, what was your number?

22 PROSPECTIVE JUROR: I'm sorry, 492. Then I have
23 a son who's also in law enforcement, but not in this
24 area. In the Rock Hill, Fort Mill area.

25 THE COURT: Okay. Ms. 492, would that fact that

1 you have those relationships, would that fact in any
2 way interfere with your ability to give both the State
3 and the Defendant a fair and impartial trial?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Thank you very much, Ms. 492.

6 All right.

7 PROSPECTIVE JUROR: My number is Number 360.

8 I have a cousin, Lovell Brothers, who works in
9 administration. I'm not sure whether she's in the
10 city or sheriff or if she's still working. She may
11 be retired by now.

12 THE COURT: In Orangeburg county? Orangeburg?

13 PROSPECTIVE JUROR: Orangeburg, yes.

14 THE COURT: And what's the name?

15 PROSPECTIVE JUROR: Lovell Brothers.

16 THE COURT: Anybody with that name in this case?

17 MR. SORENSON: (Shakes head.)

18 THE COURT: All right. Ms. 360, would that fact
19 in any way interfere with your ability to give both the
20 State and the Defendant a fair and impartial trial?

21 PROSPECTIVE JUROR: None at all, Judge.

22 THE COURT: Thank you very much.

23 Lady on the front row.

24 PROSPECTIVE JUROR: Juror 144.

25 THE COURT: 124?

1 PROSPECTIVE JUROR: 144.

2 THE COURT: 144. Okay. Yes, ma'am.

3 PROSPECTIVE JUROR: My cousin works on the public
4 safety, Smoak, Walter, and I have good friends on public
5 safety Scharf, Murdock, and Staley, who works for EMS.

6 DEPUTY KASAM: I know indicating Mr. Kasam.

7 THE COURT: What's the public safety?

8 MR. SORENSON: That's the City of Orangeburg Police
9 Department.

10 THE COURT: Oh, it's called -- that's the City of
11 Orangeburg police department basically; is that right?

12 MR. SORENSON: Yes, sir. Police and fire.

13 THE COURT: I'm not -- I'm from around here as they
14 say.

15 Okay. Ma'am, would those...

16 None of those people are involved in this case?

17 MR. SORENSON: (Shakes head.)

18 THE COURT: Would that fact -- those relationships,
19 would that fact in any way interfere with your ability
20 to give both the State and the Defendant a fair and
21 impartial trial?

22 PROSPECTIVE JUROR: No, sir.

23 THE COURT: Okay. Thank you very much.

24 Lady with the blue sweater.

25 PROSPECTIVE JUROR: I'm Number 72, Bridgett Capers.

1 Deputy Sheriff Dexter Ladson is my first cousin.

2 THE COURT: Okay. Is that gentleman involved in
3 this case?

4 MR. SORENSON: He is not.

5 THE COURT: All right. Ms. 72, would that fact in
6 any way interfere with your ability to give both the
7 State and the Defendant a fair and impartial trial in
8 this case?

9 PROSPECTIVE JUROR: Not at all.

10 THE COURT: Thank you very much, Ms. 72.

11 PROSPECTIVE JUROR: 385. My father is a sheriff
12 in Orangeburg -- not a sheriff, but a cop in Orangeburg
13 county.

14 THE COURT: Is he a deputy sheriff or does he work
15 for the city?

16 PROSPECTIVE JUROR: Roman Rodriguez.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR: His name is Roman Rodriguez.
19 He works in the city of Orangeburg.

20 THE COURT: Okay. Is he involved in the case?

21 MR. SORENSON: He is not.

22 THE COURT: All right. Thank you very much. Would
23 that fact in any way interfere with your ability to give
24 both the State and the Defendant a fair and impartial
25 trial?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Okay. Thank you very much. Anybody
3 else?

4 All right. I'm gonna take that one step further,
5 ladies and gentlemen. I'm gonna ask you if any member
6 of the jury panel, you or your family, supports groups
7 which have as their primary function the support of
8 law enforcement? For example, Students Against --
9 Mothers Against Drunk Driving or Students Against Drunk
10 Driving or Citizens Against Violent Behaviors, a group
11 like that. I'm not sure of the name. Any -- any
12 groups such as the sheriff that you might support
13 financially or personally, you know, with your time?
14 Either groups like the sheriffs association or the
15 troopers association or any law enforcement group
16 that you -- even Sister Care or groups that work with
17 prisoners who are being released from prison, any
18 of these groups that you support either financially,
19 even -- sometimes some communities have neighborhood
20 watch programs or explorer groups that work with law
21 enforcement, any of these groups that support as their
22 primary function the support of law enforcement? Any
23 member of the jury panel support any of these groups,
24 as I say, including with either your dollars or your
25 time?

1 (Prospective jurors stand.)

2 THE COURT: All right. We've got a couple of over
3 here.

4 PROSPECTIVE JUROR: I have financially.

5 THE COURT: Your number?

6 PROSPECTIVE JUROR: Excuse me. Juror 34, Sarah
7 Bostic. I've financially supported the State Troopers
8 Association.

9 THE COURT: Okay. Ms. 34, let me ask you a
10 question. When you support the State Troopers
11 Association, do they send you a little sticker to put
12 on the back of your car?

13 PROSPECTIVE JUROR: I've never seen one. My
14 husband may have gotten it and I just don't see it.

15 THE COURT: I think he got it. It would be --
16 it's just good advice to put it on the back of your
17 car. When the troopers see that on the back of your
18 car --

19 PROSPECTIVE JUROR: I can speed?

20 THE COURT: I didn't say that. I'm just...

21 PROSPECTIVE JUROR: I understand. I understand
22 what you're saying.

23 THE COURT: I'm just passing it on. Thank you
24 very much, Ms. 34.

25 PROSPECTIVE JUROR: Number 214, Caroletta Ivey.

1 THE COURT: Yes, ma'am.

2 PROSPECTIVE JUROR: I support several criminal
3 justice organizations due to my job.

4 THE COURT: I understand. Thank you very much,
5 Ms. 214.

6 All right.

7 MR. SORENSON: We've got one more, Judge.

8 THE COURT: Oh, we've got one more. I'm sorry.
9 Number, please?

10 PROSPECTIVE JUROR: I'm 337, I just receive a
11 phone call sometime from the sheriff's department or
12 the troopers, so I just send a check in the mail. I
13 did it two or three times, but I don't know who that
14 was. They just give me the address and I'll send it
15 in.

16 THE COURT: Well, I'm gonna send you something
17 in the mail. What was your -- what was your number
18 again?

19 PROSPECTIVE JUROR: 337.

20 THE CLERK: 343.

21 THE COURT: 343 I believe because 337 is named
22 Sandra.

23 PROSPECTIVE JUROR: My last name is Pathak,
24 P-A-T-H-A-K.

25 THE COURT: What's his number?

1 THE CLERK: 343.

2 THE COURT: Okay. Do you understand what I said,
3 that 337 is named Sandra?

4 PROSPECTIVE JUROR: Yes, sir. I changed it.

5 THE COURT: You're obviously not Sandra.

6 PROSPECTIVE JUROR: Certainly not.

7 THE COURT: Okay. Thank you, Mr. 343. Now you
8 remember that.

9 PROSPECTIVE JUROR: I've got it now.

10 THE COURT: Okay. Anybody else?

11 PROSPECTIVE JUROR: I've got a brother-in-law.
12 He's with the state troopers. Leon Porter. I don't
13 know whether he's related to the case or not, but...

14 THE COURT: Your number, please?

15 PROSPECTIVE JUROR: 480.

16 THE COURT: 480. And he works with the state
17 troopers?

18 PROSPECTIVE JUROR: Troopers.

19 THE COURT: All right. Mr. 480, would that fact
20 in any way interfere with your ability to give both the
21 State and the Defendant a fair and impartial trial?

22 PROSPECTIVE JUROR: No way.

23 THE COURT: Thank you very much.

24 All right. Now what I hold in my hand is a piece
25 of paper, and that's really all -- all it is, but it is

1 an indictment and that's the way -- that's the only way
2 the State can bring somebody to trial in the state of
3 South Carolina. This indictment is not evidence of
4 anything. You're not -- I'm gonna read it to you.
5 You're not to assume anything from the fact that it's
6 -- it is an indictment. It is merely the charging
7 document by which a case is brought into court. And
8 in South Carolina, and anywhere in the United States,
9 anybody that's called before the court on a criminal
10 charge is presumed innocent of the charges brought
11 against them until proven guilty by the State to a
12 degree of a reasonable certainty. In other words,
13 anybody charged in any case is presumed innocent under
14 our law, and that's an important part of our law, until
15 proven guilty by the State.

16 So when I read the indictment to you, as I say,
17 you're not to assume anything, it's just merely what
18 we're here for. And this indictment charges the
19 Defendant, Lamont Antonio Samuel, with -- in Orangeburg
20 county, on or about March 20, 2012, with malice
21 aforethought, the Defendant, Lamont Antonio Samuel,
22 did kill one Taneris Hamilton by means of shooting
23 the victim with a handgun. The victim did die as a
24 proximate result thereof, the offense being in violation
25 of the common law of the state of South Carolina.

1 Mr. Samuel, would you stand and face the jury,
2 please. This is Mr. Samuel. I need to know if
3 any member of the jury panel's related by blood,
4 connected by marriage or employment or a close
5 personal acquaintance of Mr. Lamont Antonio Samuel.
6 Does anybody know Mr. Samuel?

7 Thank you very much, Mr. Samuel.

8 Mr. Samuel is represented in this matter today by
9 Mr. Thomas Sims. Will you please stand and face the
10 jury, please.

11 Any member of the jury panel related by blood,
12 connected by marriage or employment or a close
13 personal acquaintance of Mr. Thomas Sims or have been
14 represented by him? He's an attorney who practices here
15 in Orangeburg county. Anybody have been represented by
16 him in the past or perhaps being represented by him or
17 his law firm today, in the present? Any member of the
18 jury panel know Mr. Sims or have any connection with
19 Mr. Sims? If so, please stand.

20 (Prospective jurors stand.)

21 THE COURT: And 74?

22 PROSPECTIVE JUROR: 34.

23 THE COURT: 34. I'm sorry. I knew it had a four
24 in it.

25 Ms. 34, what is your connection with Mr. Sims?

1 PROSPECTIVE JUROR: During the time that I worked
2 at the South Carolina Department of Social Services in
3 the area of the Division of Adoption Services, we've
4 worked on cases together for the agency and he was the
5 guardian ad litem for my adoption hearings.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: And I've gotten to know him.

8 THE COURT: For a period of years?

9 PROSPECTIVE JUROR: Yes, and his daughter-in-law
10 and I worked in the same office.

11 THE COURT: I see. Well, I'll ask you the same
12 question again. Would that fact in any way interfere
13 with your ability to give both the State and the
14 Defendant a fair and impartial trial? In other words,
15 would you feel guilty -- I mean, feel uncomfortable, I
16 should say, bad choice of words -- uncomfortable sitting
17 on a jury where Mr. Sims was representing somebody?

18 PROSPECTIVE JUROR: No, I would not.

19 THE COURT: Okay. Thank you very much, Ms. 34.

20 PROSPECTIVE JUROR: Mr. Sims represented someone
21 that I know.

22 THE COURT: Number, number, number.

23 PROSPECTIVE JUROR: I'm sorry. 217.

24 THE COURT: 217?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Go ahead.

2 PROSPECTIVE JUROR: And I was engaged in a
3 transaction with one of his clients.

4 THE COURT: All right. A close personal
5 acquaintance or go to church with him or school with
6 him, anything like that?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Okay. Ms. 217, would that fact in
9 any way interfere with your ability to give both the
10 State and the Defendant a fair and impartial trial?

11 PROSPECTIVE JUROR: No, sir.

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

13 Anybody else?

14 When I was a lawyer before I started doing this
15 and I'd be in a jury room very similar to this, the
16 judge would ask the jury if anybody was represented
17 by me or had ever been represented by me and nobody
18 ever stood up. It kind of made me embarrassed.

19 All right. Let me ask this. Any member of the
20 jury panel or any member of your family ever been the
21 victim of a crime, a serious crime, a violent crime?

22 (Prospective jurors stand.)

23 THE COURT: Number please?

24 PROSPECTIVE JUROR: 426.

25 THE COURT: All right. And who was that?

1 PROSPECTIVE JUROR: One of my cousins was shot to
2 death in 2010 in San Antonio, Texas.

3 THE COURT: In 2010?

4 PROSPECTIVE JUROR: (Nods head.) There have been
5 several people in my family that have been killed in
6 drive-bys, gang-related accidents, always caught in
7 the cross-fires, and sometimes just robberies.

8 THE COURT: Always in Texas?

9 PROSPECTIVE JUROR: No, not always in Texas.
10 Throughout the United States.

11 THE COURT: How about Orangeburg county?

12 PROSPECTIVE JUROR: Not yet thankfully.

13 THE COURT: I agree with you not yet. I mean,
14 let's leave it that way. Mr. 426, would that fact in
15 any way interfere with your ability to give both the
16 State and the Defendant a fair and impartial trial?

17 PROSPECTIVE JUROR: I don't know.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR: I don't know.

20 THE COURT: I want you to think about it because
21 of your -- your personal family history. Do you
22 understand?

23 PROSPECTIVE JUROR: I don't believe I could.

24 THE COURT: Listen, all I want -- there's no wrong
25 answer.

1 PROSPECTIVE JUROR: I do not believe I could.

2 THE COURT: That's -- thank you very much. I
3 appreciate you being honest with me. Thank you very
4 much, sir.

5 The gentleman back in the back?

6 PROSPECTIVE JUROR: Number 30.

7 THE COURT: What, 38?

8 PROSPECTIVE JUROR: 30.

9 THE COURT: 30. Okay. First man on the list.

10 PROSPECTIVE JUROR: Yes. I had a cousin that was
11 shot and killed about two years ago.

12 THE COURT: Where?

13 PROSPECTIVE JUROR: Right here in Orangeburg
14 county.

15 THE COURT: A cousin?

16 PROSPECTIVE JUROR: Cousin.

17 THE COURT: Okay. Is that case over with now
18 or what's -- do you know anything about that case?

19 PROSPECTIVE JUROR: Well, yes, the case is
20 over with. The person that did the killing was not
21 convicted.

22 THE COURT: Okay. All right. Did you attend
23 the trial?

24 PROSPECTIVE JUROR: No, I didn't.

25 THE COURT: Okay. But you heard about it?

1 PROSPECTIVE JUROR: Well, I heard about it. I
2 knew him personally.

3 THE COURT: All right. Mr. 30, the same question.
4 Would the fact that you had that family experience,
5 would that in any way interfere with your ability to
6 give both the State and the Defendant a fair and
7 impartial trial? Do you think you could do that?

8 PROSPECTIVE JUROR: Um, considering the nature of
9 what was done, I really can't answer that question.

10 THE COURT: And what?

11 PROSPECTIVE JUROR: I really can't answer that
12 question.

13 THE COURT: I want you to think about it, okay?
14 All I -- just like I told the other fella, I just want
15 you to be honest with me if you feel like it's something
16 that would interfere with your judgment.

17 Yes, ma'am. Number again?

18 PROSPECTIVE JUROR: 144. I had three incidents.
19 Me and my ex-husband got robbed at knifepoint.

20 THE COURT: When?

21 PROSPECTIVE JUROR: Oh, gosh.

22 THE COURT: Five years ago? Ten years ago?

23 PROSPECTIVE JUROR: Longer. Probably about
24 twenty years ago.

25 THE COURT: Twenty years ago.

1 PROSPECTIVE JUROR: They caught him and he got
2 sentenced.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: My son was a victim of child
5 -- well, he wasn't --

6 THE COURT: I understand.

7 PROSPECTIVE JUROR: -- actually involved in it,
8 but the guy was trying to.

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

10 PROSPECTIVE JUROR: Eight, nine years ago.
11 Something like that.

12 THE COURT: Is that case over now?

13 PROSPECTIVE JUROR: It's over now and he got
14 sentenced and is on the child molestation list.

15 THE COURT: I understand.

16 PROSPECTIVE JUROR: Nothing happened, thank God.

17 THE COURT: I don't -- I don't need any details.

18 PROSPECTIVE JUROR: And me and my current husband
19 was a witness of a shootout at the Cook-Out, and I think
20 that was last year in Orangeburg county. We didn't --
21 we just heard the shots. We didn't see the rounds or
22 anything. That's it.

23 THE COURT: All right. Well, I'm sure those
24 are painful memories. Ms. 144, I've got to ask you
25 the same question. Do you feel you can be fair and

1 impartial to both parties in this case given that
2 history that you have?

3 PROSPECTIVE JUROR: I think I can because
4 everybody deserves a fair shot and there's always a
5 possibility of innocence or guilt.

6 THE COURT: All right. Thank you, Ms. 144.
7 144, right?

8 PROSPECTIVE JUROR: (Nods head.)

9 THE COURT: She was 144.

10 PROSPECTIVE JUROR: 464.

11 THE COURT: 4 what?

12 PROSPECTIVE JUROR: 64.

13 THE COURT: 464. All right.

14 PROSPECTIVE JUROR: I was charged with murder
15 two years ago in 2017.

16 THE COURT: You were charged?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: What happened to that case?

19 PROSPECTIVE JUROR: Well, proving self-defense.

20 THE COURT: No, but what happened to the case?

21 PROSPECTIVE JUROR: Well, it went to -- let's see.

22 THE COURT: Did you go to trial?

23 PROSPECTIVE JUROR: No, the judge decided it was
24 self-defense and that was it.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: It wasn't a jury trial. Well,
2 we had a trial, but --

3 THE COURT: But the judge decided to throw it out
4 on self-defense?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Well, now you're sitting here
7 on the other side of the fence, do you feel you could
8 be fair and impartial to both parties in a case like
9 this?

10 PROSPECTIVE JUROR: Yeah. Yes, sir.

11 THE COURT: All right. Thank you very much,
12 Mr. 464.

13 PROSPECTIVE JUROR: 410.

14 THE COURT: What number?

15 PROSPECTIVE JUROR: 410.

16 THE CLERK: 410.

17 THE COURT: Oh, 410.

18 Okay. I got you. Yes, sir.

19 PROSPECTIVE JUROR: Last year on January 15th I
20 was shot in the mouth.

21 THE COURT: Last year you were shot?

22 PROSPECTIVE JUROR: (Nods head.)

23 THE COURT: Did that case ever go to court?

24 PROSPECTIVE JUROR: It's still in the process.

25 THE COURT: Still pending?

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: Okay. And was that in Orangeburg
3 county?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay. Based on that fact in your life
6 experience, do you think you could be fair and impartial
7 in a case like this sitting on a jury?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. Thank you very much,
10 Mr. 410.

11 You weren't shot with a .410, were you? I said
12 you weren't shot with a .410, were you?

13 PROSPECTIVE JUROR: I don't know what it was.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR: 238.

16 THE COURT: Yes, ma'am, 238.

17 PROSPECTIVE JUROR: I had four cousins to be shot
18 this year. All different incidents that happened in
19 Orangeburg county.

20 THE COURT: All what?

21 PROSPECTIVE JUROR: I had four different cousins
22 that got shot in Orangeburg and all of them were four
23 different incidents. All of them died. All of them
24 were under the age of nineteen.

25 THE COURT: You had four different cousins shot

1 in Orangeburg county?

2 PROSPECTIVE JUROR: Yeah, all of them under the
3 age of --

4 THE COURT: In one year?

5 PROSPECTIVE JUROR: In one year. This whole year.

6 THE COURT: What year?

7 PROSPECTIVE JUROR: This year, 2020.

8 THE COURT: 2020?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Were all they shot at the same time?

11 PROSPECTIVE JUROR: No, they were shot different
12 times, different locations.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: And I'm thinking all of them
15 was due to gang violence.

16 THE COURT: Okay. You think it was gang violence?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Number 238, given that fact
19 they're your family, do you think you could be fair and
20 impartial to both parties, the State and the Defendant
21 in this case?

22 PROSPECTIVE JUROR: No. No.

23 THE COURT: You feel you couldn't -- wouldn't be
24 able to do that?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. Thank you very much, ma'am.

2 Anybody else?

3 All right. I'm gonna flip that over and ask if
4 any member of the jury panel or any member of your
5 family has been accused of committing a violent crime?
6 In other words, I just asked if anybody was a victim.
7 Now I'm asking if any member or member of your family's
8 been accused of committing a violent crime?

9 And, Mr. 426, I think I understand your answer,
10 okay? You can have a seat.

11 Anybody else?

12 Any member of the jury panel ever been a witness
13 in a criminal case, a serious criminal case? I don't
14 mean a traffic tickets. I mean, a serious case that
15 actually went to circuit court or sometimes they call
16 it big court. Any member of your family ever been
17 accused?

18 All right. Now I have, ladies and gentlemen, a
19 list of potential witnesses in this case and the
20 questioning is the same as to each one. Any member of
21 the jury panel related by blood, connected by marriage
22 or employment or a close personal acquaintance of any
23 one of the following? And I'm gonna try to read it
24 slow enough so you can -- but I want you to stand if
25 you hear a name that you're familiar with.

1 Special Agent Terrance Smith, who works for the
2 FBI. Deputy Lamonte Edwards. And all of these, unless
3 I tell you differently, are Orangeburg County Sheriff's
4 Office. Deputy Lamonte Edwards. Billy Ethridge.
5 Investigator --

6 (Prospective juror stands.)

7 THE COURT: Okay. Hold on. Go ahead back there.

8 PROSPECTIVE JUROR: 439. You said --

9 THE COURT: Wait a minute. Get the microphone.

10 PROSPECTIVE JUROR: You said to stand if we knew
11 or were related to any of these people?

12 THE COURT: That's right.

13 PROSPECTIVE JUROR: 439. Billie Ethridge. He's
14 my second cousin.

15 THE COURT: All right.

16 439, is he involved in the case, Solicitor?

17 MR. SORENSON: Yes, sir. He'll be testifying.

18 THE COURT: Mr. 439, would that fact in any way
19 interfere with your ability to give both the State and
20 the Defendant a fair and impartial trial in this case?

21 PROSPECTIVE JUROR: No, Your Honor.

22 THE COURT: Thank you very much, Mr. 439.

23 John Stokes. Deputy Ryan Harter, H-A-R-T-E-R.

24 Lieutenant Antonia Turkvant. Lieutenant Gerald Carter.

25 Major Kenny Kinsey.

1 (Prospective juror stands.)

2 THE COURT: I'm gonna remember your number before
3 long.

4 What is it again?

5 PROSPECTIVE JUROR: 214.

6 THE COURT: 214. And is this one of the people
7 that you worked with in your business?

8 PROSPECTIVE JUROR: Yes. Yes.

9 THE COURT: That's Mr. Kinsey?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. The same question. Would that
12 fact in any way interfere with your ability to give both
13 the State and the Defendant fair and impartial trial?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Thank you very much, Ms. 214.

16 Investigator Kesha Gilliard. Lieutenant James
17 Shumpert. And I know one, two -- we've already been
18 over that for Mr. Shumpert.

19 Anybody else know Mr. Shumpert other than the
20 people who've already identified themselves?

21 Todd Williams. Kim Pugh. Riley Godwin. Henry
22 Dukes.

23 MR. SORENSEN: We've got one standing, Judge.

24 THE COURT: I'm sorry? Oh.

25 PROSPECTIVE JUROR: 244.

1 THE COURT: 244? I'm sorry, which one that you --

2 PROSPECTIVE JUROR: Riley Pugh -- Godwin.

3 THE COURT: Riley Godwin. Okay.

4 PROSPECTIVE JUROR: I used to work for him.

5 THE COURT: You what?

6 PROSPECTIVE JUROR: I used to work with him.

7 Ellore Trucking.

8 THE COURT: You used to work for him?

9 PROSPECTIVE JUROR: Riley had a trucking company.

10 I used to work for him.

11 THE COURT: What kind of company?

12 PROSPECTIVE JUROR: Semi trucks.

13 THE COURT: Semi?

14 PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: How long was that? How long ago?

16 PROSPECTIVE JUROR: About twelve years.

17 THE COURT: Okay. Well, he's listed as a witness
18 in this case, so I'll ask you would that fact in any
19 way interfere with your ability to give both the State
20 and the Defendant a fair and impartial trial?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: Thank you very much, Mr. 244.

23 Back to Henry Dukes. Matt Trentham. Dr. Janice
24 Ross. Dan DeFreese.

25 Is he still working?

1 MR. SORENSON: He's retired.

2 THE COURT: Ila Simmons. Doris Yarborough. Nikki
3 Hughes. Amy Stephens. Patricia Crooks. Shameka Wolfe.
4 John Gregg. Amanda Gregg. Carolyn Hayward. Karen
5 Milbrodt. John Rast. Robert Clemons. Alan Fields.
6 Rhonda -- LaRonda Asbury. Connie White. Latoya Brown.
7 Lakencia Dickerson -- or Dickson. Princian Major.
8 Steven Johnson.

9 (Potential juror stands.)

10 THE CLERK: You've got someone standing, Judge.

11 THE COURT: I'm sorry? Oh, I'm sorry.

12 PROSPECTIVE JUROR: Princian.

13 THE COURT: Major?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: And how do you know her?

16 PROSPECTIVE JUROR: She's a close friend.

17 THE COURT: All right. The same question. Would
18 that fact in any way interfere with your ability to
19 give both the Defendant -- the State and the Defendant
20 a fair and impartial trial?

21 PROSPECTIVE JUROR: I can't -- I can't say so,
22 sir.

23 THE COURT: You can't say?

24 PROSPECTIVE JUROR: I don't know because I know
25 that there are some other situations that have caused

1 -- put her in the same situation, so.

2 THE COURT: I see. I understand.

3 THE CLERK: What's her number?

4 THE COURT: I'm sorry, your number again?

5 PROSPECTIVE JUROR: 217.

6 THE COURT: Okay. Thank you very much.

7 MR. SORENSON: Judge, may I approach?

8 THE COURT: Yeah.

9 MR. SORENSON: I've got another one.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: Jennifer Dalmeda.

12 (Prospective juror stands.)

13 THE CLERK: You have someone standing, Judge.

14 THE COURT: Oh. Yes, ma'am.

15 PROSPECTIVE JUROR: I know about four people on
16 the list that you just called.

17 THE COURT: You know about four people that I've
18 called?

19 PROSPECTIVE JUROR: Uh-huh. John Gregg, Princian,
20 Asbury -- I said Princian and there was another name.

21 THE COURT: And your number was?

22 PROSPECTIVE JUROR: 238.

23 THE COURT: 238. All right. Thank you very much.

24 All right. Now, ladies and gentlemen, I've asked
25 you a bunch of questions, told you about the case,

1 introduced the parties to you. I just want an honest
2 answer from you, and I'm sure it will be, but does any
3 member of the jury panel feel like they have any reason
4 why they could not sit on this case, listen to the facts
5 of this case, listen to the lawyers, listen to me and
6 make up their own mind about what we'll ask you to do?
7 Any member of the jury panel feel that just because of
8 the nature of the case or for any reason whatsoever
9 that you could not -- feel that you could not be fair
10 and impartial to both the State and the Defendant in
11 this case?

12 (Prospective jurors stand.)

13 THE COURT: I've got you, Mr. -- I forgot your
14 number, but I know. I've got Mr. 426 and Ms. 238 told
15 me that they -- I understand that.

16 Anybody else?

17 (Prospective juror stands.)

18 THE COURT: And come on back up.

19 PROSPECTIVE JUROR: Number 30.

20 THE COURT: You're Number 30. I know that.

21 I want to talk to him.

22 All right. Now you've had a little bit of time to
23 think about it, right?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Okay. And what is your answer? Can

1 you -- can you sit on this case and be fair and impartial
2 to both parties?

3 PROSPECTIVE JUROR: (No verbal response.)

4 THE COURT: I see you shaking your head. I want to
5 hear the words.

6 PROSPECTIVE JUROR: Yes, sir, I think I could.

7 THE COURT: You think you can?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: All right. Thank you very much, sir.

10 All right. Counselors, let me see you over here,
11 please.

12 (The following proceedings were held at the bench
13 outside of the hearing of the jury panel.)

14 THE COURT: All right.

15 All right. I've got -- we know two. 238 is out.

16 MR. SORENSON: Right.

17 THE COURT: And --

18 MR. SORENSON: 426.

19 THE COURT: 426 is out.

20 Now any other challenges?

21 MR. SORENSON: What about 217? I have her down
22 as one of the -- I forgot what she answered, but
23 something where she kind of didn't really answer your
24 question either.

25 THE COURT: Well --

1 MR. SIMS: That was 217?

2 MR. SORENSON: 238 and 427. Those are two --

3 THE COURT: 217 --

4 MR. SORENSON: 217 I thought --

5 THE COURT: -- said she had a problem.

6 MR. SORENSON: Yeah, and I thought she kind of
7 answered the same way the gentleman --

8 THE COURT: Take your --

9 MR. SORENSON: She answered the same way the
10 gentlemen in the back did or just kind of didn't --
11 I can't say or something like that like.

12 THE COURT: Well --

13 MR. SORENSON: Didn't really say -- didn't really
14 say a yes or no until, you know, can you be fair.

15 THE COURT: All right. Well, I don't know if
16 that's a reason to strike.

17 MR. SIMS: My -- my issue is with 144. She's got
18 government, public service, but I'm talking about those
19 who are related to the witnesses in this case.

20 THE COURT: All right. Which one, 144?

21 MR. SIMS: Let's see.

22 MR. SORENSON: No, 214 is the only one that's
23 related to a witness. Oh, no, there are two of them
24 actually.

25 THE COURT: You say 214? She works in law

1 enforcement, said she could be fair and impartial.

2 I just want to know if there's any challenges
3 for cause.

4 MR. SORENSON: Nothing from the State, Your Honor.

5 THE COURT: Huh?

6 MR. SORENSON: Nothing from the State.

7 MR. SIMS: 464. I mean, 480 said he -- he had
8 relatives.

9 THE COURT: 464, he was accused two years ago.

10 MR. SIMS: Yeah.

11 THE COURT: He won a stand your ground case.

12 MR. SIMS: He won a stand your ground case, right.

13 THE COURT: But he said he could be fair and
14 impartial.

15 MR. SIMS: 238? I'm trying to find the ones I put
16 related to Shumpert, Stokes, Felder and Ladson.

17 MS. GLOVER: 214 is the one related to Shumpert.

18 THE COURT: Who?

19 MS. GLOVER: 214. She's related to Shumpert.

20 MR. SIMS: Law enforcement.

21 THE COURT: She didn't say she was related to him,
22 just that she knew him.

23 MR. SORENSON: No, she said she was a cousin of
24 Shumpert.

25 MS. GLOVER: A cousin of James Shumpert.

1 THE COURT: Oh, okay. But she said that she could
2 be fair and impartial.

3 MR. SORENSEN: Yes, sir.

4 MS. GLOVER: She did.

5 MR. SIMS: And someone said they were related to
6 Stokes, Felder and Ladson.

7 MR. SORENSON: They were friends. Friends of --

8 MR. SIMS: Huh?

9 MR. SORENSON: Friends.

10 MR. SIMS: Which one was that because my notes are
11 kind of --

12 MR. SORENSON: 217.

13 MR. SIMS: Yeah, 217. Number 217, 214.

14 THE COURT: What did 217 say?

15 MR. SORENSON: She's friends with a couple of the
16 witnesses, potential witnesses.

17 MR. SIMS: This lady, 144, she said her cousin was
18 in public service, but she had been robbed at gunpoint
19 and her son --

20 THE COURT: She's on the front row. She said her
21 son was involved in a CSC. She said he -- it sounded
22 to me like it was some kind of thing with children and
23 he was approached or something, but never -- never did
24 anything. She said he never was actually involved in it.

25 MR. SIMS: Yeah, and she was --

1 THE COURT: And she had been a witness to a shooting,
2 a drive-by shooting or something.

3 MR. SIMS: You have already dismissed for cause 238;
4 is that right? Or did I write it down wrong? 238.

5 MR. SORENSON: Yes.

6 THE COURT: All right. No, she's out.

7 MR. SIMS: And 217 is out?

8 MR. SORENSON: No, 217 is not out.

9 MR. SIMS: That's the one I was talking about in
10 terms of knowing one of the witnesses here that would
11 testify. She said she knew Shumpert.

12 MR. SORENSON: And she said she could be fair and
13 impartial when asked the next question.

14 THE COURT: That's 213?

15 MR. SORENSON: 214. 214 and 217.

16 THE COURT: Yeah. 214, she does something at
17 Claflin or South Carolina State.

18 MR. SORENSEN: Criminal justice.

19 MR. SIMS: Yeah, she is a criminal justice teacher
20 or professor out there.

21 THE COURT: Okay. Well, she said she can be fair
22 and impartial.

23 MR. SIMS: I note an objection to that -- to those
24 two, Your Honor.

25 THE COURT: Okay.

1 MR. SIMS: And then those who are going to -- or
2 they know the witnesses personally and have a personal
3 relationship with the witnesses.

4 THE COURT: Okay. The only one -- what's the last
5 one?

6 MR. SIMS: 214 and 217.

7 THE COURT: Somebody -- the last one was -- she's
8 over there with that -- is it a stripped shirt on or
9 jacket. She said Princian Major. She said she didn't
10 know if she could be fair and impartial.

11 MR. SORENSON: Right, and that was one that I
12 thought was kind of -- didn't really answer your --
13 the question.

14 THE COURT: I think that's 217.

15 MR. SORENSON: It is.

16 THE COURT: All right. I think 217 probably ought
17 to come out, okay?

18 MR. SIMS: So that's 238, 426 and 217.

19 THE COURT: 238, 217 and 426.

20 MR. SORENSON: That's it. Thank you.

21 THE COURT: Do you agree? Are you okay?

22 MR. SIMS: Well, I'm trying to catch up with my
23 notes just because I didn't put down -- so we've got
24 238 here. She said she couldn't --

25 THE COURT: All right.

1 MR. SIMS: This guy, 30, initially said he can't
2 answer that question, but then when you came back to
3 him he said that he thought he could.

4 THE COURT: Number 30?

5 MR. SIMS: Number 30. I think initially he said
6 that he couldn't -- he couldn't answer the question.

7 THE COURT: Yeah, and that was two years ago.

8 MR. SIMS: He says that he couldn't --

9 THE COURT: He said I thought about it and I can
10 be fair and impartial. I can't -- I can't read their
11 mind. That's why you've got ten strikes.

12 MR. SIMS: And I'm gonna use every last one of them.

13 THE COURT: I hope you do.

14 All right. I've got 217, 243 -- I'm sorry, 213.

15 MR. SIMS: 238, 426 and 217.

16 THE COURT: 217, 238 and 426.

17 MR. SIMS: Yes, sir.

18 THE COURT: Okay. Let's -- I want you to draw
19 another panel and take those out.

20 THE CLERK: Okay.

21 (The following proceedings were held back in the
22 presence and hearing of the jury panel.)

23 THE COURT: All right. We're back on the
24 computer again, ladies and gentlemen.

25 Anybody need to use the restroom? This is gonna

1 take a few minutes again. Same procedure you followed
2 earlier, but let me have -- well, that's all right.
3 Just so everybody knows where everybody's going. Come
4 back now.

5 (Recess taken at 3:46 PM.)

6 (Back on the record at 3:59 PM.)

7 THE CLERK: When I call your name and number,
8 bring your belongings with you.

9 THE COURT: Just -- just their numbers. It's
10 easier.

11 THE CLERK: Just when I call your number, bring
12 your belongings with you and come to the front and face
13 the judge for me.

14 Juror Number 385.

15 (Whereupon, Devon Rodriguez, a black male, was
16 called forward.)

17 THE CLERK: What says the State?

18 MR. SORENSON: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. SIMS: Excuse the juror.

21 THE CLERK: May you have a seat for me.

22 Juror Number 412.

23 (Whereupon, Shequann Singleton, a black female,
24 was called forward.)

25 THE COURT: Stand on the X.

1 THE CLERK: What says the State?

2 MR. SORENSON: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. SIMS: Present the juror.

5 THE CLERK: May you have a seat over there for me.

6 THE CLERK: Juror Number 31.

7 (Whereupon, Charles Bonnett, a white male, was
8 called forward.)

9 THE CLERK: What says the State?

10 MR. SORENSON: Please present the juror.

11 THE CLERK: What says the defense?

12 MR. SIMS: Seat the juror.

13 THE CLERK: Have a seat for me, please.

14 THE CLERK: Juror Number 163.

15 Jaquan Goodwin.

16 (Whereupon, Jaquan Goodwin, a black male, was
17 called forward.)

18 THE CLERK: What says the State?

19 MR. SORENSON: Please excuse the juror.

20 THE CLERK: What says the defense?

21 MR. SORENSON: He's excused already.

22 THE CLERK: Oh. You can have a seat for me.

23 Juror 161.

24 (Whereupon, Derrick Gooden, a black male, was
25 called forward.)

1 THE CLERK: You can stand right there for me.

2 What says the State?

3 MR. SORENSON: Please present the juror.

4 THE CLERK: What says the defense?

5 MR. SIMS: Seat the juror.

6 THE CLERK: May you have a seat for me.

7 Juror Number 492.

8 (Whereupon, Cheryl Wise, a white female, was
9 called forward.)

10 THE CLERK: What says the State?

11 MR. SORENSON: Please present the juror.

12 THE CLERK: What says the defense?

13 MR. SIMS: Excuse the juror.

14 THE CLERK: Juror Number 448.

15 (Whereupon, Keltra Thomas, a black female, was
16 called forward.)

17 THE CLERK: What says the State?

18 MR. SORENSON: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. SIMS: Seat the juror.

21 THE CLERK: Juror Number 369.

22 (Whereupon, Ronnie Reed, a black male was called
23 forward.)

24 THE CLERK: What says the State?

25 MR. SORENSON: Please present the juror.

1 THE CLERK: What says the defense?

2 MR. SIMS: Seat the juror.

3 THE CLERK: Juror Number 304.

4 (Whereupon, Shani McMillan, a black female, was
5 called forward.)

6 THE CLERK: What says the State?

7 MR. SORENSON: Please present the juror.

8 THE CLERK: What says the defense?

9 MR. SIMS: Seat the juror.

10 THE CLERK: Juror Number 346.

11 (Whereupon, Willie Peeples, a black male, was
12 called forward.)

13 THE CLERK: What says the State?

14 MR. SORENSON: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. SIMS: Seat the juror.

17 THE CLERK: Have a seat over there for me.

18 Juror Number 214.

19 (Whereupon, Caroletta Ivey, a black female, was
20 called forward.)

21 THE CLERK: What says the State?

22 MR. SORENSON: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. SIMS: Excuse the juror.

25 THE CLERK: May you return to your seat.

1 Juror Number 451.

2 (Whereupon, Trequan Tyler, a black male, was
3 called forward.)

4 THE CLERK: What says the State?

5 MR. SORENSON: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. SIMS: 451?

8 THE CLERK: Yes.

9 MR. SIMS: Seat the juror.

10 THE CLERK: May you return -- have a seat.

11 Juror Number 396.

12 (Whereupon, Kecia Session, a black female, was
13 called forward.)

14 THE CLERK: What says the State?

15 MR. SORENSON: Please present the juror.

16 THE CLERK: What says the defense?

17 MR. SIMS: Please seat the juror.

18 THE CLERK: Juror Number 497.

19 (Whereupon, Damere Yon, a black male, was called
20 forward.)

21 THE CLERK: What says the State?

22 MR. SORENSON: Please excuse the juror.

23 THE CLERK: May you return to your seat for me.

24 Juror Number 179. Willie Haigler.

25 (Whereupon, Willie Haigler, a black male, was

1 called forward.)

2 THE CLERK: What says the State?

3 MR. SORENSON: Please present the juror.

4 THE CLERK: What says the defense?

5 MR. SIMS: Seat the juror.

6 THE CLERK: Juror Number 422.

7 (Whereupon, Tina Smith, a white female, was
8 called forward.)

9 THE COURT: Wait a minute. How many jurors?

10 THE CLERK: We have ten.

11 THE COURT: Keep going.

12 Let's do two or -- three, two alternates?

13 MR. SORENSON: How many -- I only have ten jurors.

14 THE COURT: How many alternates?

15 MR. SORENSON: I think three.

16 THE COURT: Three alternates?

17 MR. SIMS: I'm sorry. I couldn't hear you, Your
18 Honor.

19 THE COURT: Alternates. Three?

20 MR. SIMS: Three, yeah.

21 THE COURT: Okay. Do three alternates.

22 Continue. I'm sorry. I interrupted you.

23 THE CLERK: What says the State?

24 MR. SORENSON: This is 422?

25 THE CLERK: Yes, sir.

1 MR. SORENSON: Please present the juror.

2 THE CLERK: What says the defense?

3 MR. SIMS: Seat the juror.

4 THE CLERK: Juror Number 343.

5 (Madhawendra Pathak, an Asian male, was called
6 forward.)

7 THE CLERK: What says the State?

8 MR. SORENSON: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. SIMS: Excuse the juror.

11 THE CLERK: Have a seat back there.

12 THE COURT: Juror Number 426.

13 (Whereupon, Keyerica Wannamaker, a black female,
14 was called forward.)

15 THE CLERK: What says the State?

16 MR. SORENSON: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. SIMS: Seat the juror.

19 THE CLERK: May you have a seat over there.

20 Juror Number 480.

21 (Whereupon, Roosevelt Williams, Jr., a black male,
22 was called forward.)

23 THE CLERK: What says the State?

24 MR. SORENSON: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. SIMS: Excuse the juror.

2 THE CLERK: You need to return back to your seat.

3 Juror Number 220.

4 (Whereupon, Toni Jarvis, a black female, was
5 called forward.)

6 THE CLERK: What says the State?

7 MR. SORENSON: Please present the juror.

8 THE CLERK: What says the defense?

9 MR. SIMS: Seat the juror.

10 THE CLERK: Have a seat.

11 Juror Number 406.

12 (Whereupon, Paul Shuler, a black male, was called
13 forward.)

14 THE CLERK: What says the State?

15 MR. SORENSON: Please present the juror.

16 THE CLERK: What says the defense?

17 MR. SIMS: Seat the juror.

18 THE CLERK: 476. James Williams.

19 (Whereupon, James Williams, a black male, was
20 called forward.)

21 THE CLERK: What says the State?

22 MR. SORENSON: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. SIMS: Seat the juror.

25 THE COURT: Thank you.

1 THE CLERK: Do you want to call the strikes?

2 THE COURT: No, you can do it.

3 THE CLERK: The plaintiff struck Juror Number 163,
4 Juror Number 497. Is that correct?

5 MR. SORENSON: Yes, ma'am.

6 THE COURT: Two strikes.

7 THE CLERK: The defense struck Juror Number 385,
8 492, 214, 343, 480. Is that correct?

9 MR. SIMS: That's correct.

10 THE COURT: All right. Thank you. Madam Clerk.
11 Any objection to the jury selection process from
12 the State?

13 MR. SORENSON: No, Your Honor.

14 THE COURT: From the defense?

15 MR. SIMS: No, Your Honor.

16 THE COURT: All right. Thank you very much,
17 Counsel.

18 All right. Ladies and gentlemen who were not
19 selected on this jury, I thank you for coming. I told
20 the other panel this morning after you left but before
21 they left, that you're so important to the system of
22 justice in this country. As I've told you, your role
23 was written into the Constitution of the United States
24 some 250 years ago. The system cannot function without
25 you, citizens who are willing to come and sit and hear

1 these cases and decide these cases in our communities,
2 so I tell jurors all the time the system can do without
3 me, it can do without these lawyers, but it can't do
4 without you. Such is part of the way we handle our
5 justice system in this country.

6 I thank you all for coming. You're now dismissed.
7 You do have an exemption for two years for jury service
8 if you wish to exercise that, but we hope that if you're
9 called again you will come and be willing to serve.

10 Thank you very much and have a pleasant day, what's
11 left of it.

12 (Whereupon, the remaining jury panel were excused
13 at 3:15 PM.)

14 THE COURT: All right. You-all -- you-all come
15 and gather back up around here. I just want to talk
16 to you for a minute. Somebody left a cap over here.

17 All right. Ladies and gentlemen of the jury, I'm
18 gonna dismiss you now until 10:00 in the morning, at
19 which time we'll begin the trial, but I do want to
20 point a couple of things out to you.

21 First, I have -- all judges have instructions
22 from the Supreme Court of South Carolina that we are to
23 instruct jurors any time they leave the confines of the
24 courthouse not to try to do any Internet research about
25 this case. It would be highly improper. I don't know

1 what's out there on the Internet, but there's a lot of
2 stuff out there on the Internet, and I'm gonna caution
3 you please do not try to do any type of investigation
4 about this case. You're gonna hear everything about
5 this case in the courtroom verbatim. You're gonna see
6 all of the witnesses, hear all of the witnesses, see
7 any exhibits that will be brought into court and only
8 you are gonna be able to make the decision about what
9 to do with this case, not what somebody else thinks
10 you ought to do, and that includes press reports and
11 things like that.

12 A reporter might see something that they take it
13 a certain way and you heard it a different way, but it
14 would be improper to try to do any investigation with
15 news reports, too. So I have -- I've had problems in
16 the past that I've had to deal with it -- I've had to
17 deal with. I'm not gonna tell you any more than that,
18 but finding out that people had done research about a
19 case in the middle of a case and it was just -- it made
20 things really difficult and particularly difficult for
21 that juror. So that's the first thing I'm gonna ask you
22 to do.

23 The second thing I'm gonna ask you to do is not to
24 talk to anybody about the case over the evening hours.
25 It's gonna be very easy, and it will happen, somebody's

1 gonna ask you what you did today and you're gonna say
2 well, I had to go up to the courthouse or the YMCA and
3 I was called for jury duty. Oh, really? What kind of
4 case was it? Did you get -- did you get put on the
5 jury? Well, yes, I did. Well, what kind of case is
6 it? Well, it's so and so and so and so. Well, let me
7 tell you what I would do. You're not to be -- you're
8 not to be influenced by something somebody else tells
9 you they would do sitting in your shoes, in your chair,
10 in this -- in this room. So I'm gonna ask you -- the
11 easiest thing to do is just say that mean old judge told
12 me he'd lock me up if I talked about the case. That's
13 not true, I'm not gonna do that, but at least it would
14 tell people that you don't want to talk about the case,
15 and that's what I'm asking you to do. I'm gonna ask you
16 to -- I'll probably ask you this every day you come back
17 into the jury room during the week. This case will not
18 last past this week. Many of you had -- some jurors had
19 some concern it might last past the week, but that will
20 not happen.

21 And the third thing I'm gonna ask you to do is just
22 have a pleasant evening. It's Monday. Monday is --
23 there's always Monday night football for those who care
24 about football. So, anyway, have a pleasant evening.

25 Now the bailiffs are gonna tell you where to come

1 tomorrow. You don't come back here. You're gonna
2 reassemble tomorrow in the jury room at the courthouse
3 and we will -- we'll see you there. At 10:00 tomorrow
4 morning we'll see you, at which time we'll begin the
5 trial, all right?

6 (Whereupon, the jury was excused for the evening
7 at 4:21 PM.)

8 THE COURT: Anything else, Mr. Sorenson?

9 MR. SORENSON: No, sir.

10 THE COURT: Mr. Sims, anything else?

11 MR. SIMS: Nothing, Your Honor.

12 THE COURT: All right. Well, let's -- let's
13 adjourn for the day.

14 MR. SORENSON: Thank you, Judge.

15 (Whereupon, the proceedings were concluded for
16 November 30, 2020, at 4:22 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of the proceedings had and the evidence introduced
in the trial of the captioned case in Circuit Court
on the 30th day of November, 2020.

This transcript may contain quoted material. Such
material is reproduced as read by the speaker.

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

February 26, 2021

/s/ Stacy S. Johnson
Stacy S. Johnson, RPR
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF ORANGEBURG) GENERAL SESSIONS
4
5 THE STATE,)
6 Plaintiffs,)
7 Vs.) CASE NO. 2012-GS-38-00912
8 LAMONT SAMUELS,)
9 Defendant)

10
11 DECEMBER 1-3, 2020

12 ORANGEBURG, SOUTH CAROLINA
13

14 HONORABLE G. THOMAS COOPER, JR, JUDGE

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

16 BY: DONALD N. SORENSON, ESQUIRE

17 CHELSEY A. GLOVER, ESQUIRE

18 Attorneys for the Plaintiffs

19 BY: THOMAS R. SIMS, SR, ESQUIRE

20 Attorney for the Defendant
21
22
23

24 KATHERINE A. SPIRES

25 REGISTERED PROFESSIONAL REPORTER

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>

OPENING STATEMENT

The Court	10			

Ms. Glover	18			

Mr. Sims	25			

SHAMEKA WOLFE

Mr. Sorenson	30			

Mr. Sims		54		

TERRANCE SMITH

Ms. Glover	64			

Mr. Sims		69		

JOHN GREGG

Ms. Glover	71		78	

Mr. Sims		77		79

CAROLYN QUARELS

Ms. Glover	80			

JOHN RAST

Ms. Glover	86			

Mr. Sims		90		

JAMES ETHRIDGE

Mr. Sorenson	91			

Mr. Sims		108		

1	JOHN STOKES			
2	Ms. Glover	115	127	
3	Mr. Sims	126		
4	MATTHEW TRENTAM			
5	Mr. Sorenson	128	142	
6	Mr. Sims	140	143	
7	GERALD CARTER			
8	Mr. Sorenson	144		
9	Mr. Sims	181		
10	RYAN HARTER			
11	Mr. Sorenson	196	201	
12	Mr. Sims	200	202	
13	KENNETH KINSEY			
14	Mr. Sorenson	203		
15	Mr. Sims	207		
16	LARONDA ASBURY			
17	Ms. Glover	209		
18	Mr. Sims	217		
19	STEVEN JOHNSON			
20	Mr. Sorenson	222		
21	Mr. Sims	231		
22	JANICE ROSS			
23	Ms. Glover	238		
24				
25				

1	LAKESHA GILLARD		
2	Mr. Sorenson	249	283
3	Mr. Sims	275	
4	ILA SIMMONS		
5	Ms. Glover	287	
6	Mr. Sims	294	
7	DAN DEFREESE		
8	Mr. Sorenson	301	
9	Mr. Sims	328	
10	RILEY GODWIN		
11	Mr. Sorenson	336	
12	Mr. Sims	351	
13	JAMES SHUMPERT		
14	Mr. Sorenson	359	408
15	Mr. Sims	390/397	411
16	PROFFER OF J. SHUMPERT		
17	Mr. Sims	395	
18	PEGGY HINDS		
19	The Court	430	
20	LAMONT SAMUEL		
21	Mr. Sims	444	533
22	Mr. Sorenson	464	
23	CLOSING ARGUMENTS		
24	Mr. Sorenson	544	590
25	Mr. Sims	573	

1	JURY CHARGE	
2	The Court	598
3	VERDICT	613
4	SENTENCE	634
5	Certificate of Reporter	635
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EX</u>
1				
2				
3	S-1	Miranda form		95
4	S-2	Statement		99
5	S-3	Miranda form		107
6	S-4	Form		254
7	S-5	Statement		254
8	S-6	Advice & Rights form		262
9	S-7	Advice & Rights form		263
10	S-8	Statement		270
11	S-9	Miranda form		135
12	S-10	Statement		137
13	S-11	Waiver of Rights		339
14	S-12	Statement		339
15	S-13	Gun paperwork		36
16	S-14	Gun paperwork		36
17	S-18	Photo		33
18	S-19	Photo		33
19	S-20	Photo		51
20	S-21	Map		67
21	S-22	Photo		88
22	S-23	Photo		88
23	S-24	Photo		88
24	S-26	Photo		200
25	S-27	Photo		206

1	S-28	Photo	206
2	S-29	Photo	132
3	S-29A	Photo	132
4	S-29B	Photo	132
5	S-29C	Photo	132
6	S-30	Photo	179
7	S-31	Photo	179
8	S-33	Gun	206
9	S-34	Bullet	242
10	S-35	Bullet	242
11	S-36	Bullet	242
12	S-37	Bullet	242
13	S-38	Bullet	242
14	S-39	Bullet	242
15	S-40	Cartridge Casing	151
16	S-41	Cartridge Casing	153
17	S-42	Cartridge Casing	157
18	S-43	Cartridge Casing	157
19	S-44	Cartridge Casing	157
20	S-45	Cartridge Casing	157
21	S-46	Cartridge Casing	157
22	S-47	Cartridge Casing	157
23	S-48	Cartridge Casing	157
24	S-49	Cartridge Casing	157
25	S-50	Cartridge Casing	157

1	S-51	Cartridge Casing	157
2	S-52	Cartridge Casing	157
3	S-53	Cartridge Casing	157
4	S-54	Cartridge Casing	157
5	S-55	Envelope	159
6	S-56	Envelope	159
7	S-57	Envelope	161
8	S-58	Photo	149
9	S-59	Photo	149
10	S-60	Diagram	167
11	S-61	Photo	148
12	S-62	Photo	148
13	S-63	Photo	148
14	S-64	Photos	166
15	S-65	Photos	166
16	S-66	Photos	166
17	S-67	Photos	166
18	S-68	Photos	166
19	S-69	Photos	166
20	S-70	Photos	166
21	S-71	Photos	166
22	S-72	Photos	166
23	S-73	Photos	166
24	S-74	Photos	166
25	S-75	Photos	166

1	S-76	Photos	166
2	S-77	Cartridge Casing	170
3	S-78	Photo	173
4	S-79	Photo	173
5	S-80	Photo	173
6	S-81	Photo	173
7	S-82	Cartridge Casing	177
8	S-83	Cartridge Casing	177
9	S-89	Gun	180
10	S-90	GSR kit	251
11	S-91	Paperwork	161
12	S-92	Photo	177
13	S-93	Photo	177
14	S-94	Photo	177
15	S-95	GSR kit	251
16	S-96	Chart	308
17	S-97	Text messages	374
18	C-1	Stipulation	246
19	C-2	Foreperson	246
20	C-3	Transcript	300
21	C-4	Transcript	300
22	C-5	Letter	434
23	D-1	Video	418
24			
25			

1 (WHEREUPON, the jury is entering the courtroom at
2 10:27 a.m.)

3 THE COURT: Are all present?

4 THE DEPUTY: Yes, sir.

5 THE COURT: Good morning, ladies and gentlemen. Can
6 you hear me?

7 THE JURY: Yes, sir.

8 THE COURT: Because I can get up and speak over
9 here. My problem is I can't see the lady with the white
10 sweater on. Can you see me, ma'am? Can you hear me?

11 (Nodded)

12 THE COURT: Okay. Well, good morning, again.
13 Welcome to the world of plastic. Seriously, we're ready
14 to begin the trial. And, Madam Clerk, will you swear
15 the jury, please.

16 THE CLERK: May you please stand for me and raise
17 your right hand.

18 (WHEREUPON, the jury was sworn in)

19 THE CLERK: Thank you.

20 THE COURT: All right. Ladies and gentlemen, I'm
21 going to try to speak into this microphone so you can
22 hear me clearly. I'm just going to make a couple of
23 opening remarks before the parties begin their trial.

24 But before we begin the trial, I want to tell you,
25 this trial may be different from what you might expect.

1 Many people do not have a chance to attend actual court
2 session as you are now doing. And may think from
3 watching television or movies or reading books that
4 trials are always full of high drama and intense action
5 and riveting circumstances.

6 While all of these things may be true at times, this
7 trial is not for entertainment. It's a fundamental part
8 of our democracy. An effort to make sure that justice
9 is done between the parties before the court. That
10 process, making sure that justice is done, is often slow
11 and deliberate and repetitive. The opposite of what you
12 may have seen on television or movies or read in books.

13 This courtroom is a place of honor dedicated to the
14 protection and preservations of citizen's rights through
15 what many have called the greatest justice system ever
16 created. The attorneys appearing before you are
17 advocates for the parties they represent. But first and
18 foremost, they are officers of this court, sworn to
19 uphold the integrity and fairness of our judicial system
20 and to help you to evaluate this case.

21 You should expect them to be professional,
22 competent, and ethical in their representation of their
23 clients. Remember, also, that you have just taken an
24 oath to try this case and reach a fair and just verdict.
25 And you are also expected to be professional,

1 reasonable, and ethical.

2 Now, what I tell you now is meant to serve as an
3 introduction of the case. These remarks are not a
4 charge on the law. I will instruct you about the law of
5 the State of South Carolina at the end of the trial
6 before you retire to decide the case. But I do want to
7 explain some of the procedures that we will follow
8 during this proceeding.

9 Now, it's my practice to allow jurors to take notes
10 during the course of the trial, if they wish to do so.
11 Let me just see a show of hands of people who would like
12 to take their own personal notes during the course of
13 the trial. The trial is probably going to last, my
14 anticipation is it will last two or through Thursday.
15 It may carry over into Friday, I don't know, but at
16 least through Thursday.

17 Any member of the jury panel feel that you would
18 like to take notes? If so, I'll have pads and pencils
19 for you. One, two, three. Okay. We'll get them at the
20 first break. And, Madam Clerk, will you see to it that
21 we have some pads and pencils.

22 THE CLERK: Yes, sir.

23 THE COURT: Okay. Thank you. All right. As you
24 know, the Defendant in this case is charged by an
25 indictment filed with this court with the crime of

1 murder. The elements of which I will explain to you
2 later. You've been selected as fair and impartial
3 jurors whose purpose is to find and determine the facts
4 in this case. You are the sole judges of the facts. At
5 anytime I make any comment regarding the facts, you must
6 disregard those comments.

7 This indictment is simply the charge by which the
8 case is brought into court. It's not in any sense the
9 evidence of any of the allegations that it contains.
10 The Defendant has pled not guilty to this indictment and
11 the State, therefore, as the burden of proof of proving
12 each of the elements of the indictment beyond a
13 reasonable doubt. And it will be your duty, ladies and
14 gentlemen, to decide whether the State has met that
15 burden.

16 It's especially important that you perform your duty
17 of determining the facts diligently and conscientiously.
18 Because ordinarily there's no way to correct an
19 erroneous determination of the facts by a jury.

20 When you comply with your oath to impartially
21 determine the facts of this case, you will have
22 fulfilled your duty as jurors and no one will have the
23 right to criticize your verdict.

24 On the other hand and with equal emphasis, the same
25 law that makes you the judges of the facts, makes me the

1 judge of the law. You must accept and follow the law
2 even though you may disagree with it. Now, I cannot
3 tell you what the facts are and you should not disagree
4 with me about what the law is or what the law should be.
5 Your job is to take the law as I explain it to you and
6 apply it to the facts as you find from the testimony of
7 the witnesses and any other evidence in this case. And
8 after doing that, you will render your verdict under the
9 solemn oath you just took as jurors.

10 The procedure we will follow is basically the State
11 will present its evidence first in the form of witnesses
12 testimony and/or exhibits that will be made part of the
13 record. The Defendant will then have the opportunity to
14 present his defense. Bearing in mind, however, there's
15 absolutely no burden on the Defendant to present any
16 evidence at all.

17 Following that, the attorneys will be allowed to sum
18 up their case and I will instruct you on the law of the
19 State of South Carolina as it applies to this case.
20 After that, the case will be turned over to you for a
21 decision.

22 Now, let me remind you of two legal principles.
23 First, is a legal yardstick you will use in judging or
24 measuring the evidence in this case. That legal
25 yardstick is known as the burden of proof. And in a

1 criminal case, the burden of proof is on the State to
2 prove guilt beyond a reasonable doubt. Should the State
3 fail to met that burden of proof, it would be your duty
4 to find the Defendant not guilty. There's absolutely no
5 burden whatsoever on the Defendant to prove or disprove
6 anything. There's no burden on the Defendant to testify
7 or present any evidence because the burden is and
8 remains on the State to prove guilt beyond a reasonable
9 doubt.

10 Second, I ask you to recall my earlier comment to
11 the entire jury panel concerning the presumption of
12 innocence. This is a cardinal and fundamental rule of
13 law that the Defendant will always be presumed innocent
14 of the crime or crimes for which he is indicted. This
15 presumption of innocence is not a simple legal theory.
16 It's not just a legal phrase. It is a substantial right
17 to which any accused including this Defendant is
18 entitled.

19 Now, until I be -- excuse me. Until I advise you to
20 begin your deliberations, I'm going to ask you not to
21 discuss this case with anyone including your fellow
22 jurors, friends, family members or anyone else involved
23 in the case. I made that pretty clear yesterday. After
24 the case is submitted to you, you must discuss it only
25 in the jury room with your fellow jurors.

1 Now, in just a moment, the attorney for the State
2 will make what's called an opening statement. The
3 attorney will explain to you the issues in this case or
4 at least what the attorney thinks the issues are in this
5 case and what the evidence will prove.

6 The attorneys -- the attorney for the Defendant will
7 also make an opening statement. What the attorneys tell
8 you during their opening statements is not evidence in
9 this case. It is only their contention as to what the
10 issues are and what the evidence will show.

11 The evidence in this case will be presented to you
12 by testimony of sworn witnesses from a witness stand
13 which is over right in front of you and/or any exhibits
14 that may be introduced during the course of the trial.

15 In determining what the facts are in this case, you
16 must decide whether or not the testimony of a witness is
17 believable. In deciding whether to believe a witness,
18 you have the right to consider whether the witness has
19 an interest in the result of the trial, whether the
20 witness is prejudice towards either the State or the
21 Defendant, and the opportunity for the witness to have
22 seen the matters and things about which the witness may
23 testify, and the way the witness acts on the stand.

24 Now, ladies and gentlemen, you and I do not ask
25 questions of witnesses. We do not offer any exhibits.

1 This is not CSI. Your duty is to listen openly and
2 honestly to the evidence. Keep an open mind and try not
3 to form any conclusions or do not form any conclusions
4 or judgements until you've received and considered all
5 the evidence, the argument of the attorneys, and my
6 final instructions to you on the law.

7 If you cannot hear a particular witness or myself or
8 one of these attorneys, please let us know so that we
9 can speak up more clearly. And if your view of an
10 exhibit is obstructed for some reason, also let us know
11 so we can correct it.

12 If you need to bring something to my attention
13 during the course of the trial, please notify one of the
14 bailiffs. If you do need to contact me, it may be
15 necessary for the bailiff to require that you put such a
16 question or concern in writing so that we can have a
17 record of it and I will respond to you as quickly as I
18 can to the extent the law permits me to do so.

19 So, ladies and gentlemen, I want to thank you for
20 your kind attention. I trust you will give the same
21 kind of undivided attention to the attorneys and the
22 parties in this case. We will now begin with the
23 opening statements.

24 Solicitor, you may proceed.

25 MS. GLOVER: Thank you, Your Honor.

1 OPENING STATEMENT BY MS. GLOVER:

2 MS. GLOVER: Good morning. Can everyone see me all
3 right? Every one hear me okay? My name is Assistant
4 Solicitor Chelsea Glover. This is my cocounsel, Deputy
5 Solicitor Don Sorenson. And opposing counsel Attorney
6 Thomas Sims.

7 As I was preparing my opening statement for this
8 morning, one thing stuck in my mind, the imagine of
9 Taneris Hamilton being gunned down in the sanctity of
10 his own home. In the sanctity of his own home. It is
11 my hope that at the conclusion of this trial Mr.
12 Hamilton's family receives peace and justice.

13 Ladies and gentlemen of the jury, this case will be
14 about three things: Guns, drugs, and money. Guns,
15 drugs, and money. And the risk that people will take to
16 obtain all three.

17 In March of 2012, Taneris Hamilton was no saint. He
18 was doing what he needed to do to get by. He was
19 selling drugs out of his home here in Orangeburg County.
20 And one of the last people to see him alive was his
21 cousin, the Defendant, Lamont Samuel.

22 Can Your Honor hear me okay?

23 THE COURT: The court reporter needs to hear you.

24 MS. GLOVER: One of the last people to see him alive
25 was his cousin, Defendant, Lamont Samuel. Three people

1 are ultimately responsible for the murder of Taneris
2 Hamilton. As I stated, Defendant, Lamont Samuel was one
3 of the last people to see him alive. The codefendant
4 Alan Fields, AKA, Gator, was one of the last people to
5 see him alive and one individual who has yet to be
6 identified.

7 Throughout the duration of this trial, I want you
8 all to pay attention to all of the evidence. Listen
9 carefully to each of the witnesses that come and they
10 sit before you, over here, and they tell you everything
11 they know about what took place in March of 2012.

12 The State is going to present our evidence, the
13 Defense is going to present their evidence. No one
14 witness will tell you everything that you need to know
15 about what happened on March 20th of 2012. But at the
16 conclusion of this trial, when every person that has
17 knowledge has had the opportunity to come and speak to
18 each of you. When the defense has had the opportunity
19 to cross examine each of the witnesses, when we've had
20 an opportunity to put exhibits in front of you, it is my
21 hope that each and every piece of evidence that's viewed
22 as a piece of the puzzle collectively gives you an idea
23 of what took place in March of 2012.

24 I want to talk to you briefly about the burden of
25 proof. The State has the burden of proof in this case.

1 It is up to us to prove beyond a reasonable doubt that
2 Defendant, Lamont Samuel, committed that murder in March
3 of 2012.

4 At the conclusion of this trial, if each of you are
5 not firmly convinced of Lamont Samuel's guilt, it is
6 your responsible to return a verdict of not guilty. At
7 the conclusion of this trial, what I expect to happen,
8 is that each of you will be firmly convinced of Lamont
9 Samuel's guilt. And if and when you are, it is your
10 responsibility to return a verdict of guilty.

11 I want to talk to you about the charge at hand,
12 murder. Murder is one of the most serious charges in
13 the State of South Carolina. Murder is simply defined
14 is the unlawful killing of another with malice
15 afterthought. The unlawful killing of another with
16 malice afterthought.

17 At the conclusion of this trial, Judge Cooper will
18 charge you each on the law. And one term that I want
19 you to keep in mind is accomplice liability. Which
20 simply put, as I'm sure the majority of you have grown
21 up hearing, the hand of one is the hand of all. The
22 hand of one is the hand of all.

23 From a legal standpoint it occurs when one or more
24 individual join to commit an unlawful act. All parties
25 are guilty of the acts that are committed in the

1 furtherance of a crime.

2 Just as in any criminal case, the burden lies on the
3 State. Each testimony again presents key information
4 that will be tied together during closing arguments.

5 The first witness, Ms. Shameka Wolfe, will provide
6 framework for the case. Shameka Wolfe was Taneris
7 Hamilton's girlfriend in March of 2012. They shared a
8 life together. They shared a home together on St.
9 Matthews Road.

10 In March of 2012, Shameka and Taneris talked about
11 dinner in the way that many couples do. Shameka got
12 some money from Taneris to get dinner for the two of
13 them to share that night. And while they were
14 discussing dinner, two people were in the home with this
15 happy couple, Defendant, Lamont Samuel, Taneris' blood
16 cousin, and a friend of Taneris, Mr. Steven Johnson.

17 Mr. Johnson was a close childhood friend of Taneris
18 who came by to buy some drugs and shoot the breeze.
19 When Shameka went to get dinner, she left Taneris at
20 their home with Steven Johnson and Lamont Samuel.
21 Shameka went to China Kitchen on Chestnut Street and she
22 went to McDonald's where she picked up two sweet teas.
23 She was gone from the home for about 20 to 30 minutes.
24 About 20 to 30 minutes. When she returned to their
25 home, Lamont Samuel was gone and Steven Johnson was

1 gone.

2 I'm sure the majority of us can relate to when a
3 family member returns to the home, they come outside
4 with groceries or food and they blow the horn. Shameka
5 blew the horn expecting Taneris to walk out and help her
6 with the food that she purchased as he's done numerous
7 times before.

8 In March of 2012, no one came. Shameka gathered the
9 food and she went to the door. She opened the door to
10 the house, I'm sure she was shocked to see what she did.
11 Taneris lied in their living room gunned down with
12 almost a dozen shots to his body. Shameka did what
13 anyone else would do in that scenario and she called
14 9-1-1. When she called 9-1-1, officers arrived and they
15 processed the scene where they saw that three different
16 weapons were used. Three different weapons were used to
17 shoot Taneris Hamilton 11 times in his body in his
18 living room.

19 Shell casings were found scattered across the living
20 room. When the officers came, Lamont Samuel came back.
21 The evidence will show that he was driving his burgundy
22 SUV when he came back. The evidence will show that he
23 consoled Shameka because, again, Taneris was his cousin.
24 Shameka was his cousin's girlfriend. Lamont was very
25 familiar with both of them as it was not uncommon for

1 him to come and spend hours at a time at their home. It
2 was not uncommon for him to come every day. It was not
3 uncommon for him to spend the night.

4 As Shameka started unpacking the details of what
5 took place before she took that trip to China Kitchen
6 and she started telling officers what took place, she
7 thought about Lamont being in their home sending text
8 messages back and forth. The evidence will show that
9 Lamont sent text messages for approximately three hours.

10 Again, Mr. Samuel is the decedent's cousin. So
11 Shameka just like anyone else in that occasion just
12 assumed that he was texting his then girlfriend or
13 texting some friends or some homeboys. Never would she
14 have imagined that he was texting Alan Fields, AKA,
15 Gator. The evidence will show that he sat on his
16 cousin's couch, in his cousin's home, texting his
17 codefendant for approximately three hours secretly
18 plotting his murder.

19 Over the course of 11 days, about a week and a half,
20 Lamont gave seven different statements to six different
21 officers. Each bearing different details as to what
22 took place in March of 2012. Lamont wrote an 11 page
23 statement where he finally revealed the truth of what
24 took place, his involvement in planning and setting up
25 his own cousin's death with his friend Alan Fields.

1 Money, drugs, and guns. The root of all evil.
2 Three of which were missing from Taneris's home when the
3 officers came. The money that Taneris Hamilton had in
4 his pocket; gone. The drugs that were located in Mr.
5 Hamilton's home; gone. The two 9mm's that were also in
6 Mr. Hamilton's home; gone. Money, drugs, guns.

7 The evidence will show that two 9mm pistols were
8 recovered one weeks later, one a couple of months later
9 both in the possession of Lamont's brother, Mr. Jerry
10 McKnight.

11 The evidence will show that one of the guns that was
12 linked to one of the bullets that was recovered from
13 Taneris Hamilton's body during the autopsy was found in
14 the possession of Jerry McKnight. And I just want to
15 take a minute for the jury and explain that when that
16 gun was recovered and the autopsy was done, one of those
17 bullets, and the evidence will show this, was removed
18 from Mr. Hamilton's head, meaning that he was shot
19 execution style with his own gun.

20 Drugs, guns, and money. The smoking gun will be
21 revealed later in the trial. Lamont's text messages are
22 recovered from the night in question. His text messages
23 will show the lengths that he was willing to go through
24 to commit and plan this robbery and this murder of his
25 cousin.

OPENING STATEMENT BY MR. SIMS

1 The evidence will show that Lamont Samuel sat on his
2 cousin's couch playing his cousin's video games, smiling
3 and laughing while plotting his cousin's murder.

4 No one expected him to be in his cousin's home on
5 his cousin's couch plotting his murder. No one expected
6 Lamont to spend hours texting back and forth
7 facilitating that murder. The evidence will show that
8 three hours that Alan Fields and Lamont texted back and
9 forth were spent plotting and planning.

10 Ladies and gentlemen of the jury, over the course of
11 the next few days, many witnesses are going to come over
12 and they're going to take that stand. They're going to
13 testify and tell you the details behind Taneris's murder
14 and Lamont's involvement. No one witness will prove
15 Lamont's guilt beyond a reasonable doubt. But
16 collectively each witness will add a piece of the puzzle
17 until the bigger picture is depicted in a way where only
18 one conclusion can be reached.

19 Lamont Samuel is guilty of the biggest betrayal.
20 Lamont Samuel is guilty of the murder of his cousin
21 Taneris Hamilton. Thank you.

22 THE COURT: Mr. Sims?

23 OPENING STATEMENT BY MR. SIMS:

24 MR. SIMS: Good morning, ladies and gentlemen of the
25 jury. My name is Thomas Sims. I'm the attorney for

1 Lamont Samuels (verbatim). This is Lamont Samuels here.
2 He's not some fictitious character, but really he is a
3 live human being and he's here today to declare his
4 innocence. As you always say that in our country, it is
5 not the State that's declaring that you're guilty, but
6 they must prove you're guilty beyond a reasonable doubt.

7 Now, the Assistant Solicitor gave you a litany of
8 facts about what happened back on March 20th. But
9 that's a good thing about our system, what the Solicitor
10 says is not evidence. It's their interpretation. It is
11 their understanding or their analogy of what they think
12 the case is all about.

13 The evidence in any trial especially a criminal
14 trial will come to you from that chair. The witnesses
15 will be called, they'll be sworn, and they will testify
16 what they did. And what they heard. And what they saw.
17 It is not what the State says they saw. It is not what
18 the State said that they did. It is not the State who
19 proved the case. The witnesses will prove or disprove
20 the case. And that's what you are called to do. Is to
21 listen to every witness that will be called. Listen and
22 you will judge the credibility of every witness.

23 The judge will give you the law, but you are the
24 triers of the fact. If I had a robe for each and every
25 one of you, I would give you a robe because truly today

1 you have been elevated from your regular position as
2 common citizens, but you have been called to the higher
3 call of judging a dispute between the State of South
4 Carolina and one of its citizens.

5 I will tell you, yes, you will hear of a lot of
6 drugs. You will see pictures of drugs in shoes. Drugs
7 in different drawers. Drugs in different places in the
8 house that Ms. Wolfe and the deceased lived in. You
9 will see pictures of guns that she bought. You will see
10 pictures of a house of drugs. You will hear of a
11 history of drugs. You will hear of a drug dealer. Not
12 from me, but when they take the stand, they have to tell
13 the truth. And they will tell about the drugs that were
14 in the house.

15 Yes, you will hear statements in regards to text
16 messages. But just think about a text message. A text
17 message that you would read off of paper does not give
18 you the flavor of what that person was thinking at the
19 time that they texted. A text message cannot show you
20 anger. A text message cannot show you threatening. You
21 have to hear that voice. You have to hear the
22 threatening. You have to hear and feel from the audio
23 -- audible voice of what a person will say. Just
24 reading a cold text message is one thing, but rather
25 hearing and seeing what a person will say and how they

1 say it is extremely important.

2 I can say, "Hi." And I can say, "Hi!" You hear
3 that and you hear the difference. Yes, you will hear
4 about a codefendant, Alan Fields. You will hear the
5 kind of person that he was or is. You will hear how his
6 case has been disposed of and how he has gone through
7 and the things that he has done and the things that he
8 did. You will hear, yes, Alan Fields will walk through
9 this courtroom today. He will be a person whom you will
10 hear about from both the State and the Defense. You
11 will hear about Alan Fields. And you will have an
12 opportunity to make an assessment between Alan Fields
13 and Lamont Samuel. Which one is more likely to have
14 killed somebody. You will hear that information.

15 You will be told the history of Alan Fields. You
16 will be told the history of Lamont Samuels. You will
17 then have the opportunity to judge for yourself.

18 One thing that the State did that they told you
19 upfront, it was a drug house. And there's no question
20 about that. One thing that they told you that when
21 Ms. Wolfe came home, Lamont Samuels wasn't there. One
22 thing you will find is that he came back to see what was
23 going on.

24 You heard something about guns. Well, when you talk
25 about guns in a murder, you've got to put that gun in

1 the hand of the man that you said killed him. See if
2 they ever put one gun in the hand of Lamont Samuel.

3 Murder, and I know the judge -- I'm not going to be
4 long. I'm not going to be long. I'm just going to tell
5 you right now, look at Lamont sitting there. As he sits
6 there today, at this moment, at this time, Lamont is
7 innocent. He is innocent. Because our system of
8 justice says you are innocent until proven guilty beyond
9 a reasonable doubt.

10 If the State does not remove the robe that covers
11 him from our Constitution, from our forefathers, from
12 everything that we hold dear in this country as our
13 system of jurisprudence, it is the State's
14 responsibility to grade him there in front of you and so
15 that you can see the guilt. If the State does not do
16 that, they have failed in their job.

17 And I will say to you, ladies and gentlemen of the
18 jury, it is not your job to speculate. It is not your
19 job to say, what if. Or could have been. Or should
20 have been. The State of South Carolina, the most
21 powerful entity in the State of South Carolina, has
22 brought a charge against one of his citizens. That's
23 the State. Now, must prove beyond a reasonable doubt,
24 not ask you to speculate, not ask you to have to -- what
25 if's. But they are to prove beyond a reasonable doubt

1 every element of the crime that they have charged Lamont
2 Samuel with.

3 Ladies and gentlemen of the jury, I submit to you,
4 that at the end of the trial, and I'll stand up here
5 again, and I'll ask you to return a verdict of not
6 guilty because the State has failed in its burden and
7 Lamont Samuel is innocent.

8 THE COURT: All right. Ladies and gentlemen, just
9 one comment about your notes. They're to be used only
10 for your own personal recollection not to be used -- and
11 I'll explain that more to you later. But not to be used
12 to try to convince somebody that you took a note that
13 they failed to see or something like that.

14 Anyway, Solicitor, call your first witness.

15 MR. SORENSON: May it please the Court, Your Honor.
16 State calls Shameka Wolfe.

17 THE COURT: Hold on a minute.

18 SHAMEKA WOLFE,
19 being first duly sworn, was examined and testified as
20 follows:

21 MR. SORENSON: May it please the Court, Your Honor.

22 THE COURT: Yes, sir.

23 DIRECT EXAMINATION BY MR. SORENSON:

24 Q Good morning, Ms. Wolfe. How are you today?

25 A I'm all right.

1 Q Yeah, turn that so they can kind of see you and
2 everybody. If you would, please tell the jury how old
3 you are.

4 A Thirty-two.

5 Q You can take your mask off, also. Say again how
6 old are you, Shameka?

7 A Thirty-two.

8 Q Okay. And where did you grow up?

9 A Orangeburg, South Carolina.

10 Q And if you would, tell the jury how you knew
11 Taneris Hamilton.

12 A He was my boyfriend. I knew him for about five
13 years maybe before he got killed.

14 Q Okay.

15 MR. SIMS: Excuse me, Your Honor, I can't hear.

16 Q Say that again, how do you know Taneris?

17 A He was my boyfriend. I knew him for five years
18 before they killed him.

19 Q And did Taneris have a nickname that he went by?

20 A Tweety Bird.

21 Q Tweety Bird. Okay. And back in March of 2012,
22 were you living with Taneris at that time?

23 A Yes, sir.

24 Q And where was it that y'all were living?

25 A On St. Matthews Road.

1 Q Okay. And do you remember the address there?

2 A It was 43 maybe.

3 Q I'm going to show you a couple of pictures in a
4 second. Do you remember what county that was in?

5 A St. Matthews.

6 Q What county though? Was it Orangeburg County?

7 A Orangeburg.

8 Q And about how long had y'all live there in March of
9 2012?

10 A We've been staying there for -- I want to say for
11 about almost a year. Was it almost a year, I think.

12 MR. SIMS: Your Honor, we're still having trouble
13 over here.

14 Q You need to make sure -- Shameka, you're talking
15 nice. Keep your voice up nice and loud, but also speak
16 into the microphone. Okay?

17 A Okay.

18 Q All right. There you go. And, Shameka, I want to
19 show you a couple of photographs and ask you if you
20 recognize the residence that are in those photographs?

21 A Yes, sir.

22 Q Who's house is that back in March of 2020?

23 A Me and Taneris.

24 Q I'm sorry, 2012.

25 A Me and Taneris.

1 MR. SORENSON: Your Honor, at this time, we'd offer
2 State's 18 and 19 into evidence.

3 THE COURT: Any objection?

4 MR. SIMS: None, Your Honor.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Numbers 18 and 19 were
7 entered)

8 Q And that is -- I'm showing you what's up on the
9 screen there that's State's Exhibit Number 18. And is
10 that your house?

11 A Yes, sir.

12 Q All right.

13 MR. SORENSON: And then scroll over to 19, Chelsey.

14 Q Is that also just kind of a close-up of, I guess,
15 the front of the house?

16 A Yes, sir.

17 Q And you indicated that was on St. Matthews Road?

18 A Yes, sir.

19 Q And back during that time period, do you have any
20 dogs at the house there?

21 A Yes, sir.

22 Q About how many dogs did y'all have?

23 A Twelve.

24 Q Okay. And where were they located at? Were they
25 indoor or outdoor?

1 A It was one indoor and the rest was outdoor.

2 Q And the night this happened, was there a dog
3 inside?

4 A Yes, sir. Yes, sir.

5 Q And are you sure about that?

6 A No, Doozy (phonetic) -- no, Doozy was not there.
7 Doozy was on the back porch. There was 12 dogs in the
8 backyard.

9 Q Okay. And tell me now, that house that you see
10 there in State's Exhibit 19, what was located around
11 that house? So if I'm facing, that picture taken
12 basically from the road?

13 A Yes, sir.

14 Q Okay. What would be to the right of the house as
15 I'm facing it?

16 A To the right of the house?

17 Q Uh-huh.

18 A Would be a house next door.

19 Q And how about to the left of the house?

20 A The left of the house would be a driveway then a
21 gym on the side.

22 Q A gym you said?

23 A Uh-huh.

24 Q Now, back during that time period when you were
25 living with Taneris in that home, what was he doing for

1 a living, Shameka?

2 A Selling drugs.

3 Q Okay. And do you remember what kind of drugs
4 Taneris was selling?

5 A Weed, crack, and cocaine.

6 Q And where did he usually keep those drugs in the
7 house?

8 A In a black Alltel bag.

9 Q Now, back in March of 2012 were there any handguns
10 in your house?

11 A Yes, sir.

12 Q Okay. And how many handguns were in the house?

13 A Two.

14 Q And whose guns were they? Who had purchased them?

15 A Me. They were mine.

16 Q And where were those guns typically kept?

17 A In the bedroom.

18 Q Okay. And you actually were the person that
19 purchased those guns?

20 A Yes, sir.

21 MR. SORENSON: May I approach the witness, Your
22 Honor?

23 THE COURT: Yes, sir.

24 Q Shameka, if I can show you what's been marked as
25 State's Exhibits Number 13 and 14. Do you recognize

1 that paperwork?

2 A Yes, sir.

3 Q And is that the paperwork when you purchased those
4 two guns?

5 A Yes, sir.

6 MR. SORENSON: Your Honor, at this time we'd offer
7 State's 13 and 14 into evidence.

8 THE COURT: Any objection?

9 MR. SIMS: None, Your Honor.

10 THE COURT: Without objection.

11 (WHEREUPON, State's Exhibit Numbers 13 and 14 were
12 entered)

13 Q I'm showing you now State's Exhibit Number 13. Is
14 that the paperwork from one of those guns?

15 A Yes, sir.

16 Q And so does it have the date on the top when you
17 purchased it up top there?

18 A Yes, sir.

19 Q It was cut off a little bit. Do you remember when
20 that was?

21 A 2/11/2020 -- I mean, 2012.

22 Q February 11, 2012?

23 A Uh-huh.

24 Q Okay. And it was a 9mm gun?

25 A Yes, sir.

1 Q Okay. And is that all your handwriting kind of
2 below that, your name and address?

3 A Yes, sir.

4 Q And personal information, date of birth and stuff
5 of that nature?

6 A Yes, sir.

7 Q Okay. And then on page 3, I think, is where it has
8 the actual gun in the blue there, does that indicate a
9 Ruger 9mm?

10 A Yes, sir.

11 Q And it has the serial number for that gun that you
12 purchased?

13 A Yes, sir.

14 Q And I'm showing you State's Exhibit Number 14.
15 Does that reflect the other gun purchase?

16 A Yes, sir.

17 Q And yet again, have a date up at the top, March
18 29th of 2011?

19 A Yes, sir.

20 Q And yet again, your information?

21 A Yes, sir.

22 Q And then on page 3 that then show the other gun
23 that was purchased, a Springfield XD 9mm pistol?

24 A Yes, sir.

25 Q And back on March 20th of 2012, were both of those

1 guns in your home?

2 A Yes, sir.

3 Q Now, do you remember where you purchased those guns
4 from?

5 A I purchased those guns from Woody's.

6 Q I think it says on there. Does it have the
7 pawnshop on there in the middle? Is it Goodies, I
8 think? Goodies & Gifts Pawn; is that right?

9 A Yes, that's one of them. Yes.

10 Q And when you purchased those guns, did they -- how
11 did they come when you purchased the two of them?

12 A In a box. In the gun box.

13 Q Okay. And did you still have those gun boxes back
14 on March 20th of 2012?

15 A Yes, sir.

16 Q And where were the gun boxes located in your house?

17 A In the house in the closet.

18 Q Okay. You had the boxes for both of the guns?

19 A Yes, sir.

20 Q Shameka, let me ask you this, do you know the
21 Defendant, Lamont Samuel?

22 A Yes, sir.

23 Q And is that Mr. Samuel sitting over here next to
24 Mr. Sims?

25 A Yes, sir.

1 Q Okay. And tell the jury how you knew Mr. Samuel.

2 A He came to our house often, almost every day.

3 Played the game. He came to the house all the time

4 often. Came, played game. Came and sit around. Talk.

5 Q Was he a friend of yours or who -- what was the

6 connection to you or Taneris?

7 A He was Taneris's cousin.

8 Q You said he came by almost every day?

9 A Yes, sir.

10 Q Did he ever spend the night there?

11 A Yes, sir.

12 Q Now, are you familiar with Mr. Samuel's brother a

13 young man by the name of Jerry McKnight?

14 A Yes, sir.

15 Q Do you know Mr. McKnight?

16 A Yes, sir.

17 Q Were you aware of the fact that he was Mr. Samuel's

18 brother?

19 A Yes, sir.

20 Q Did he ever come by the house?

21 A Yes, sir.

22 Q How about a young man by the name of Alan Fields

23 that went by the nickname Gator? Did you know

24 Mr. Fields?

25 A Only from school.

1 Q So you didn't know him from coming by your house?

2 A No, sir.

3 Q Okay. Now, were you familiar back in March of
4 2012, did you know whether Mr. Samuel or Mr. McKnight
5 were friends with Mr. Fields?

6 A No, sir. You said was Mr. Samuel?

7 Q Or Mr. McKnight friends with Mr. Fields, did you
8 know that?

9 A When the incident happened?

10 Q Yes, in March of 2012?

11 A No, sir.

12 Q You didn't know that?

13 A No, sir.

14 Q Okay. How about as far as -- so you said that
15 Mr. Samuel came by the house frequently, Mr. McKnight
16 came by also frequently also or occasionally?

17 A He came more on an occasional level, but Lamont
18 came all the time.

19 Q Okay. And how about Mr. Fields, did he come by the
20 house?

21 A He's never been to my house.

22 Q Did you know whether Taneris knew Mr. Fields?

23 A No, sir, he didn't.

24 Q All right. Now, let me ask you about one other
25 person, a young man by the name of Steven Johnson. Do

1 you know Steven?

2 A Yes, sir.

3 Q Okay. Describe how did you and/or Taneris know
4 Steven?

5 A Taneris knew Steven as his brother. I knew Steven
6 as a friend, but also Taneris's brother.

7 Q And by brother, do you mean like actual blood
8 brother or --

9 A They would call each other brothers, but they
10 wasn't blood brothers. They were real close.

11 Q Shameka, I want turn your attention now if I could
12 back to the evening of March 20th of 2012. At some
13 point in time, do you leave to go get food?

14 A Yes, sir.

15 Q So let's kind of back up a little bit before that.
16 Who was at your house that evening kind of leading up to
17 you leaving to go get food?

18 A Taneris, Steven, and Lamont, and Lamont's mother.

19 Q Okay. We'll get to that in just a second. And
20 specifically as to Mr. Samuel, about how long do you
21 think he was at your house prior to you leaving?

22 A Prior to me leaving, he was there a good bit, I
23 think.

24 Q Okay. And how about Steven?

25 A Steven, he just came before I got ready to leave to

1 go get food.

2 Q Okay. Now, let's kind of talk about what everybody
3 was doing in the house. And, obviously, was Taneris
4 there also?

5 A Yes, sir.

6 Q Okay. Specifically Taneris, what kind of in that
7 time period leading up to you leaving the home that
8 night, what was Taneris doing inside?

9 A Playing on the laptop trying to download music from
10 his phone. From the laptop to the phone.

11 Q Okay. Where was he sitting at in the house?

12 A On the sofa right when you walk in the house on the
13 chair on the sofa.

14 Q Walk in the front door, the sofa is --

15 A On the right-hand side.

16 Q On the right-hand side. Okay. How about
17 Mr. Samuel, what was he doing inside the house that
18 evening?

19 A Playing on the video game or playing on his phone.

20 Q Okay. And did you observe him messing around with
21 his phone that evening?

22 A Yes, sir.

23 Q Okay. What -- did you have any idea about who he
24 was either texting or messaging with that evening?

25 A He said it was his girlfriend.

1 Q All right. You said he was also playing the video
2 game?

3 A Yes, sir.

4 Q Okay. And how about -- and where was he doing that
5 at?

6 A In the front room. As soon as you walk in the
7 house there was a chair right there. When you open the
8 door --

9 MS. SPIRES: On the what?

10 A When you walk through the door, when you walk
11 straight in the house there was a chair right there in
12 front as soon as you walk in the entrance.

13 Q Okay. And how about Steven, you said he wasn't
14 there quite as long; is that correct?

15 A No, sir.

16 Q What was Steven over there for that evening?

17 A Steven came to get cocaine and weed.

18 Q Okay. And while he was there, where was he at?

19 A He was by Taneris. Standing by Taneris.

20 Q Now, during that time period that all three of them
21 are in that living room, is there any problems between
22 the three of them that you observed?

23 A No, sir.

24 Q Any argument between the three of them?

25 A No, sir.

1 Q All right. And let me ask you, did you know where
2 your two guns that we talked about that we went over the
3 paperwork for, do you know where those two guns went
4 that evening?

5 A Taneris had one in his possession and the other one
6 was in the bedroom up under the pillow.

7 Q And do you remember which one that Taneris had in
8 his possession?

9 A I'm not sure.

10 MR. SORENSON: Beg the Court's indulgence just one
11 moment.

12 Q And, Shameka, do you remember -- obviously, this
13 has been over eight years ago, do you remember giving a
14 statement to law enforcement right after it happened?

15 A Yes, sir.

16 Q Okay. And does that kind of help refresh your
17 memory as to some of the details?

18 A Yes, sir.

19 MR. SORENSON: May I approach the witness, Your
20 Honor?

21 THE COURT: Certainly.

22 Q Ms. Wolfe, I'm showing you -- is that the statement
23 that you gave to the sheriff's office back on March 12th
24 -- actually March 3rd of 2012, I believe?

25 MR. SIMS: Your Honor, he's giving it to her to

1 refresh her recollection, but he's testifying as to
2 what's on the document as opposed to having her testify.

3 THE COURT: Sustained.

4 Q Is this the statement you gave to law enforcement?

5 A Yes, sir.

6 Q Okay. And, specifically, looking at the last
7 question and then the answer, let you look at that and
8 just see if that helps refresh your memory as to the
9 question that I had asked you about which gun Taneris
10 had on him.

11 A The Ruger.

12 Q The Ruger?

13 A Yes, sir.

14 Q And you said the other gun was in the bedroom under
15 one of the pillows?

16 A Yes, sir.

17 Q Now, that night inside -- inside your residence, do
18 you know whether Lamont Samuel had a gun on him?

19 A Yes, sir, he did.

20 Q Okay. Do you remember anything about the gun that
21 he had?

22 A I want to say it was a black handgun. But I want
23 to say it was a .40 or a .45.

24 Q All right. How about Steven Johnson, did you see
25 Steven with a gun that night?

1 A No, sir.

2 Q And -- now, at some point in time you left that
3 night?

4 A Yes, sir.

5 Q And where was it that you were going?

6 A Going to get Chinese food.

7 Q Okay. And you had talked earlier about Taneris
8 keeping his drugs in a black Alltel bag?

9 A Yes, sir.

10 Q Okay. Was that bag -- did you see that bag when
11 you left that night?

12 A Yes, sir.

13 Q And where was that bag?

14 A On the chair with him.

15 Q On the chair where?

16 A With him.

17 Q With him. All right. And where -- did you see
18 whether Taneris had any money on him when you left that
19 night?

20 A Yes, sir, he did.

21 Q Okay. Do you have any idea how much money he had?

22 A Over 2,000.

23 Q And where was that money located at?

24 A In his pocket.

25 Q How is it that you knew that he had that money in

1 his pocket?

2 A Because he just have re-up and that's --

3 MS. SPIRES: Excuse me.

4 A Because he just had re-up and that's what he had
5 left in his pocket.

6 MR. SIMS: What did she say?

7 A He just re-up and that's what he had in his pocket.

8 Q By re-up, what does that mean?

9 A He got more drugs.

10 Q Okay. And, ultimately, you -- so you went to go
11 get Chinese food, did you get some drinks also from
12 somewhere else?

13 A Yes, sir. I stopped by McDonald's and got two iced
14 teas.

15 Q Where did you get the money to pay for the Chinese
16 food and the drinks?

17 A Taneris.

18 Q Okay. And when you go to leave, who is still in
19 the house when you go to leave?

20 A Steve, Lamont, and Taneris.

21 Q Okay. And tell the jury where is it that you were
22 parked?

23 A I was parked in our driveway.

24 Q What other vehicles -- when you went outside, what
25 other vehicles are located outside?

1 A Lamont's vehicle, Steve's vehicle, and Lamont's
2 mother vehicle.

3 Q Okay. I'll ask you about that in just a second.
4 But first of all as to Lamont's vehicle, do you remember
5 what kind of vehicle he was driving back then?

6 A A burgundy Tahoe.

7 Q Okay. And where was Lamont's burgundy Tahoe
8 parked?

9 A It was parked right behind my Ford Expedition.

10 Q Okay. Was he pulled in frontways or backed in?

11 A It was pulled in. I want to say it was pulled in.
12 I would say he was pulled in.

13 Q Okay. And how about Steven, do you remember where
14 Steven was parked?

15 A Steven was parked -- as you pull in the driveway
16 right in front of the balcony of the steps.

17 Q Okay. And then you made reference a couple of
18 times now to the Defendant, Mr. Samuel's mother being
19 there?

20 A Yes, sir.

21 Q Was she in the house or out in the --

22 A She was in the driveway.

23 Q Okay. And did you do anything when you saw her out
24 there?

25 A No, sir. She just had to move out the way so --

1 she had to back out so I could go get food.

2 Q Do you know whether Mr. Samuel came out to his
3 mother to the car?

4 A Yes, sir.

5 Q Okay. Do you have any idea why he went out there
6 or why she was there?

7 A She came to pick up his little brother game system.

8 Q Okay. And you ultimately go pick up the food and
9 the drinks?

10 A Yes, sir.

11 Q Okay. Any idea about how long you may have been
12 gone?

13 A Maybe about 15, 20 minutes.

14 Q All right. And tell the jury when you get back
15 what -- were there any cars in the driveway when you get
16 back?

17 A No, sir.

18 Q Was Steven's car there?

19 A No, sir.

20 Q Lamont's Tahoe there?

21 A No, sir.

22 Q Lamont's mother's car there?

23 A No, sir.

24 Q And so where did you park when you got back?

25 A When I pulled back -- came back from getting the

1 food, I pulled up in the yard to the front by the
2 balcony to the walk-up.

3 Q Okay. And what did you do?

4 A Put the two iced teas on the balcony. And actually
5 before I did all that, I blew the horn and put the two
6 iced teas on the balcony.

7 Q Okay. Did anybody ever come out when you blew the
8 horn?

9 A No, sir.

10 Q Okay. What did you do then, Shameka?

11 A I then got the food, walk in the house.

12 Q And tell the jury what you saw when you walked in
13 the front door.

14 A When I walked in the front door -- I walk in the
15 front door he was laying on the floor with his eyes
16 open, shot.

17 MR. SORENSON: May I approach the witness, Your
18 Honor?

19 THE COURT: Yes, sir.

20 Q Shameka, let me show you State's Exhibit Number 20.
21 Is that kind of what you observed when you walked in,
22 obviously, without the markers on the ground, but is
23 that what you observed?

24 A Yes, sir.

25 MR. SORENSON: Your Honor, at this time, we'd offer

1 State's Number 20 into evidence.

2 THE COURT: Any objection?

3 MR. SIMS: No, Your Honor.

4 (WHEREUPON, State's Exhibit Number 20 was entered)

5 Q Shameka, let me kind of go back. This is State's
6 Exhibit Number 19. That's the front part of the house?

7 A Yes, sir.

8 Q Okay. What's on the railing there?

9 A The two iced teas.

10 Q Okay. Is that where you sat them down initially?

11 A Yes, sir.

12 MR. SORENSON: And then if you can switch it over to
13 20.

14 Q And that is --

15 MR. SORENSON: Scroll back out a little bit.

16 Q And that's taken from kind of what advantage point,
17 Shameka?

18 A From the front door.

19 Q Is that pretty much then what you would have seen
20 when you walked in?

21 A Yes, sir.

22 Q And where -- you had spoken earlier about two
23 chairs, do you see the two couches or chairs that you
24 were talking about?

25 A This was one of the chairs right here. As soon as

1 you walk in the house that was the chair that was on the
2 wall.

3 Q Who was sitting in that chair at that time?

4 A Lamont.

5 Q What's in the chair now or loveseat?

6 A The Chinese food.

7 Q Okay. And then you also referenced another couch.
8 You kind of barely see that in the picture?

9 A Yeah, barely. But it's right there when you walk
10 in.

11 Q But that's where Taneris was when you got back?

12 A Yes, sir.

13 Q All right. What did you do then, Shameka?

14 A I then ran back out the house.

15 Q Anybody else inside?

16 A No, sir. Nobody but Taneris.

17 Q Where did you end up going when you left the house?

18 A I went back down the street to the gas station and
19 called the police.

20 Q Did law enforcement, did they come out and meet
21 you?

22 A Yes, sir. They came -- they came on the way in, I
23 got back in my car once I seen them going back up there
24 and I went and meet them back to the house.

25 Q And did you -- you ultimately tell them that night

1 -- did you tell them about the two guns that should be
2 in the house?

3 A Yes, sir.

4 Q You ever locate either of those guns again?

5 A No, sir.

6 Q Did either you or to your knowledge Taneris ever
7 lend either of those guns to either Mr. Samuel or his
8 brother, Mr. McKnight?

9 A No, sir.

10 Q Now, when you got back there you said there was
11 nobody there; right?

12 A No, sir.

13 Q Any vehicles in the driveway?

14 A No, sir.

15 Q There come a time when Mr. Samuel came back to the
16 house that night, did you see that?

17 A Yes, sir.

18 Q Okay. And what was he driving when he came back?

19 A His Tahoe.

20 Q Okay. Did you see -- did you get a chance to see
21 if there was any damage to his Tahoe at that time?

22 A Yes, sir. He had some windows were shot out and --

23 Q So speak --

24 A The windows was bust out and he had some bullet
25 holes in the truck.

1 Q Okay. Now, did you ultimately go down to the
2 sheriff's office that night?

3 A Yes, sir.

4 Q And did you have an opportunity at any point in
5 time then to talk to Mr. Samuel that evening at the
6 sheriff's office?

7 A Yes, sir.

8 Q In fact, I think did you get a ride home from him
9 and his mother?

10 A Yes, sir.

11 Q And what, if anything, did Mr. Samuel tell you that
12 night about what had happened or what was his reaction?

13 A He gave me a tight hug. He told me that they took
14 him from us.

15 Q They took him from us?

16 A Yes, sir.

17 Q Did he indicate to you who it was that took him? I
18 assume took meaning Taneris?

19 A Yes, sir. He said that Steven Johnson did it.

20 Q All right. Shameka, thank you. I think that's all
21 I have. Please answer any questions Mr. Sims has.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION BY MR. SIMS:

24 Q Ms. Wolfe, I just have a few questions for you and
25 I know that this may be a difficult situation for you,

1 but these are questions that need to be asked. And I'll
2 just stand over here.

3 You and Taneris, how long had y'all been together?

4 A We had been together for four years.

5 Q Four years. And did he work anywhere?

6 A No, sir.

7 Q Did you work anywhere?

8 A Yes, sir. I was about to start my new job.

9 Q You were about to start your new job?

10 A Yes, sir.

11 Q Okay. When you first got together during that four
12 year period of time, how many jobs did you hold?

13 A Off and on. I can't keep count, but I had a few
14 jobs.

15 Q Off and on. And, of course, you knew the
16 occupation of Mr. -- of Taneris, didn't you?

17 A Yes.

18 Q So he did not work at Ambler's? He did not work at
19 any of the other places? His work was dealing drugs?

20 A Right.

21 Q And the drugs that he dealt was cocaine, weed, and
22 powder; is that correct?

23 A Right.

24 Q Now, let's talk about these guns that Mr. Sorenson
25 asked you about. You purchased a gun; right?

1 A Yes.

2 Q And they did a records check when you purchased the
3 gun; is that correct?

4 A Yes, sir.

5 Q Now, the guns were not for you but for Taneris;
6 right?

7 A (No response)

8 Q The guns were not yours, they were for Taneris?

9 A It was for both of our protection.

10 Q For both of y'all's protection?

11 A Right.

12 Q But he gave you the money to get the guns?

13 A Yes, sir.

14 Q Okay. And he couldn't get a gun?

15 A No, sir.

16 Q Why?

17 A Because he had a record.

18 Q He had a record. What kind of record did he have?

19 A Drugs.

20 Q Huh?

21 A Drugs.

22 Q He had a drug record, so, therefore, he could not
23 have purchased either one of the two guns that you
24 purchased?

25 A No, sir.

1 Q Knowing that he could not purchase those --
2 purchase a gun, you chose to go out and buy two guns in
3 your name so that he would have a weapon?

4 A No, it wasn't so he could have a weapon, it was for
5 our protection. It wasn't for him.

6 Q It wasn't specifically for him, but it was for the
7 household?

8 A Exactly.

9 Q And the household was a drug house?

10 A It was not a drug house.

11 Q Well, you talked about a few moments ago you talked
12 about drugs being sold, weed, powder, and cocaine?

13 A Uh-huh.

14 Q And it was being sold in and out of the house; is
15 that correct?

16 A It was not being sold in and out of the house.
17 Nobody came to our house but Lamont.

18 Q Well, Steven was there, wasn't he?

19 A Yeah. Steven came there and got some drugs, but
20 nobody came to our house to get drugs. But, look, sir,
21 please don't go ticking me off. Because I swear, I
22 don't want to do that and I don't want to do this with
23 you.

24 Q I'm not trying to tick you off, I'm trying to get
25 to the truth.

1 A Well, you can get to the truth. Go ahead and ask
2 your questions and let's get it over with.

3 Q So that's what I'm doing asking you questions. If
4 you would just answer my question.

5 A It was not a drug house. I can't tell you it was
6 no drug house.

7 Q And you purchased the guns. You knew that Taneris
8 dealt drugs?

9 A Yes, I did know that he dealt drugs.

10 Q And do you know whether or not he had been robbed
11 before?

12 A Yes, he has.

13 Q So if he had been robbed before and this is why you
14 said you got the guns for our protection of the home?

15 A Yes.

16 Q Okay. Now, you didn't say -- was he robbed in the
17 house or where was he robbed?

18 A Someone broke into our house when we went to go get
19 electric gas.

20 Q So someone broke into the house while you all were
21 gone and that would mean that they knew that drugs were
22 in the house or something of value was in the house?

23 A Yes, sir.

24 Q And the things that were of value in the house was
25 drugs?

1 A Yes, sir.

2 Q And money?

3 A Yes, sir.

4 Q Okay. And the pictures --

5 MR. SIMS: Where are those pictures?

6 Q The pictures were State's Exhibit 20. It only
7 shows Mr. -- it shows the deceased; is that correct?

8 A Yes.

9 Q It doesn't show the other rooms in the house; is
10 that correct?

11 A No, sir.

12 Q And isn't it true that in the other rooms of the
13 house there were drugs?

14 A No.

15 Q There were no other drugs anywhere in the house?

16 A No. The only drugs that was in the house was the
17 drugs that he had in the bag.

18 Q Okay. Now, when you left there were two people in
19 the house with him; is that correct?

20 A Exactly.

21 Q And that was Steven and Lamont?

22 A Exactly.

23 Q Okay. Isn't it true or do you recall whether
24 Steven had come to purchase drugs from Taneris on that
25 day?

1 A Yes, sir.

2 Q And there was a dispute between Steven and Taneris
3 about the amount or the quantity of drugs that were
4 going to be purchased?

5 A A dispute?

6 Q They were going back and forth about how much he
7 would be able to get for the money that he had?

8 A Steve was trying to get more for what he had
9 brought, yes.

10 Q Yeah, that's what I'm saying. So Steven was trying
11 to get more drugs for the money that he brought?

12 A Yes.

13 Q And that was going on back and forth between the
14 two of them about --

15 A No, it was not a like a whole back and forth
16 situation. They just talked about it and that was it.

17 Q Well, they talked about it and that's going back
18 and forth. You and I can hold a conversation --

19 A You make it seem like it was a whole argument about
20 something it's not. It was no argument. They was just
21 talking about it.

22 Q That's what I'm saying. They were talking back and
23 forth about --

24 A Uh-huh.

25 Q -- Steven wanted one amount for the money that he

1 had and Taneris was saying -- using some words and
2 saying, no, you're not going to get it, you'll get what
3 you pay for; isn't that right?

4 A Yes, sir.

5 Q Now, when you said that Lamont's mother was out
6 there, she came out there to get a game from Lamont for
7 his little brother; is that right?

8 A Yes.

9 Q Okay. So she was not at the house a long time.
10 She drove up to get that and when you went out she had
11 to move so that you could get out?

12 A Yes, sir.

13 Q And while you were gone, you don't know who came to
14 the house?

15 A No, sir.

16 Q While you were gone, you don't know what happened
17 in the house?

18 A No, sir.

19 Q While you were gone, you don't know whether Lamont
20 had gone or that Steven had gone or whether they were
21 both there for the entire time while you were gone?

22 A No, sir.

23 Q And you said you had dogs outside or inside the
24 house?

25 A Outside.

1 Q Outside. What kind of dogs were they?

2 A Pit bulls.

3 Q And you said Steven -- Steven Johnson, Taneris
4 called him his brother, they were like brothers. And
5 Lamont you said was a good friend and was always around.
6 Stayed there overnight with you all, playing the games
7 all the time; is that correct?

8 A He came once -- he was introduced to me. Yes, sir,
9 he came all the time.

10 Q And this incident about the phone where he was
11 trying to load something from his laptop onto his phone,
12 Lamont was helping him with that; isn't that right?

13 A No, he was not. Lamont was playing the game.

14 Q Okay. Now you say -- now, just for the record, who
15 had guns that you knew had guns when you left -- before
16 you left the house?

17 A Lamont had a gun and Taneris had a gun.

18 Q I believe you said you thought it was a .45 that
19 Lamont had; is that correct?

20 A I said a .40 or a .45.

21 Q .40 or .45.

22 MR. SIMS: One moment, Your Honor.

23 Q And you went to the police station; is that
24 correct?

25 A Yes, sir.

1 Q And Officer Shumpert was there; is that correct?

2 A Yes, sir.

3 Q Was there a conversation in regard where officers
4 -- where you heard Officer Shumpert talking about
5 Lamont?

6 A What about Lamont?

7 Q Whether or not he could go home or not?

8 MR. SORENSON: I'm going to object, Your Honor, to
9 hearsay.

10 MR. SIMS: If she was there she heard the
11 conversation. She can say she either heard a
12 conversation or she didn't.

13 MR. SORENSON: My objection would be hearsay.

14 THE COURT: It's still hearsay.

15 MR. SIMS: Okay.

16 THE COURT: Sustain the objection.

17 MR. SIMS: Yes, sir.

18 Q And who else was at the police station also with
19 Lamont when you all were at the police station?

20 A It was me, Lamont, Lieutenant Shumpert, I think
21 Ms. Kesha. I can't remember everybody, but it was a few
22 of us there.

23 Q And Lamont came back to console you when he
24 consoled you; is that right?

25 A Yes, sir.

1 MR. SIMS: That's all I have, Your Honor.

2 THE COURT: Redirect?

3 MR. SORENSON: Nothing, Your Honor.

4 THE COURT: All right. Ma'am, you may come down.

5 Thank you very much. May this witness be excused?

6 MR. SORENSON: No objection from the State.

7 THE COURT: Without objection. Next witness.

8 MS. GLOVER: Your Honor, the State calls Terrance
9 Smith.

10 TERRANCE SMITH,
11 being first duly sworn, was examined and testified as
12 follows:

13 DIRECT EXAMINATION BY MS. GLOVER:

14 Q Good morning, Special Agent Smith. How are you?

15 A Good. How are you?

16 Q Would you state your full name for the record and
17 for our court reporter?

18 A Terrance Smith.

19 Q And, Special Agent Smith, where are you currently
20 employed?

21 A I'm currently employed with the Federal Bureau of
22 Investigations in New Orleans.

23 Q How long have you been employed with the FBI?

24 A January of 2020.

25 Q At any point in time did you work with the

1 Orangeburg County Sheriff's Department?

2 A Yes, ma'am, I did.

3 Q How long were you employed by the sheriff's
4 department?

5 A I've been employed -- well, I was employed with the
6 sheriff's department from June 2010 up until December
7 2019, so about nine years.

8 Q Do you recall working around March of -- March 20th
9 of the year 2012?

10 A Yes, ma'am, I do.

11 Q Do you recall responding to a shooting incident
12 that occurred that night?

13 A Yes, ma'am, I do.

14 Q Where did you respond?

15 A I responded to 4398 St. Matthews Road in Orangeburg
16 County, State of South Carolina.

17 Q And who was the complainant?

18 A Shameka Wolfe was the complainant.

19 Q And where did you meet her?

20 A I met her at the BP gas station. That would be at
21 St. Matthews Road which is at 601 and I-26.

22 Q And what did you learn about the incident?

23 A After speaking to her, I learned that her boyfriend
24 had been shot at the resident at 4398 St. Matthews Road.

25 And she --

1 MR. SIMS: Excuse me, Your Honor. I hate to
2 interrupt, but I can't hear you over here. If you would
3 just use the microphone, please.

4 A Do you need me to repeat?

5 MR. SIMS: Yes, because I didn't hear.

6 Q What did you learn about the incident?

7 A After speaking with Ms. Shameka Wolfe, I learned
8 that her boyfriend had been shot at the residence, 4398
9 St. Matthews Road. And that's how she arrived at the
10 gas station.

11 Q And I'm going to show you what has been marked as
12 State's Exhibit 21.

13 Special Agent Smith, can you take a look at this.
14 And, Special Agent Smith, what is this?

15 A This would be a great map of St. Matthews Road in
16 Orangeburg County. Also showing the incident location
17 of 4398 St. Matthews Road.

18 Q And what road is this?

19 A That would be St. Matthews Road.

20 Q And where would the BP gas station be?

21 A The BP gas station would have been located -- it's
22 not shown on the map, but it would be located down here
23 in this bottom left corner.

24 Q And what would be St. Matthews --

25 MS. SPIRES: Repeat your question, please.

1 MS. GLOVER: Your Honor, at this point in time, I
2 would ask that State's Exhibit 21 be submitted into
3 evidence.

4 MR. SIMS: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Number 21 was entered)

7 Q I'm going to put this in the direction of the jury.
8 And, Special Agent Smith, could you show us again where
9 the BP gas station would have been?

10 A The BP gas station would have been located in this
11 bottom left-hand corner which is not shown on the map.

12 Q And where would St. Matthews or Calhoun County be?

13 A Calhoun County or St. Matthews would be located --
14 it would be located in this direction to the right of
15 the map.

16 Q Okay. And where is the incident location that Ms.
17 Wolfe said that Taneris Hamilton was shot?

18 A Approximately 4398 St. Matthews Road located on the
19 grid, Lot 23 right here.

20 Q That's in Orangeburg County?

21 A Yes, ma'am, it is.

22 Q Special Agent Smith, could you mark the incident
23 location?

24 A (Witness complies)

25 Q And did you eventually go to this location?

1 A Yes, ma'am, I did.

2 Q When did you arrive there?

3 A After speaking with Ms. Wolfe at the BP gas
4 station, I arrived at that location.

5 Q What did you do upon arriving?

6 A Upon arriving at that location, the fact it was a
7 shooting incident, I was the first officer on the scene.
8 For safety purposes, I waited outside for backup which
9 was Lieutenant Davis, my supervisor at the time.

10 Once he arrived on scene, conducted a protective
11 sweep of the residence. Upon entering the residence, we
12 observed Mr. Hamilton laying on the floor lifeless in
13 the living room. We checked him for a pulse. There was
14 no pulse. We continued throughout the residence to
15 conduct our protective sweep making sure there were no
16 other individuals in the residence. And at that point
17 in time, after not locating anyone else in the
18 residence, we exited the residence and waited on
19 investigation crime scene.

20 Q And did you speak with Ms. Wolfe at the residence?

21 A Yes, I did.

22 Q And what did you learn from further conversation
23 with Ms. Wolfe?

24 A Further conversations while waiting on crime scene
25 investigations I spoke with Ms. Wolfe. I learned that

1 when she left the residence to go pick up dinner for the
2 afternoon, Lamont Samuel, Steven, and a female by the
3 name of Betty were left at the residence with
4 Mr. Hamilton.

5 Q And did you do any further investigation?

6 A No, ma'am, I didn't.

7 MS. GLOVER: Beg the Court's indulgence.

8 Q Were there any other investigators that came out
9 that you can recall besides yourself and Lieutenant
10 Davis?

11 A I can't recall per se by name, but I knew there
12 were several other officers and investigators that
13 arrived at the scene.

14 Q And a thorough sweep was done; correct?

15 A Yes, ma'am.

16 Q Thank you, Special Agent Smith.

17 MS. GLOVER: No further questions, Your Honor.

18 THE COURT: Cross examination?

19 CROSS EXAMINATION BY MR. SIMS:

20 Q Just one or two questions for you. Did you do a
21 thorough search of the house?

22 A No, sir, I did not do a search of the house.

23 Q You just went into the -- went to the room where
24 the deceased was?

25 A No, sir. We went throughout the house. He was --

1 the deceased was laying in the leaving room. So in
2 order for protection we had to pass the victim to go
3 through the rest of the house.

4 Q Or maybe I need to rephrase my question. Not a
5 thorough search, but you searched the house?

6 A Yes, for individuals.

7 Q For an individual?

8 A Yes, sir.

9 Q What if anything else did you see when you were
10 searching the house?

11 A I can't recall, sir.

12 Q You don't recall?

13 A No, sir.

14 Q Did you see any additional drugs or drug
15 paraphernalia?

16 A No, sir. I did not. You did not or you don't
17 remember?

18 A I don't remember seeing any other drugs or anything
19 in the house.

20 MR. SIMS: All right. That's all I have.

21 THE COURT: Redirect?

22 MS. GLOVER: No, Your Honor.

23 THE COURT: All right. This witness may be excused?
24 Any objection?

25 MR. SIMS: None from me, Your Honor.

1 THE COURT: You are free to go, sir. Thank you very
2 much.

3 MS. GLOVER: Your Honor, at this point in time, the
4 State would like to call John Gregg.

5 JOHN GREGG,
6 being first duly sworn, was examined and testified as
7 follows:

8 DIRECT EXAMINATION BY MS. GLOVER:

9 Q Good morning, Mr. Gregg.

10 A Good morning.

11 Q Could you state your full name for the record.

12 A John Gregg, Sr.

13 Q And, Mr. Gregg, how old are you?

14 A Thirty.

15 Q Are you married?

16 A Yes, ma'am.

17 Q Do you have any children?

18 A Yes, ma'am.

19 Q How many children?

20 A Four.

21 Q What do you do for a living, Mr. Gregg?

22 A I'm a service supervisor.

23 Q Where were you living around March of 2012?

24 A [REDACTED] St. Matthews Road, St. Matthews, South
25 Carolina.

1 Q And what is that next to?

2 A John Derst Bakery.

3 Q I want to show you State's Exhibit 21 at this point
4 in time. If you could use my pen to kind of point out
5 where you were living back in March of 2012.

6 A (Witness complies)

7 Q And what's right next to it?

8 A The bakery is hear.

9 Q Could you point to the bakery again?

10 A (Witness complies)

11 Q And if you could kind of circle where you were
12 staying at the time.

13 A (Witness complies)

14 Q So it's safe to say that you were in earshot of the
15 bakery?

16 A Yes, ma'am.

17 Q So the bakery is right next to your home?

18 A Yes, ma'am.

19 Q Thank you, Mr. Gregg. Have a seat. Thank you.

20 And keeping your attention on the night of March 20th of
21 2012. A little before 10 o'clock that evening, could
22 you tell the jury what you were doing at that time?

23 A We were sleeping.

24 Q And when you say, "we"?

25 A My wife.

1 Q Do you remember hearing anything that night that
2 may have caught your attention?

3 A I heard gunshots.

4 Q Okay. And could you tell which direction those
5 gunshots appeared to be coming from?

6 A Once I got up and we looked out the window you
7 could see the mussel flashes coming from the direction
8 of the bread company.

9 Q And let me go back just a little bit. Did you hear
10 one gunshot? How many gunshots did you hear?

11 A It was several. Two or three.

12 Q And did they happen individually or in groups?

13 A It was -- I mean, it was almost consecutive, I
14 guess you could say. The first set, I guess.

15 Q So there were how many sets of gunshots?

16 A At least two.

17 Q At least two sets?

18 A Yes, ma'am. Two separate sets, yes, ma'am.

19 Q And during the first set of gunshots, how many gun
20 shots did you actually hear?

21 A Two or three.

22 Q Okay. And during the second set, how many gunshots
23 --

24 A It was roughly the same.

25 Q Roughly the same. What did you do after you heard

1 the gunshots?

2 A I got up and -- I grabbed my weapon, of course, and
3 my kids was on the end of the house by the bread
4 company. And as I was going through there that's when I
5 heard the second set. And I looked out the window again
6 and they appeared to be coming from the parking lot.
7 The mussel flashes appeared to be coming from the
8 parking lot.

9 Q The parking lot of the bakery?

10 A Yes, ma'am.

11 Q Did you see anything when you looked out of your
12 window?

13 A Outside of the gunshots not initially.

14 Q Did you see anything at any point that night?

15 A Yes. I went out -- after I got my kids, I went out
16 the front door because I heard something outside and
17 there was a Tahoe or a red vehicle to the left and
18 someone come running through the yard.

19 Q So what you believe to be a red Tahoe?

20 A It was a Tahoe, SUV parked in the bread company
21 parking lot.

22 Q Now, the person that you saw running from the yard,
23 were they running toward or away from this red Tahoe?

24 A Away.

25 Q Away. And do you recall what that person looked

1 like?

2 A I mean, I could tell you the size and height, but
3 as far as the identity, no. He was 5'8", 5'9"; 180, 190
4 pounds probably.

5 Q And was he running from the direction of the bread
6 company or away from?

7 A Away from the bread company.

8 Q So it's safe to say he probably passed right in
9 front of your home?

10 A Yes.

11 Q Or in close proximity?

12 A Yes.

13 Q Did you have an opportunity at that point in time
14 to look in the direction of the bread company?

15 A I guess you could say. I mean, I wasn't paying so
16 much attention to the bread company as I was the person
17 leaving until, of course, the vehicle pulled out of the
18 parking lot.

19 Q Now, you said you saw that one person that was
20 about 5'8", 5'9", did you see any other people in that
21 vicinity?

22 A No, ma'am.

23 Q So you didn't see anyone doing any shooting?

24 A No.

25 Q You just heard the gunshots?

1 A Correct.

2 Q And what happened next?

3 A The vehicle pulled back into the mobile home park
4 and I guess it circled around at the back and I guess
5 this individual got in and it drove off towards
6 Orangeburg.

7 Q Okay. And when you indicated that you saw this one
8 individual, you never saw anybody else that night around
9 that red Tahoe?

10 A I don't believe so. Not that I recall.

11 Q Now, let me ask you this, at any point in time did
12 you call 9-1-1?

13 A My wife did.

14 Q And ultimately did they come out that night?

15 A They did.

16 Q Did you talk to them that night?

17 A I'm sure I did.

18 Q Were there any neighbors outside that saw what was
19 going on?

20 A Not that I recall.

21 Q So when you walked out of your home, you never saw
22 anybody else in the neighborhood or the park kind of
23 witnessing what was taking place that night?

24 A Not that I recall.

25 Q So you said it appeared to be one person running

1 back to or away from the bread parking lot?

2 A Correct.

3 Q Did you hear that person say anything?

4 A Not that I recall.

5 Q Do you recall anything else taking place that
6 night?

7 A No, ma'am.

8 MS. GLOVER: No further questions, Your Honor.

9 THE COURT: Cross examination?

10 CROSS EXAMINATION BY MR. SIMS:

11 Q I just have one or two questions for you. You said
12 this person that you saw was about what, 5'8" or 5'9"?

13 A Yes, sir.

14 Q Did I hear you say that he was about 180 or 190
15 pounds?

16 A Yes, sir.

17 Q So it's kind of a big guy?

18 A Roughly, yes, sir.

19 Q Now, the bread -- the bread company is about how
20 far from your house again?

21 A The initial, I guess the corner of it, 20 feet, 25
22 feet roughly.

23 Q And how was the weather? Was the weather -- I
24 mean, how was the -- daylight? Evening?

25 A Nighttime. 10, 10:30 roughly.

1 Q And that person did what again?

2 A Well, whenever I seen him, he was running in front
3 of my home from that direction.

4 Q From the bread?

5 A Yes, sir.

6 Q Okay. So you couldn't identify who that was?

7 A No, sir.

8 Q Okay. The only thing you gave was a description of
9 a person about 5'8", 5'9", 180, 190 pounds?

10 A Yes, sir.

11 Q Kind of a big guy running?

12 A Yes, sir.

13 MR. SIMS: That's all I have.

14 THE COURT: Redirect?

15 MS. GLOVER: Yes, Your Honor.

16 REDIRECT EXAMINATION BY MS. GLOVER:

17 Q You said the person that was running away was about
18 5'8", 5'9"?

19 A Yes, ma'am.

20 Q And then you said that that person was about 180
21 pounds?

22 A Yes, ma'am.

23 Q Okay. Just for a frame of reference now, I'm 5'6"
24 and I'm about 140. So is it safe to say that guy wasn't
25 really a big guy but an average size guy?

1 A Roughly. I mean, at that point, he was like my
2 size and I was 180, 190 pounds. You know, I guess it
3 depends on how you interpret it. You know, either in
4 shape or out of shape, you know. So...

5 Q Okay.

6 MS. GLOVER: No further questions. Thank you.

7 RECROSS EXAMINATION BY MR. SIMS:

8 Q All of us don't look like her?

9 A No.

10 Q So she, you know, men have a different build?

11 A Correct.

12 Q So a 5'8", 5'9" man would look different than a
13 5'8" or a 5'6" or 5'7" woman?

14 A Correct.

15 Q And the way they carry the body weight would be
16 different?

17 A Correct.

18 Q And as a man who you said at that time was about
19 similar, you would kind of -- you gauged or you gauged
20 that man according to your own weight?

21 A Correct.

22 Q And you made your assessment based upon how -- what
23 you have knowledge of in yourself?

24 A Correct.

25 MR. SIMS: That's all.

1 THE COURT: All right, sir. You may come down. Any
2 objection to excusing this witness?

3 MS. GLOVER: No, Your Honor.

4 MR. SIMS: Could we take a break?

5 THE COURT: All right. Ladies and gentlemen, we are
6 going to take a ten minute break at this time. Morning
7 break. Just go to your jury room. Don't discuss the
8 case among yourselves while you're in the jury room.
9 We'll call you when we're ready. Thank you very much.

10 (WHEREUPON, the jury left the courtroom at 12:07
11 p.m.)

12 THE COURT: Stand at ease for ten minutes.

13 (WHEREUPON, there was a short break taken)

14 THE COURT: Call your next witness.

15 MS. GLOVER: At this time, the State calls Carolyn
16 Hayward Quarels.

17 CAROLYN QUARELS,
18 being first duly sworn, was examined and testified as
19 follows:

20 DIRECT EXAMINATION BY MS. GLOVER:

21 Q Good afternoon, Ms. Quarels. How are you?

22 A I'm good.

23 Q If you feel comfortable, could you remove your mask
24 and say your full name for the court reporter?

25 A Carolyn Cokley Quarels.

1 Q And just for our information, at any point in time,
2 did you go by Carolyn Hayward?

3 A Yes. I did, but I got married three years ago.

4 Q Thank you, Ms. Quarels. Ms. Quarels, where do you
5 currently reside? Which city?

6 A Spartanburg.

7 Q And back in 2012, where were you living?

8 A In Orangeburg County on St. Matthews Road, 4513.

9 Q The map that Lieutenant Shumpert is about to show
10 you, do you see your home on that map?

11 A It's right here.

12 Q And is this in Orangeburg County?

13 A Yes.

14 Q So, Ms. Quarels, I want you to go back to where
15 your home was on this map just briefly. And if you
16 could, is there a big white building next to it?

17 A Yes.

18 Q And what is that white building?

19 A It was the Captain John's bread place.

20 Q Would that have at any point in time been John
21 Derst Bakery?

22 A Yes.

23 Q And is there one house between your house and the
24 bread company?

25 A That's correct.

1 Q And this is where you were living in March of 2012;
2 is that correct?

3 A Yes.

4 Q Okay. And do you know the victim in this case
5 Taneris Hamilton?

6 A Yes.

7 Q How do you know Mr. Hamilton?

8 A He's in my family.

9 Q Is he related to you by blood?

10 A No.

11 Q Through marriage?

12 A Yes.

13 Q How about the Defendant, Lamont Samuel, do you know
14 Mr. Samuel?

15 A I know of him. Not really.

16 Q So he is not related to you; correct?

17 A No. He's in my family though.

18 Q All right. Are some his family members related to
19 you? How are the two of you related?

20 A His stepfather is my first cousin.

21 Q If I could direct your attention back to March 20th
22 of 2012. About 10 o'clock that night, can you tell the
23 jury what you were doing?

24 A Well, I just gotten in from work and I went inside
25 to change out of my work clothes. And I went to walk

1 back out on the porch. And when I walked out on the
2 porch, I seen a burgundy SUV pull in next door to the
3 bread distributing place. It was a lot of loud
4 shouting. And saw individuals exit the vehicle. And
5 there was still loud shouting and I heard gunshots.

6 Q How many individuals did you see exit the vehicle?

7 A Two.

8 Q How many gunshots did you hear?

9 A Well, I would say it was around five or six.

10 Q Now, these two individuals that you saw exit the
11 SUV, could you identify them?

12 A No.

13 Q Did you see any height, body size or anything like
14 that sort?

15 A It was dark, so, no.

16 Q And what were these two individuals doing?

17 A Well, there were talking loud to each other. And I
18 later seen them looking on the ground.

19 Q Okay. Now, you said you were going towards your
20 porch, is that in the front of your house or in the back
21 of your house?

22 A It's in the front. So after that, I went back in
23 the house and turned my porch light off.

24 Q And you testified that you saw an SUV pull into the
25 parking lot of the bread company, what color was that

1 SUV?

2 A It was burgundy.

3 Q And what was the next thing you noticed after
4 seeing that vehicle pull into the parking lot?

5 A Just a lot of loud shouting and a -- just a loud
6 shouting.

7 Q Did you see anything?

8 A I seen two people got out of the vehicle. And I
9 saw one person running back towards Orangeburg side.
10 And then the person got into -- another person got into
11 the vehicle and went back towards where the person went
12 running.

13 Q Now, the shouting, could you make out anything that
14 was --

15 A No, I couldn't tell what they were saying. No.

16 Q Could you tell whether they were female or male?

17 A Well, it sounded like males. Didn't sound like
18 females, but I'm not for sure.

19 Q Now, you said that you turned your porch light off,
20 was it on initially --

21 A Yes.

22 Q -- when you heard the gunfire?

23 A Yes.

24 Q And then you said you saw a person running from the
25 parking lot?

1 A Uh-huh.

2 Q What else did you hear after the initial voices?

3 A Well, after the gunshots you mean?

4 Q Yes.

5 A Just more shouting and nothing else.

6 Q And did you hear anything prior to them looking
7 towards the ground?

8 A Gunshots. Other than gunshots, no.

9 Q And where did the SUV go? Can you give a
10 description?

11 A I'm not for certain. I can't for certain say. But
12 some other individuals that was there said they went
13 back towards Orangeburg. But I didn't know because once
14 I turned my light off, I went back inside.

15 Q Did you see whether that SUV, that burgundy SUV
16 went to the right or to the left?

17 A No.

18 Q Okay. And you didn't recognize any of the people
19 that you saw running, did you?

20 A No, I couldn't because it was dark.

21 Q And did the police ultimately come out that night?

22 A Well, they came next door, not to my house.

23 Q Did you talk to them that night?

24 A No.

25 Q Did you ultimately talk to them at some point later

1 on?

2 A Yeah, later.

3 MS. GLOVER: No further questions.

4 THE COURT: Cross examination?

5 MR. SIMS: One moment, Your Honor. No questions,
6 Your Honor.

7 THE COURT: All right. You may come down, ma'am.
8 Thank you very much. May this witness be excused?

9 MS. GLOVER: Thank you, Your Honor.

10 THE COURT: Without objection. Next witness?

11 MS. GLOVER: Your Honor, at this point in time, the
12 State would call John Rast.

13 JOHN RAST,
14 being first duly sworn, was examined and testified as
15 follows:

16 DIRECT EXAMINATION BY MS. GLOVER:

17 Q Mr. Rast, could you state your full name for the
18 court reporter?

19 A John Rast.

20 Q Good morning, Mr. Rast. How are you?

21 A Fine.

22 Q Where do you currently work?

23 A Frito-Lay.

24 Q Where is that located?

25 A 301.

1 Q How long have you been at Frito-Lay?

2 A About seven years.

3 Q How long have you been at Frito-Lay?

4 A Seven years.

5 Q In 2012 around March, where were you working?

6 A Derst Bakery.

7 Q Where is that located?

8 A On 601.

9 Q Is this in Orangeburg County?

10 A Yes.

11 Q I'm going to show you State's Exhibit 21. Could
12 you tell us where Derst bread company is? And,
13 Mr. Rast, if you could, pick up that mic and maybe lower
14 your mask just a bit so that the jury can hear you.

15 Have you seen this map before, Mr. Rast?

16 A Yes.

17 Q Now, can you show us where the Derst bread company
18 was located?

19 A Right here.

20 Q And this is on 601?

21 A Correct.

22 Q And, again, how long did you work here?

23 A Six years.

24 Q Okay. Did you notice anything out of the ordinary
25 on March 21st or March 22nd at that bread company?

1 A It had bullet holes in the front of the building.

2 Q And make sure you speak directly into the mic so
3 that the jury can hear you.

4 MS. GLOVER: Your Honor, may I approach the witness?

5 THE COURT: Yes, ma'am.

6 Q Mr. Derst, I am going to show you three individual
7 pictures -- I'm sorry, Mr. Rast. I'm going to show you
8 three individual pictures, State's Exhibit 22, 23, and
9 24. Could you take a look at these pictures and tell me
10 what they are in chronological order starting with 22?

11 A 22 is the front of the warehouse.

12 Q Okay. 23?

13 A 23 is our bay door with a hole in it.

14 Q And, 24?

15 A Front of the building with a bullet hole in it.

16 MS. GLOVER: Your Honor, at this point in time, the
17 State would ask that we submit State's Exhibit 22
18 through 24.

19 THE COURT: Into evidence?

20 MS. GLOVER: Yes, Your Honor.

21 MR. SIMS: No objection.

22 THE COURT: Without objection. Go ahead.

23 (WHEREUPON, State's Exhibit Numbers 22 through 24
24 were entered)

25 MS. GLOVER: Beg the Court's indulgence.

1 Q Mr. Rast, could you tell us what this is a picture
2 of?

3 A The front of our warehouse.

4 Q Okay.

5 MS. GLOVER: And could you pull up Exhibit 23.

6 Q And could you tell us what this is, Mr. Rast?

7 A It's our bay door in front of our warehouse.

8 Q Is there anything abnormal about this picture?

9 A I got a bullet hole in the front of it.

10 Q Could you point that bullet hole out for the jury?

11 A (Witness complies)

12 Q Okay.

13 MS. GLOVER: And could you pull up Exhibit 24.

14 Q And, Mr. Rast, could you identify what this is for
15 State's Exhibit 24?

16 A That's the front of our warehouse again.

17 Q Is there anything abnormal about this picture?

18 A It's another bullet hole in the front.

19 Q Could you point that bullet hole out for us?

20 A (Witness complies)

21 Q Thank you. Now, Mr. Rast, these bullet holes, were
22 they there before March 21st?

23 A No, ma'am.

24 Q Did you ever speak with law enforcement about these
25 bullet holes that were found in your building?

1 A When I came back to work they were there.

2 MS. GLOVER: No further questions, Your Honor.

3 THE COURT: Cross examination?

4 CROSS EXAMINATION BY MR. SIMS:

5 Q Mr. Rast, I just have one question. When you told
6 law enforcement, did they make any effort to try to find
7 the cartridges -- or the bullets from those holes?

8 A They were already there looking for the cartridges
9 and stuff when I was there.

10 Q They were looking, but they didn't find any?

11 A I'm not sure about that. No, sir.

12 Q Okay. Did they indicate to you that they found
13 anything?

14 A I didn't ask them any questions or anything and
15 they didn't tell me anything.

16 Q Okay.

17 MR. SIMS: That's all I have, Your Honor.

18 THE COURT: All right. Any redirect?

19 MS. GLOVER: No, Your Honor.

20 THE COURT: All right. Can this witness be excused?

21 MS. GLOVER: Thank you, Mr. Rast.

22 THE COURT: Without objection. You're free to go,
23 sir. Thank you. Next witness?

24 MR. SORENSON: Billy Ethridge.

25 THE COURT: Sir, have a seat over here.

1 BILLY ETHRIDGE,
2 being first duly sworn, was examined and testified as
3 follows:

4 THE CLERK: Thank you. You may be seated and state
5 your full name for the court.

6 MR. ETHRIDGE: James William Ethridge.

7 DIRECT EXAMINATION BY MR. SORENSON:

8 Q And, Mr. Ethridge, you can take your mast off too.
9 And then if you wouldn't mind using the microphone
10 there. Hopefully it's on.

11 A Can you hear me?

12 Q Yes. If you would, Mr. Ethridge, please tell the
13 jury where it is that you're currently employed?

14 A Orangeburg Calhoun Technical College.

15 Q And what do you do at OC Tech?

16 A I'm a coordinator instructor over the criminal
17 justice division.

18 Q Okay. And prior that, were you in law enforcement?

19 A Yes, I was.

20 Q Tell the jury just briefly what your law
21 enforcement background is.

22 A Started off in Orangeburg County. Left about a
23 year. Went to Dorchester. Came back to Orangeburg
24 County. Mostly been in investigations. I left and went
25 to SLED. Worked for South Carolina Law Enforcement

1 Division and then I left there and chose to teach
2 full-time.

3 Q All right. And back in March of 2012, where were
4 you employed at that time?

5 A Orangeburg County Sheriff's Office.

6 Q Okay. And what were your duties?

7 A I was a supervisor in CID which was Criminal
8 Investigations and Narcotics.

9 Q Okay. And did you become aware on the evening of
10 March 20th of 2012 of a homicide that occurred at 4398
11 St. Matthews Road here in Orangeburg County?

12 A Yes, sir.

13 Q Okay. And what did you do then when that call came
14 out?

15 A I responded because I was the actual supervisor on
16 call.

17 Q Okay. And were any other investigators that
18 respond also?

19 A Correct. Investigator Gilliard was already on
20 scene. She was the investigator on call. Patrol
21 officers was there, the first responders. Crime Scene
22 was in route.

23 Q Okay. And at some point in time, did you become
24 involved in dealing with an individual out there at the
25 scene?

1 A Yes, sir.

2 Q And who was that?

3 A The Defendant.

4 Q Mr. Samuel?

5 A Mr. Samuels (verbatim).

6 Q Okay. And had Mr. Samuel returned back to the
7 scene or come up on the scene?

8 A Correct. He wasn't there when I arrived on scene.
9 He came back up -- he actually pulled back up in a
10 vehicle in the median right there on 601.

11 Q Okay. And do you remember what kind of vehicle it
12 was that Mr. Samuel arrived at the --

13 A I remember it was an SUV. That's about all I can
14 remember.

15 Q Okay. How about do you remember anything about the
16 condition of that SUV?

17 A Correct. It appeared to have bullet holes in the
18 side of it.

19 Q Okay. And what ultimately was done with that
20 vehicle that Mr. Samuel arrived in?

21 A It was towed. Protocol was to tow it back to the
22 sheriff's office.

23 Q Okay. Somebody from crime scene ultimately --

24 A Correct.

25 Q -- handle processing that vehicle?

1 A Correct. Later, yes.

2 Q Okay. Now, do you ultimately that night have an
3 opportunity to talk with Mr. Samuel?

4 A I did.

5 Q And where -- tell the jury where it is that that
6 occurred.

7 A We went back to the CID which was on Chestnut
8 Street.

9 Q CID is Criminal Investigation Division?

10 A Criminal Investigation Division, yes, sir.

11 Q Okay. And did he willingly accompany you or meet
12 you back there at --

13 A Correct.

14 Q -- CID?

15 A He came on his own free will.

16 Q And tell the jury what, if anything, did you go
17 over or do with Mr. Samuel prior to -- prior to
18 questioning him?

19 A Well, I mean, at first, we do the Miranda form.
20 And it's an actual form that we go over instead of
21 advising him verbally, we do a Miranda rights.

22 MR. SORENSON: May I approach the witness, Your
23 Honor?

24 THE COURT: Yes, sir.

25 Q And, Mr. Ethridge, if I can show you what's been

1 marked as State's Exhibit Number 1, do you recognize
2 that form?

3 A Yes.

4 Q Is that that Miranda form that you went over with
5 Mr. Samuel that night?

6 A Yes.

7 MR. SORENSON: Your Honor, at this time, we'd offer
8 State's 1 into evidence.

9 THE COURT: Any objection? Without objection?

10 MR. SIMS: No objection, Your Honor.

11 THE COURT: Thank you.

12 (WHEREUPON, State's Exhibit Number 1 was entered)

13 Q And, Mr. Ethridge, if you could kind of turn your
14 chair a little bit. If I could get you now to kind of
15 go over this form with the jury and how you would have
16 gone over it with Mr. Samuel that night.

17 A Correct. What we do is explain everything here at
18 the beginning. Just fill out -- the regular information
19 is the place, we were actually at CID. The date was
20 3/20/12 -- 2012. The time was 23:53. This was the
21 actual time that I was actually going to go over this
22 form with him. Okay. So that's military time, so a
23 little bit before midnight on that time.

24 And I actually read through each one. And as I
25 read through each one, I make sure -- this is his

1 handwriting here. And as you can see, that's my
2 handwriting up at the top. So I actually go through
3 each one and I read each one to him. You have the right
4 to remain silent; anything you say can and will be used
5 against you in court. Making sure he understands that
6 if he has any questions and if he's good with it, then
7 he will just initial by each one. Go through every one,
8 two, three, four, all the way down to number five. And
9 he's initialed by each one of them acknowledging them.

10 And then here, that's Mr. Lamont's signature right
11 here, "I UNDERSTAND MY RIGHTS." That's all he's doing
12 at that point in time is just making sure that he
13 understands what his rights are. And that's his
14 signature that he signed right there.

15 Can you scroll it up?

16 Q Let me back up real quick. Let's go back down to
17 the top, I'm sorry. And once again, the handwriting up
18 at the top above "State of South Carolina" and in
19 "Orangeburg County Sheriff's Office," whose handwriting
20 is all that?

21 A That up there is actually mine. Just sometimes I
22 ask personal information. I had his name, that's his
23 date of birth, his address, Social Security number is up
24 there. I asked him about any cell phone numbers that he
25 has that he could provide with us. He provided us with

1 two cell phone numbers. And I asked him who the
2 services are of the numbers sometimes and he gave me two
3 numbers, one was a Verizon number and one was an Alltel
4 number.

5 Q And that Verizon number is 971-0218?

6 A Correct.

7 Q All right.

8 MR. SORENSON: If you could scroll down.

9 Q That information would have come from who?

10 A The Defendant. Yes, sir. All right. And then
11 here, so he's already just acknowledged that he
12 understands his rights. So this is actually a waiver of
13 the rights. And I make sure he understands this as,

14 "I have read this statement of my rights. I
15 understand what my rights are. I am willing to make a
16 statement and answer questions. I do not want a lawyer
17 at this time. I understand and know what I am doing.
18 No promises or threats have been made to me and no
19 pressure or coercion of any kind has been used against
20 me."

21 Just to make sure he understands at this point in
22 time that's that waiver where he's actually agreeing,
23 yeah, I agree to talk with you give you any kind of
24 information. And then that's where he actually signs.
25 Again, that's his signature and that's my signature

1 where I actually witness it.

2 Q Okay. And you had some other information that's
3 written at the bottom there?

4 A I do. A lot of times I ask about education, you
5 know, because you want to make sure if someone does
6 understand what they're talking about. And I ask them
7 if they have any college, high school education. Which
8 he told me at this point in time he graduated Calhoun
9 County High School in 2010. I wrote that on there.

10 Q Okay. At the time when you were going over this
11 Miranda form with him and getting ready to attempt to
12 talk to Mr. Samuel was he under arrest or anything at
13 that time?

14 A No, he was not.

15 Q Did he indicate to you that he wished to waive
16 those rights and talk to you though that night?

17 A Agree. He was ready to talk.

18 Q Okay. Did you threaten him?

19 A No.

20 Q Make him any promises?

21 A No.

22 Q Coerce him in anyway to get him to talk to you?

23 A No.

24 Q And at any point in time in your talking to him
25 that night, did he indicate that he wanted a lawyer or

1 wished to stop talking?

2 A No.

3 Q And, ultimately, did you take a statement from him
4 that night?

5 A I did.

6 Q Okay.

7 MR. SORENSON: And may I approach the witness, Your
8 Honor?

9 THE COURT: Yes, sir.

10 Q Mr. Ethridge, I'm showing you State's Exhibit
11 Number 2, do you recognize that three page document?

12 A Yes.

13 Q And is that the statement that you then took from
14 Mr. Samuel that night?

15 A Correct.

16 MR. SORENSON: Your Honor, at this time, we'd offer
17 State's Number 2 into evidence.

18 THE COURT: Any objection?

19 MR. SIMS: No objection, Your Honor.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit Number 2 was entered)

22 Q And this statement that's up there on the
23 television, Mr. Ethridge, was that taken right after you
24 had gone over the advice and rights form that we just
25 went over?

1 A Correct. And as I said on the advisement rights,
2 that was a little bit before midnight, so this was 0:15
3 hours military time, so that's about 15 minutes after
4 midnight.

5 Q Now on to the 21st?

6 A Yes, sir. It would be on the 21st rather than the
7 20th right after midnight.

8 Q And this statement, this three page statement,
9 whose handwriting is this statement in?

10 A Mr. Samuel's.

11 Q And yet again when he gave this statement, did you
12 force him to write anything that's on this document?

13 A No, sir.

14 Q Or pressure him in any way?

15 A No, sir.

16 MR. SORENSON: Your Honor, if I could -- can I
17 publish this for the jury now?

18 THE COURT: Yes, sir.

19 MR. SORENSON: Do you mind me reading it?

20 (No response)

21 Q So it's on 3/21/12; as you indicated at 0:15 hours;
22 Lamont A. Samuel. Does that have his address on St.
23 Matthews -- in St. Matthews, South Carolina? What is
24 that address?

25 A 178 Haywood Lane, St. Matthews, South Carolina.

1 Q Okay. All right. So now the statement begins:

2 "Hello, my is Lamont Samuel. I came over to tweety
3 Bird house daytime" --

4 MR. SIMS: Excuse me, Your Honor. This is a
5 statement that he took. Who's going to read this? The
6 witness or Mr. --

7 MR. SORENSON: I mean, I just asked the Court if I
8 could publish it.

9 MR. SIMS: So publish it by letting him read it.

10 THE COURT: That's fine. It's up --

11 MR. SORENSON: I mean, I did it last time.

12 MR. SIMS: Just let him read it.

13 MR. SORENSON: Okay.

14 Q Mr. Ethridge, they said you would read it.

15 A Okay. We're good. It says, "Hello my name is
16 Lamont Samuel. I came over to tweety Bird house daytime
17 it was me tweety -- tweety Bird and his girlfriend.
18 When I got in I said what's up. I said nothing. He say
19 damn. You don't" -- read the exact words? I just need
20 to make sure.

21 THE COURT: Say the words.

22 MR. ETHRIDGE: Yes, sir.

23 A You don't fuck with a nigga no more. I said yea.
24 Why you say that Tweety Bird then mentioned so what you
25 was up to. I said nothing chilling man. So after that

1 his girlfriend was talking to me saying she was gona try
2 to get \$20 out of him to get something to eat. So we
3 talking, laughing, joking like we always do. This is
4 when Steve walked in.

5 At this point everybody is still there me, Tweety
6 Bird, his girlfriend, and Steve. Well, Steve came in to
7 by some drugs (dust) so his girlfriend gets on the phone
8 with the Chinese people to place an order. At this time
9 Tweety Bird was serving drugs so I'm playing the game.
10 His girlfriend ask him for the money. He finally gave
11 it to her. So she walk outside and got in the truck.
12 My mother pulled up to get my little brother's DSI
13 (game). I gave it to her. So (mama) she left and
14 Tweety Bird girlfriend left.

15 After she left, it was me Tweety Bird and his
16 brother Steve. I am still playing the game. Tweety
17 Bird selling drugs to his brother. So I said Tweety
18 Bird, I'm about to leave so I could ok meet my
19 girlfriend. So that she at this time I would like to
20 correct this area of my statement. I pulled up at
21 Tweety Bird house during the daytime. Walked in,
22 started talking to my cousin Tweety Bird and his
23 girlfriend. We laugh and talked for about 30 mins until
24 Steve pulled up. Once Steve pulled up he came in.
25 Everybody said hay (what's up). So he came in. Tweety

1 Bird started talking to him about the drugs. At this
2 time I was playing the game while his girlfriend was
3 asking for \$20 to get something to eat.

4 After Tweety Bird finally gave her the money, she
5 walked outside. I went afterwards because she said
6 (Lauren) was out there. Well, I looked and it was my
7 mother. I went to the truck and gave my mother my Lil
8 brother's DSI (game). After that, the girlfriend pulled
9 off. After my mother pulled off.

10 At this time, I went back in the house with Steve
11 and Tweety Bird. He was still selling him drugs. I
12 started back playing the game so Steve was steady trying
13 to get more drugs with less money. Tweety Bird said
14 nigga you only gona get what your money payed for. So
15 Tweety Bird gave him the drugs. He looked at it, rolled
16 up a coolie meaning power in a cigarette.

17 At that time I'm still playing the game. So Steve
18 waiting for a lil bit so I said I was about to leave.
19 Tweety Bird said wait. I said man I had to wait on my
20 girlfriend to leave the house so she can meet me with my
21 food. So Tweety Bird said just wait lil cousin. So I
22 was like alright. And I sat down and started playing
23 the game again.

24 During this time, Steve was still here, so as I
25 continue my game, Steve said he was about to leave. So

1 he went outside, but didn't left. So he finally pulled
2 off. Tweety Bird said, check to see whether somebody
3 was out there. I said no shut the door back. After 30
4 seconds with me and Tweety Bird in the house, I said I'm
5 about to go.

6 So Tweety Bird said go head my ol lady on the way
7 back. So I open the door, walked out, seen a green
8 above parked. I hurry and got in the truck and let the
9 seat back. Right then and there before I could look up,
10 two guys approached the house. I couldn't get a good
11 look at him because I was scared, so I stayed there
12 didn't move just layed back.

13 I heard shot -- shots fired. They took a lil
14 minute in the house, so there I was sitting scared, so
15 they came out. Steve and another dude. So I crank my
16 truck up. Before I could take off, shots was fired at
17 me. I drove. They chased me for a little min then I
18 took off. They turned off somewhere and I called the
19 police and hung up after that. I called my mom and she
20 told me to hold on. It says, "(drug related theft). I
21 fired shots from my vehicle about six times because they
22 was shooting at me. (Verbatim)

23 Q Okay. And who signed that?

24 A Lamont Samuel.

25 Q Okay. And then is that witnessed also by?

1 A Myself and Investigator Gilliard.

2 Q Okay. All right. So at the end of that statement,
3 Mr. Samuel indicates to you that he had actually fired
4 some shots from his vehicle?

5 A Correct.

6 Q Okay. Do you ultimately -- has he -- was he
7 arrested that night after that statement?

8 A No.

9 Q Okay. Do you ultimately make arrangements to meet
10 back up with him now later on the 21st in an attempt to
11 obtain the gun that he indicates that he was firing from
12 his vehicle?

13 A Correct. We met him later that day.

14 Q Okay. And where was it that you met up with
15 Mr. Samuel?

16 A It was in Calhoun County close to Sweetwater Lake.
17 It was a pond/creek right down the road from Sweetwater
18 Lake access.

19 Q Okay. And who did you meet out there?

20 A Myself, Mr. Lamont. I think it was his mom and
21 some other people in the car. Lieutenant Williams from
22 the Orangeburg County Sheriff's Office also went out
23 there with me at that point in time.

24 Q Okay. Anybody from Calhoun County meet that day
25 out there?

1 A I left -- I left there with a scene over to
2 Lieutenant Williams at that point in time. I'm not
3 aware of exactly who else met out there at that point in
4 time.

5 Q Okay. Did Mr. Samuel show you -- what was the
6 purpose of you going out to this pond or creek area?

7 A At that point in time, he was stating he had thrown
8 the gun in the pond and he was showing us about the area
9 so we could try to secure the scene and obtain the
10 weapon.

11 Q Okay. And did that search get turned over to other
12 individuals to attempt to search that area for the gun?

13 A Correct. I wasn't involved in that part.

14 Q Okay. What did you then do though after that?

15 A I went back to the same place, CID on Chestnut
16 Street, and Mr. Samuel met me back there at that time.

17 Q Okay. And did you have an opportunity to then talk
18 to him a little more that afternoon?

19 A I did.

20 Q Okay. And I'm showing you State's Exhibit Number
21 3. Did you advise him of his rights again?

22 A I did. Just as I did, you know, because time
23 period elapsed before I spoke to him again this time I
24 advised him of his rights same as I did the previous
25 night.

1 Q Showing you State's Exhibit Number 3. Is that the
2 document that you went over then with him?

3 A It is.

4 Q On the afternoon of March 21, 2012?

5 A Yes, it is.

6 MR. SORENSON: Your Honor, at this time, we'd offer
7 State's 3 into evidence.

8 THE COURT: Any objection?

9 MR. SIMS: No objection, Your Honor.

10 THE COURT: Without objection.

11 (WHEREUPON, State's Exhibit Number 3 was entered)

12 Q And is this basically the same form that was used
13 the night before?

14 A Yes. The exact same form.

15 Q I'm not going to go over it like we did, but did
16 you go over it with Mr. Samuel again?

17 A I did the exact same way as -- that I had done
18 previously.

19 Q And did he indicate that he still wished to talk
20 with you?

21 A Correct. Yes, sir.

22 Q Okay. And, yet again, did you pressure him at all
23 to talk with you or meet with you or any of that?
24 Threaten him in any way?

25 A No, sir.

1 Q And, ultimately, did you take another statement
2 from him?

3 A I did not.

4 Q Okay. And why didn't you take another statement
5 from him?

6 A He was -- the same story. He was giving us the
7 same story he had given us previous.

8 Q So wasn't really changing anything from the night
9 before?

10 A No.

11 Q Now, Mr. Ethridge, did you have any further
12 involvement then kind of after that afternoon on -- of
13 March 21st with Mr. Samuel?

14 A No, I did not.

15 Q Okay. Were you aware of whether or not other
16 investigators with the sheriff's office continued with
17 this investigation?

18 A Yes.

19 MR. SORENSON: That'd be all I have from this
20 witness.

21 THE COURT: Cross examination?

22 MR. SIMS: One moment, Your Honor.

23 CROSS EXAMINATION BY MR. SIMS:

24 Q I just have a few questions. In Mr. Samuel's
25 statement it was acknowledged that this was a drug

1 house; is that right? Where Mr. Samuel's and Tweety
2 Bird and his girlfriend lived?

3 A I mean --

4 Q That's what he told you?

5 A Yes. Yes.

6 Q And he told you that when he was at the house that
7 Steve came. Steve and another person; is that correct?

8 A Correct.

9 Q And he told you that Steve and Tweety Bird were
10 basically going back and forth about how much drug --
11 how much could he get for the money that he was wanting
12 to buy?

13 A Right. That's what he put in his statement, yes,
14 sir.

15 Q And did you ever go in the house?

16 A No, sir. I don't recall going in the house.

17 Q Okay. So then I believe you were told that as he
18 got ready to leave there were some other people who had
19 come over. Did I hear you right?

20 A Correct.

21 Q Okay. He got in the car and they were shooting at
22 him; is that right?

23 A That's what he said in his statement, yes, sir.

24 Q And then he said he shot back at them?

25 A Yes, sir.

1 Q But no question that the deceased was dealing
2 drugs?

3 A Per his statement that's what his statement says,
4 yes, sir.

5 Q And they were buying -- people were coming in to
6 buy and he was selling?

7 A In his statement that's what he says, yes, sir.

8 MR. SIMS: That's all I have, Your Honor.

9 THE COURT: Redirect?

10 MR. SORENSON: Nothing, Your Honor.

11 THE COURT: All right. You may come down, sir.

12 Thank you very much. This witness be excused?

13 MR. SORENSON: No objection from the State, Your
14 Honor.

15 THE COURT: Without objection.

16 MR. SORENSON: May we approach?

17 THE COURT: Certainly.

18 (Bench conference)

19 THE COURT: All right. Ladies and gentlemen, we're
20 going to take a lunch break at this time. I ask you to
21 be back in the jury room at two o'clock at which time, I
22 know it's -- that's a full hour. At this time we'll
23 call you down and continue with the trial.

24 Again, don't discuss the case among yourselves while
25 you're in the jury room. Stay seated until the jury

1 leaves, please. Well, do whatever madam bailiff says.

2 (Laughter) But don't discuss the case among yourselves
3 when you return to the jury room, with anyone else over
4 the lunch hour, and we'll see you back at two o'clock.

5 Thank you.

6 (WHEREUPON, the jury left the courtroom at 1:10
7 p.m.)

8 THE COURT: All right. Stand at ease until two
9 o'clock.

10 All right. We're back on the record.

11 Counsel, there have been two statements introduced
12 so far and it's my understanding that there previously
13 was a *Jackson v. Denno* hearing with regard to the
14 voluntariness of these statements. And either the Court
15 ruled that they were admissible or both parties
16 stipulated that they were admissible and voluntary; is
17 that correct? If you'll give me the history for the
18 record.

19 MR. SORENSON: Yes, sir. So this case was
20 originally tried back in 2013. So prior to that initial
21 trial, we had a full *Jackson v. Denno* hearing involving
22 about seven different written and/or oral statements
23 where Judge Goodstein found all of them to be
24 admissible. When we got ready to -- after this case got
25 overturned and we got ready to try it again at the

1 beginning of the year, we convened on February 12th of
2 2020 here in Orangeburg County in front of Judge Dickson
3 and -- for the purpose of doing -- basically redoing all
4 of those -- that full *Denno* hearing. I had all of my
5 witnesses here. And at that point in time, Mr. Sims
6 indicated to the Court that his client wished to waive
7 any further pretrial motions with regards to and we put
8 on the record all of the substance, who those statements
9 were given to whether they were written, oral, advice of
10 rights that were administered, that he wished to waive
11 any further pretrial hearings on any of those
12 statements.

13 We attempted to try this case in February. Resulted
14 in a mistrial during the jury selection based on the
15 conduct of one of the jurors. Then COVID hit, so that
16 fast forwarded to now.

17 We appeared back in front of Judge Dickson on
18 November 5th of this year in Dorchester County. And at
19 that point in time, we handled a couple of matters and
20 one of them was getting the Defense to basically
21 reiterate the fact that they were not requesting any
22 further pretrial matters regarding *Jackson v. Denno* on
23 any of these statements either the oral and/or written
24 statements.

25 THE COURT: Regarding voluntariness?

1 MR. SORENSON: Voluntariness; correct.

2 THE COURT: And that's the issue?

3 MR. SORENSON: That's kind of where we left it.

4 Yes, sir. That he was properly advised of his rights if
5 they need be and that the statements were freely and
6 voluntarily given to law enforcement.

7 THE COURT: Mr. Sims, is that correct?

8 MR. SIMS: Your Honor, that's correct. We did have
9 a hearing and it was put on the record, Mr. Samuel --
10 the judge questioned him specifically in regards to his
11 rights in the *Jackson v. Denno* and he indicated that he
12 would not challenge those statements.

13 THE COURT: Not challenge the voluntariness?

14 MR. SIMS: He just said he was not going to
15 challenge any aspect of it. He was not going to fight
16 or raise any issues as it relates to those statements.

17 THE COURT: And that's on the record somewhere?

18 MR. SIMS: It's on the records twice when -- back in
19 February 12th and also in November in Dorchester County.

20 THE COURT: Okay. And Judge -- that's Judge
21 Dickson?

22 MR. SIMS: Yes, sir.

23 THE COURT: Did he actually question the Defendant?

24 MR. SIMS: Yes, sir.

25 THE COURT: Okay.

1 MR. SORENSON: And we have transcripts of those if
2 you want them.

3 THE COURT: No, I just want -- for this record.

4 MR. SORENSON: Yes, sir.

5 THE COURT: And Judge Dickson never reduced that to
6 a written orders; is that my understanding?

7 MR. SORENSON: He instructed us to get the
8 transcripts of it. So I do have it and that's what...

9 THE COURT: All right.

10 MR. SIMS: And it was my assumption, it was my
11 understanding that it would made a part of -- even
12 though we wouldn't have to go through, but it would be
13 made -- that transcript would probably be made a part of
14 this record also.

15 THE COURT: Of this record; is that correct?

16 MR. SORENSON: We can do that.

17 THE COURT: That would probably be a good idea. I'm
18 just trying to avoid any appellate issue on this issue.
19 Any appellate claims on this issue.

20 All right. If you can make them a part of the
21 record just so when the record is compiled it will all
22 be there.

23 MR. SIMS: Yes, sir. Thank you.

24 THE COURT: All right. Stand at ease until two
25 o'clock.

1 (Lunch break)

2 (WHEREUPON, the jury came into the courtroom at 2:04
3 p.m.)

4 MS. GLOVER: Your Honor, at this time, the State
5 would like to call --

6 THE COURT: Wait a minute. We need the Defendant.

7 (The Defendant entered the courtroom)

8 THE COURT: All right. Solicitor, call your next
9 witness.

10 MS. GLOVER: Thank you, Your Honor. At this point
11 in time, the State would like to call John Stokes.

12 JOHN STOKES,
13 being first duly sworn, was examined and testified as
14 follows:

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION BY MS. GLOVER:

17 Q Investigator Stokes, could you state your full name
18 for the record.

19 A My name is John C. Stokes.

20 Q Thank you. And where are you currently employed?

21 A I'm employed with the Orangeburg County Sheriff's
22 Office as the sergeant in the Criminal Investigations
23 Division.

24 Q How long you been employed there?

25 A Seventeen years.

1 Q Do you respond to a variety of different incidents?

2 A Yes, I do.

3 Q Were you involved in a homicide investigation on
4 March 20th of 2012?

5 A I was.

6 Q Did you go to the scene of that homicide?

7 A I did.

8 Q And where was that at?

9 A It was located at 4398 St. Matthews Road in
10 Orangeburg.

11 Q And what did you learn about that incident?

12 A When I arrived on scene, I noticed that the victim
13 was lying in the front part of the residence in a puddle
14 of blood. He was deceased.

15 Q And did you learn of any possible suspects?

16 A Yes. At that time I was advised that the -- of the
17 two suspects -- possible suspects at the time was a
18 Steven and Lamont.

19 Q Did you meet with either of those individuals?

20 A I did. After I meet with the Lamont suspect later
21 he came back to the scene when I was there.

22 Q The scene at St. Matthews Road?

23 A Correct.

24 Q And how did he get back to the scene?

25 A He drove some type of SUV.

1 Q Do you know the color of that SUV?

2 A I think it was burgundy.

3 Q And what was the condition of that vehicle?

4 A The windows were all shot out in it.

5 Q Did the Defendant stay at the scene?

6 A He stayed there for a moment of time then I gave
7 him an escort back to the central investigations office
8 located here in Orangeburg.

9 Q Did you do any further investigation in this case?

10 A No, I didn't actually do any investigating, but I
11 went to obtain a search warrant for the residence.

12 Q What did you do next after obtaining that search
13 warrant?

14 A Once I responded and we met with Judge Dash in
15 reference to the search warrant, I responded back to the
16 scene. That's when I met with Captain Carter.

17 Q Who executed that search warrant?

18 A Captain Carter.

19 Q Did you have any involvement -- other involvement
20 in this case?

21 A No, I didn't.

22 Q Did you investigate a shooting incident on April
23 3rd of 2012?

24 A Yes, ma'am, I did.

25 Q And where did you respond?

1 A I responded to the Regional Medical Center in
2 Orangeburg.

3 Q Was a search warrant obtained in that case?

4 A Yes, it was.

5 Q And what was the subject of that search warrant?

6 A It was Jerry McKnight's Oldsmobile.

7 MR. SIMS: Your Honor, there's a matter that we need
8 to take up with the Court, if we can come approach?

9 (Bench conference)

10 THE COURT: All right. Ladies and gentlemen,
11 there's a matter of law that I need to take up with the
12 attorneys. Now, this -- I sort of told you before we
13 got started -- y'all have a seat. That from time to
14 time there are matters of law that I need to take up
15 with the attorneys which means I need to discuss
16 something with them on the record about whatever they're
17 concerned about and those conversations need to be taken
18 up outside of the presence of the jury. So I'm going to
19 ask you -- this doesn't happen very often, but
20 occasionally during a trial it does come up. I'm going
21 to ask you to step out. It shouldn't --

22 THE BAILIFF: Come this way.

23 THE COURT: -- shouldn't be very long. They don't
24 have to go back upstairs do they?

25 THE BAILIFF: No. I'm taking them to separate

1 rooms.

2 THE COURT: Okay. Good. Thank you very much.

3 Appreciate your patience, ladies and gentlemen.

4 (WHEREUPON, the jury left the courtroom at 2:21

5 p.m.)

6 THE COURT: All right. Mr. Sims?

7 MR. SIMS: Your Honor, the State is -- or Exhibit
8 Number 25 and Officer Stokes testified in regards to a
9 Jerry -- a Jerry McKnight and going to the hospital to
10 see a Jerry McKnight who had been wounded. Jerry
11 McKnight, he is the brother of this Defendant. But he
12 had nothing do with this case and is not involved in
13 this case at all and showing bullet wounds -- bullet
14 holes --

15 THE COURT: That he went to the hospital?

16 MR. SIMS: Yeah. He stated that he went to the
17 hospital.

18 THE COURT: When?

19 MR. SIMS: I think he said he went to the hospital
20 --

21 MR. SORENSON: April 3rd.

22 THE COURT: Of 2012?

23 MR. SORENSON: Yes, sir.

24 THE COURT: Go ahead.

25 MR. SIMS: And it absolutely has nothing to do with

1 the case involving my client. This has nothing to do --
2 that was a matter of Jerry McKnight getting shot by
3 somebody else, it had nothing to do with this case.

4 THE COURT: I don't know that at this point. I
5 understand. I understand what you're saying.

6 MR. SIMS: Yes, sir.

7 THE COURT: How about it, Solicitor?

8 MR. SORENSON: May I address this, Your Honor?

9 THE COURT: Sir?

10 MR. SORENSON: May I address this?

11 THE COURT: Yeah. Go ahead.

12 MR. SORENSON: Your Honor, the relevance would be
13 and we'll get further tied up with the next witness.
14 But this vehicle that belongs to the Defendant's
15 brother, who he was residing with in Calhoun County at
16 the time of our incident, two weeks later that vehicle
17 is found and ultimately it's the next witness would
18 testify that he actually executed the search warrant on
19 this vehicle and the Springfield 9mm that Ms. Wolfe
20 testified was one of her guns that was missing from the
21 home after the homicide is found in a laundry basket in
22 the back of that vehicle. So I do think it's relevant
23 that we can tie a gun that was stolen from our incident
24 to an individual that this Defendant was residing with
25 at the time of the incident two weeks later.

1 We hadn't gotten into any of the specifics around
2 what happened with this vehicle. I don't care about any
3 of that.

4 THE COURT: McKnight is -- how is he related?

5 MR. SORENSON: The Defendant's brother who he was
6 living with in Calhoun County.

7 THE COURT: Is it blood brother?

8 MR. SORENSON: I believe they have the same mother.

9 MR. SIMS: Your Honor?

10 THE COURT: Yeah. Go ahead.

11 MR. SIMS: In terms of tainting him, my client with
12 something that was found in his brother's car, a laundry
13 basket, simply because he says that my client and his
14 brother were living together at one point. I think, you
15 know, the prejudicial --

16 THE COURT: They have to prove that. But if the
17 murder weapon, if they can link this gun, the murder
18 weapon to that car, it's clearly relevant.

19 MR. SIMS: I think -- he didn't say it was murder.
20 He said it was a -- one of the weapons that was owned by
21 --

22 THE COURT: Her.

23 MR. SIMS: -- by her. Not that it was a murder
24 weapon.

25 THE COURT: Well, you're right. They haven't --

1 they haven't gotten there yet.

2 MR. SORENSON: And we're not going to get there.
3 It's not one of the murder weapons. It was one of the
4 guns that were stolen during the incident that he then
5 uses to shoot up his own vehicle in that bread company
6 parking lot.

7 THE COURT: Okay. I thought it was going to be
8 connected up as the murder weapon or one of the murder
9 weapons.

10 MR. SORENSON: It is not. The other gun that was
11 stolen is going to be and that's a whole separate
12 incident that we'll have to get into also. But --
13 because the other gun was also recovered in his
14 brother's possession.

15 THE COURT: The other gun also?

16 MR. SORENSON: Yes.

17 THE COURT: Well, this gun was stolen from Ms.
18 Wolfe; is that correct?

19 MR. SIMS: It was one of the guns that I believe she
20 said she owned or she had purchased. But they talked
21 about earlier when she took the stand that she had
22 purchased this gun and another gun.

23 THE COURT: And then she said they were gone?

24 MR. SIMS: She said they were gone.

25 THE COURT: Right.

1 MR. SORENSON: Right. And it is going to end up --
2 I mean, we're kind of jumping forward here, but
3 connecting the dots down the road where --

4 THE COURT: Well, that's what you need to do.

5 MR. SORENSON: Well, I understand that, but you have
6 to start somewhere. I mean, I can't put all of them in
7 at once. But I submit to you the evidence is going to
8 show that ultimately they recover three bullets from his
9 SUV that matched that gun. It's our position that he
10 went and shot his vehicle up which is the testimony that
11 you've heard this morning down --

12 THE COURT: The bullet holes in this?

13 MR. SORENSON: That's unrelated. And if it matters
14 if it's just us redacting that photograph, I don't care
15 about that. I mean, I care about -- unfortunately,
16 that's the only picture we have that can identify the
17 vehicle that they can use with the next witness. We're
18 not getting into any of the specifics. I mean, I don't
19 even know what they were about what happened on April
20 3rd other than the fact that they ended up searching a
21 vehicle belonging to his brother and recovering one of
22 our weapons, a weapon that was stolen from our homicide.

23 MR. SIMS: Jerry McKnight is not on trial here.
24 Lamont Samuel is.

25 THE COURT: But a gun that was stolen was found in

1 that car; is that right, Mr. --

2 MR. SORENSON: That is correct. A gun that was
3 stolen -- that our position was stolen --

4 THE COURT: From the scene?

5 MR. SORENSON: From the scene that she testified
6 that was under the pillow in the bedroom that is going
7 to then match bullets taken out of his vehicle --

8 THE COURT: All right. Objection is overruled.

9 MR. SORENSON: Thank you.

10 MR. SIMS: Your Honor, if I could make just one last
11 point?

12 THE COURT: Go ahead.

13 MR. SIMS: She indicated she did not -- she said
14 they were gone. Nobody said they were stolen. We don't
15 know gone and not stolen. She said they were just gone
16 when she got back. So we don't know how they came into
17 possession. I just want that --

18 THE COURT: I don't know if it was stolen either,
19 but it's a gun that was at the scene of the murder and
20 it was found in that car, if they can link that up. If
21 they can prove that, it's relevant.

22 MR. SIMS: Well, Your Honor, I'm from the old
23 school, you can't unring a bell if they can't do it, the
24 bell has rung.

25 MR. SORENSON: I mean, he overruled your objection,

1 so what are we un-ringing?

2 MR. SIMS: This is the first part of this. It's not
3 the whole thing. You were saying that you are going to
4 connect it with different things. If you don't connect
5 it then --

6 MR. SORENSON: You've had the transcript from when
7 it was connected last time. So I'm just --

8 THE COURT: All right. Let's move on. Bring the
9 jury, please.

10 THE BAILIFF: Yes, Your Honor.

11 (WHEREUPON, the jury entered the courtroom at 2:29
12 p.m.)

13 THE COURT: All right. Solicitor, you may continue.

14 MS. GLOVER: Thank you, Your Honor.

15 CONTINUED DIRECT EXAMINATION BY MS. GLOVER:

16 Q Sergeant Stokes, did you investigate a shooting
17 incident on April 3rd of 2012?

18 A I did.

19 Q And where did you respond?

20 A Regional Medical Center in Orangeburg.

21 Q Was a search warrant obtained in that case?

22 A It was.

23 Q And what was the subject of that search warrant?

24 A Jerry McKnight's Oldsmobile.

25 Q I'm showing you what's been marked as State's

1 Exhibit 25. Could you tell me what this is?

2 A Jerry McKnight's Oldsmobile.

3 Q And this was the subject of the search warrant?

4 A It was.

5 Q And this was the vehicle you observed at TRMC?

6 A It is.

7 Q Ultimately, was an inventory done on Mr. McKnight's
8 car?

9 A It was.

10 Q And who conducted that search?

11 A Captain Carter.

12 Q Thank you.

13 MS. GLOVER: No further questions, Your Honor.

14 THE COURT: Cross examination?

15 CROSS EXAMINATION BY MR. SIMS:

16 Q Sergeant Stokes, did you check the title to this
17 vehicle?

18 A I didn't.

19 Q Huh?

20 A I didn't.

21 Q And who's name was it titled?

22 A You asked me did I check it?

23 Q Yeah.

24 A I said I didn't.

25 Q You didn't?

1 A No.

2 Q So you don't know whether this car is titled to
3 Jerry McKnight or Jerry McKnight's, Sr.?

4 A I'm not one hundred percent sure. It was eight
5 years ago.

6 Q So it could be Jerry McKnight, Sr. and not Jerry
7 McKnight?

8 A I can't positively say that.

9 Q You can't say it's not?

10 A That's the vehicle that was driven to the hospital
11 by Jerry McKnight when he was shot.

12 Q Yeah. I understand that. But the question I asked
13 is, do you know for certain that this vehicle is in the
14 name of Jerry McKnight, Jr. or Jerry McKnight, Sr.?

15 A I don't.

16 Q Thank you.

17 MS. GLOVER: And you testified --

18 THE COURT: Any redirect?

19 MS. GLOVER: Yes, Your Honor.

20 REDIRECT EXAMINATION BY MS. GLOVER:

21 Q And you testified that this car was driven by Jerry
22 McKnight, Jr. when you responded to TRMC here in
23 Orangeburg?

24 A Correct.

25 MS. GLOVER: No further questions, Your Honor.

1 THE COURT: All right. May this witness be excused?
2 Any objection?

3 (No response)

4 THE COURT: No objection. Call your next witness.

5 MR. SORENSON: The State calls Matt Trentham.

6 MATTHEW TRENTAM,
7 being first duly sworn, was examined and testified as
8 follows:

9 MR. SORENSON: May it please the Court, Your Honor?

10 THE COURT: Yes, sir.

11 DIRECT EXAMINATION BY MR. SORENSON:

12 Q Good afternoon, Chief Trentham. If you would,
13 please tell the jury where it is that you're employed?

14 A Calhoun County Sheriff's Office.

15 Q And how long have you been with Calhoun County?

16 A Thirteen years.

17 Q Okay. What is your current duties there?

18 A Currently, I'm the chief deputy. I run the
19 day-to-day operations for patrol and in criminal
20 operations.

21 Q You can take your mask down too. Make it a little
22 easier to hear it.

23 Well, turn your attention if I could, so you were
24 working over in the Calhoun County Sheriff's Office back
25 in 2012?

1 A Correct.

2 Q I'm going to turn your attention if I could back to
3 March 21st and into the following day, March 22nd of
4 2012. Did you have any involvement in trying to search
5 for any item regarding this case that we're here about?

6 A Yes, sir. If you're referring to the search
7 warrant and search of the pond.

8 Q The pond, initially, yes, sir. Please tell the
9 jury what kind of -- what your involvement was in
10 searching a pond over in Calhoun County.

11 A The morning -- the first morning, I think it was
12 the 21st, I believe, we received information from
13 Orangeburg County. We had simultaneous investigations
14 going on at the same time, multiple incidents. But we
15 received information from Orangeburg County in reference
16 to one of their investigations that they had someone in
17 custody providing information to them that some weapons
18 had been disposed of in the Sweetwater area which is in
19 Calhoun County. Specifically, that some weapons had
20 been thrown into a small pond right off the roadway.

21 Initially, we went out, tried to gauge the depth of
22 the pond and it was at a depth where we couldn't just
23 walk out, you know, ankle deep, knee deep type water to
24 search it. So we ended up contacting, Lexington County
25 has a dive team with specialized equipment, underwater

1 metal detectors and trained personnel, so we contacted
2 them initially the first day of the search, but it was
3 already late in the afternoon.

4 So by the time they had kind of packed up their
5 stuff and gotten to us from training where they were at,
6 it was starting to get late and it was cool. The water
7 temperature wasn't good. So we were limited on what we
8 were able to do the first day. They just kind of scoped
9 it out a little bit and were able to kind of do a
10 preliminary search of the area.

11 So we came back the next day once it had gotten
12 daylight and warmed up and the dive team actually
13 brought out their equipment and we searched the pond
14 there.

15 Q Now, did -- ultimately, were you aware if there
16 were any weapons recovered during that search?

17 A Not in the pond, no, sir.

18 Q Do you know who that information had been provided
19 by?

20 A Initially, we did not. But during the
21 conversations that we had subsequent, it was brought to
22 our attention Lamont Samuel had provided that.

23 Q Okay. From being over in Calhoun County, did you
24 know who Mr. Samuel was?

25 A Yes, sir, I did.

1 Q Now, later on that second day, March 22nd of 2012,
2 were you involved in the execution of a search warrant
3 on that residence that was in Calhoun County?

4 A Yes, sir.

5 Q Do you remember where that residence was?

6 A I don't remember the number. It was on Haywood
7 Lane.

8 Q 178, does that sound --

9 A Probably. It was down towards the end on the
10 right. It was Mr. Samuel's and his brother's -- or his
11 half brother, Jerry McKnight, Jr.'s residence where they
12 stayed with their mother.

13 Q Okay. And during the execution of that search
14 warrant were any firearms located?

15 A Not any firearms physically, no, but we found some
16 evidence. Ammunition, boxes of ammunition and then we
17 expanded our search warrant to include some other items
18 and were able to recover a digital camera that had some
19 photographs.

20 Q Okay. And, ultimately, were you able to get a
21 search warrant and search that camera?

22 A We were, yes.

23 Q Any photos on that camera that appeared to be
24 relevant to this case that we're here about today as far
25 as firearms?

1 A Yes, sir. There was several photographs of
2 semiautomatic pistols. I believe it was a Smith and
3 Wesson .40 caliber 9mm. Several photos of Jerry
4 McKnight, Jr. holding both weapons in different poses.
5 And some of photos were actually clear enough to where
6 he was kind of bragging where he had held them up for
7 serial numbers could actually be visible.

8 MR. SORENSON: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes, sir.

11 Q I'm showing you, Chief, this series that is 29,
12 29(a), 29(b), and 29(c), are these four of the
13 photographs, some of them are cropped, but that were
14 taken off of that phone --

15 A Yes, sir.

16 Q -- of that camera?

17 A Yes, sir.

18 MR. SORENSON: Your Honor, at this time, we'd offer
19 State's 29, 29(a), 29(b) and 29(c) into evidence.

20 THE COURT: Any objection?

21 MR. SIMS: Same as my other objections, Your Honor.

22 THE COURT: Same objections?

23 MR. SIMS: Yes.

24 TH COURT: All right. Overruled.

25 (WHEREUPON, State's Exhibit Numbers 29, 29A, 29B,

1 and 29C were entered)

2 Q If you would, Chief, just kind of look at that. 29
3 is, I guess, a prescription bottle and who's name is on
4 that bottle that was on the camera?

5 A Jerry McKnight, Jr.

6 Q And 29(a) is a handgun?

7 A Yes, sir. That's a Smith and Wesson 9mm.

8 Q Is that a Smith & Wesson or a Ruger?

9 A Actually, I can't tell in that photo. It might be
10 a Ruger.

11 MR. SORENSON: May I approach?

12 (No response)

13 Q A little bit lighter there?

14 A Yes, sir. That's a Ruger.

15 Q All right. And then two other handguns?

16 A Those are the Smith & Wesson 9 and .40mm.

17 Q And then 29(c)?

18 A Yes, sir.

19 THE COURT: Speak up, sir.

20 A Same pistol.

21 Q And those were on the camera found at the Defendant
22 and his brother's residence?

23 A Yes, sir. They were located along with the
24 ammunition and the medicine bottles on Jerry McKnight,
25 Jr.'s dresser.

1 Q Fast forward to you a couple of days to March 31st
2 of 2012. Did you have an opportunity at that point in
3 time to briefly talk to Mr. Samuel?

4 A I did, sir.

5 Q Okay. And prior to you talking to him that day and
6 that was something unrelated; is that correct?

7 A Correct. It was an unrelated court matter.

8 Q And did you have an opportunity to advise him of
9 his Miranda warnings prior to that?

10 A I did, yes, sir.

11 MR. SORENSON: May I approach the witness, Your
12 Honor?

13 THE COURT: Yes, sir.

14 Q Showing you what's been marked as State's Exhibit
15 Number 9, do you recognize that document?

16 A Yes, sir.

17 Q And is that the Miranda form you went over with
18 Mr. Samuel on March 31st of 2012?

19 A Yes, sir, it is.

20 MR. SORENSON: Your Honor, at this time, we'd offer
21 State's Number 9 into evidence.

22 THE COURT: No objection? Same objection?

23 MR. SIMS: All this is subject to my objection.

24 THE COURT: Subject to Defendant's previous
25 objection it's admitted.

1 MR. SORENSON: On the statement?

2 MR. SIMS: Oh, that's the statement. I'm sorry,
3 Your Honor.

4 THE COURT: All right. No objection.

5 (WHEREUPON, State's Exhibit Number 9 was entered)

6 Q It's behind you there, Matt.

7 A Yes, sir.

8 Q All right. Looking at the information at the top
9 is whose information?

10 A That is Lamont Samuel.

11 Q Okay. And whose handwriting is that?

12 A It's all his.

13 Q His handwriting?

14 A Yes.

15 Q His phone number that he gave at that time is
16 803-971-0218?

17 A Correct. Yes, sir.

18 Q All right. And 178 Haywood Lane, is that the
19 address that you had executed that search warrant at
20 where the camera was found?

21 A Yes, sir.

22 Q Okay. And, ultimately, did you go over all these
23 rights with Mr. Samuel that morning?

24 A Yes, sir.

25 Q Okay. Did you promise him anything?

1 A No.

2 Q Threaten him?

3 A Not at all, no.

4 Q Okay. And, ultimately, did he indicate that he
5 wished to talk to you?

6 A Yes, sir, he did.

7 Q At the bottom there I see where one of the
8 questions is, who is your attorney. Does he give a
9 couple of names at that point in time? A Carl Grant and
10 a Byron Gibson?

11 A Yes, sir, he did. During the unrelated court
12 matter he had stated they were his attorneys.

13 Q Did he ever ask to --

14 A No, sir.

15 Q -- talk with them before talking with you at all?

16 A Not at all.

17 Q And, ultimately, did you take a statement from him?

18 A Yes, sir, we did.

19 Q Okay. And as a part of that statement -- let me
20 ask you this. At whose request were you even talking to
21 him that morning?

22 A His personal request.

23 Q And during the course of that, did he ultimately
24 make some statements in regards to the homicide that
25 we're here about today on St. Matthews Road over in

1 Orangeburg?

2 A Yes, sir, he did.

3 MR. SORENSON: May I approach the witness, Your
4 Honor?

5 THE COURT: Yes, sir.

6 Q I'm showing you -- I'm going to show you State's
7 Exhibit Number 10. Is that a portion of that statement
8 that you took from him that morning?

9 A Yes, sir.

10 Q Is that the part that's kind of relevant to our
11 case here?

12 A Correct. Yes, sir.

13 MR. SORENSON: At this time, we'd offer State's
14 Number 10 into evidence.

15 THE COURT: Any objection?

16 (No response)

17 THE COURT: Without objection.

18 (WHEREUPON, State's Exhibit Number 10 was entered)

19 Q And now -- so, I guess -- and this part of that
20 statement appears to be in kind of a question and answer
21 format; is that correct?

22 A Correct. Yes, sir.

23 Q Okay. So the question part, who would be asking
24 that question?

25 A That would be myself.

1 Q Okay. And the answer part would be whose answers?

2 A Those would be his in his handwriting.

3 Q And his is who?

4 A Lamont's handwriting.

5 Q Okay. So what's the first question that's on here
6 in regards to ours?

7 A The question is, "What is the name of the persons
8 who did the shooting on the 601" and then my initials.

9 Q Okay. And what was Mr. Samuel's answer to that?

10 A "Allen Fields and Stephen Johnson" with his
11 initials.

12 Q Okay. And then another question farther down.

13 A Yes, sir. The question is, "Do you think your
14 brother is with Gator" who is also known as Alan Fields?

15 Q Okay. What was his response to that?

16 A "Yes."

17 Q Okay. And what's the next question?

18 A "Do you know where Gator stays in Charleston?" And
19 his answer was, "No."

20 Q And is there a question about his mother being at
21 that scene prior to the shooting?

22 A Yes, sir. It says, "How long was your mother gone
23 from 601 when the shooting happened?" And he says his
24 mother was gone for 30 to 45 minutes.

25 Q Okay. All right. Now, ultimately, also when you

1 were talking with him, did he make any reference about
2 what kind of guns -- either gun or guns that Mr. Fields,
3 Gator, may have had?

4 A There was several guns. We spoke about the .40,
5 9mm, and a .32 caliber.

6 Q Okay. At some point in time during the course of
7 you talking with him, did Mr. Samuel request to speak to
8 anybody else investigator wise?

9 A Yes, sir. Obviously, there was multiple
10 investigations going and the incidence referencing
11 Orangeburg, he wanted to speak with an investigator from
12 Orangeburg because we obviously had nothing to do with
13 that.

14 Q Did he specifically ask for somebody in particular?

15 A He had been speaking with Riley Godwin and I'm
16 familiar with Riley from work.

17 Q And, ultimately, did you make contact then with
18 Investigator Godwin to come over and further talk with
19 Mr. Samuel that morning --

20 A Yes, sir.

21 Q -- on March 31st?

22 A Yes, sir, I did. And he did.

23 MR. SORENSON: That would be all I have, Your Honor.

24 THE COURT: Cross examination?

25 CROSS EXAMINATION BY MR. SIMS:

1 Q Sir, you were questioned about Exhibit 29. And in
2 that exhibit, there is the name of Jerry McKnight, Jr.
3 on this; is that correct?

4 A Correct. Yes, sir.

5 Q Okay. You indicated also that this weapon was
6 found?

7 A I believe that was either found or a photograph. I
8 can't recall exactly the specifics.

9 Q Or was that taken from the camera?

10 A I believe it was taken on the camera.

11 Q Here's another --

12 A Correct.

13 Q And that came from the camera?

14 A Yes, sir.

15 Q Do you know -- here's another one; right? Is that
16 correct?

17 A Yes, sir.

18 Q Do you know where Lamont Samuels (verbatim) was
19 when this search warrant was done?

20 A I believe in custody. I can't remember the
21 specifics of that.

22 Q Would you be surprised if I told you he had already
23 been in jail for four months?

24 A No, not at all. No.

25 Q So he was not at the house for about four months

1 and these things were found there, so he was already
2 incarcerated, so he had not been at the house for four
3 months?

4 A Yes, sir.

5 Q Now, did you know Alan Fields?

6 A Not prior to this incident, no.

7 Q Had he been on your radar over in Calhoun County?

8 A He had come up in this investigation as a subject
9 in our investigation in Calhoun County.

10 Q You're dropping your voice.

11 A Sorry. He came up in our investigation as a
12 subject involved in our investigation in Calhoun County.

13 Q Okay. One moment. And he gave you the name of
14 Alan Fields and Steven Johnson; is that correct?

15 A Correct. Yes, sir.

16 Q And you asked him, do you think your brother is
17 with Gator and he said, yes?

18 A Yes, sir.

19 Q And you asked him, do you know where Gator stays in
20 Charleston and he explained to you, no.

21 A Correct.

22 Q So these were statements that were voluntarily
23 given to you, not forced, not coerced, he was
24 voluntarily trying to participate and work with you all
25 so these issues could be solved?

1 A Correct. Yes, sir.

2 MR. SIMS: One moment. That's all I have at this
3 point, Your Honor.

4 THE COURT: Redirect?

5 MR. SORENSON: Beg the Court's indulgence just one
6 moment, Your Honor.

7 REDIRECT EXAMINATION BY MR. SORENSON:

8 Q You had testified earlier, Chief, that you had
9 responded out to the pond area on the 21st and the 22nd
10 of March?

11 A Yes, sir.

12 Q Then the search warrant at Mr. Samuel's house was
13 executed --

14 A Subsequent to that, yes, sir.

15 Q Like that day; right?

16 A Yes, sir. The end of the second day, I believe.
17 Yes, sir.

18 Q All right. So the phone would -- that these
19 pictures were on was collected when?

20 A It wasn't a phone, it was --

21 Q I'm sorry. Camera. I keep saying phone.

22 A Digital camera, yes, sir. It was collected that
23 day, that evening.

24 Q Okay. So March 22nd. So not four months later as
25 Mr. Sims just implied?

1 A Correct. Or, yes, four months prior.

2 Q Now, obviously, that camera was subsequently, I
3 think you testified you got a search warrant to
4 subsequently search that camera later on; is that
5 correct?

6 A Correct. Yes, sir.

7 Q Okay.

8 MR. SORENSON: That would be all I have.

9 THE COURT: Yes, sir.

10 MR. SIMS: Just one or two more questions.

11 RECROSS EXAMINATION BY MR. SIMS:

12 Q When did you get the search warrant for the camera?

13 A Say that again, sir.

14 Q When did you get the search warrant for the camera?

15 A We initially executed the search warrant on the
16 house. We actually obtained two separate search
17 warrants on the residence and the camera and several
18 other digital items were collected at the time.

19 Subsequent to that, I believe it was the next day, it
20 was within a few days of the initial search warrant we
21 further executed search warrants on those digital
22 devices before, you know, before accessing the cameras.

23 Q When you got the search warrant for the camera was
24 Mr. Samuels in jail at that time?

25 A I'm not really sure, sir.

1 Q So you have no way of knowing -- did you do a date
2 stamp on the camera, on the pictures to determine when
3 those pictures were taken?

4 A I don't recall all the things that we did with the
5 photographs. I do recall we found the photographs up
6 under the side. But as far as testing and forensic
7 evaluation of the camera and so forth, I don't recall if
8 we did anything with it.

9 Q Okay. So you have no way of knowing when those
10 pictures were taken and by whom those pictures were
11 taken?

12 A No, sir.

13 Q Okay. Thank you.

14 THE COURT: All right, sir, you may come down.
15 Thank you very much. May the witness be excused?

16 MR. SIMS: No objection, Your Honor.

17 MR. SORENSON: No objection.

18 THE COURT: Without objection. Next witness.

19 MR. SORENSON: The State calls Captain Gerald
20 Carter.

21 GERALD CARTER,
22 being first duly sworn, was examined and testified as
23 follows:

24 DIRECT EXAMINATION BY MR. SORENSON:

25 Q Good afternoon, Captain. If you would, please tell

1 the jury where you're employed.

2 A The Orangeburg County Sheriff's Office.

3 Q You can take your mask down. And if you would, I
4 need you to make sure you keep your voice up or use the
5 microphone. Okay.

6 If you would, tell the jury how long have you been
7 with the Orangeburg County Sheriff's Office?

8 A Twenty-eight years this coming March.

9 Q Okay. And what are your current duties there?

10 A I'm the captain over the investigative division of
11 the Orangeburg County Sheriff's Office.

12 Q Okay. And how long have you been employed in that
13 capacity?

14 A About four and a half years.

15 Q Okay. And back in 2012, what capacity were you
16 employed at that time?

17 A I was the lieutenant over the forensic services or
18 the CSI unit.

19 Q Okay. All right. And how long have you -- did you
20 work in the CSI unit at the sheriff's office?

21 A All total about 11 and a half years.

22 Q Okay. Specifically, back on the night of March
23 20th of 2012, did you respond that night in your
24 capacity as a crime scene investigator to this scene?

25 A Yes.

1 Q Okay. And if you would, tell the jury where it is
2 that you responded to.

3 A It was a location on Highway 601 headed towards St.
4 Matthews. I don't remember the exact address.

5 Q All right. Do you have your report?

6 A It would have been at 4398 St. Matthews Road.

7 Q Okay. And that is, obviously, since you were
8 responding there that is located in Orangeburg County?

9 A Yes, sir.

10 Q Okay. And if you could, I'm showing you State's
11 Exhibit Number 21, can you point out that incident
12 location on there?

13 A Yes, sir. It would be right here. This house.
14 Another building close. But this house would be the
15 residence I responded to.

16 Q All right. And briefly describe for the jury kind
17 of when you got there what the scene was like when you
18 arrived there, Captain.

19 A Once I was notified to respond to that location,
20 once I arrived, there were multiple officers were
21 already on scene. It's a wood frame house. I was told
22 that the officers once they arrived, they believed they
23 had a shooting incident based on what they observed and
24 a deceased individual inside.

25 Q Okay. And did you at that point in time -- let me

1 ask you, ultimately, was a search warrant obtained to
2 search that residence?

3 A Yes, sir, it was.

4 Q All right. And showing you State's Exhibit Number
5 18, is that the residence we're talking about?

6 A Yes, sir. State's Exhibit 18 would be a shot of
7 the front of the house.

8 Q It's behind you there. Where was that taken from
9 kind of?

10 A It's a slight angle, closer to St. Matthews Road.
11 Obviously, it's at an angle, but it's the front of the
12 house.

13 Q Okay. And then show you State's Exhibit Number 19.

14 A That's also a photo of the front of the house. A
15 little bit closer and more centered in front of the
16 house.

17 Q Okay. And then I'm just showing you State's
18 Exhibit Number 20. That's in evidence already. That's
19 one of the photographs you took?

20 A Yes, sir. That would be just inside the front door
21 which leads into the living room.

22 Q Okay. And that shows the deceased Mr. Hamilton?

23 A Yes, sir.

24 Q Okay. And the number of placards, who placed those
25 placards?

1 A I placed those placards.

2 Q Okay. I'm going to get to them in a second. But
3 also let me show you a hand full of other pictures.

4 State's 61, 62, and 63. Those -- are those other
5 photographs that you took of that living room area?

6 A 61 and 62 are the living room area. 63 is standing
7 in the living room, but looking into the den area which
8 is adjacent. It's connected right there.

9 Q Okay. Do they fairly and accurately depict the
10 scene when you arrived and then some of the items that
11 you ultimately found in the scene?

12 A Yes, sir, they do.

13 MR. SORENSON: Your Honor, at this time, we'd offer
14 61 through 63 into evidence. I believe without
15 objection, Your Honor.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit Numbers 61, 62, and 63
18 were entered)

19 Q All right. And then, ultimately, as part of your
20 investigation, Captain, did you do some diagrams of the
21 inside of the residence?

22 A Yes, sir, I did.

23 Q I'm showing you State's Exhibits 59 and 58. Are
24 these -- 58, first. Is that one of your diagrams that
25 you did?

1 A Yes, I prepared that diagram. Yes, sir.

2 Q And what room is that of?

3 A That is actually of the living room area of that
4 residence.

5 Q Okay. And then 59?

6 A That is actually the den area of the residence.

7 Q Okay. So that would be the other picture that you
8 just showed the jury a moment ago?

9 A Yes, sir.

10 Q Okay. And would these aids and you kind of explain
11 to the jury where items were located and what items were
12 recovered from the scene?

13 A Yes, sir, they would.

14 MR. SORENSON: At this time, we'd offer 58 and 59
15 into evidence.

16 MR. SIMS: No objection, Your Honor.

17 THE COURT: Without objection.

18 (WHEREUPON, State's Exhibit Numbers 58 and 59 were
19 entered)

20 MR. SORENSON: I'm hoping this works. Let's put
21 these up over here. Everybody sort of see those?

22 (No response)

23 MR. SORENSON: My fancy pointer. All right.

24 Q All right. Captain, so if you would, let's see,
25 we'll talk about the living room area first.

1 MR. SORENSON: Chelsea, if you could pull up for me,
2 how about State's Exhibit Number 62 first. Because I
3 want to deal with kind of the placard sort of in the
4 order that they are.

5 Q Ultimately, where the placards are found, what are
6 those placards designating?

7 A Evidence that was observed and collected from that
8 room.

9 Q Okay. And I want to show you -- so placard number
10 1, if I can show you State's Exhibit Number 40, do you
11 recognize that item?

12 MR. SIMS: What number is that, Don?

13 MR. SORENSON: That would be State's 40.

14 A Yes. It was my item number 1. I recognize it.

15 Q Okay. And what is that then did you collect from
16 placard number 1?

17 A This was a cartridge casing. To explain, a bullet
18 or a cartridge, a live bullet is made up of several
19 components. Two of those components or one of them in
20 this case is the casing which holds everything else.
21 Once you fire a bullet, the casing is what's left over.

22 Q Okay. And often times in shooting scenes, do you
23 find cartridge casings at the scene?

24 A It is quite common. That normally indicates a
25 semiautomatic weapon which ejects the cartridge casing

1 once the bullet is fired.

2 Q Okay. So State's Exhibit Number 40 is a casing
3 that is found at marker number 1?

4 A Yes, sir.

5 Q And where is marker -- now, can you kind of show
6 where marker number 1 is in relation to the diagram
7 also?

8 A Yes, sir. All right. As you come in through the
9 front door, which I know it's a little difficult for
10 y'all to see, but this indicates the front door as you
11 come in, directly to the right there was an end table
12 with a lamp. There was a couch. Here on the floor
13 between the two is marked with a number 1. Fairly close
14 to the wall. But that's where number 1 casing was
15 found.

16 Q All right.

17 MR. SORENSON: Your Honor, at this time, we'd offer
18 State's Number 40 into evidence.

19 THE COURT: Without objection?

20 MR. SIMS: Without objection.

21 (WHEREUPON, State's Exhibit Number 40 was entered)

22 MR. SORENSON: If you would go, Chelsea, to State's
23 Exhibit Number 20.

24 Q All right. And what -- now, describe for the jury
25 kind of where State's Exhibit Number 20 is showing.

1 A State's Exhibit Number 20 is a photograph I took as
2 I took like half a step through the front door. Just
3 with the love seat, it was in the living room and,
4 obviously, it shows the body, a number of placards, and
5 this is food on the love seat. Basically, just kind of
6 a general photograph of the living room as I found it.

7 Q Okay. And there are several also placards now that
8 are depicted on there?

9 A Yes, sir. There are a number of placards.

10 Q Okay. And if you would, what numbers do we have?

11 A Number 2, number 3, number 4, number 5 and I
12 believe that's number 13 that are actually in the living
13 room area.

14 MR. SORENSON: All right.

15 Q I'm going to show you what's been marked as State's
16 Exhibit Number 41 and ask if you can kind of identify
17 what that is? And I'm going to try to get the rest of
18 them lined up for you.

19 A Yes, sir. State's Exhibit Number 41 is my item
20 number 2. It is a cartridge casing. It is a head stamp
21 which has the manufacturer's stamp on the back of the
22 casing. Winchester 9mm Luger.

23 MR. SORENSON: All right. We'd offer State's
24 Exhibit Number 41 into evidence.

25 MR. SIMS: No objection.

1 (WHEREUPON, State's Exhibit Number 41 was entered)

2 Q You indicated that you had markers 3, 4, and 5; is
3 that correct?

4 A Yes, sir.

5 Q Actually 3, 4, 5, 6, 7, 8; is that right?

6 A And it would be 3, 4, 5, and I believe number 13.
7 It's in the corner and it's covered up slightly.

8 Q Okay. All right.

9 MR. SORENSON: I'm going to try to lay these all out
10 up here is the best way to handle this here. Just kind
11 of numerically.

12 Q All right. If you would, identify them by, I
13 guess, your marker number. So, unfortunately, they get
14 your marker number then they get an exhibit number too
15 which are not going to ever be the same.

16 So we did your markers 1 and 2. So, I guess,
17 moving on to marker 3. If you would just kind of go and
18 describe of where that is and then where they're
19 located.

20 A All right. My item number 3 is going to be exhibit
21 -- Court Exhibit Number 42. It's going to be a
22 cartridge casing. It's head stamped R-P 32 auto. It
23 was on the living room floor of the corner of the couch.
24 So if you can see it, kind of on the edge of the
25 photograph, the couch runs right -- that's actually the

1 foot of the couch right there. That's number 3 right on
2 the corner of the couch.

3 At number 4 is a cartridge casing head stamped R-P
4 32 auto. It just says living room floor. You can see
5 the placard and I'll point to it. This is number 4
6 right here. Just inside the living room from the den
7 area.

8 Now, item number 5 is slightly different. This is
9 the actual projectile. The led bullet which is fired
10 out of the gun. This is a bullet projectile on the
11 living room floor. It's my item number 5 and it is
12 State's Exhibit Number 52. This is number 5, the
13 placard is turned slightly. But that is it right in the
14 corner just above the head of the body. Right in the
15 corner.

16 All right. This is my item number 6. This is a
17 cartridge casing. Head stamped R-P 32 auto. This is
18 State's Exhibit Number 44. All right. It is located
19 behind the number 4. It's located right just across the
20 threshold in the den area. It's right close to the
21 living room, but it's right in the den area.

22 All right. This is my item number 7. This is
23 State's Exhibit Number 45. This is a cartridge casing.
24 Head stamped R-P 32 auto. And number 7 is right here
25 just above the number 3 we talked about and it is also

1 just inside the den area.

2 This is my item number 8. State's Exhibit Number
3 46. It is a cartridge casing. Head stamped R-P 32
4 auto. This particular photo is not showing me number 8.
5 The description in my own handwriting is on the floor
6 just inside the den.

7 MR. SORENSON: If you could go to State's 63.

8 A There we go. All right. What you're seeing now is
9 a photograph of the den area. There's no door as you
10 saw in the other photo it's just an opening. It's a
11 walkthrough. That's number 8 just inside the den.
12 Everything on carpet here is den. And just inside the
13 den kind of behind the end of the couch there.

14 My item number 9, State's Exhibit Number 49. It is
15 a cartridge casing as well. The manufacture's head
16 stamp on it is Speer 9x19. And number 9 is several
17 feet, maybe two or three feet inside of the den area
18 right here on the carpet. Number 9.

19 For number 10, we would have to go back to the
20 original photo if you want to. There we go. My number
21 10, State's Exhibit Number 47, is a cartridge casing.
22 Head stamped R-P 32 auto. It is inside the den area and
23 you can see it off to the side. This is about a foot
24 inside the den from the living room.

25 Now, go back to the other photo. Okay. My item

1 number 11 is State's Exhibit Number 48. It is a
2 cartridge casing. R-P 32 auto. And as you can see it,
3 it's a little further back into the den. I believe
4 that's a piece of black carpet. But that's it right
5 there. A little further in the den.

6 All right. My item number 12, State's Exhibit
7 Number 50. This is number 12, almost towards the back
8 of the den area and it is a projectile. The actual
9 bullet that was fired from the gun -- from a gun.

10 You have to go back to the other photo. My number
11 13 is State's Exhibit 51. It is a projectile from a
12 weapon, from a firearm, and it is actually in this
13 corner just above the victim's head in the living room
14 area.

15 This is actually -- my item number 14 is State's
16 Exhibit 53. It is a projectile fired from a weapon. It
17 was actually wrapped up inside the victim's t-shirt. We
18 didn't see it early on. We found it later when I was
19 investigating.

20 Right there with it is my number 14.1, State's
21 Exhibit 54. It was also wrapped up in the white t-shirt
22 that the victim was wearing.

23 MR. SORENSON: Your Honor, at this time, we would
24 offer into evidence State's exhibits 42 through 54.

25 MR. SIMS: Without objection, Your Honor.

1 THE COURT: Without objection.

2 (WHEREUPON, State's Exhibit Numbers 42 through 54
3 were entered)

4 Q Ultimately, all those items that you just having
5 gone through for the jury, State's Exhibits 40 through
6 54, those bullets and shell casings, what was ultimately
7 done with all of those items?

8 A I would have collected them that night. Documented
9 and collected. I would have taken them back to the
10 sheriff's office and logged them into evidence storage
11 at the sheriff's office. From there they would have
12 been sent to the State Law Enforcement Division for
13 further analysis.

14 Q And there's handwriting on these envelopes and the
15 little boxes, whose handwriting is that?

16 A The black ink which identifies the item and where
17 it came from, the date/time it was collected, that is
18 all my handwriting.

19 Q All right. Now, Captain Carter, during the course
20 of your search of the house, did you locate any
21 firearms?

22 A No, sir, I did not.

23 Q Okay. Have you gotten any information about
24 whether there should have been a couple of firearms in
25 the residence?

1 A Yes, sir. Ms. Wolfe, who I believe resided at the
2 residence with the victim, she had told investigators
3 who in turn informed me that she had purchased two
4 firearms which should have been in the house.

5 Q Okay. And did you -- were you able to locate --
6 you said you didn't locate any firearms, were you able
7 to locate any items relating to those two firearms?

8 A Yes, sir, I did. I located for each of the two
9 firearms, a plastic case, if you will, which is very
10 common. When you purchase a firearm from the
11 manufacturer and I did locate those on the top shelf of
12 a closet.

13 Q Okay. And what was located within those two boxes?

14 A The boxes on the exterior are actually marked with
15 the gun that was supposed to be in or was in there at
16 some point, the serial number and all descriptors.
17 Inside the box, the information where Ms. Wolfe, again,
18 it was Ms. Wolfe where she purchased the firearms and
19 what's known as a test cartridge. A firearm is test
20 fired at the factory to make sure everything is
21 functioning properly and they include the test cartridge
22 in the box with the gun when they sell it.

23 Q All right. And let me show you State's Numbers 13
24 and 14, these are already in evidence through Ms. Wolfe,
25 but are those the paperwork that was located in those

1 two boxes?

2 A Yes, sir.

3 Q Okay. And did you also then recover those two that
4 you just talked about, those two test fired cartridges?

5 A Yes, sir, I did.

6 MR. SORENSON: May I approach?

7 THE COURT: Yes, sir.

8 Q Let me show you, Captain, State's Exhibit Numbers
9 55 and 56 and ask you, do you recognize those items?

10 A Yes, sir. These are envelopes which are -- what
11 are used commonly especially back when this case was
12 done, my handwriting is on the outside. It describes a
13 lot of collected test fired cartridges, one each from
14 each of the guns that was reported missing. It
15 identifies the head stamp for each one. And explains
16 that it was found inside the manufacture cases for each
17 respective firearm.

18 MR. SORENSON: Your Honor, at this time, we'd offer
19 State's 55 and 56 into evidence.

20 THE COURT: Without objection?

21 MR. SIMS: None.

22 (WHEREUPON, State's Exhibit Number 55 and 56 were
23 entered)

24 Q Captain, Mr. Hamilton's body was it ultimately sent
25 somewhere for an autopsy?

1 A Yes, sir. It would have been transported that
2 evening to what's commonly known as TRMC at the Regional
3 Medical Center to their morgue. From there, it would
4 have been sent to Newberry pathology for an autopsy.

5 Q Okay. And did you have an occasion to go to and
6 attend the autopsy that was performed on Mr. Hamilton?

7 A Yes, sir, I did.

8 Q Okay. And did you perform any testing on
9 Mr. Hamilton's body there at the morgue?

10 A At the morgue at TRMC, I did complete what's known
11 as a GSR collection kit. GSR is gunshot residue. It
12 comes in a standard kit which is approved by the State
13 Law Enforcement (SLED) Division. And it is -- its
14 purpose is to collect any possible gunshot residue,
15 chemical components of a firearm which get on the hands
16 when you fire a weapon.

17 But I did complete that. And I also collected what
18 is known as major case prints where you get the entire
19 hand. The fingerprints. What we call the inner digital
20 part of the fingers and the palms. You get everything.

21 Q I'm showing you, if I could, State's Exhibits 57
22 and 91. Do you recognize those items?

23 A Yes, sir, I do. State's Exhibit Number 57 is the
24 actual kit. It comes in an envelop.

25 MR. SORENSON: Your Honor, we'd offer State's 57

1 into evidence.

2 THE COURT: Without objection?

3 MR. SIMS: Without objection, Your Honor.

4 (WHEREUPON, State's Exhibit Number 57 was entered)

5 A That's my handwriting on the front. It identifies
6 the individual whom I completed the kit for which was
7 Taneris Hamilton. And it shows me as the individual who
8 completed the kit and case number for this case.

9 And State's Exhibit 91 is actually the paperwork
10 which, again, comes in the kit and I filled that out.

11 MR. SORENSON: Your Honor, at this time, we'd offer
12 State's 91 into evidence.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit Number 91 was entered)

15 Q And let me ask you, explain to the jury again just
16 briefly what -- I mean, how you go about doing the
17 gunshot residue kit as you did in this case where it was
18 a deceased individual.

19 A Like I said, these kits are approved by SLED. And
20 the way they work, number one, they come with
21 instructions. Just follow the instructions which is
22 what I did every time.

23 In this case, they also come with what's called an
24 adhesive collector. Now, to explain it, it has
25 basically like a little knob with a sticky side. And

1 what you do is you dab it all over the hand. You have
2 individual collectors for the palm side, the topside,
3 for each left and right hand. So you do that first.
4 And they're sealed. Then you have a second stage
5 collection which uses a chemical with a Q-tip. It --
6 all this comes in the kit. You apply the chemical to
7 the Q-tip and you rub it. And the same thing, palm
8 side, topside, left-hand, right-hand. They each have
9 their own little Q-tips. You collect them, seal them
10 then you seal them in the bag and send it to SLED for
11 analysis.

12 Q In this case, were you able to do that collection
13 on Mr. Hamilton both his palms and the backs of both of
14 his hands?

15 A No, sir. I believe it was his right palm -- yeah.
16 In his right palm it had blood on it. And for these
17 particular type test analysis you try to avoid debris.
18 It could be dirt. It could be anything. If it's
19 covered in the hand, you try to avoid that area. In
20 this case, Mr. Hamilton's right palm had blood on it and
21 I was unable to collect that sample.

22 Q Now, ultimately, you testified a few moments ago
23 that you attended the autopsy of Mr. Hamilton?

24 A Yes, sir.

25 Q And do you recall who conducted that autopsy?

1 A I think it was a Dr. Ross.

2 Q She was in Newberry at the time, Newberry
3 Pathology?

4 A Yes, sir.

5 Q And, ultimately, did you have any items that were
6 turned over to you from the autopsy from Dr. Ross?

7 A Yes, sir. They collected among other things, they
8 collected ballistic evidence. All ballistic evidence
9 is, is anything that's associated with a firearm or a
10 gun. They collected some ballistic evidence during the
11 autopsy which was turned over to me.

12 Q And just for ID purposes right now, let me show you
13 State's 34 through 39. Are those items that were turned
14 over in this case by Dr. Ross to you?

15 A Yes, sir, they are.

16 Q Okay. And, ultimately, what was done with those
17 items?

18 A Upon leaving the autopsy, I would have taken those
19 items and any other evidence that was transferred to my
20 custody, I would have delivered them to the SLED
21 forensic laboratories before coming home. They would
22 have went straight to SLED.

23 Q And I neglected to ask you this, but the gunshot
24 residue kit that you testified about State's 57, did you
25 do any further analysis on that or, if not, what was

1 done with it?

2 A No, sir. It was ultimately transferred to State
3 Law Enforcement Division forensic labs and they did the
4 analysis.

5 Q All right. I want to fast forward to a day or so.
6 Did you have an opportunity to process a burgundy SUV?

7 A Yes, sir.

8 Q Have you gotten information about where that
9 vehicle would have been located?

10 A Actually, the night of the incident, I was still
11 processing the primary scene, individuals drove a
12 burgundy Chevrolet Tahoe, I believe, back to the scene.
13 And upon examination, it had damages from being shot by
14 a firearm.

15 MR. SORENSON: Beg the Court's indulgence just one
16 minute.

17 THE COURT: Yes, sir.

18 MR. SORENSON: May I approach the witness, Your
19 Honor?

20 THE COURT: Yes, sir.

21 Q I'm showing you some photographs, State's Exhibits
22 64 through 76. If you would, just kind of flip through
23 those and I just need to know if those fairly and
24 accurately depict that burgundy Tahoe and your
25 processing of that Tahoe.

1 A (Looking at exhibit)

2 MR. SORENSON: Judge, may I approach?

3 THE COURT: Yes, sir.

4 (Bench conference)

5 THE COURT: Ladies and gentlemen of the jury, while
6 he's looking over these documents, let's take a short
7 break. It's 3:30. Our afternoon break and about 10 to
8 15 minutes just return to the jury room. Don't discuss
9 the case among yourselves while you're in the jury room
10 or with anyone else while on break, please. Just relax
11 for a few minutes.

12 (WHEREUPON, the jury left the courtroom at 3:25
13 p.m.)

14 THE COURT: Stand ease for about ten minutes.

15 MR. SORENSON: Thank you, Judge.

16 (WHEREUPON, there was a short break taken)

17 THE COURT: Jury all present?

18 THE BAILIFF: Yes, Your Honor.

19 THE COURT: All right. Thank you. All right.

20 Solicitor, call your next witness.

21 MR. SORENSON: Thank you.

22 THE COURT: I'm sorry, you can continue with your
23 witness.

24 MR. SORENSON: Thank you, Your Honor.

25 CONTINUED DIRECT EXAMINATION BY MR. SORENSON:

1 Q All right, Captain, I think when we stopped at a
2 break, I handed you a series of photographs of State's
3 64 through 76. Did you have an opportunity to go
4 through those?

5 A Yes, sir, I have.

6 Q And do those photos fairly and accurately depict
7 that burgundy SUV -- that burgundy Tahoe and also your
8 processing of that vehicle?

9 A Yes, sir, they do.

10 MR. SORENSON: At this time, Your Honor, we'd offer
11 State's 64 through 76 into evidence.

12 MR. SIMS: No objection.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit Numbers 64 through 76
15 were entered)

16 Q And then, Captain, did you also have an opportunity
17 to kind of do just like you'd done with the home to do
18 sort of a diagram indicating not only the items that
19 were located in your searching of that vehicle, but also
20 the damage to that Tahoe?

21 A Yes, I did.

22 Q All right. I'm showing you State's Exhibit Number
23 60, is that a larger of the diagram that you did?

24 A Yes, sir, that's the diagram I prepared.

25 MR. SORENSON: Your Honor, at this time, we'd offer

1 State's 60 into evidence.

2 MR. SIMS: Without objection.

3 THE COURT: Without objection.

4 MR. SIMS: What item number was that again?

5 MR. SORENSON: 60.

6 (WHEREUPON, State's Exhibit Number 60 was entered)

7 Q Now, I guess I'm going to get you, Captain, go
8 through -- just kind of go through the photos and get
9 you to just kind of describe for the jury what each
10 photo is depicting.

11 A Okay. If I may stand for a second?

12 THE COURT: Sorry.

13 A If I may point out something on the diagram?

14 THE COURT: Absolutely.

15 A Thank you, sir. Just some orientation because it's
16 just a box is what I've drawn. Over here points to the
17 front of the vehicle. And there is a, I believe it's a
18 Tahoe. But everything else you have front seats, back
19 seats, and then the cargo area out in the back right
20 here.

21 Q And once again just to kind of back up right before
22 the break, this was the Tahoe that Mr. Samuel returned
23 to the scene with that night?

24 A Yes, sir, it is.

25 Q Okay.

1 A State's Exhibit 64 is a photograph of the front of
2 the vehicle.

3 Q It's on the TV behind you too.

4 A Okay. State's Exhibit 65 is a photograph of the
5 rear of the vehicle. Did you want me to get into more
6 detail as to what's in the photo?

7 Q Yes, sir.

8 A Okay. Backing up to State's Exhibit 64. It's the
9 front of the vehicle, but it's showing a bullet impact
10 to the front windshield. More?

11 Q Is there anything else you can tell us --

12 A Particularly based on the beveling around the hole,
13 it indicates that the bullet was traveling through the
14 vehicle. In other words, it came from inside and
15 exited.

16 State's Exhibit 65. Again, is the rear of the
17 vehicle. The glass had obviously been broken out. I
18 don't know good you as the jurors can see it, but
19 there's a bullet impact here. Okay. And that also came
20 from inside the vehicle from that direction of travel
21 because it's peeled out. In other words, peeled out
22 indicating it was traveling out the back.

23 State's Exhibit 66. There are numerous bullet
24 impacts where the bullet hits. On the side of this
25 vehicle, the diagram shows it a little better that

1 actually has individual impacts numbered and it reflects
2 what's in the photo. You can see a little bit better.
3 It's like a light dot right here. That's two impacts in
4 the door. Obviously, the windows are broken and out.
5 You have impacts here, here, here, and here, and here.
6 And there's a couple that are -- you can't see them as
7 well especially the way you're seated. There's some in
8 the door here as well. Those are all from the exterior
9 passing into the vehicle.

10 State's Exhibit 67. This would be the passenger
11 side of the same vehicle. Again, you have all three
12 windows are broken out. There are no bullet impacts
13 from the passenger side traveling into the vehicle. But
14 there are some indications of bullet impacts which
15 passed through the car and were headed out the passenger
16 side. There's a dent here where it did come all the way
17 through. This spot here, I believe, is going to show
18 where a bullet passed through. So that's what you've
19 got on the passenger side. Everything is coming from
20 the driver's side going through the vehicle and making
21 -- doing the damage to the passenger side of the car.

22 State's Exhibit 68. That's going to be a general
23 photo right there of the driver's side -- driver's seat
24 of the vehicle. If you look very closely, and this is
25 more of a location photo, and I'll show you in the next

1 photo, right there, that's going to be a cartridge
2 casing sitting up on the dashboard.

3 State's Exhibit 69 is going to be a close-up or
4 midrange photograph and you can very easily see it now
5 of that same cartridge casing.

6 Q Showing you State's Exhibit Number 77, is that that
7 cartridge casing?

8 A Be my item number 35, State's Exhibit 77. Yes,
9 sir, it is. It's going to be cartridge casing head
10 stamped FC 9mm Luger. And it was located on the
11 dashboard. It was wedged between the dash and the
12 windshield. This was the container I put it in. That's
13 my handwriting.

14 MR. SORENSON: Your Honor, at this time, we'd offer
15 State's 77 into evidence.

16 THE COURT: Without objection?

17 MR. SIMS: Without objection.

18 (WHEREUPON, State's Exhibit Number 77 was entered)

19 A State's Exhibit 70 is a general photograph of the
20 backseat generally. You see what appears to be tinted
21 automobile glass all in the floorboard.

22 State's Exhibit 71 is obviously from the front
23 passenger seat. Another general photograph. Kind of
24 showing you, you know, what's in the car. You can make
25 out the cartridge casing in front of the steering wheel

1 for that side of the car.

2 State's Exhibit 72 is a close-up of the bullet.

3 And you can tell better now the exiting bullet exit from
4 the tailgate area. Exiting the vehicle.

5 State's Exhibit 73 makes it a little easier for you
6 to see. It's showing three bullet impacts to the rear
7 driver's side door and two impacts to the driver's door.
8 Obviously, had one here. It penetrated the first layer
9 of metal. One here that hit the edge of the vehicle.
10 It did not do any damage to the upright, but it did
11 catch the edge of that door.

12 You have a bullet impact here, here, and here. And
13 one's up higher did not penetrate the first level of
14 metal. It bounced off whatever. The one at the bottom
15 did penetrate into the door.

16 State's Exhibit 74 is a close-up of the two impacts
17 to the driver's door. Again, this impact did penetrate
18 into the door. This one caught the edge of the door.
19 It did not do any damage on this side. The bullet was
20 not covered from that particular impact.

21 State's Exhibit 75 goes back to the driver's side.
22 Driver's side passenger door -- rear door. And this one
23 obviously passed through to the door. This one did not.
24 This one did tear the metal, but the bullet was not
25 recovered. I do not believe it passed through into the

1 interior of the door.

2 State's Exhibit 76. What is showing here is the
3 bullet impacts which I just described to you including
4 the two in the cargo area. And what I've done is placed
5 scale tape. It's just measuring tape. It's adhesive on
6 one side around each hole so you get some idea of the
7 size of the hole of the impact.

8 Q And briefly going back to 68. What is in the --
9 that shows obviously the driver's seat of the vehicle?

10 A Yes, sir.

11 Q What is in the driver's seat?

12 A Glass. From the -- appears to be glass from the
13 one of the broken windows. Possibly this one which is
14 broken out and the glass is folded over to the inside of
15 the car. Like along the floorboard, here, threshold,
16 then the seat.

17 Q Okay. Now, you talked about the one casing that
18 was found up in the kind of the dashboard area, did you
19 recover any other shell casings or bullets or
20 projectiles from inside the vehicle?

21 A Yes, sir, I did.

22 Q Okay. Let me show you State's Exhibits 78 through
23 81 and ask you if you recognize those items.

24 A Yes, sir. This is evidence I collected from the
25 Tahoe. My item 32.

1 Q All four of them are items from --

2 A Yes. All four of these are ballistic evidence.

3 Evidence I collected from the Tahoe.

4 MR. SORENSON: Your Honor, at this time, we'd offer
5 State's Exhibits 78 through 81 into evidence.

6 THE COURT: Without objection.

7 (WHEREUPON, State's Exhibit Numbers 78 through 81
8 were entered)

9 A My item number 32 is State's Exhibit Number 80.
10 It's going to be a bullet fragment. It's a fragment of
11 a projectile. It was fired into the vehicle. It was
12 recovered from the rear seat of the vehicle. From like
13 -- it was the front side as if you were in the driver's
14 seat turned around, the bullet would have been there.
15 That's the location. That's the location where I got it
16 from.

17 My item number 36, State's Exhibit 78. This is a
18 cartridge casing. It's head stamped FC 9mm Luger. It
19 was found on the floorboard on the passenger side, the
20 right side of the vehicle, behind or right up under the
21 backseat.

22 My item number 18 is State's Exhibit 79. Is also a
23 bullet fragment. A fragment from a projectile. I
24 recovered this from the driver's door. One of them had
25 penetrated through the first layer of metal and it was

1 inside the door.

2 My item 34, State's Exhibit 81 is another bullet
3 fragment. It was recovered from the armrest of the
4 front passenger seat. The inside armrest -- left
5 armrest. It was recovered from the armrest.

6 Q And, ultimately, those items, those four right
7 there and then 77 that I think I had shown you from the
8 dashboard, where were all of those items?

9 A They were -- I collected them, turned them into
10 evidence storage at the sheriff's office, and they were
11 ultimately transferred to the State Law Enforcement
12 Division forensic laboratories for additional analysis.

13 Q All right. And the next thing I want to talk to
14 you about is, did you have an opportunity at some point
15 in time to respond out to the little bakery distribution
16 place that's on St. Matthews Road?

17 A Yes, sir. The Derst Bakery right there on 601, St.
18 Matthews Road heading out.

19 Q Okay. I'm showing you State's Exhibit Number 21,
20 where is that located in relation to our incident
21 location?

22 A The relationship. The incident location and the
23 victim's residence was actually Number 23 as it's shown
24 here, this house. The Derst Bakery is marked as Number
25 30 in the map. But that's the bakery and a little

1 grassy area out front. But that's the house to the
2 bakery.

3 Q Okay. So not across the street, but the other side
4 of the road a little ways down?

5 A A short distance. You can see it's not very far.

6 Q All right. Did you have an opportunity to respond
7 out to that area?

8 A Yes, sir, I did.

9 Q And what was the purpose of you responding out
10 there?

11 A I was contacted by Investigator Stokes who said he
12 found additional evidence, possibly additional evidence
13 relating to our case at the Derst Bakery.

14 Q All right. Had you -- let me show you -- these are
15 already in evidence. Let me show you State's Exhibits
16 22, 23, and 24. Ask you if you --

17 A State's Exhibit 22 --

18 Q Just one second.

19 A That's State's Exhibit 22 is a photograph I took.
20 It's a general photo of the front of the Derst Bakery.

21 Q All right.

22 A State's Exhibit 23 is a midrange photograph. But
23 the dark spot you can see from back there, that is a
24 penetrating bullet impact. It got through the bay door.

25 State's Exhibit 24 is going to be a second

1 penetrating bullet impact right here. That made it
2 through to the inside of the building.

3 Q All right. And then did you have an opportunity to
4 kind of search that area and locate and recover any
5 items out in front of the bakery area?

6 A Yes, I did.

7 Q Okay. Let me show you?

8 MR. SORENSON: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes, sir.

11 Q I'm showing you State's Exhibits 92, 93, and 94.
12 Do those pictures depict -- were they taken by you that
13 day on the 22nd when you were out there?

14 A Yes, sir, they were.

15 Q Okay. And, ultimately, are there two photo
16 placards that you have down?

17 A Yes, sir.

18 Q Okay. Did you collect any items out there?

19 A Yes, sir, I did. According to the placard, it
20 would have been my item 41 and 42.

21 Q Okay. Showing you State's Exhibits 82 and 83. Are
22 those items that you collected out there, those placard
23 numbers?

24 A Yes, sir.

25 Q Okay. And what were those items?

1 A Item number 5 and number 41, State's Exhibit 82,
2 this would have been a cartridge casing. Head stamped
3 FC 9mm Luger. It was in the grassy area that was in
4 front of the bakery.

5 My item 42, State's Exhibit 83 was a second
6 cartridge casing. Head stamped FC 9mm Luger, also found
7 in the grassy area where the placards were shown.

8 MR. SORENSON: Your Honor, at this time, we'd offer
9 State's 92 through 94 which are the two photographs and
10 82 and 83 which were the two shell casings.

11 MR. SIMS: No objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit Numbers 92 through 94
14 and 82 and 83 were entered)

15 Q And now -- all right. So 92 right there. If you
16 could, I think you may have kind of almost touched on
17 this a little bit earlier. But where kind of, I think
18 you pointed out where the bakery is and where is that
19 grassy area that we're talking about?

20 A You can see number 30, that's the bakery. This
21 white roof building. The grassy area where the placards
22 were was in this grassy little island right here out
23 front near the right side of the highway.

24 Q Okay.

25 MR. SORENSON: So go to the next photograph.

1 Q This is kind of another angle basically of the same
2 area; is that correct?

3 A Yes, sir. This was the general side and it's got
4 the siding there. Identifies where I'm at.

5 Q All right. And then how about you also indicated
6 there appeared to be some vehicle glass --

7 A Yes, sir. It was a small amount of vehicle glass
8 who was present near the cartridge casings.

9 Q Okay. So that's in that same grassy area?

10 A The same grassy area, yes, sir.

11 Q Okay. And that's the picture behind us, 94?

12 A 94. State's Exhibit 94, yes, sir. It's here on
13 the lot, but this glass right here was found right close
14 to the cartridge casings.

15 Q And, ultimately, these two cartridge casings
16 State's 82 and 83, were they also sent up to State Law
17 Enforcement Division?

18 A Yes. Ultimately, they were sent to SLED for
19 analysis.

20 Q Captain, you had testified earlier about the two
21 guns that Ms. Wolfe had indicated were missing from her
22 home, do you recall that?

23 A Yes, sir, I do.

24 Q All right. And did you have an occasion -- so this
25 was on March 20th of 2012; is that correct? Our

1 incident, March 20th of 2012?

2 A Right. The original incident, yes, sir.

3 Q Yes, sir. Did you have an occasion about two weeks
4 later on April 3rd of 2012 to recover one of those
5 weapons?

6 A Yes, I did.

7 Q Okay. And showing you what's been marked as
8 State's Exhibit Number 25, it's already in evidence, do
9 you recognize that photograph?

10 A Yes, sir. That was a vehicle I found the weapon
11 located in.

12 Q Did you have an opportunity to execute a search
13 warrant on that vehicle depicted in State's 25?

14 A Yes, sir, I did.

15 Q I'm showing you State's Exhibits Numbers 30 and 31.
16 Are those photographs from inside that vehicle?

17 A Yes, sir, they are.

18 MR. SORENSON: Your Honor, at this time, we'd offer
19 State's 30 and 31 into evidence.

20 MR. SIMS: Subject to my previous objection.

21 THE COURT: Subject to the Defendant's prior
22 objection. Overruled. They are admitted.

23 (WHEREUPON, State's Exhibit Numbers 30 and 31 were
24 entered)

25 Q Can you tell the jury what we're looking at.

1 A This is just the backseat of that vehicle and a
2 laundry basket with clothing items.

3 Q Okay. And then going to the next one, 31.

4 A 31 is a closer photo of that same laundry basket.
5 While processing, I removed some of the clothes and the
6 -- this handgun was found underneath some of the
7 clothing items.

8 Q Okay. And did you have an opportunity to then
9 collect that handgun?

10 A Yes, sir, I did.

11 Q I'm showing you State's Exhibit Number 89. Do you
12 recognize that?

13 A Yes, I do.

14 Q Okay. Is that the gun that's located in that
15 laundry basket in State's 31?

16 A Yes, sir, it is. This is the firearm that I
17 recovered from that laundry basket in that vehicle.

18 Q Okay.

19 MR. SORENSON: Your Honor, at this time, we'd offer
20 State's Number 89 into evidence.

21 THE COURT: Subject to the Defense objection. It's
22 overruled. The item is admitted.

23 (WHEREUPON, State's Exhibit Number 89 was entered)

24 Q Now, does that gun, State's Exhibit Number 89, what
25 model and what type of gun is that?

1 A It is a Springfield Armory 9mm. It's called an XD
2 9.

3 Q Okay. And you had testified earlier about
4 recovering the boxes from inside the residence in the
5 closet?

6 A Yes, sir.

7 Q Okay. And showing you what's in evidence as
8 State's Exhibit Number 14. Does the serial number on
9 that gun match the paperwork from one of those two guns
10 that Ms. Wolfe indicated was missing from her home?

11 A Yes, sir, it does. The serial number on the
12 firearm is US 131503 and the same serial number is shown
13 on the paperwork for a Springfield XD pistol.

14 Q Okay. And this gun then what was done with State's
15 Exhibit Number 89?

16 A Again, it would have been logged into Orangeburg
17 County Sheriff's Office evidence storage and ultimately
18 sent to SLED forensic laboratories for analysis.

19 Q I believe, Captain, that would be all I would have.
20 Answer any questions Mr. Sims has.

21 CROSS EXAMINATION BY MR. SIMS:

22 Q I guess I'll start from the back. Let's start with
23 the gun again. Was there ever any shells that were
24 found in the house when you did your analysis in the
25 house? Did you find any shells that had been fired from

1 this gun?

2 A They were sent to SLED for analysis. Their report
3 would reflect.

4 Q So you don't know?

5 A I don't know, no, sir.

6 Q OKAY. When you got the search warrant for that
7 vehicle, did you determine the owner of that vehicle?

8 A Actually, the search warrant was obtained by, I
9 believe, Investigator Stokes. I just executed it. I
10 believe the registered owner was a Jerry McKnight. I
11 believe.

12 Q You don't know whether it was Jerry McKnight, Sr.
13 or a Jerry McKnight, Jr.?

14 A And I'll be honest, I don't remember which one it
15 was.

16 Q Okay. Let's look again at State's Exhibit Number
17 24.

18 A Yes, sir.

19 Q That's of the bakery; is that correct?

20 A Yes, sir, it is.

21 Q Now, that's a penetrating --

22 A IT penetrated the outer wall. Yes, sir.

23 Q Outer wall. Did you go in and check to determine
24 whether or not there were any bullet fragments or
25 anything on the inside?

1 A Yes, sir, I did.

2 Q Did you find anything?

3 A I was unable to recover anything. It's a
4 relatively large building, I couldn't find any.

5 Q Okay. Here is State's Exhibit Number 23. That's
6 another penetrating --

7 A Yes, sir.

8 Q -- hole? Okay. And did you, again, the same
9 question, did you find anything?

10 A No, sir, I did not.

11 Q This is State's Exhibit Number 22.

12 A Yes, sir. The front of the --

13 Q Same question.

14 A Yes, sir. It's the front of Derst Bakery. I
15 recovered no projectile bullets from inside.

16 Q Okay. And let me ask you, this is State's Exhibit
17 Number 92 and I see you have placard 41 and 42?

18 A Yes, sir.

19 Q And what were those again?

20 A They were on the -- this is the grassy area kind of
21 like a little grassy island out by St. Matthews Road in
22 front of Derst Bakery.

23 Q Now, did you determine whether or not how long
24 those bullets if those -- were they fragments or bullets
25 or casings?

1 A Those were casings.

2 Q Casings?

3 A Yes, sir.

4 Q And they were from what model again?

5 A They were 9mm.

6 Q 9mm?

7 A Yes, sir.

8 Q And did you make any determination in terms of how
9 long they had been out there?

10 A You cannot exactly date things of that nature, but
11 they were shiny brass. They weren't tarnished. Anybody
12 that's familiar with even aluminum in the weather, they
13 get tarnished and turn dark and these were still shiny.

14 Q And the glass fragments here, you did not do any
15 analysis to determine whether or not the glass fragments
16 had come from the burgundy SUV, did you?

17 A No, sir. No analysis I know of, no sir. I just
18 documented the fact that it was there.

19 Q It was just glass fragments?

20 A Yes, sir.

21 Q Now, in your expertise in terms of ballistics, when
22 you fire into a car, the glass is going to break on the
23 inside of the car, a fly is going to go in; is that
24 correct?

25 A It's not a break and obviously it's going to be

1 some fracture to the glass, it's what they call
2 beveling. For an example, I'll try to make it simple.
3 If a bullet was fired from the floor to the ceiling, the
4 glass would break out like so. It would give a beveling
5 to it and that indicates the direction of travel of the
6 bullet.

7 Q And when you look at these here and you said you
8 found, that's State's Exhibit Number 68?

9 A Yes, sir.

10 Q And the beveling on that was on the -- you found
11 glass on the inside?

12 A No. The beveling was actually on the exterior of
13 the windshield indicating it passed from -- from the
14 inside of the vehicle it passed through the windshield
15 going out.

16 Q Okay. But that could have been coming through
17 another window going through the vehicle into that
18 glass?

19 A Oh, it's possible because all the windows were
20 broken out. I could not found a corresponding entry
21 from the exterior for that particular --

22 Q But it could have been from one side to the other?

23 A It's possible. It would have had to come from the
24 rear of the vehicle. But like I said, the rear window
25 was broken out.

1 Q Okay. And you have State's Exhibit 76. I believe
2 these are penetrating; correct?

3 A Some are and some aren't. And some actually
4 penetrated the first layer of metal, but it did not go
5 all the way through the door.

6 Q The metal was sufficient to stop it at that point?

7 A Correct.

8 Q Okay. Now, which way was the beveling or the
9 indentation from those bullets?

10 A There wouldn't be beveling with that. It would be
11 where the metal is basically peeled out one way or the
12 other. The bullets I'm looking at here on the driver's
13 side, they appear to have come from the exterior towards
14 the vehicle when it hit.

15 Q Okay. And could you get any fragments to determine
16 what the model was or bullets these were?

17 A Again, I did recover I believe three fragments from
18 the projectiles. But again, SLED would have done the
19 analysis and I'm not sure what they -- that would be in
20 their report.

21 Q That's okay. Let's look at State's Exhibit 64. I
22 see in the, looks like on the driver's side, high on the
23 driver's side, is that an old -- gives any indication of
24 a bullet?

25 A I'm trying to see what -- you talking about here?

1 Q No, right there.

2 A Oh, that's through the windshield, yes, sir. And
3 that's traveling from the inside out from that
4 direction.

5 Q Okay. And that because you just said that all the
6 windows were broken out it could have come from the back
7 of that SUV traveling towards the front?

8 A That is possible.

9 Q And here we have State's Exhibit 65. And there's a
10 --

11 A Correct. Yes, sir, that's State's Exhibit 65 and
12 it shows the bullet passing from the inside of the
13 vehicle going -- exiting the vehicle through the
14 tailgate. I found no corresponding bullet pass through
15 the seats that would show that it came from the
16 exterior. I couldn't show it came from the exterior.
17 That one, the only bullet path I had was interior.

18 Q Okay. If, for example, from high to low because
19 that's on a low, if a bullet had been shot from this
20 direction going that direction would have given that
21 kind of --

22 A The problem again that I had and I say problem in
23 my analysis of the bullet path, even if it comes from
24 very high, it has to get into the car from somewhere.
25 That's why I couldn't find a way for it to get in.

1 Q Let's go the -- it looks like this is the driver's
2 side; is that correct?

3 A Yes.

4 Q And this looks like on the driver's side of the
5 back end on the lower end?

6 A Yes.

7 Q Okay. I'm going to hand you State's Exhibit 66.
8 And you have a hole right under the passenger -- on the
9 driver's side passenger. What was your indication of
10 that?

11 A If I may stand up to the diagram, Your Honor.

12 THE COURT: Go ahead.

13 A State's Exhibit 66 would have been -- that's 31. I
14 would have to look at it, the photo again. But it's
15 either 31 -- my item number for the bullet path is 31
16 which it traveled all the way across and it made the
17 impression on the other side. It didn't go on the other
18 side of the car. Or 22, which with the degree of angle,
19 number one, would have had to pass through the seat and
20 it doesn't match any corresponding holes in the seat at
21 that sharp of an angle. And if it had gone through, the
22 angle on this was not really pitched real high going
23 down.

24 Again, I couldn't find a corresponding bullet path
25 outside.

1 Q Outside coming in?

2 A Correct.

3 Q I understand now. Now, I'm going to show you
4 State's Exhibit 69 and I believe that's a casing?

5 A Yes, sir, it is.

6 Q And what's the model of that casing?

7 A It was a 9mm.

8 Q 9mm?

9 A Yes, sir.

10 Q Okay. And this is State's Exhibit 70. And is that
11 glass on the floor there?

12 A Yes, sir.

13 Q And glass, that's on the inside?

14 A Yes, sir. It's on the inside of the vehicle.

15 Q Okay. Which would more than likely didn't it
16 probably mean something from the outside not to inside?

17 A Normally, yes, sir, that's the way we look at it.

18 Q I'm going to 73 again. Here is the indentations at
19 the door. This is probably a better picture, 74 has it?

20 A Yes.

21 Q And the indication of the direction of the bullets
22 from there?

23 A The one that's on the edge, this one would appear
24 to have come from somewhere from the rear of the vehicle
25 simply because it didn't do any damage on this side. To

1 get the edge. Either it just barely caught the edge or
2 the door was cracked open, one or the two because it did
3 not damage here.

4 This particular bullet also came from the rear.
5 And it hit, you know, took out some of the paint and
6 then went into the door frame right there. It would
7 have come from the rear of the vehicle.

8 Q Now, all the bullets that you have looked and all
9 the -- either at the home or anywhere, did you find a
10 .40 or a .45 caliber casing?

11 A No, sir, I don't believe so.

12 Q And so how many bullets and fragments, just
13 guesstimate, that you found -- I will take those back
14 for you -- that you sent to SLED?

15 A In the vehicle or total?

16 Q Total?

17 A Three bullet fragments and partial projectiles from
18 the vehicle. I would need to count. But it was
19 probably another four -- maybe four or five bullets from
20 the house itself, the primary incident location. And
21 without counting, I can't be exact. But four or five, I
22 believe.

23 Q Okay. In all those -- I heard you testify that the
24 casings were basically 9mm and I think you said there
25 was one .32?

1 A There was several. Again, maybe five or six .32
2 caliber. You said .32 auto from a .32 pistol.

3 Q And -- but at no time have you found a .40 caliber
4 or a .45 caliber shell casing?

5 A No, sir, none that I recall.

6 Q Okay. Now, you said that you tried to do a GSR
7 which is gunshot residue?

8 A Yes, sir.

9 Q And you tried it on the deceased and that he had
10 blood so you could not find any in that -- was it his
11 right-hand or left-hand?

12 A It was in his right palm. I could not collect from
13 his right palm area.

14 Q Did you try to collect from the left?

15 A Yes. I collected from the right back and the back
16 and the palm of the left-hand. Sorry about that.
17 Right-hand I couldn't get the palm. Left-hand I got the
18 hole hand.

19 Q So left-hand you got the whole thing, front and
20 back?

21 A Yes, sir.

22 Q Did you -- well, you didn't analyze it, but you
23 found enough whatever residue in order to bag it and
24 send it to SLED?

25 A Technically, the way that works, there's a

1 microscopic examination. So in this particular case,
2 and in most cases, I collect it because firearms were
3 involved. But there's no way for me to tell on the
4 scene whether or not the person that I'm collecting from
5 actually fired a gun. Again, SLED analysis would
6 indicate that.

7 Q That's what I said, that you bagged it, taped it up
8 to ensure the integrity of what it is that you found and
9 sent it up to SLED?

10 A Correct.

11 Q The only thing that you did, you were just
12 basically the person who was going out and getting the
13 -- getting what may or may not be evidence?

14 A Correct.

15 MR. SIMS: One moment, Your Honor.

16 Q Your -- I believe I got this right. I believe your
17 number 3 which corresponds to State's 42. Your placard
18 number 3.

19 A Yes, sir.

20 Q And you just indicated a casing, but you did not
21 indicate, I don't believe I heard, whether there was a
22 .32 or a 9mm casing?

23 A If I neglected to say, I would have to see it
24 again.

25 Q State's 42. This is State's Exhibit 42. Did you --

1 A I'll give it again if I neglected to. It's my item
2 number 3. It's State's Exhibit 42. It is a cartridge
3 casing. Head stamped R-P 32 auto. It was found in the
4 living room floor at the corner of the couch.

5 Q Okay. Thank you. And your item number 4, I'll
6 hand you State's Exhibit Number 43 and ask you again to
7 identify what that casing is on that one.

8 A My item number 4, State's Exhibit 43, is going to
9 be a cartridge casing. Head stamped R-P 32 auto. And,
10 again, found on the living room floor.

11 Q Let me get it back and put it back on the evidence
12 table. When you went to the autopsy, you recovered --
13 well, you didn't recover, but the pathologist after
14 doing the autopsy gave you some bullets -- some
15 fragments or care -- fiber; is that correct?

16 A Yes, sir.

17 Q And you took those fragments to SLED?

18 A Yes, I did.

19 Q Okay. Do you recall how many?

20 A Again, I would have to count. I think probably
21 five or six.

22 MR. SIMS: That's all I have, Your Honor.

23 THE COURT: Redirect?

24 MR. SORENSON: I don't have anything further, Your
25 Honor.

1 THE COURT: All right. You may come down.

2 MR. SORENSON: May he be excused?

3 THE COURT: Witness be excused?

4 MR. SIMS: Yes, sir.

5 THE COURT: Without objection.

6 MR. SORENSON: May we approach?

7 THE COURT: Sure.

8 (Bench conference)

9 THE COURT: All right. Ladies and gentlemen, that
10 will conclude testimony for today. I'm going to ask you
11 to be back in the jury room at 9:30 in the morning at
12 which time we'll continue with the trial. Again, I'm
13 just trying to figure the schedule and attorneys seem to
14 think we can may be able to finish testimony by
15 tomorrow. Not necessarily finish the entire trial, but
16 we certainly are not going to go -- not going to go past
17 Thursday so, just in case that's for your scheduling
18 purposes.

19 Again, don't discuss the case among yourselves, when
20 you return to the jury room, with anyone else over the
21 evening hours. Now, let me do one other thing that I
22 neglected to do so far. When you return to the jury
23 room in the morning, I'd like for you to elect one of
24 your members as foreperson of the jury. That person
25 will preside in the jury room during deliberations and

1 write the verdict, if you come to a verdict. Nothing
2 complicated about it, it's just I need somebody to be
3 willing to do that. I'll give you advance warning, but
4 the foreman doesn't get paid anymore than anybody else.
5 But it's just something we need for you to do.

6 Again, don't -- please don't try and do any
7 individual discovery in this case by social media or the
8 internet or anything. I hope you will continue to
9 follow my instructions in that regard. We'll see you at
10 9:30 in the morning at which time we'll continue with
11 the trial. Thank you very much.

12 (WHEREUPON, the jury left the courtroom at 4:38
13 p.m.)

14 THE COURT: Okay. Stand at ease until 9:30.

15 MR. SORENSON: Thank you.

16 (WHEREUPON, Court was adjourned at 4:39 p.m.)
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1 (WHEREUPON, the jury entered the courtroom at 9:44
2 a.m.)

3 THE COURT: State ready to proceed?

4 MR. SORENSON: Yes, sir.

5 THE COURT: Defense ready to proceed?

6 MR. SIMS: Yes, sir.

7 THE COURT: All right. Solicitor, call your next
8 witness.

9 MR. SORENSON: Thank you. May it please the Court,
10 Your Honor?

11 THE COURT: Yes.

12 MR. SORENSON: The State calls Sergeant Ryan Harter.

13 RYAN HARTER,
14 being first duly sworn, was examined and testified as
15 follows:

16 THE CLERK: Thank you. You may be seated. State
17 your name for the court.

18 MR. HARTER: Ryan Harter.

19 DIRECT EXAMINATION BY MR. SORENSON:

20 Q Good morning, Sergeant?

21 A Good morning.

22 Q If you would, you can take your mask down as you're
23 testifying. Just make sure you keep your voice up and
24 tilt that microphone a little bit towards you.

25 A Yes, sir.

1 Q If you would, please tell the jury where it is that
2 you're employed?

3 A Orangeburg County Sheriff's Office.

4 Q How long have you been with the sheriff's office?

5 A 2007.

6 Q All right. And what are your current duties there?

7 A I'm sergeant with the special operations unit.

8 Q All right. And I want to turn your attention back
9 to June 21st of 2012, were you working at that point in
10 time?

11 A Yes, sir.

12 Q All right. And, specifically, about four o'clock
13 that afternoon were you involved in a traffic stop on a
14 white Ford Expedition?

15 A Yes, sir.

16 Q Okay. And where was that traffic stop conducted?

17 A It was conducted on Highway 301. I observed the
18 Explorer as I was traveling north on Highway 301. And
19 the Explorer was traveling south and we crossed paths
20 around -- it wasn't too far from I26. So just north of
21 I26, maybe a half a mile to a mile.

22 Q And, ultimately, was a traffic stop conducted on
23 that vehicle?

24 A Yes, sir, that's correct.

25 Q Okay. And do you recall on how many occupants were

1 in that vehicle?

2 A There were several. Four or either five occupants.

3 Q Okay. And do you remember a young man by the name
4 of Jerry McKnight, Jr. one of those occupants?

5 A Yes, sir, I do.

6 Q Okay. And, ultimately, as a result of that traffic
7 stop, did you have an opportunity to search that
8 vehicle?

9 A There were several us on scene by the time the
10 vehicle was searched on the scene and it was indeed.

11 Q Any firearms located in your search out there at
12 the -- on the roadside?

13 A No, sir, not by myself. No, sir.

14 Q Okay. Were you aware of whether that vehicle was
15 towed for further processing and searching?

16 A Yes, sir, it was.

17 Q Okay. And did you do that? Were you the one that
18 did that further processing of that vehicle?

19 A No, sir.

20 Q Okay. Do you -- are you aware of who that was that
21 did that?

22 A It would have been our forensics team at the time
23 which I believe consisted of Captain Carter. Captain
24 Carter and I think he was assisted by Chief Kinsey.

25 Q Okay.

1 MR. SORENSON: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes, sir.

4 MR. SORENSON: May we approach, Your Honor?

5 THE COURT: Yes, sir.

6 (Bench conference)

7 MR. SIMS: And, again, I would object to this
8 information of a white van and another person who's not
9 involved in this case. I would object to any
10 introduction of any evidence in regards to someone else
11 who is not involved in this case.

12 THE COURT: All right. Overruled.

13 MR. SORENSON: Thank you, Your Honor. May I
14 approach the witness?

15 THE COURT: Yes, sir.

16 Q And, Sergeant, if I can show you State's Exhibit
17 Number 26. Is that a picture of the vehicle that you
18 had stopped?

19 A Yes, sir, that looks like it.

20 Q Okay. And it was -- where is that picture located?

21 A That looks like our forensic impound lot.

22 Q Okay.

23 MR. SORENSON: At this time, Your Honor, I would
24 offer State's 26 into evidence.

25 THE COURT: Over the Defendant's objection. It's

1 admitted.

2 MR. SORENSON: Thank you.

3 (WHEREUPON, State's Exhibit Number 26 was entered)

4 MR. SORENSON: That's all I would have for Sergeant
5 Harter, Your Honor.

6 CROSS EXAMINATION BY MR. SIMS:

7 Q Real quick. This was a vehicle on 301?

8 A Yes, sir, that's correct.

9 Q And what was the date on that again?

10 A It was -- I don't know if I can give you the exact
11 date. It was in 2012. The date the Solicitor provided
12 for us.

13 Q Was it in March or April?

14 A Yes, sir.

15 Q In April?

16 A No, sir. I would have to review my report, but,
17 yes, sir.

18 Q And how many people were in that vehicle?

19 A Best of my recollection there was either four or
20 five occupants in that vehicle.

21 Q Four or five different people in the vehicle?

22 A Yes, sir.

23 Q And did you -- can you identify the other people
24 who were in that vehicle?

25 A Not off the top of my head. I would have to review

1 the incident report. They were identified at the time.

2 Q Okay. They were identified at the time, but you
3 only mentioned one today. You were not required to name
4 the other people who were in that vehicle?

5 A Not today, no, sir. But on that day they were
6 identified and it's on record.

7 Q Okay. And there were five people in that vehicle?

8 A Four or either five.

9 Q Four or either five?

10 A Yes, sir. To the best of my recollection.

11 Q And so today you only come and remembered one?

12 A I was only asked about the one specific, yes, sir.

13 MR. SIMS: That's all I have.

14 THE COURT: Redirect?

15 MR. SORENSON: Just very briefly, Your Honor.

16 REDIRECT EXAMINATION BY MR. SORENSON:

17 Q Sergeant Harter, if I give you your report would
18 that kind of help refresh your memory as to the date and
19 also all of the occupants in the vehicle?

20 A Yes, sir. The vehicle was impounded on 6/21. The
21 incident took place on 6/21 of '12.

22 Q That's June 21st of 2012?

23 A Yes, sir. And --

24 Q And Mr. Sims had asked you about the occupants in
25 the vehicle, are they listed on the front page of that

1 report? Look on the front page.

2 A Yes, sir. Each occupant is indeed listed on the
3 report.

4 Q Okay. Mr. Sims asked you, I mean, who are the
5 other occupants?

6 A Demetric Quattlebaum, Rakeem Brown, a Jerry
7 McKnight, Deshaun Fordham, and a Donte Stokes.

8 Q Okay.

9 MR. SORENSON: That's all I have. Thank you.

10 THE COURT: Anything further, Mr. Sims?

11 RECROSS EXAMINATION BY MR. SIMS:

12 Q What day were they arrested now or this vehicle was
13 stopped?

14 A They were stopped on the 21st according to the
15 incident report.

16 MR. SORENSON: Of June.

17 Q So this is the 21st of June?

18 A Yes, sir.

19 Q Were all of these people detained at that time?

20 A Yes, sir. They were detained by means of the
21 traffic stop at that point in time. Yes, sir.

22 MR. SIMS: That's all I would have right now, Your
23 Honor.

24 THE COURT: All right, sir. You may come down.
25 Thank you very much.

1 MR. HARTER: Thank you.

2 THE COURT: You may proceed. Call your next
3 witness.

4 MR. SORENSON: The State calls Chief Kenny Kinsey.

5 KENNETH KINSEY,
6 being first duly sworn, was examined and testified as
7 follows:

8 THE CLERK: Thank you. And state your full name for
9 the court.

10 MR. KINSEY: Kenneth Lee Kinsey.

11 DIRECT EXAMINATION BY MR. SORENSON:

12 Q Chief Kinsey, if you would, please tell the jury
13 where it is that you're employed?

14 A I'm employed at the Orangeburg County Sheriff's
15 Office.

16 Q Okay. And how long have you been with the
17 sheriff's office?

18 A Over 20 years.

19 Q Okay. And what are your current duties there?

20 A I'm the chief of staff which is the second in
21 command at the sheriff's office.

22 Q And how long have you been employed in that
23 capacity?

24 A Approximately nine years.

25 Q All right. And back -- what did you do at the

1 sheriff's office prior to your promotion to chief of
2 staff?

3 A Well, a lot of things. I started as a reserve
4 deputy in 1991. I was hired full-time in 1994 on
5 patrol. I was promoted to patrol sergeant. Then
6 investigator. Then investigative sergeant. Then
7 investigative lieutenant. Then Swat team commander. I
8 left at the end of '04 and went to South Carolina Law
9 Enforcement Division, commonly known by the acronym
10 SLED. I was there for approximately five years and then
11 I went to work as an investigator for the First Circuit
12 Solicitor's Office in Summerville. And then I came back
13 here February 14th of 2011 as the administrative major.
14 And approximately eight or nine months later I was
15 promoted to chief of staff.

16 Q Okay. As part of your background, have you been
17 involved also with the crime scene unit with the
18 sheriff's office and also with your time at the State
19 Law Enforcement Division?

20 A Yes, sir. That was my specialty, crime scenes.

21 Q Okay. And, specifically, with regards to this
22 case, did you have occasion back on June the 22nd of
23 2012 to process the white Ford Explorer that the jury
24 just heard about in State's Exhibit Number 26?

25 A Yes, sir, I did.

1 Q And, specifically, did you find any firearms in
2 that vehicle?

3 A I did.

4 Q Okay. Tell the jury, if you would, where they were
5 located at and what you located and where they were
6 located.

7 A I located two semiautomatic handguns under the hood
8 of the vehicle. As I recall, if I'm facing the hood to
9 the left side right behind the breather area. And they
10 were wrapped in a towel or some type of garment.

11 MR. SIMS: Subject to my --

12 THE COURT: When you offer it.

13 MR. SORENSON: Okay.

14 Q And, Chief Kinsey, I'm going to show you two
15 photographs that you just described to the jury kind of
16 what you found. I'm showing you State's Exhibit Number
17 27. Does that photograph kind of depict where you were
18 talking about in locating those weapons?

19 A It does.

20 Q Okay. And then specifically as to one of those
21 weapons, State's Exhibit Number 28, is that a picture of
22 that weapon -- one of the weapons that was recovered?

23 A That is a depiction of the Ruger 9mm semiautomatic
24 handgun.

25 MR. SORENSON: Your Honor, at this time, we'd offer

1 State's 27 and 28.

2 THE COURT: Over the Defendant's objection they're
3 admitted.

4 (WHEREUPON, State's Exhibit Numbers 27 and 28 were
5 entered)

6 Q And then also, Chief, I'm showing you State's
7 Exhibit Number 33. Ask you if that is the Ruger that's
8 depicted in State's Exhibit Number 28?

9 A May I pick it up?

10 Q Yes, sir.

11 A Yes, sir, that is it.

12 MR. SORENSON: We'd also offer State's 33 into
13 evidence.

14 THE COURT: It's admitted.

15 (WHEREUPON, State's Exhibit Number 33 was entered)

16 Q Now, as to -- if you could, we got the pictures.
17 So this is State's 27 behind you, Chief. If you kind of
18 explain to the jury kind of what they're looking at in
19 State's Exhibit Number 27.

20 A May I stand?

21 Q Yes, sir.

22 A Right here, the breather area goes off and then
23 there's the towel that the two handguns were wrapped in.
24 It's kind of a little pocket back there right on top of
25 the fender well.

1 Q And then as to the Ruger, do guns typically have
2 serial numbers on them?

3 A Yes, sir.

4 Q Okay. If you would, describe for the jury what the
5 condition of the serial number was on the Ruger.

6 A The serial number had been obliterated. Had been
7 scratched off.

8 Q Okay. I'm showing you State's Exhibit Number 28.
9 Does that kind of show where the serial number would
10 have been?

11 A Yes, sir. It should be right here.

12 Q Okay. And, ultimately, State's Exhibit Number 28,
13 do you know, was that gun sent somewhere for further
14 analysis?

15 A Yes, sir, it was.

16 Q And where was that?

17 A The South Carolina Law Enforcement Division.

18 Q Okay. Thank you, Chief, that's all I have.

19 CROSS EXAMINATION BY MR. SIMS:

20 Q Mr. Kinsey, would you give us again the date that
21 this investigation began?

22 A It was in 2012. June of 2012.

23 Q June of 2012?

24 A Yes, sir.

25 Q And based upon your knowledge, do know that Lamont

1 Samuel was already incarcerated at that time?

2 A I have no information on that, Mr. Sims. I just
3 executed the search warrant.

4 Q Okay. Do you know what happened to Donte and the
5 other guys?

6 A I do not. No, sir.

7 Q You don't know whether or not they were convicted
8 or pled and went to jail?

9 A No, sir, I do not know.

10 MR. SIMS: One moment, Your Honor.

11 Q So you would not know whether Donte Stokes went to
12 jail in regards to what was found in that truck?

13 MR. SORENSON: Your Honor, I would have an
14 objection. I mean, may we approach?

15 (Bench conference)

16 Q Do you know whether Donte Stokes, Deshaun Fordham,
17 and Donte Quattlebaum (verbatim), are they incarcerated
18 now?

19 A I have no idea, Mr. Sims.

20 MR. SIMS: That's all I have at this point.

21 THE COURT: Any redirect?

22 MR. SORENSON: Nothing, Your Honor.

23 THE COURT: All right. You may come down. Thank
24 you very much. May this witness be excused?

25 MR. SORENSON: No objection, Your Honor.

1 THE COURT: Next witness?

2 MS. GLOVER: Your Honor, at this time the State
3 would like to call LaRonda Asbury.

4 LARONDA ASBURY,
5 being first duly sworn, was examined and testified as
6 follows:

7 THE CLERK: Thank you. State your full name for the
8 court.

9 MS. ASBURY: LaRonda Asbury.

10 DIRECT EXAMINATION BY MS. GLOVER:

11 Q Ms. Asbury, please make sure you speak into the mic
12 so everyone can hear you. How old are you?

13 A Thirty-three.

14 Q Do you have any children?

15 A Yes.

16 Q How many?

17 A Three.

18 Q And who is the father of your youngest child?

19 A Alphonso Fields.

20 Q And does Alphonso Fields have a nickname he goes
21 by?

22 A Yes.

23 Q What is his nickname?

24 A Fable.

25 Q And what is his relationship to Alan Fields?

1 A His brother.

2 Q And does Alan Fields have a nickname that he goes
3 by?

4 A Yes.

5 Q What is that?

6 A Gator.

7 Q And are you and Alan Fields' brother, Alphonso, are
8 you all still together?

9 A Not right now, but we was back then.

10 Q How long had y'all been together roughly?

11 A Five or six years.

12 Q And let me ask you, back in March of 2012, were you
13 aware of a cell phone number that Alfonso's brother
14 Alan, AKA Gator, what cell phone number was he using
15 during that time period?

16 A 308-6533.

17 MR. SIMS: Her voice is falling down.

18 Q Could you speak a little louder, Ms. Asbury, so
19 that everybody can hear you.

20 A Okay.

21 Q Did you have the opportunity --

22 MR. SIMS: Have her repeat the number again.

23 Q Could you repeat the number?

24 A 308-6533.

25 Q Is that 803?

1 A 803.

2 Q Did you have the opportunity during 2012 around
3 March to send text messages back and forth?

4 A Yes.

5 Q And did he have a signature line that he would
6 include at the end of all his text messages?

7 A Yes.

8 Q What was that signature line?

9 A Free Fable.

10 Q And tell the jury what was the reason for the
11 signature line, "Free Fable."

12 A Because at the time his brother was incarcerated.

13 Q Okay. I want to turn your attention, LaRonda, back
14 to the evening of March 20th of 2012. Do you remember
15 what you were doing that afternoon?

16 A At a birthday party in Roosevelt Gardens.

17 Q Okay. And whose birthday party was that?

18 A MaShawn Williams.

19 Q And who is MaShawn Williams?

20 A Fable's little brother.

21 Q And did there come a time when you were at that
22 party that someone asked you for a ride somewhere?

23 A Yes, ma'am.

24 Q Who asked you for a ride?

25 A Gator.

1 Q And Gator is?

2 A Alan.

3 Q Alan Fields?

4 A Yes.

5 Q And do you know about the time that Gator asked you
6 for a ride?

7 A It was around about five or six.

8 Q P.m.?

9 A Yes.

10 MR. SIMS: Your Honor, we still can't hear her and
11 the court reporter can't hear her and I can't hear real
12 good either.

13 Q Make sure you speak directly into the mic so
14 everybody can hear you and I'll go back a bit. So did
15 someone ask you for a right that night?

16 A Yes.

17 Q Who asked you for a ride?

18 A Alan.

19 Q And Alan is?

20 A Gator.

21 Q Okay. And do you know about what time he asked you
22 for a ride?

23 A About five or six.

24 Q Is that p.m.?

25 A Yes.

1 Q Was it light out or had it gotten dark?

2 A It was night.

3 Q Okay. And when he asked you for a ride, did he
4 tell you where he wanted to go?

5 A On 601.

6 Q Okay. Is that down 601?

7 A Down 601.

8 Q Did you ultimately give him a ride?

9 A Yes.

10 Q Was anybody else with you?

11 A Connie White.

12 Q And who is Connie White?

13 A A friend of mine.

14 Q So anybody in that car besides you Gator and Connie
15 White?

16 A No, ma'am.

17 Q And tell the jury where you were before you gave
18 him that ride.

19 A In Roosevelt Gardens.

20 Q And I guess that's kind of near the hospital?

21 A Yes. Behind the family health center.

22 Q Is that kind of near the hospital?

23 A Yes, ma'am.

24 Q Is that near I-26?

25 A Yes.

1 Q And he said he wanted a ride -- and you said he
2 wanted a ride down 601?

3 A Uh-huh.

4 Q Which direction on 601?

5 A Right. Made a right -- when I left out the gardens
6 at the light, I made a right down 601 up past the
7 hospital.

8 Q Where did you ultimately take him that evening?

9 A To a trailer park across the bridge.

10 Q Okay. And is that going away from Orangeburg?

11 A Yes.

12 Q Over the Interstate?

13 A Yes.

14 Q And at any point that night did you have any car
15 issues?

16 A Yes. The car was running hot.

17 Q When the car run hot was Mr. Fields still in the
18 car with you?

19 A Uh-huh. Yes, he was.

20 Q And when the car ran hot where did you pull exactly
21 --

22 A I pulled into a trailer park.

23 Q And when you said this trailer park was on the
24 right?

25 A Yes, right.

1 Q And were you familiar with the trailer park?

2 A No, ma'am.

3 Q And tell the jury what happened after you pulled
4 into the trailer park.

5 A I got out to check the car see what was going on
6 with the car. Then wait for a little bit and I left.
7 Me and Connie left.

8 Q Gator didn't leave with you all?

9 A No, ma'am.

10 Q Do you have any idea where Gator went at this point
11 in time?

12 A No, ma'am.

13 Q Did you see someone come and pick him up?

14 A No, ma'am.

15 Q Did you see him leave on foot?

16 A No, ma'am.

17 Q So the last time you saw him that night was in that
18 trailer park?

19 A Yes, ma'am.

20 Q Did you see anybody come and pick him up?

21 A No, ma'am.

22 Q Did he tell you where he was going?

23 A No, ma'am.

24 Q Did he tell you why he wanted to be dropped off?

25 A No, ma'am.

1 Q Do you know or did you know the victim in this case
2 Taneris Hamilton?

3 A No, ma'am.

4 Q He goes by the nickname Tweety Bird. Are you
5 familiar with anybody named Tweety Bird?

6 A No, ma'am.

7 Q Did you see Mr. Fields or AKA Gator anymore that
8 night of March 20th?

9 A No, ma'am.

10 Q So the last time you saw him was in that trailer
11 park basically?

12 A Yes, ma'am.

13 Q Where your car was acting up?

14 A Yes.

15 Q How about the Defendant in this case, Lamont
16 Samuel. Do you know Lamont Samuel, Ms. Asbury?

17 A Yes, ma'am.

18 Q How do you know Lamont Samuel?

19 A A friend of Gator and Fable. Alan Fields and
20 Alphonso Fields.

21 Q How about Mr. Samuel's brother Jerry McKnight, do
22 you know Mr. McKnight?

23 A Yes.

24 Q How do you know Mr. McKnight?

25 A A friend.

1 Q And back in March of 2012, how would you categorize
2 Mr. Samuel and Mr. McKnight's relationship to Gator?

3 A Friends. Good friends.

4 Q Do you know back in March of 2012 what kind of car
5 Mr. Samuel was driving or if he had one?

6 A Yes. A burgundy SUV.

7 MS. GLOVER: No further questions, Your Honor.

8 Q Please answer any questions that Mr. Sims has.

9 CROSS EXAMINATION BY MR. SIMS:

10 Q Ms. Asbury --

11 A Yes.

12 Q -- how long have you known Gator?

13 A About ten years.

14 Q About ten years. And when did you -- where was
15 Gator for a long period of that time?

16 A Incarcerated.

17 Q Incarcerated?

18 A (Nodded)

19 Q Do you know how many years?

20 A No.

21 Q And about how long had Gator been out of jail when
22 you met him again?

23 A A couple of months.

24 Q A couple of months?

25 A (Nodded)

1 Q So on this day, he was at the birthday party?

2 A Yes.

3 Q And he asked you to drive him up 601?

4 A Yes.

5 Q Do you know whether or not -- he didn't give you an
6 address or anything?

7 A No, sir.

8 Q And that was about five or six o'clock when you
9 dropped him off?

10 A Yes.

11 Q And the car stopped?

12 A The car was acting up.

13 Q And the phone number that you gave, explain that to
14 us again, please.

15 A The telephone number?

16 Q 308, I believe it was --

17 A 6533.

18 Q Uh-huh.

19 A Uh-huh.

20 Q Whose phone was that?

21 A Alan.

22 Q That was Alan Fields' phone?

23 A Yes.

24 Q Did you stay around long enough to see which way
25 and which direction Alan Fields was going?

1 A No, sir.

2 Q Did you hear from Alan Fields any other time that
3 night?

4 A No, sir.

5 Q Do you know whether or not Alan Fields had a
6 weapon?

7 A No, sir.

8 Q And you can't identify where he -- you said 601 he
9 just basically got to a mobile home park?

10 A Uh-huh.

11 Q So you don't know --

12 A And checked the car.

13 Q And checked the car and that's where he got out?

14 A Uh-huh. We both got out together and checked the
15 car.

16 Q Okay. Y'all both got out and checked the car?

17 A (Nodded)

18 Q And Lamont Samuel wasn't with him at that time?

19 A No, sir. No one.

20 Q His brother Fable?

21 A He was incarcerated.

22 Q He was incarcerated?

23 A Uh-huh.

24 Q So Alan Fields had been incarcerated for up to
25 maybe two months before this event?

1 A Yes.

2 Q So he had just gotten out. When you say
3 incarcerated, let's be clear, where was he incarcerated?

4 A I'm not sure.

5 Q I mean, was it in Orangeburg or Columbia?

6 A I'm not sure.

7 Q He wasn't in the Orangeburg jail?

8 A I'm not sure.

9 Q How long had he been incarcerated?

10 A A few years.

11 Q About three years?

12 A Probably more.

13 Q Three years or more. What was -- and you said his
14 name was Alan Fields, but he had a street game of Gator;
15 is that correct?

16 A Yes.

17 Q And do you know why he had that name of Gator?

18 A Because his daddy's name was Gator. Big Gator.

19 Q And did you know of his reputation on the street?

20 A Yes.

21 Q What was his reputation on the street?

22 A He's just Gator.

23 Q I'm talking about what kind of person. What kind
24 of reputation did he have in terms of --

25 A He was a good person.

1 Q Huh?

2 A He was a good person.

3 Q A good person?

4 A Uh-huh.

5 Q Do you know why he went to jail?

6 A No, I can't remember. I can't remember.

7 Q But you do remember that he had been in jail for
8 about three years somewhere in South Carolina?

9 A Uh-huh.

10 Q Had just gotten out of jail, had been out of jail
11 for two months, and you dropped him off, so that's all
12 you remember?

13 A Uh-huh.

14 MR. SIMS: That's all we have at this point.

15 THE COURT: Redirect?

16 MS. GLOVER: No further questions, Your Honor.

17 THE COURT: You may come down. Thank you very much.
18 May this witness be excused?

19 (No response)

20 THE COURT: Without objection. Next witness?

21 MR. SORENSON: Steven Johnson.

22 STEVEN JOHNSON,

23 being first duly sworn, was examined and testified as
24 follows:

25 THE CLERK: You may be seated. State your full name

1 for the court.

2 DIRECT EXAMINATION BY MR. SORENSON:

3 Q State your full name, Steven.

4 A Steven Direll Johnson.

5 Q All right. Steven, need to make sure you pull --
6 there you go. Keep your voice up and speak into the
7 microphone. All right.

8 If you would, Steven, please tell the jury how old
9 you are.

10 A I'm 38 now.

11 Q Okay. And where did you grow up?

12 A Orangeburg.

13 Q Okay. Where did you go to high school?

14 A O. W.

15 Q All right. And you graduated from O. W.?

16 A Yes, sir.

17 Q And what year did you graduate?

18 A 2000.

19 Q All right. And what are you currently doing for a
20 living?

21 A I work at Allied Air.

22 Q Okay. And how long have you been there?

23 A Since the incident.

24 Q Okay. And so since 2012?

25 A Yes, sir.

1 Q And I want to go first a little how you know some
2 of the people involved. All right. Tell the jury, did
3 you know Taneris Hamilton?

4 A Yes, I did.

5 Q Okay. And back in 2012, how long had you known
6 Taneris at that time?

7 A Since school. Me and him went to school together.

8 Q Okay. And describe for the jury your relationship
9 with Mr. Hamilton.

10 A My best friend.

11 Q All right. And did Taneris have a nickname he went
12 by?

13 A Yes, he did.

14 Q And what was his nickname?

15 A Tweety Bird.

16 Q All right. And so you've known him since high
17 school or even farther back?

18 A Seen him on and off in middle school, but, you
19 know, more in high school.

20 Q All right. And you said he was basically your best
21 friend back at that time?

22 A Yes.

23 Q How often do you think you saw Taneris?

24 A At least twice a week.

25 Q Okay. And how about the Defendant, Lamont Samuel,

1 do you know Mr. Samuel?

2 A Yeah, from Taneris.

3 Q Okay. And do you know what his relationship was to
4 Taneris?

5 A I want to say they was supposed to be kin of some
6 kind.

7 Q All right. And how about a young man by the name
8 of Alan Fields that went by the nickname Gator, did you
9 know Mr. Fields?

10 A No, I do not.

11 Q All right. Let me start with just asking you,
12 Steven, did you have anything to do with your best
13 friend's death?

14 A No, I don't.

15 Q You did however get charged; is that correct?

16 A Yes, I did.

17 Q Okay. And do you remember what you were charged
18 with initially?

19 A Murder, attempted murder.

20 Q Okay. And so you were charged with murder for
21 Taneris's death?

22 A Yes.

23 Q And who was supposedly the victim of the attempted
24 murder you got charged with?

25 A I want to say Lamont.

1 Q Okay. So you got charged initially with attempted
2 murder for shooting -- allegedly shooting at Lamont
3 Samuel; is that correct?

4 A As far as I know, yes.

5 Q Did you get arrested?

6 A Yes, I did.

7 Q Go to jail?

8 A Yes, I did.

9 Q How long did you stay in the Orangeburg County
10 jail?

11 A I want to say from probably like a month, month and
12 a half.

13 Q Okay. Hire an attorney?

14 A Yes, I did.

15 Q Okay. Ultimately, your charges got dismissed; is
16 that correct?

17 A Yes, they did.

18 Q Let's talk though about the night that Taneris was
19 killed. Were you over at his house that night?

20 A Yes, I was.

21 Q Okay. And tell the jury why you went over there?

22 A I went over there to come back and chitchat or
23 whatever with him, really.

24 Q Okay. And what was Taneris -- what was he doing
25 for a living back then?

1 A He was selling drugs.

2 Q And --

3 MR. SIMS: Your Honor, I hate to interrupt, but his
4 voice is trailing. He's looking at you and not into the
5 microphone.

6 Q Yes, face into the microphone, Steven. And so what
7 was he doing back then?

8 A Selling drugs.

9 Q Okay. And that night you went over there, did you
10 go over there to get some drugs from Taneris?

11 A I did get something from him, but...

12 Q And what was it that you got from him that night?

13 A I got like a \$20 worth of cocaine.

14 Q Okay. And when you got over there that night --
15 and where was Taneris living back then?

16 A Where was he living?

17 Q Uh-huh. Yes, sir.

18 A What was the name? Like going toward St. Matthews.

19 Q Highway 601?

20 A Yeah.

21 Q And what kind of vehicle were you driving back
22 then?

23 A Like a '86 Sundance.

24 Q Do you remember, Steven, where you parked that
25 night?

1 A Yes, I do.

2 Q All right.

3 MR. SORENSON: Can you pull up State's Number 18.

4 Q I'm going to show you, it's going to pop-up on the
5 TV behind you in a second, Steven, but State's Exhibit
6 Number 18. Do you recognize that photograph?

7 A Yes, I do.

8 Q All right. It's right there behind you. Does that
9 kind of show where you were parked? Will you be able to
10 point that out? Kind of turn the other way and use this
11 to kind of point to the jury kind of where you parked
12 that night.

13 A Right in front of the door.

14 Q Okay. And when you got there, what other vehicles
15 were parked at Taneris's house when you got there?

16 A The vehicle they were driving. Him and his
17 girlfriend and the -- Lamont's truck.

18 Q Okay. So first off, so where were Shameka --
19 Shameka, was that Taneris's girlfriend back then?

20 A Yes.

21 Q Okay. So where were Shameka and Taneris's vehicle,
22 where was it parked? If you remember.

23 A I want to say like in the driveway or something in
24 this area right here.

25 Q Okay. And how about when you said Mr. Samuel had a

1 -- do you remember what kind of vehicle he had?

2 A I want to say like a Tahoe or a Yukon.

3 Q Okay. Do you remember where he was parked when you
4 got there?

5 A Right here.

6 Q Okay. So on the left side of the house as you're
7 facing it?

8 A Yeah.

9 Q All right. And then, Steven, so when you got
10 inside, who else was there when you got there?

11 A It was just Taneris, Shameka, Lamont, that was it.

12 Q And what was everybody doing?

13 A Shameka was getting ready to go get some Chinese
14 food. Taneris was fiddling with his phone and his
15 money. Lamont was playing a video game and fiddling
16 with his phone.

17 Q Okay. And how long do you think you were there?

18 A Probably not even an hour. I would say probably
19 about an hour at the most.

20 Q Okay. And, ultimately, did anybody leave the house
21 before you left?

22 A Yeah, Shameka.

23 Q Shameka?

24 A Yes, Shameka.

25 Q Okay. And I think you briefly touched on this, but

1 did you know where she was going?

2 A Yeah, to go get Chinese food.

3 Q Okay. All right. Now, let me ask you, that hour
4 or so that you were inside, inside that house, were
5 y'all all in the living room area?

6 A Yes.

7 Q Okay. And did you see any firearms while you were
8 in there?

9 A Yes, I did.

10 Q Okay. And tell the jury who did you see that had a
11 gun that night inside the house?

12 A Taneris had his gun by him. And the spot where I
13 was sitting there was a gun in the chair. Which Taneris
14 said that was Lamont's gun.

15 Q Okay. And how about -- you said that you had gone
16 over there and gotten \$20 worth of cocaine, did you see
17 any other drugs in the house?

18 A Yes, I did.

19 Q And where were they located at?

20 A With Taneris.

21 Q Okay. And do you remember what he had the drugs
22 in?

23 A Yeah, like a ziplock bag.

24 Q Okay. And you said that also he was messing around
25 with his money?

1 A Yes.

2 Q Okay. Do you have any idea how much money he had
3 on him?

4 A No, I don't.

5 Q How much money did you give him?

6 A \$20.

7 Q And by this point in time, what was it like
8 outside? Was it dark out by now?

9 A Yes.

10 Q Okay. And so you said that Shameka left, so
11 ultimately, I assume there came a time when you left?

12 A Yes.

13 Q Okay. So who was still there then when you left
14 the house?

15 A Lamont and Taneris.

16 Q Okay. And were -- what vehicles then were outside
17 when you left?

18 A Just Lamont's truck.

19 Q Okay. And was it still parked where you seen it
20 parked earlier?

21 A Yes.

22 Q Okay. And, ultimately, where did you go?

23 A I went to go see a friend.

24 Q A female friend?

25 A Yes.

1 Q Okay. And, ultimately, when did you find out that
2 your best friend had been killed?

3 A Once I had the female friend meet me for like 15
4 minutes.

5 MR. SIMS: I couldn't hear that. Could you repeat
6 that, please.

7 A For like 15 minutes once I got to my female friend
8 that's when I received phone calls on Taneris's death.

9 Q Okay. Did you get arrested the following day?

10 A Yes, I did.

11 Q When you left that night you said earlier the only
12 two people that were in the house when you left were
13 Mr. Samuel the Defendant, and Taneris?

14 A Yes.

15 Q Did you see anybody else outside?

16 A No, I did not.

17 MR. SORENSON: That's all I have for Mr. Johnson.

18 THE COURT: Cross examination?

19 CROSS EXAMINATION BY MR. SIMS:

20 Q Mr. Johnson --

21 A Yes.

22 Q -- what time did you leave the house?

23 A I want to say -- have to be like around nine,
24 eight.

25 Q Nine or eight. And you said you left and went to a

1 female's house?

2 A Yes, I did.

3 Q And you said you were there 15 minutes you received
4 a call?

5 A Yes, I did.

6 Q Of Taneris's death. Who called you?

7 A First it was a friend of mine off of Edisto Drive.
8 And then I received another phone call, I want to say it
9 was from his baby's mother.

10 Q Whose mother?

11 A Taneris's mother.

12 Q So within 15 minutes of your leaving the house,
13 according to your testimony, you got a call from a
14 friend off of Edisto Drive and a call from his mother?

15 A His son's mother.

16 Q Taneris's mother?

17 A Yes.

18 Q Now, let's go back. You came to the house to
19 purchase drugs; isn't that correct?

20 A No, it's not.

21 Q Well, you purchased drugs, didn't you?

22 A Yes, I did.

23 Q And you knew that Taneris had drugs?

24 A Yes, I did.

25 Q Because you had bought from him before?

1 A Yes, I had.

2 Q Okay. So he was a source that you knew that you
3 could get drugs from?

4 A Yes.

5 Q And you also knew that in addition to drugs he had
6 at that time that he also had money, kept money?

7 A Yes, sir.

8 Q Large sums of money?

9 A Yes.

10 Q And you and he were discussing how much you would
11 get for your \$20; isn't that right?

12 A No, I don't remember.

13 Q Okay. So you don't remember discussing with him
14 that you wanted him to kind of hold you, give you or
15 hold you over or give you some -- give you drugs more
16 than you wanted -- more than he wanted?

17 A No, I don't.

18 Q Okay. And you say you saw a gun -- you saw Taneris
19 had a gun?

20 A Yes.

21 Q Do you know what model the gun was?

22 A Yes.

23 Q What kind?

24 A I don't know what model, no, I don't. I thought
25 you said did I know where the other gun was.

1 Q And there was another gun you say you saw that gun
2 and it was in a chair?

3 A Yes.

4 Q Okay. And who was near that gun?

5 A Me.

6 Q You were near that gun?

7 A Yes, I was.

8 Q You don't know what kind of gun that was?

9 A No, I don't.

10 Q And Lamont was there, did you see Lamont with a
11 gun?

12 A No, I did not.

13 Q And he was playing video games; is that correct?

14 A Yes.

15 Q So he would have been there to see and hear all the
16 conversations between you and Taneris?

17 A Yes.

18 Q And you knew that Taneris had been involved in this
19 drug -- in this drug scene for a while; isn't that
20 right?

21 A Yes.

22 Q It was from high school?

23 A No, not since high school.

24 Q When do you realize that he had become a drug
25 dealer?

1 A This had been a couple of years after high school.

2 Q A couple of years after high school?

3 A Yes.

4 Q So in all, how many years are we talking about
5 here?

6 A Let's see, maybe it started probably like 2006,
7 2007. I can't remember.

8 Q So 2006 or 2007?

9 A Yeah.

10 Q It's now 2012, so he had been dealing drugs since
11 2006 or 2007?

12 A Yes.

13 Q Okay. And do you know whether or not he had been
14 robbed before?

15 A Yes.

16 Q So he had been robbed before?

17 A Yes.

18 Q Because it was widely known that Taneris was
19 dealing drugs?

20 A Yes.

21 Q And there were certain people or people on the
22 street who knew of Taneris dealing drugs?

23 A Yes.

24 Q Do you know Alan Fields?

25 A No.

1 Q Do you know a Gator?

2 A No.

3 Q So you saw two guns in the house that night. You
4 didn't see Lamont with any guns. He was over there
5 playing video games?

6 A Yes.

7 Q And you left Lamont there?

8 A Yes.

9 Q And so within 15 minutes of leaving Lamont there
10 you got a call?

11 A No. Fifteen minutes once I got to where I was at.

12 Q When you got to where you were at. Okay. Did you
13 see Shameka at anytime while you were there?

14 A Yes, I did.

15 Q And was she still there when you left?

16 A No, she wasn't.

17 Q Okay. So she had gone to get some Chinese food, I
18 believe?

19 A Yes.

20 Q And, initially, you were charged; is that correct?

21 A Yes.

22 Q You were charged with murder?

23 A Yes.

24 Q And you were charged with attempted murder of who?

25 A Lamont, I'm guess.

1 Q So you were charged with the attempted murder of
2 Lamont and those charges according to you were
3 dismissed?

4 A Yes.

5 Q You don't know the model of gun or whether it was a
6 9mm? Whether it was a .32? You don't know anything
7 about that?

8 A No, I don't.

9 MR. SIMS: One moment, Your Honor. That's all I
10 have at this time, Your Honor.

11 THE COURT: All right. Redirect?

12 MR. SORENSON: Nothing, Your Honor.

13 THE COURT: All right. Sir, you may come down.
14 Thank you very much. May this witness be excused?

15 MR. SORENSON: No objection, Your Honor.

16 MR. SIMS: None.

17 THE COURT: Without objection. All right. Call
18 your next witness.

19 MS. GLOVER: Your Honor, the State calls Dr. Ross.

20 JANICE ROSS,
21 being first duly sworn, was examined and testified as
22 follows:

23 THE CLERK: Thank you. Please state your full name
24 for the court.

25 DR. ROSS: Janice Edwards Ross.

1 DIRECT EXAMINATION BY MS. GLOVER:

2 Q Dr. Ross, if you could, make sure you speak
3 directly into the mic. And if you feel comfortable, may
4 I ask that you remove your mask just so that everybody
5 can hear you.

6 A Yes.

7 Q Thank you so much, Dr. Ross. Dr. Ross, what is
8 your profession?

9 A I'm a forensic pathologist.

10 Q And where did you receive your education?

11 A I got a bachelors degree at the University of South
12 Carolina and my medical degree MD from Upstate Medical
13 Center in Syracuse, New York. That's where I did
14 further training in the field of pathology.

15 MR. SIMS: Your Honor, we would stipulate to her
16 qualifications as a forensic pathologist.

17 MS. GLOVER: Thank you.

18 THE COURT: You can go through it if you wish, but
19 he stipulated she's an expert.

20 MS. GLOVER: Thank you, Your Honor. If it's
21 stipulated, I will continue with my questioning.

22 Q Dr. Ross, tell us, what is an autopsy?

23 A An autopsy is an examination of a deceased person
24 to identify any kind of injury or natural disease and to
25 find a cause of death and decide on a manner of death.

1 Q And how many autopsies have you performed?

2 A Approximately 14,000.

3 Q And in your course of experience as a pathologist,
4 do you determine the cause of death to a degree of
5 medical certainty?

6 A Yes.

7 Q And have you testified in court before?

8 A Yes.

9 Q How many times approximately?

10 A About 280 times in South Carolina.

11 Q And, Dr. Ross, did you perform an autopsy on
12 Taneris Hamilton on March 21st of 2012?

13 A Yes.

14 Q And where did you conduct this autopsy?

15 A In Newberry at the Newberry County Memorial
16 Hospital morgue is where I worked until two years ago.

17 Q And, Dr. Ross, tell us, what did you learn -- what
18 did you do during this autopsy of Mr. Hamilton?

19 A The patient is brought to us in the morgue and we
20 look at the patient externally clothed and unclothed.
21 In this case there were gunshot wounds so we further did
22 x-rays to find out if there were any bullets remaining
23 in him. Then we do an internal examination to look at
24 each organ and identify the pattern -- the pathways of
25 the bullets.

1 Q And if you could raise your mic just a bit, Dr.
2 Ross, and make sure you speak directly into it so that
3 our court reporter can record everything that you're
4 saying.

5 A Certainly.

6 Q Thank you so much. And, Dr. Ross, how many gunshot
7 wounds did you observe during this autopsy of
8 Mr. Hamilton?

9 A A total of 12.

10 Q And can you describe those gunshot wounds?

11 A Yes. Generally, there was one in the head going
12 from the left eye to the right forehead. There was one
13 in the base of the right neck going front to back.
14 There were one in each upper arm going front to back.
15 There were three in the right leg going front to back.
16 And then there were a total of five in the back of the
17 person. Four of which went inside the body and one just
18 went underneath the skin and came out.

19 Q Thank you, Dr. Ross. Dr. Ross, at this time, I'm
20 going to show you what has been marked as State's
21 Exhibit 34, 35, 36, 37, 38, and 39. If you could take a
22 look at each of these.

23 A Yes.

24 Q And, Dr. Ross, let's look at these one at a time.
25 I will start with State's Exhibit 34. Can you identify

1 this specific exhibit?

2 A This is a bullet we retrieved from the right
3 forehead. The bullet went into the left eye and across
4 the front part of the brain. And it was actually logged
5 in the skull of the skin on the right forehead, so we
6 could actually see it from -- without doing any kind of
7 dissection. And this is the packaging we gave -- put
8 the bullet in to and I have my initials on it.

9 Q And how about Exhibit 35?

10 A This is a bullet we retrieved from the left
11 shoulder inside the -- underneath the skin from
12 Mr. Hamilton at the time of autopsy.

13 Q And 36?

14 A This is a bullet we retrieved from the anterior
15 chest underneath the sternum basically at the time of
16 autopsy.

17 Q 37?

18 A The bullet from the lateral -- right lateral chest
19 which we retrieved at the time of autopsy.

20 Q 38?

21 A This one was in the abdomen, front of the abdomen,
22 and we retrieved it from the autopsy.

23 Q 39?

24 A This bullet was found just loose in the body bag.
25 It may have come out of the clothing when we took the

1 clothing off. But it was a bullet in the body bag
2 underneath the patient.

3 Q Thank you, Dr. Ross. And do each of these appear
4 to be in the same condition as they were on March 31st
5 of 2012?

6 A Yes.

7 MS. GLOVER: Your Honor, at this time, the State
8 would offer into State's evidence Exhibits 34 through
9 39?

10 MR. SIMS: No objection, Your Honor.

11 THE COURT: Without objection.

12 MS. GLOVER: Thank you, Your Honor.

13 (WHEREUPON, State's Exhibit Numbers 34 through 39
14 were entered)

15 Q Dr. Ross, at the conclusion of the autopsy, were
16 you able to establish a cause of death?

17 A Yes.

18 Q And what was the cause of death of Taneris Hamilton
19 in your expert medical opinion to a degree of medical
20 certainty?

21 A The laceration of multiple organs including the
22 brain, heart, liver due to gunshot wounds of the head
23 and back.

24 Q And, in your expert opinion, what was the manner of
25 death?

1 A Homicide.

2 Q And just a couple more questions, Dr. Ross.

3 Mr. Hamilton's death, are you able to determine through
4 the autopsy and how long it would have taken
5 Mr. Hamilton to die?

6 A It would have taken a few minutes for him to bleed
7 out from the lacerations of the organ and also from the
8 laceration of the brain.

9 Q And, Dr. Ross, when you received Taneris Hamilton's
10 body, are you aware of how much money was on his person?

11 A No. I don't recall any.

12 MS. GLOVER: Your Honor, no further questions at
13 this time.

14 Q Dr. Ross, please answer any questions Attorney Sims
15 may have.

16 MR. SIMS: Your Honor, we have no questions.

17 THE COURT: Sorry.

18 MR. SIMS: We have no questions of Dr. Ross.

19 THE COURT: All right. Thank you very much, Doctor,
20 you may come down. May this witness be excused?

21 MR. SIMS: Yes.

22 THE COURT: Without objection. All right. Ladies
23 and gentlemen, let's take a short break at this time.
24 Just go to your jury room. Don't discuss the case while
25 you're in the jury room. We'll call you in a few

1 minutes. Just relax.

2 (WHEREUPON, the jury left the courtroom at 10:46
3 a.m.)

4 THE COURT: All right. Stand at ease for about ten
5 minutes.

6 (There was a short break)

7 THE COURT: It's my understanding that the statement
8 the Defendant --

9 MR. SIMS: We need the Defendant in here.

10 THE COURT: It has come --

11 MR. SIMS: Your Honor, I just want to put on the
12 record that we are about to enter into a stipulation
13 with the State. I informed my client that we were
14 getting ready to do that. He informed the deputy here
15 to tell me to go on without him. And I just wanted the
16 deputy to put that on the record.

17 THE COURT: All right. That's fine. He's waived
18 his presence just for this purpose?

19 MR. SIMS: Yes, just for this purpose.

20 THE COURT: All right. For the record, it's my
21 understanding the statement the Defense entered into a
22 stipulation with regard to some Verizon cell phone
23 records?

24 MR. SIMS: Yes, sir.

25 THE COURT: In lieu of having the custodian of

1 records present those records; is that correct?

2 MR. SIMS: That is correct, Your Honor.

3 THE COURT: All right. Is that correct, Solicitor?

4 MR. SORENSON: Yes, sir.

5 THE COURT: Do you want to announce and I have a
6 written stipulation that I'm going to make a part of the
7 record as a Court's Exhibit. But as far as -- well,
8 I'll go ahead and announce it. These are the following
9 items that are stipulated into evidence:

10 State's Number 16, subscriber information for
11 Verizon cell phone number 803-971-0218.

12 State's Number 99, Verizon wireless explanation form
13 for historical records.

14 State's 98, incoming and outgoing call log for
15 March 20 through 22, 2012 for cell phone 803-971-0218.

16 State's Number 15, text messages incoming and
17 outgoing from March 20, 2012 from 803-971-0218.

18 And State's Number 17, enlargement of text message
19 from 803-971-0218 to 803-308-6533 on March 20, 2012 at
20 18:23 p.m., that being 6:23 p.m. Signed by Assistant
21 Solicitor Don Sorenson and counsel for the Defendant,
22 Thomas Sims; is that correct?

23 MR. SORENSON: Yes, Your Honor.

24 THE COURT: Mr. Sorenson and Mr. Sims?

25 MR. SIMS: Yes, sir, that's correct.

1 THE COURT: Madam clerk, if you'll just -- I mean,
2 court reporter. Ms. Spires, if you would mark that as a
3 Court's exhibit.

4 MR. SIMS: Do you not want to hear from the officer
5 who -- just to put that on the record?

6 THE COURT: Yes, sir.

7 THE DEPUTY: Yes, sir, I went back there to get the
8 Defendant, Your Honor, and he just got in using the
9 restroom and he said to go on without him for this
10 particular thing.

11 THE COURT: All right. Thank you. Bring the jury
12 in, please.

13 (WHEREUPON, Court's Exhibit Number 1 was marked and
14 entered)

15 (WHEREUPON, the jury entered the courtroom at 11:07
16 a.m.)

17 THE COURT: Madam Court Reporter, just for the
18 record, Tina Smith, one of the jurors has been selected
19 as foreperson of the jury. You can mark that also.

20 (WHEREUPON, Court's Exhibit Number 2 was marked and
21 entered)

22 THE COURT: Ladies and gentlemen of the jury, I need
23 to take up something with the attorneys. I apologize
24 for bringing you back in before we were quite ready.
25 And, by the way, is it -- on the front row in the blue

1 sweater on, thank you, Ms. Smith, for being willing to
2 serve as foreperson of the jury.

3 Please just take -- y'all come -- madam clerk, I
4 need to take up something with the attorneys on the
5 record. It's only going to be a minute or two. Of
6 course, I always say that and it's always later.

7 (WHEREUPON, the jury left the courtroom at 11:13
8 a.m.)

9 THE COURT: Mr. Sims, it's my understanding that
10 your client is in the building in the holding cell and
11 is having some stomach problems; is that correct?

12 MR. SIMS: That's correct, Your Honor.

13 THE COURT: And have you discussed with him the fact
14 that the trial is continuing?

15 MR. SIMS: Yes, sir.

16 THE COURT: And what's his position?

17 MR. SIMS: Your Honor, he's informed me to go -- to
18 continue with the trial. And I explained to him that
19 there were going to be certain witnesses coming up and
20 he says -- he asked me to just continue to go forward.
21 I told him about a SLED agent who's going to testify,
22 there are other people who are going to testify, and I
23 explained to him that they were waiting. And he
24 explained to me that he, because of the stomach issues
25 that he has, he at this point cannot sit here without

1 having to get back up and run back to the bathroom.

2 THE COURT: So it's not a matter of 30 minutes or
3 something as far as you're concerned?

4 MR. SIMS: I don't know, Your Honor.

5 THE COURT: He's about 15 minutes or more now.

6 Well, we can proceed. But at the next break -- I mean,
7 if he feels well enough to come in, please bring him in.
8 And, if not, the next break, we'll see if we can talk to
9 him. You want me to bring him in now?

10 MR. SIMS: When I went he was indisposed when I went
11 back there to talk with him.

12 THE COURT: Okay. Well, those things don't last
13 forever. But let's hear the next witness and then we'll
14 check on him again, how about that?

15 MR. SIMS: Yes, sir.

16 THE COURT: All right. Bring the jury in.

17 (WHEREUPON, the jury entered the courtroom at 11:16
18 a.m.)

19 THE COURT: All right. Solicitor, call your next
20 witness.

21 MR. SORENSON: The State calls Investigator Kesha
22 Gillard.

23 LAKESHA GILLARD,
24 being first duly sworn, was examined and testified as
25 follows:

1 THE CLERK: Thank you. State your full name for the
2 court, please.

3 MS. GILLARD: LaKesha Michelle Gillard.

4 DIRECT EXAMINATION BY MR. SORENSON:

5 Q Good morning, Investigator.

6 A Good morning.

7 Q If you would, please tell the jury where it is that
8 you're employed?

9 A Orangeburg County Sheriff's Office.

10 Q And how long have you been with the sheriff's
11 office?

12 A About 11 years now.

13 Q Okay. And what are your current duties there?

14 A I'm an investigator. Criminal investigator.

15 Q Okay. And turning your attention back to March
16 2020, what capacity were you employed then?

17 A 2012?

18 Q In 2012.

19 A Criminal investigator.

20 Q And were you ultimately involved in the
21 investigation into Taneris Hamilton's death back in
22 2012?

23 A I was.

24 Q Okay. And tell the jury what -- did you respond
25 out that night to the scene?

1 A I did.

2 Q Okay. And what if any involvement did you have out
3 there that night at the scene?

4 A I was the on-call investigator and I was notified
5 to respond to the Jamison area in regards to a shooting.
6 I spoke briefly with Ms. Shameka Wolfe, I think, was the
7 girlfriend of Taneris Hamilton. We spoke -- I spoke
8 briefly out there and then transported her back to our
9 criminal investigation office.

10 Q Okay. And did you then also respond back to the
11 CID to the investigation division?

12 A I did.

13 Q Okay. And were you aware the jury heard yesterday
14 about the Defendant, Mr. Samuel, being questioned by
15 Investigator Billy Ethridge?

16 A Yes.

17 Q Were you present for that?

18 A Yes.

19 Q Okay. And that night then at the -- out back at
20 CID during the course of him being questioned by
21 Investigator Ethridge, did you collect anything from
22 Mr. Samuel?

23 A Yes. I did a GSR kit which is a gunshot residue
24 kit.

25 MR. SORENSON: May I approach the witness, Your

1 Honor?

2 THE COURT: Yes, sir.

3 Q Okay. And showing you State's Exhibit Number 90.

4 Ask if you recognize that first of all?

5 A Yes, I recognize it.

6 Q Is that the gunshot residue kit that you collected
7 from Mr. Samuel that evening?

8 A It is.

9 Q Okay. And then State's Exhibit 95. The jury heard
10 sort of about these forms yesterday, but is that the
11 form that you filled out?

12 A Yes.

13 MR. SORENSON: Your Honor, at this time we'd offer
14 State's 90 and 95 into evidence.

15 THE COURT: Without objection.

16 (WHEREUPON, State's Exhibit Number 90 and 95 were
17 entered)

18 MR. SIMS: Is this 95?

19 MR. SORENSON: This is 95, yes, sir.

20 Q Investigator Gillard, explain if you would very
21 briefly to the jury how you went about collecting the
22 gunshot residue kit from Mr. Samuel.

23 A What I did was I opened up the kit. And the form
24 you see is on the inside. So I pulled it out and also
25 it's a set of instructions on the inside as well. This

1 form is the basic information of what we need to
2 collect. At the top, my name, my badge number, the
3 agency, the case number, and then a selection of what
4 type of incident that we're investigating. On this
5 particular one I checked the homicide.

6 And then the person that you're conducting the GSR
7 kit, you put his information. Which at the time was
8 Mr. Lamont Samuels (verbatim). His date of birth. And
9 at the time he was a living subject, so I checked that.
10 And he was right-handed. That's the information that I
11 received from him. So I checked that as well.

12 Then it asks any type of blood or debris in the
13 hand. I checked, yes. And it was a small wound on his
14 left hand inside of the palm. It asked had the subject
15 washed his hand? Yes. That's information I got from
16 Mr. Samuels (verbatim). Was he -- what was his
17 occupation at the time? He was unemployed. Asked his
18 hobbies. He played basketball. A brief description of
19 any activities. He was at his mother's home at the time
20 of the incident.

21 Then at the bottom, the date and time of the
22 incident. Where it occurred. And then it asks for any
23 bullet caliber information. We didn't have that at the
24 time.

25 Q Okay. And this incident occurred about 10 p.m. on

1 March 20th; is that correct, thereabouts?

2 A That's correct.

3 Q And you were collecting this from him at what time?

4 A 12:30 which would be the next morning hours.

5 Q Two and a half hours or so give or take a little
6 bit afterwards?

7 A Yes.

8 Q Okay. Turning your attention, were you present
9 when Investigator Ethridge interviewed Mr. Samuel?

10 A I was.

11 Q Okay. Then did you have an opportunity a couple of
12 days later on March 22nd to further interview
13 Mr. Samuel?

14 A Yes, I did.

15 Q Okay. And at some point in time either before that
16 statement or after that statement I'm getting ready to
17 talk to you about, was Mr. Samuel, did he initially get
18 arrested and charged with something stemming out of this
19 incident?

20 A Yes.

21 Q And what was that that he was charged with
22 initially?

23 A Obstruction.

24 Q Okay. And so specifically on March 22nd then, so I
25 guess two days after the incident, did you have a chance

1 to interview the Defendant?

2 A Yes.

3 Q Okay. And the jury heard from several witnesses
4 yesterday, did you have an opportunity to advise him of
5 his Miranda warnings?

6 A I did.

7 Q And did you use a form to do that?

8 A Yes.

9 Q Okay. I'm showing you State's Exhibit Number 4, is
10 that the form that you used?

11 A It is.

12 Q And then, ultimately, did you take a written
13 statement from him that evening?

14 A I did.

15 Q I'm showing you State's Exhibit Number 5. Is that
16 the statement that was taken on March 22nd at seven
17 something in the evening?

18 A Yes.

19 MR. SORENSON: Your Honor, at this time, we'd offer
20 State's 4 and 5 into evidence.

21 THE COURT: Without objection?

22 MR. SIMS: Yes, sir.

23 (WHEREUPON, State's Exhibit Numbers 4 and 5 were
24 entered)

25 Q And now, Investigator Gillard, when you went about

1 interviewing him that day, I mean, did you promise him
2 anything to get him to talk to you?

3 A I did not.

4 Q Threaten him in any way shape or form?

5 A I did not.

6 Q Coerce him in any way?

7 A I did not.

8 Q Was he freely and voluntarily talking to you?

9 A He was.

10 Q Okay. What was the purpose of you bringing him
11 back over now to further question him?

12 A To clarify some inconsistent statements.

13 Q And, ultimately, did he give you then what's in
14 State's Exhibit Number 5?

15 A Yes.

16 MR. SORENSON: Your Honor, at this time we'd ask to
17 publish State's Exhibit Number 5.

18 THE COURT: Go right ahead.

19 Q If you can do that, Investigator Gillard, and it's
20 up on the TV behind you for the jury. Can you publish
21 it to the jury? Can you read it?

22 A Read it?

23 Q Yes, ma'am.

24 A Yes. The date was March 22nd, time 7:19. Place,
25 Orangeburg. Witness name, Lamont Samuel. Age 20, date

1 of birth [REDACTED]. His phone number is listed. And the
2 address is 178 Haywood Lane, St. Matthews.

3 "I Lamont Samuels (verbatim) pulled up at my cousin
4 Tweety Bird's house. I backed my truck in got out and
5 walked in the house. As I approached the house it was
6 Tweety Bird and his girlfriend. I said what's up to the
7 both of them. Came in sat down and we started talking
8 and joking around. So as 10 minutes or maybe more went
9 by Steve pulled up. He came in and said what's up
10 Tweety Bird you already know what I want. (Tweety Bird
11 said come on in sit down talk to me. Steve said let me
12 get a dub sack of (cocaine). Bird said ok. I got you.
13 Let me see the cash b-i-t-c-h. Steve said come on now
14 you now I got the cash. So Steve pulled out the cash at
15 this time.

16 I'm playing game chilling, his girlfriend said was
17 trying to get him to give him the money to get something
18 to eat. So Tweety Bird told her to hold on and where
19 did she want to eat from. So she said Waffle House.
20 After that he was like just wait for a little minute.
21 Let me handle Steve, so she waited. I'm still playing
22 the game. So Tweety Bird finally gave her the money at
23 the same time still talking to Steve.

24 So once she got the money she open the door to
25 leave. When she walked out she said Lamont Lauren out

1 here. I said no" it's a word he has in parenthesis, it
2 looks like (W-u-b-s-t-e-r). Then he said, "that's my
3 mama. She said oh and left meaning walked down the
4 runway. So I came behind her, walked to the truck and
5 got the (DSI) game for my mama. At this time my mother
6 pulled off. Tweety Bird girlfriend pulled off. I went
7 back in this house, shut the door and got back on the
8 game.

9 Steve and Tweety Bird was talking about the
10 cocaine. I'm still playing the game, so Tweety Bird got
11 up walked to the kitchen and told me to watch his work
12 (cocaine). I said okay. I was watching it but I really
13 wasn't at the same time. So I continue playing the
14 game. So then Steve ask me what kind of game you
15 playing. Tweety Bird said Street Homecourt. It's a
16 basketball game. So Steve said oh and Tweety Bird said
17 you don't know nothing about that. And Steve said no
18 but I bet if I start playing the game I will learn it
19 and beat it. Tweety Bird said you and gone beat my
20 little cousin at it. I think he got some cheat codes to
21 that game because he don't miss a shot. So Steve said
22 you got cheat codes nigga. I said no Tweety Bird you
23 know I don't got no cheat codes to the game. And Steve
24 said nigga don't talk to Bird talk to me.

25 At this time he raising his voice at me. But I

1 didn't pay it no mine. So he said I'm going to ask you
2 again do you have cheat codes. This time with my gun in
3 his hand so I paused the game and gave him a look. So
4 Tweety Bird came back out the kitchen and said nah lil
5 cousin he just playing don't pay it no mine. So I say
6 cool in my mind and started back playing the game. So
7 Tweety Bird sat down. Steve rolled up a coolie and got
8 up than sat back down. I'm still playing the game.
9 Tweety Bird texting, so Steve mentioned d-a-m-n you
10 don't never lookout for nobody, Bird. Tweety Bird said
11 b-i-t-c-h looking out done cause me plenty money
12 b-i-t-c-h. I got kids bills to pay and a girlfriend to
13 take after. We got to eat to.

14 So Steve had a dumb look on his face. I'm still
15 playing the game so they was quite for a little minute.
16 Then Steve said how much could you get a pound of weed
17 for. And Tweety Bird said b-i-t-c-h what you want to
18 know that for. You only buy dust. That ain't none of
19 your business. So Steve finally say man I'm bout to go.
20 I said me too so I can meet my girl to get that food
21 from her. But before I could leave Tweety Bird said
22 little cousin just chill for a minute. So I was like
23 okay and I sat back down. Then Steve got up and said he
24 was out. So he went outside. I closed the door and
25 assume he was gone.

1 Witness said during the -- during the seen," and he
2 has s-e-e-n. "He saw Steve car on the side. He was
3 getting high at this point. Tweety Bird said lil cousin
4 I hear something outside. So he told me to go look. I
5 went outside to the door didn't see anything. Came back
6 in and said Bird you tripping. So I sat back down then
7 got up and said Bird I'm bout to go. He then said go
8 head little cousin. D-a-m-n Lauren got you whip but go
9 head because my girl on the way back. So I left.
10 Walked outside. Saw a grey Chevy tinted windows hub
11 caps on it.

12 Once I seen that I got in my truck and immediately
13 let my seat back. I had my eyes closed because I was
14 scared and I didn't see no one in the car when I first
15 came out so my seat layed back eyes close. Once I heard
16 ol s-h-i-t and shots fired. I sat in my truck open my
17 eyes and waited for couple of seconds. As I waited the
18 shooting stop. Steve came out and the other guy. Once
19 I saw Steve face that's when I crank my truck up then
20 the other guy fired shots at my car.

21 I put my truck in low gear and began to drove off.
22 Another shot came through the front of my window from
23 the Chevy. I drove out losing control. Once I got
24 control, I went in the median fired shots to let them
25 know I had a gun. Once they turned off I call the

1 police and hung up then got on the phone with my
2 mother."

3 Then on this page, I go into question and answer,
4 it's Q and A. My question was:

5 "Q Where is the gun?" His answer was:

6 "A Gator have it.

7 Q Why do Gator have the gun?

8 A Cause I was scared I need you to hold this
9 for me.

10 Q What is Gator real name?

11 A Allen Fields.

12 Q What kind of gun is it?

13 A 40.

14 Q Give a description of the weapon.

15 A Grey and black.

16 Q Why did you tell us you threw the gun in the
17 pond?

18 A Because I was scared.

19 Q Did you see Steve come out of the house
20 after you heard the shots fired?

21 A Yea.

22 Q Why did you lie about not seeing him?

23 A Because I was aggravated by my mother the
24 whole day and kinda scared.

25 Q Is there anything else you would like to add

1 to this statement?"

2 He said, "No," and then signed his name.

3 Q Okay. He signed his name, I guess, on the last
4 page?

5 A Yes. Well, he signs it at the bottom after the no,
6 cross the X and initial it then he signs the last page
7 saying it's his statement.

8 Q Gotcha. So, Investigator Gillard, that four page
9 statement that you just read to the jury, who's
10 handwriting is that in?

11 A Lamont Samuels (verbatim).

12 Q And how about the question and answer part on page
13 4, whose handwriting is the questions?

14 A The questions are mine.

15 Q Okay. And how about the answers?

16 A The answers is his writing.

17 Q All right. Now, and I seen here several spots
18 where there are things kind of crossed out also?

19 A Yes.

20 Q And what do you have him to do on any place that he
21 crossed something out?

22 A I had him put his initials next to it.

23 Q Okay. And now -- so that's on the 22nd. The
24 following day, was he brought back over for some further
25 questioning?

1 A He was.

2 Q Okay. And I'm showing you State's Exhibit Number
3 6.

4 MR. SORENSON: May I approach the witness?

5 THE COURT: Yes, sir.

6 Q State's Exhibit Number 6. Do you recognize that
7 advice and rights form?

8 A Yes.

9 Q Who went over that advice and rights form with
10 Mr. Samuel?

11 A Lieutenant Shumpert and myself.

12 MR. SORENSON: Your Honor, at this time, we'd offer
13 State's 6 into evidence.

14 THE COURT: Without objection?

15 MR. SIMS: Yes, sir.

16 (WHEREUPON, State's Exhibit Number 6 was entered)

17 Q And just real briefly, Investigator Gillard, did --
18 first of all, after going over this advice and rights
19 form, did you end up questioning the Defendant that day
20 or did somebody else?

21 A I did not. Lieutenant Shumpert did.

22 Q You were involved in advising him of his rights
23 initially?

24 A Correct.

25 Q Okay. And that's it up behind me on the screen; is

1 that correct?

2 A Yes.

3 Q And what day and time is that?

4 A March 23rd, I think it's 10:05.

5 Q And that was done at where?

6 A At our office.

7 Q Okay. And that's at 1032 Chestnut?

8 A Yes.

9 Q And, once again, did you go over all those rights
10 with him?

11 A Yes.

12 Q Did he indicate that he understood those rights?

13 A He did.

14 Q Did he indicate that he wished to waive those and
15 continue talking to y'all?

16 A He did.

17 Q Okay. And at any point in time, did you or your
18 presence Lieutenant Shumpert threaten Mr. Samuel to get
19 him to continue talking?

20 A We did not.

21 Q Make him any promises?

22 A We did not.

23 Q Coerce him in any way?

24 A We did not.

25 Q Okay.

1 MR. SIMS: Is that 7?

2 MR. SORENSON: That is Number 6.

3 Q And, now ultimately, several days later, did you
4 have yet again another opportunity to interview and
5 question Mr. Samuel?

6 A Yes.

7 Q Okay. And what was the purpose now on March the --
8 fast forwarding you to March 28th, so five days later
9 after that last advice and rights form, what was the
10 purpose of y'all now bringing him back over and further
11 questioning him?

12 A I think this was the day he told Lieutenant
13 Shumpert that he had shot his truck up, so I wanted to
14 kind of like follow-up because he had already given us
15 several different statements.

16 Q Okay. And kind of in that regard, so you testified
17 earlier that Lieutenant -- and this is Lieutenant
18 Shumpert right here?

19 A Yes.

20 Q He had questioned Mr. Samuel on the 23rd after you
21 had gone over this advisement of rights form?

22 A Yes.

23 Q And did Lieutenant Shumpert kind of fill you in on
24 what Mr. Samuel had told him?

25 A He did.

1 Q And part of that was you just mentioned was him
2 shooting up his own vehicle?

3 A Yes.

4 Q Okay. So did y'all then bring him back over to
5 kind of further kind of explore these various statements
6 that Mr. Samuel has given y'all at this time?

7 A We did.

8 Q And as part of that, did you yet again advise him,
9 go over another advice of rights form with him?

10 A I did.

11 MR. SORENSON: May I approach the witness, Your
12 Honor?

13 THE COURT: Yes, sir.

14 Q I'm now showing you State's Exhibit Number 7. Is
15 that yet again another advice and rights form from the
16 Orangeburg County Sheriff's Office?

17 A Yes.

18 Q Okay. Is that the one you went over with
19 Mr. Samuel on March 28th of 2012 at 2:17 in the
20 afternoon?

21 A Yes.

22 MR. SORENSON: Your Honor, at this time, we'd offer
23 Number 7 into evidence.

24 THE COURT: Without objection.

25 (WHEREUPON, State's Exhibit Number 7 was entered)

1 Q Okay. And yet again, did you just like it had been
2 done several times now over the last week before this,
3 did you go over those rights with Mr. Samuel?

4 A I did.

5 Q Did he indicate to you that he understood them?

6 A He did.

7 Q And wished to waive them and continue talking to
8 y'all?

9 A Yes.

10 Q Okay. And yet again, did you or anybody in your
11 presence were you threatening him to get him to talk to
12 you?

13 A No, sir.

14 Q Promise him anything?

15 A Nothing.

16 Q In any way coercing him?

17 A No, sir.

18 Q Did he appear to be freely and voluntarily talking
19 to you?

20 A Yes.

21 Q Okay. And did you have at that point in time
22 attempt to kind of clarify some of the different things
23 that he has asked you or has told to either you,
24 Investigator Ethridge or Lieutenant Shumpert over the
25 last six days?

1 A Yes.

2 Q Okay. Did you have an opportunity at that point in
3 time to ask him if he had shot up his vehicle?

4 A I did.

5 Q And what was his response now on March 28th of
6 2012?

7 A He denied shooting up his vehicle.

8 Q Okay. Do you ask him about whether -- were you
9 aware of witnesses that put a red or burgundy SUV firing
10 shots in the bread company parking lot --

11 A Yes.

12 Q -- are you aware of that?

13 A Yes.

14 Q Did you ask him if he had stopped his car in the
15 bread company parking lot?

16 A I did.

17 Q And did he indicate whether he had stopped his
18 vehicle there that night?

19 A He said he didn't. He drove right through.

20 Q Okay. Were you aware at that point in time of his
21 burgundy Tahoe being searched by then I think
22 lieutenant, but now Captain Carter?

23 A Yes.

24 Q Okay. And were you aware of some shell casings
25 that were found in his vehicle?

1 A Yes.

2 Q Okay. And did you ask him about how those shell
3 casings would have gotten in his vehicle?

4 A I did.

5 Q And what was his response to that?

6 A He pretty much said that they were planted.
7 Because he said he collected them and then he threw them
8 out of the window as he was driving home.

9 Q So he admitted to at some point in time over the
10 various times of having fired -- fired from his vehicle?

11 A Yes.

12 Q Okay. But what did he say he did with any shell
13 casings from his firing his weapon?

14 A Threw them out of the window.

15 Q Then ultimately did you have an opportunity to ask
16 him about the various statements that he had given up to
17 that point in time?

18 A Yes.

19 Q And did he indicate to you that any of those
20 statements were, for lack of a better word, the
21 statement that he was now standing behind?

22 A Yes. He said the first statement was the truth and
23 everything else was a lie.

24 Q And that was the statement he gave to Investigator
25 Ethridge?

1 A Yes. On the night of the incident.

2 Q The first night. Okay. And at that point in time,
3 who was he indicating then on March 28th was involved in
4 this incident?

5 A Steven.

6 Q Okay. Did he indicate to you that he knew who the
7 other person involved was?

8 A No.

9 Q Did he indicate whether anybody had then shot at
10 him out there?

11 A Yes. He said Steven and another guy.

12 Q Was he giving you any reason about why he had lied
13 about any of this information over these last several
14 days?

15 A Yeah. He said that he was trying to get in the
16 military or something, he was going in the Navy if I
17 recall correctly and he didn't need any more charges.

18 Q And after talking with him and going over that, did
19 you then ask him if he would give yet another written
20 statement?

21 A Yes.

22 Q Okay. And, ultimately, did you take a statement
23 from him?

24 A Yes.

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

1 State's Exhibit Number 8.

2 MR. SORENSON: May I approach the witness?

3 THE COURT: Yes, sir.

4 Q Is that a portion of that statement?

5 A Yes.

6 MR. SORENSON: Your Honor, at this time, we'd offer
7 State's Number 8 into evidence.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit Number 8 was entered)

10 Q Now, that written statement that was taken from
11 Mr. Samuel in that afternoon of March 28th of 2012, how
12 many pages was that written statement?

13 A If I recall it was about eight. Six or eight.
14 Maybe four.

15 Q Okay. Let me show you --

16 A I think it was like four probably. One of them was
17 kind of long. I think that one was four.

18 Q I'm showing you State's Exhibit Number 8 and,
19 obviously, there are some pages missing. But how many
20 pages are in Exhibit Number 8?

21 A Two.

22 Q Okay. And before we get into the substance of that
23 statement, what happened to pages -- well, first of all,
24 what happened to those because obviously they appeared
25 to be --

1 A Yeah. They were torn up.

2 Q -- damaged?

3 A They were torn up by Mr. Samuels (verbatim).

4 Q And what happened to the other pages whether it was
5 two more pages or more, what happened to the rest of
6 that statement that was taken from him on March 28th?

7 A They were torn to the point they weren't
8 salvageable.

9 Q Okay. And who was that done by?

10 A What?

11 Q Who tore --

12 A Mr. Samuels (verbatim).

13 Q Okay. And who ended up taping up those two pages?

14 A I did.

15 Q Okay. Now, the parts that are missing, is that
16 obviously what -- those two pages are in whose
17 handwriting?

18 A His.

19 Q Okay. And the pages that were missing is that
20 further just him writing or is it like the other
21 statements where you had gone into a question and answer
22 portion?

23 A I believe it was the question and answer portion.

24 Q Okay. And do you recall just from either your
25 memory, your notes, and also of recordings of this

1 whether kind of what those questions were that you went
2 over that were not on the pages that were not salvaged?

3 A Just basically trying to clarify some of the
4 statements of why he lied. He said that he was afraid
5 of Steve. And then, of course, the military thing he
6 was trying to get into the military.

7 Q Okay. Did you ask whether he had any knowledge of
8 or any part in any plans to rob Mr. Hamilton?

9 A I did ask him that.

10 Q What was his answer to that?

11 A He said he didn't have any part or any knowledge of
12 it.

13 Q Okay. Did you ask him if he had a gun on him when
14 he left the house that night?

15 A I did.

16 Q And what did he say about that?

17 A I want to say he said, yes.

18 Q Okay. Do you remember what kind of gun he said it
19 was?

20 A In the beginning I think he said something he
21 wasn't sure, his dad told him it was a 380. And then at
22 one point he told us it was a .40.

23 Q Did he give you two different possible calibers for
24 that weapon?

25 A Yes.

1 Q Okay. And -- all right. Now, if I could get you
2 to publish at least the portion of the statement that
3 you were able to salvage and tape together.

4 A Yes. The date of this statement was March 28th.
5 Time 2:54. At place, 1032 Chestnut Street. Lamont
6 Samuels (verbatim) and his age, 20.

7 "During -- during night break, I did see Steve
8 coming from out of the house. Once I saw him, I
9 immediately cranked my truck up. Once they heard my
10 truck crank they kind of stock brown skin, it's
11 v-i-t-a-m, I think it is. Fired shots then Steve fired
12 after and shot was also fired from a gray Chevy box
13 model tinted windows with hub caps.

14 At this time I almost lost control leaving out the
15 yard. Made a left and went towards Orangeburg. They
16 turned around and I lost sight of the car. This is all
17 I know."

18 This is the question and answer part. The
19 question, "In the first statement you gave on the
20 incident date you give a statement that you saw Steve;
21 is that true?" He said, "True."

22 "In another interview you advised you shot up your
23 own vehicle; is that true?" He replied, "False."

24 "Why did you lie about shooting up your own
25 vehicle? Because I didn't want nothing to get in the

1 way of me going to the military.

2 You stated to investigators that you were in the
3 house and Steve, Taneris were fighting and you saw Steve
4 shot Taneris. Did you tell investigators this? Yes.

5 Is the statement true that you saw the two fighting
6 and you saw Steve shoot Taneris?" His answer was, "No."

7 "Why did you lie about seeing the two fighting and
8 seeing Steve shoot Taneris." And then the answer was on
9 the other page that was torn.

10 Q Now, let me ask you, at some point in time so when
11 he gets brought back over, is he -- you testified
12 earlier that he was originally charged with obstruction?

13 A Yes.

14 Q At some point in time then was he charged with --

15 A Murder.

16 Q -- with Taneris's murder?

17 A Yes, ma'am.

18 Q Okay. And at some point in time that day was he
19 informed of that?

20 A Yes.

21 Q And how did Mr. Samuel react upon being informed
22 that he was going to be charged with Mr. Hamilton's
23 murder?

24 A He kind of got upset and was kind of very agitated,
25 started fiddling with the papers that were on the table.

1 Q Okay. And, ultimately, is -- that occurred after
2 that?

3 A Yes.

4 Q Okay. And when you were originally questioning him
5 who was in the room?

6 A It was just me and him at first.

7 Q Okay. And at some point in time did someone else
8 come in the room?

9 A Yes. My Lieutenant, Lieutenant James Shumpert.

10 Q Okay. And was Lieutenant Shumpert in the room when
11 Mr. Samuel got those papers and started tearing them up?

12 A Yes.

13 Q I believe that's all I have, Investigator. Please
14 answer any questions Mr. Sims has.

15 THE COURT: Cross examination?

16 CROSS EXAMINATION BY MR. SIMS:

17 Q Let's start with the back first. You -- this is
18 State's Exhibit Number 8. And State's Exhibit Number 8,
19 there's a rights part at the beginning; is that right?

20 A Yes.

21 Q It says, "My rights are as follows: "I have the
22 right to remain silent; anything I say can be used
23 against me in court." It says, "I have the right to
24 talk to a lawyer for advice before I am asked any
25 questions. If I cannot afford a lawyer, one will be

1 appointed for me before any questions if I wish. If I
2 decide to answer your questions now without a lawyer
3 present, I will still have the right to stop answering
4 at any time. I also have the right to stop answering at
5 any time until I talk with a lawyer."

6 Now, on this form that you have and I think it's on
7 the screen, there's a dash out in front of it for him to
8 -- for the person who is going to check or give their
9 initials?

10 A Yes, sir.

11 Q And on this one there are no initials?

12 A No. I read him his rights on the other form.

13 Q Okay. But this is another date, this is 3/28. So
14 the other form you read.

15 A Yes.

16 Q So he did have the right to stop at any time that's
17 his Constitutional right; isn't that right?

18 A Correct.

19 Q Okay. Now, when he decide to stop and tear up the
20 papers, he was thrown down and pushed against the wall
21 by Shumpert; is that correct?

22 A Well, the first portion of his statement he didn't
23 decide to stop. But once he tore up the papers,
24 Lieutenant Shumpert intervened.

25 Q He intervened, he grabbed him, threw him down, and

1 snatched the papers from him, and held him violently
2 because he was tearing up a statement. So he obviously
3 had the right to stop saying anything at anytime; is
4 that correct?

5 A I wouldn't agree with you with the violent part,
6 but everything else you said is true.

7 Q And so when he tried to stop giving a statement
8 that's when he was basically violently attacked and held
9 against the wall and you got these documents and you
10 pieced what you could back together?

11 A Again, he didn't decide to stop.

12 Q Well, he tried to tear up the papers?

13 A He did. He tried to tear up the statement, yes.

14 Q So that's his right?

15 A That's not his right to tear up the papers, no,
16 sir.

17 Q It's his right to stop talking. It's his right to
18 take his statement back. It's his right -- that's his
19 Constitutional right?

20 A It's his right to stop talking. Yes.

21 Q That's on video, isn't it?

22 A Yes, sir.

23 Q Okay. Now -- excuse me. Now, the first statement
24 that you -- he said -- Lamont said that he was getting
25 ready to go into the military in the Navy; is that

1 correct?

2 A Correct.

3 Q And so, therefore, he didn't want any of this to
4 interfere with him going into the military?

5 A Correct.

6 Q And Lamont had -- I know you did a records check,
7 he had no record, did he?

8 A Not at that time I don't think.

9 Q I think he had basically just gotten out of school?

10 A I believe so.

11 Q Okay. So he had no prior record, he just gotten
12 out of school, do you know what kind of student he was
13 in school?

14 A I do not.

15 Q Okay. And so he had already been making plans to
16 go into the military, he was trying to prevent anything
17 that was going to keep him from going into the military?

18 A That's his statement, yes, sir.

19 Q Now, you mentioned, I believe, in one of your
20 statements about someone else named Gator or did you?

21 A Yes, sir, Alan Fields.

22 Q Alan Fields; right. Were you familiar with Alan
23 Fields?

24 A Yeah. Outside of this investigation?

25 Q Yes.

1 A Yes, sir.

2 Q Okay. I believe Alan Fields had been in jail; is
3 that correct?

4 A I think so.

5 Q As a matter of fact, he had been in jail for about
6 three years and he was out?

7 A I'm not particularly sure.

8 Q Okay. He had been out just a little while. So
9 Alan -- were you familiar also with his record on the
10 street?

11 A Yes.

12 Q And how was he perceived on the street?

13 A I just know that he was called Gator and he was not
14 an upstanding citizen.

15 Q He was not an upstanding citizen?

16 A Correct.

17 Q Okay. And in that first statement that you were
18 given, Lamont told you about being in the house when
19 Steve came in?

20 A Correct.

21 Q And that Steve came in to buy some drugs?

22 A Correct.

23 Q And when he came in to buy drugs, he wanted more
24 drugs for the money than he had?

25 A That's Lamont's statement, yes.

1 Q All right. And there was a disagreement between
2 Steve and Taneris over the amount of drugs?

3 A That's Lamont's statement, yes.

4 Q So there was questions in terms of their
5 disagreement in going through their disagreement in
6 regards to that?

7 A That's Lamont's statement, yes.

8 Q But later there was some question about Steve
9 having a gun?

10 A I'm not particularly sure.

11 Q When he was playing the game and someone pulled a
12 gun at that point or --

13 A Yeah. Lamont said he pulled the gun out on him
14 talking about the cheat codes or something to that
15 effect.

16 Q So they were trying -- Lamont was playing a game,
17 doing well in the game, and Steve said, hey, you must
18 got some cheat codes and disagreement between Lamont and
19 Steve in regards to that and that's when Steve had a
20 gun?

21 A That's his statement.

22 Q And pulled a gun on him?

23 A That's Lamont's statement.

24 Q And Lamont told you that when he got out, when he
25 left -- when he basically left because first Taneris

1 wanted him to stay and wait for a while until the girl
2 came back; is that correct?

3 A Correct.

4 Q But he said he had to go and take care of some
5 business -- and basically said he had to go?

6 A That's Lamont's statement, yes.

7 Q And he said when he got out there he saw some other
8 people; is that correct?

9 A That's his statement.

10 Q And then he started hearing the shots and he got
11 scared?

12 A Yes, that's his statement.

13 Q Okay. So 18 -- 17, 18 years old hearing gunshots,
14 seeing people getting shot, he said I got scared?

15 A That's his statement.

16 Q And then he began to talk about how he left the
17 place and then somebody began shooting at him?

18 A Yes, that's his statement.

19 Q And you've seen the pictures of his -- the SUV, the
20 burgundy SUV?

21 A Not today, I don't think.

22 Q Not today, but you've seen it before; correct?

23 A Yes, sir.

24 Q And there were bullet holes in that vehicle?

25 A Yes, sir.

1 Q And how many people did he say he saw?

2 A Lamont?

3 Q When he was in the house before he took off and got
4 scared?

5 A He called Steve name and then he said another guy.
6 He never called a name for whoever the other guy was.

7 Q He didn't know the other guy?

8 A And then he said someone in a box Chevy.

9 Q In a box Chevy?

10 A Yes.

11 Q All right. So I see the left there with those in
12 the box Chevy be somebody shooting at him and shooting
13 at his vehicle. He -- initially, he came towards
14 Orangeburg and he turned around; is that correct?

15 A I think so. Yes, sir.

16 Q And he did indicate that they had shot his car and
17 he was trying to shoot back at them or something?

18 A That's his statement.

19 MR. SIMS: One moment, Your Honor.

20 Q So the girlfriend had left the house already to go
21 get the food?

22 A Yes.

23 Q So at that time, it was Tweety Bird, it was Steve,
24 and it was Lamont?

25 A Yes.

1 Q Those were the ones in the house. Now, did you
2 find any other drugs in the house or did -- or were you
3 there when they were going through the house?

4 A I didn't process -- I wasn't there when they were
5 processing the scene.

6 Q Okay. And you said Tweety Bird sat down and rolled
7 a cooly and got up and then sat back down. And cooly is
8 like a cigarette where they put drugs in the cigarette;
9 is that correct?

10 A From my understanding, yes.

11 MR. SIMS: Your Honor, may we approach for a moment,
12 please?

13 THE COURT: Certainly.

14 (Bench conference)

15 (The Defendant left the courtroom)

16 THE DEPUTY: Mr. Sims, he had to go back to the
17 restroom. The defendant left.

18 MR. SIMS: I think that will be it for Investigator
19 Gillard.

20 THE COURT: Any redirect?

21 MR. SORENSON: Very briefly, Your Honor.

22 REDIRECT EXAMINATION BY MR. SORENSON:

23 Q Investigator Gillard, Mr. Sims had asked you some
24 questions about the statement that got torn up.

25 A Yes.

1 Q And was Mr. Samuel still giving you a statement at
2 that point in time when it was torn up?

3 A Yes.

4 Q Or was he done?

5 A No. We were discussing his responses.

6 Q Okay. And I assume, did you stop at that point in
7 time? Did you take that as him being not wanting to
8 talk to you anymore?

9 A You talking about after he tore it up?

10 Q Yes.

11 A Kinda. Sorta.

12 Q There was no further interview in -- by yourself
13 after that?

14 A Correct.

15 Q Okay. And is there anywhere on those advice and
16 rights forms does it say you have the right to tear up a
17 statement that you just gave?

18 A It does not.

19 Q You have the right to stop talking; is that
20 correct?

21 A Yes.

22 Q At any point in time?

23 A Correct.

24 Q Anywhere does it say you have the right to take
25 back the statement you have given and destroy it?

1 A No, sir.

2 Q Okay. And one other little thing I want to make
3 sure we clear up.

4 Mr. Sims had asked you some questions about one of
5 the statements and I think it's the March 22nd one that
6 he was referring to. About, you know, about when
7 Mr. Samuel told you that he and Mr. Steven Johnson had
8 some bickering about the game that he was playing?

9 A Yes.

10 Q And that he had pointed a gun at Lamont?

11 A Yes.

12 Q Okay. And whose gun was it that Lamont Samuel said
13 Steven Johnson pointed at him?

14 A From my understanding Lamont was the gun -- had the
15 gun in the side of the chair and Steve sat in that
16 chair.

17 Q Okay. But, specifically, if I can pull up the
18 March 22nd statement. That is --

19 A He may have said "My gun." I think I remember
20 reading that statement, "My gun."

21 Q That's why I want to get you to point that out. It
22 is State's Number 5.

23 A Yes.

24 Q If you go to the second page about halfway down.
25 See where it says -- kind of right in there. Start --

1 just look at that. Does that indicate to you whose gun
2 Mr. Samuel said Steven Johnson pointed at him?

3 A Yes. It starts, "I didn't pay it no mind so he
4 said I'm going to ask you again, do you have cheat
5 codes? This time with my gun in his hand."

6 Q He never said that Steven Johnson had a gun of his
7 own that night?

8 A Correct.

9 Q Okay.

10 MR. SORENSON: That would be all I have, Your Honor.

11 THE COURT: Anything further of this witness?

12 MR. SIMS: Nothing, Your Honor.

13 THE COURT: All right. Thank you very much. You
14 may come down, ma'am. Thank you very much.

15 May this witness be excused?

16 MR. SORENSON: No objection, Your Honor.

17 THE COURT: Without objection. Next witness?

18 MS. GLOVER: Your Honor, at this time, the State
19 would like to call Ila Simmons.

20 ILA SIMMONS,

21 being first duly sworn, was examined and testified as
22 follows:

23 THE CLERK: State your full name for the court.

24 MS. SIMMONS: My name is Ila Simmons.

25 DIRECT EXAMINATION BY MS. GLOVER:

1 Q Good afternoon, Ms. Simmons. How are you?

2 A I'm doing well. Yourself?

3 Q Good. Could you make sure you speak directly into
4 the mic so our court reporter can hear everything you
5 say.

6 A Yes, ma'am.

7 Q Ms. Simmons, are you currently employed?

8 A I am not.

9 Q Where were you employed back in 2012?

10 A At the South Carolina Law Enforcement Division.
11 Also known as SLED in the forensic services laboratory
12 trace evidence department.

13 Q And how long did you work for SLED?

14 THE COURT: Mr. -- turn the microphone on.

15 Q And how long were you employed at SLED?

16 A Over 16 years.

17 Q In the same department?

18 A Yes, ma'am.

19 Q And tell the jury what you did at SLED.

20 A I work in the trace evidence department. Trace
21 evidence encompasses several areas of forensics. We
22 analyze the presence of gunshot residue. We also
23 compare fibers, paints, and glass, as well as analyzing
24 post plastic explosives and arson degree.

25 Q And what kind of training do you have, Ms. Simmons?

1 A I have a bachelors of science degree. A bachelors
2 of science degree in Chemistry. After completing that,
3 I came to work at SLED where my first three years were
4 spent studying with a court qualified, SLED certified
5 trace evidence examiner. During that time I had to take
6 written and practical examinations and complete them all
7 with one hundred percent efficiency. And each year
8 after that I had to take an examination each year as
9 well completing it with one hundred percent efficiency
10 to remain a trace evidence examiner.

11 Q Thank you, Ms. Simmons. And for the record, you
12 help with gunshot residue analysis?

13 A Yes, ma'am.

14 Q And how many times have you previously testified
15 concerning trace evidence and gunshot residue analysis?

16 A I've been qualified as an expert over 300 times.

17 Q Thank you, Ms. Simmons.

18 MS. GLOVER: Your Honor, at this time the State
19 would like to offer Ms. Simmons as an expert in the
20 field of trace evidence and gunshot residue analysis.

21 MR. SIMS: Your Honor, no objection.

22 THE COURT: Without objection. She is so qualified.

23 MS. GLOVER: Thank you, Your Honor.

24 Q Ms. Simmons, did you happen to examine any evidence
25 related to this case in which Taneris Hamilton was the

1 victim?

2 A Yes, ma'am, I did.

3 Q And before we get into the details of that
4 individual case, could you tell us what exactly is GSR
5 or gunshot residue?

6 A Gunshot residue is a mixture of microscopic
7 chemicals that come out of a gun when it's discharged.
8 In the old west movies, you'll see a puff of smoke come
9 out of the gun, well, these microscopic particles are
10 mixed up in that smoke. And it can get on anything in
11 close proximity to the gun including the hands of the
12 person who's shooting the gun or anything within about
13 six feet of the gun when it's discharged.

14 Q And how is GSR residue collected?

15 A There's a standardized kit and it contains two
16 portions. It has swabs which are presumptive discs and
17 it also has a double sided sticky tape with a handle
18 that's dabbed over the areas of the person's hand from
19 whom the kit is being collected.

20 Q And do you recall how many kits you analyzed in
21 this case?

22 A Two.

23 Q And, Ms. Simmons, at this time, I'm going to show
24 you State's Exhibit 90 and 95. Ms. Simmons, could you
25 tell us what that is?

1 A State's Exhibit 90 is a gunshot residue kit labeled
2 as being collected from Lamont Antonio Samuel.

3 State's Exhibit 95 is the gunshot residue
4 information form that was filled out by the investigator
5 that collected that kit. It was in the kit when she
6 opened it and then she would fill that out.

7 Q And is this one of the kits that you analyzed?

8 A Yes, ma'am, it is.

9 Q And at this time, Ms. Simmons, I'm going to show
10 you State's Exhibit 91 and 57. Could you identify both
11 for us, Ms. Simmons?

12 A Yes, ma'am. State's Exhibit 57 is the gunshot
13 residue kit labeled as being collected from Taneris
14 Hamilton.

15 And the State's Exhibit 91 is the gunshot residue
16 information kit that was filled out along with that
17 gunshot residue kit.

18 Q Thank you, Ms. Simmons. So you analyzed the swabs
19 in each of these kits; is that correct?

20 A Yes, ma'am. The swabs and the particles in both of
21 these kits.

22 Q Thank you, Ms. Simmons. Let's turn our attention
23 to the GSR kit that was conducted to analyze Taneris
24 Hamilton. This would be State's Exhibit 57.

25 A Yes, ma'am.

1 Q What were the results of your examination of that
2 particular kit?

3 A In each standardized gunshot residue kit, we
4 collect a sample from the palm of the right hand;
5 another sample from the back of the right hand; a sample
6 from the palm of the left hand; and a sample from the
7 back of the left hand.

8 In the kit from Taneris Hamilton, the right palm
9 sample was not collected and it was written down on the
10 information sheet that was included in the kit performed
11 by the investigator that there was with a lot of blood
12 on that area of the hand. And we recommend that a
13 gunshot residue sample not be collected if there's a lot
14 of blood because it breaks down the medium of the double
15 sided sticky tape that we use to analyze and it can also
16 alter the swabs.

17 So no sample was submitted on the right palm. No
18 gunshot residue was found on the sample from the right
19 back. Particles of gunshot residue were found on the
20 left palm. And particles of gunshot residue were found
21 on the back of the left hand.

22 Q And what does this indicate, Ms. Simmons?

23 A It can indicate that someone has discharged a gun.
24 It can also indicate that someone had sustained a
25 gunshot wound. Because 85 or more percent of every

1 person who sustains a gunshot wound will have gunshot
2 residue on their hands because of their close proximity
3 to the muzzle of the gun. Or it could also mean that
4 this person came in contact with something that had
5 residue gunshot residue on it because gunshot residue
6 can be transferred from item to item and person to
7 person.

8 Q Thank you, Ms. Simmons. Let's look at State's
9 Exhibit 95. The GSR kit that you did on the Defendant,
10 Mr. Lamont Samuel.

11 A Yes.

12 Q What were the results of this analysis?

13 A On the right palm non-round particles containing
14 lead, barium, and antimony were found. And one round
15 particle containing lead, antimony were found. And one
16 round particle containing barium and aluminum were
17 found. These are components of gunshot residue.
18 Gunshot residue is comprised primarily of lead, barium,
19 and antimony. When you find all of these elements in a
20 molten state, it's consistent with the discharge of a
21 firearm and nothing else creates these particles. Not
22 in nature and not manmade.

23 On the back of the right hand. Gunshot --
24 particles of gunshot residue and non- round particles
25 containing lead, barium, and antimony were found. On

1 the left palm, one non-round particle containing lead,
2 barium, and antimony and round particles containing
3 barium and aluminum were found. And non-round particles
4 containing lead, barium, and antimony are characteristic
5 of gunshot residue as I said earlier.

6 And on the back of the left hand, particles of
7 gunshot residue were found. And one non-round particle
8 containing lead, barium, and antimony. One particle --
9 one round particle containing barium and aluminum were
10 also found. These are all particles that are either
11 characteristic or consistent with gunshot residue.

12 Q Thank you, Ms. Simmons. So in laymen's terms this
13 means that the Defendant, Mr. Lamont Samuel, either had
14 fired a gun or was in close proximity to a gun that was
15 fired?

16 A Or had come in contact with something that could
17 have had gunshot residue on it.

18 Q Thank you, Ms. Simmons. How long does GSR
19 typically remain on someone's hands?

20 A On a living person it does not remain longer than
21 six hours. On someone who is deceased, it can remain
22 indefinitely because the skin stops sweating, a decedent
23 is no longer making contact with things, no longer
24 moving around so it becomes like an inanimate object.

25 Q Okay. And, Ms. Simmons, you testified gunshot

1 residue remains on a living person's hands for about six
2 hours. Can you recall how long after the shooting that
3 officers collected the GSR from Lamont?

4 A That is listed on the gunshot residue kit that was
5 collected by Investigator Gillard, it was about two and
6 a half hours.

7 Q Well within that timeframe?

8 A Yes, ma'am.

9 MS. GLOVER: Beg the Court's indulgence.

10 Q Thank you, Ms. Simmons. At this time, please
11 answer any questions Mr. Sims may have.

12 THE COURT: Cross examination?

13 CROSS EXAMINATION BY MR. SIMS:

14 Q Good afternoon.

15 A Good afternoon.

16 Q Let's talk about gunshot residue. Not only will it
17 be on you if you fired a gun, but also if you bumped up
18 against something that had gunshot residue on it, it
19 could be on you?

20 A Yes, sir. It can transfer from object to object
21 and person-to-person.

22 Q All right. So basically if I was standing by a
23 door handle and somebody had shot a gun close to that
24 door handle and I put my hand on that door handle, I
25 would possibly pick up some of the gunshot residue from

1 that gun; is that correct?

2 A That is a possibility, yes, sir.

3 Q Okay. And I believe we talk about blow back?

4 A Yes, sir.

5 Q In terms of when the person fires the gun not only
6 does the gunshot residue go this way, but it comes back
7 on you?

8 A Yes, that's correct.

9 Q So if someone was shooting at a person and that
10 person decided to shoot back, then, of course, that
11 person would have gunshot residue on them?

12 A It is a possibility. Because if they're
13 discharging a gun then the gunshot residue can wrap back
14 around and get on the hands of the person firing the
15 gun.

16 Q So it could be a person firing in self-defense
17 would fire a gun in self-defense would also would have
18 gunshot residue?

19 A Yes, sir. If the gun was producing gunshot residue
20 they would have gunshot residue on the hands as well.

21 Q And I believe the distance I believe is between
22 four and six feet?

23 A Yes, sir.

24 Q Okay. So if a person like, for example, the
25 deceased, he had it on his left hand; is that correct?

1 A Yes, sir.

2 Q Palm and back?

3 A Yes, sir.

4 Q So do we know which hand he was -- what would be
5 either left handed or right handed?

6 A That is actually listed on the gunshot residue form
7 that the investigator collected. Captain Carter now.
8 But it is listed as unknown.

9 Q Unknown?

10 A Yes. So means he does not know.

11 Q And they could not take the right hand because of
12 the blood that was in the palm of the right hand; is
13 that correct?

14 A Just the palm sample we couldn't analyze. The back
15 we did analyze.

16 Q You analyzed the back?

17 A Yes, sir.

18 Q Okay. Because the blood kind of disburses the
19 gunshot residue and it wouldn't have been a good sample
20 --

21 A Right. And also we ask them not to ever collect it
22 because it would break down -- actually break down the
23 medium that they're using to collect it on, the tape.

24 Q Now, there was gunshot residue on the palm back of
25 the right hand?

1 A There was no gunshot residue on the back of the
2 right hand.

3 Q No gunshot residue?

4 A No, sir.

5 Q Okay. And that could be because somebody when
6 moving the body, changing the body around, or taking it,
7 it could have been washed off, could have been rubbed
8 off or something like that depending upon the number of
9 hours?

10 A Yes, sir. It was either not there to begin with or
11 it can be wiped off because gunshot residue has a
12 consistency of flour. It's very easily removed.

13 Q And you say that the -- from the information that
14 you have, the gunshot residue on the Defendant,
15 Mr. Samuels (verbatim), was in two and a half hours
16 after this event?

17 A That's correct.

18 Q So there would definitely have been if someone is
19 shooting at him and he's shooting back would be -- there
20 would have been some gunshot residue at that point?

21 A Yes, sir. Unless he had washed his hands or bathed
22 or something like that.

23 Q But sometimes washing your hands unless you really
24 give a good hand washing it won't come off?

25 A Sometimes it doesn't.

1 Q You won't be able to see it. So unless you do what
2 we do now with COVID and wash your hands for 25 or 30
3 seconds then it probably would still been there?

4 A It could still be there. Yes, sir.

5 MR. SIMS: I have no further questions.

6 THE COURT: Redirect?

7 MS. GLOVER: No, Your Honor.

8 THE COURT: All right. Ms. Simmons, you may come
9 down.

10 MR. SORENSON: May we approach?

11 THE COURT: May the witness be excused?

12 MR. SORENSON: Yes. No objection from the State.

13 MR. SIMS: No objection for her leaving, Your Honor.

14 (Bench conference)

15 THE COURT: All right. Ladies and gentlemen, as you
16 know, we ordered lunch for you and have been told that
17 it's on the way. So just so you'll have it when it's
18 hot, we're going to take a lunch break at this time.
19 We're going to reconvene about 1:30. But what I want to
20 explain to you is after your lunch, you're free to
21 wander around. I mean, we're not -- we're not keeping
22 you here, but please try to stay in the vicinity. Let's
23 just put it that way. And we'll reconvene at 1:30. And
24 if you have to make a run to pick up a child or
25 something, we can understand that. But please be here

1 promptly at 1:30 at which time we'll continue with the
2 trial.

3 All right. You can now go to your jury room and,
4 again, don't discuss among yourselves while you're in
5 the jury room or anyone else over the lunch hour. Have
6 a pleasant lunch. And, of course, you're welcome to
7 stay here and not leave the building, but you're not --
8 we're not keeping you here. You understand what I mean.
9 Okay. Thank you very much.

10 (WHEREUPON, the jury left the courtroom at 12:21
11 p.m.)

12 THE COURT: All right. Solicitor, is Mr. DeFreese
13 here now?

14 MR. SORENSON: He should be. I haven't yet -- yes,
15 he was supposed to be here a while ago. So that will
16 give me a chance to get him all set up so we'll be ready
17 to roll. Got to get all this evidence kind of organized
18 for him anyway so...

19 THE COURT: And this business of the --

20 MR. SIMS: Video.

21 THE COURT: -- video.

22 MR. SORENSON: We have it. We'll make another copy
23 of it. We've provided this in the past to Mr. Sims, but
24 my understanding is he can't find it.

25 THE COURT: I think he said --

1 MR. SORENSON: So we'll make another copy of it and
2 he can -- Lieutenant Shumpert is involved in this video
3 and he can use it on cross examination of the
4 lieutenant. I don't know --

5 THE COURT: That's fine. Whether he chooses to use
6 it or not it's your decision.

7 MR. SORENSON: Yep.

8 THE COURT: All right. Stand at ease until 12:30 --
9 I mean, 1:30.

10 (Lunch break)

11 MR. SORENSON: Yes, sir. Just one brief thing. If
12 we could just mark -- yesterday we had made reference to
13 the transcript from two prior pretrial hearings that
14 we've done and just marking them as Court's exhibits.
15 So I have the transcript from November 5th of this year
16 that was in St. George in front of Judge Dickson. And
17 then from February 12th here in Orangeburg also in front
18 of Judge Dickson.

19 THE COURT: All right. Any objection?

20 MR. SIMS: None, Your Honor.

21 (WHEREUPON, Court's Exhibit Numbers 3 and 4 were
22 marked and entered)

23 THE COURT: All right. Are we ready to proceed?

24 MR. SORENSON: The State is, Your Honor.

25 THE COURT: Mr. Sims, are you ready?

1 MR. SIMS: Yes, sir.

2 THE COURT: All right. Bring the jury in.

3 (WHEREUPON, the jury entered the courtroom at 1:43
4 p.m.)

5 THE COURT: All right. Solicitor, call your next
6 witness.

7 MR. SORENSON: Thank you. May it please the Court,
8 Your Honor. State calls Dan DeFreese.

9 F. DAN DEFREESE,
10 being first duly sworn, was examined and testified as
11 follows:

12 THE CLERK: State your full name for the court,
13 please.

14 MR. DEFREESE: My name is Frank Dan DeFreese.
15 That's spelled, D-E, capital F-R-E-E-S-E.

16 Q And, Agent DeFreese, you can take your mask down
17 now if you would like. If you could, tell the jury if
18 you would where you are currently employed?

19 A I'm currently unemployed. I'm currently retired.

20 Q And where did you retire from?

21 A I retired from the South Carolina Law Enforcement
22 Division, what is sometimes known as SLED.

23 Q All right. And how long were you employed at SLED?

24 A For a little over 48 years.

25 Q Okay. And when is it that you retired?

1 A I retired in September of 2015.

2 Q Okay. And if you would, tell the jury a little bit
3 about what department did you work in at SLED?

4 A From most of my time at SLED, I worked in the
5 laboratory and I was assigned within the laboratory to
6 the department where we do the analysis of firearm and
7 tool mark evidence.

8 Q Okay. And how long did you work in that
9 department?

10 A With the exception of about five years, I worked
11 there from 1967 until my retirement in 2015.

12 Q Okay. And if you would, can you go through, just
13 kind of briefly for the jury, if possible, from kind of
14 what your educational and training background were with
15 regards to fire mark analysis and identifications.

16 A Well, I'm a graduate of the University of South
17 Carolina in Columbia. And after my employment with SLED
18 in 1967, I was assigned to the firearms laboratory. I
19 studied the technics of firearm and tool mark analysis
20 under a gentleman by the name of Miller Cate, that's
21 spelled, C-A-T-E, who established the SLED laboratory
22 when SLED and its current form was established in 1947.

23 I also studied with Lieutenant Carl Stokes who was
24 another examiner in the laboratory at that time. After
25 a course of instruction that lasted about two and a half

1 years, I began accepting cases on my own and testifying
2 as to my results which I've been doing since 1969.

3 Q And, Agent DeFreese, have you had an opportunity to
4 testify in court before?

5 A I have.

6 Q Okay. And do you know approximately how many times
7 you've testified?

8 A It's probably in excess of 700 times now. I didn't
9 keep track, but for a greater part of my career.

10 Q Okay. And have been qualified as an expert witness
11 on most, if not all, of those occasions?

12 A Yeah, on every time I testified, I was qualified as
13 an expert witness.

14 MR. SORENSON: Your Honor, at this time, we'd offer
15 Agent DeFreese or retired Agent DeFreese as an expert in
16 the field of firearms identification.

17 MR. SIMS: No objection.

18 THE COURT: Without objection. He's qualified.

19 MR. SORENSON: Thank you, Judge.

20 Q All right. Agent, if you could, can you briefly
21 describe to the jury with regards to firearms and
22 ballistics what -- typically, what are the capabilities
23 that the State Law Enforcement has with regards to
24 analyzing those items?

25 A Most often we're requested to identify fired

1 bullets or fired cartridge cases with each other or with
2 a particular firearm. That is to determine whether or
3 not a particular firearm fired a question bullet or
4 cartridge case.

5 If a firearm was not submitted in that case and
6 there were more than one fired bullet or cartridge case,
7 we would analyze that to determine if they were fired by
8 one gun and/or more than one gun. Those are the most
9 frequently requested types of analyses we would do.

10 We also did some other tests concerning shot
11 distribution in determination of a range from shotgun
12 pellets of safety and functioning testing and
13 occasionally a protectory tracking as well.

14 Q Okay. All right. And, specifically, with regards
15 to let's say you have -- you have a shell casing or
16 shell casings from a crime scene and potentially a
17 firearm that may or may not have fired those spent shell
18 casings, explain to the jury how you go about what is it
19 that you're comparing in an attempt to see whether a
20 shell casing was fired by a particular weapon or whether
21 multiple shell casings were fired by the same weapon.

22 A Well, when a cartridge is fired in a firearm, the
23 base of the cartridge contains a structure known as a
24 primer. The primer is struck by the firing pin. In the
25 case of center firing ammunition. In the case of rim

1 firing ammunition, the rim of the cartridge is struck by
2 the firing pin.

3 The firing pin when it's made has a number of
4 microscopic markings that are transferred to the
5 cartridge casing at the time of firing. When the
6 cartridge casing is fired, a great deal of pressure
7 builds up within the cartridge case which is what you
8 use to expel the bullet from the firearm. The cartridge
9 itself is slammed back against the breach face. The
10 breach face being that portion of the gun that holds the
11 cartridge in. And the imperfections that are left over
12 from the manufacturer were used or abuse are transferred
13 to the base of the cartridge case.

14 In some cases where they are particular
15 semiautomatic firearms there may be a mark left on the
16 cartridge case by the extractor which is a hooklike
17 device that is used to remove the firing cartridge case
18 from the gun.

19 And in some cases there is a structured called an
20 injector which hits the cartridge case to make the
21 cartridge case fly out of the gun. There are marks that
22 can be left on the cartridge case by the chamber which
23 holds the sides of the cartridge case. So all of these
24 combination of markings are a basis where unique
25 markings are present to identify a particular cartridge

1 case back to the firearm in which it was fired. Or to
2 another fired cartridge case that may have the same
3 markings on it.

4 Q Okay. Now, how about with regards to a bullet. So
5 if a bullet is recovered, a projectile is recovered
6 either in this case from an autopsy or at a crime scene,
7 are there means to then compare not only if you have
8 multiple bullets to each other, but also to a particular
9 firearm?

10 A In the case of bullets fired from a rifled firearm,
11 it's possible to identify the bullets with each other or
12 back to the firearm. Inside the bore of a rifled
13 firearm which includes rifles, pistols, and revolvers
14 and in some cases some shotguns now are even fully
15 rifled.

16 There are a series of spiral and flutes that are
17 inside the bore that grip the projectile as it's being
18 expelled from the firearm to impart a spin on the
19 bullet. The spin is done to keep the bullet accurate in
20 flight much in the same way that a quarterback puts the
21 spin on a football to keep it from tumbling end over end
22 in flight. The gun barrel puts a spin on the bullet to
23 keep it accurate in flight to keep it from tumbling.

24 But we found from the analysis of the markings left
25 on bullets that the bore of the firearm can impart a

1 signature on each and every bullet fired in that gun.
2 Or in that gun barrel, excuse me. And where the bullet
3 is sufficiently undamaged and where the gun barrel
4 itself is consistent in its markings, it's possible to
5 identify the bullet back to the firearm barrel in which
6 it was fired or the bullet with another bullet fired in
7 the same gun barrel. This is done by a microscopic
8 analysis of the fine stride in markings on the firearm.

9 It's also possible to tell from looking at a fired
10 bullet to suggest to the investigator possible makes or
11 models of firearms in which that bullet may have been
12 fired. It's based on the specifications of the land and
13 groove dimensions that that particular manufacturer may
14 use in a given firearm.

15 Q All right. Now, I want to at this time, Agent
16 DeFreese, kind of turn you to the case that we're here
17 about and I think it's your lab number is L12-3431; is
18 that correct?

19 A Yes, sir, it is.

20 Q All right. And did you have an opportunity in this
21 case to have -- to numerous items submitted for your
22 analysis to include a couple of firearms, multiple spent
23 shell casings and also multiple projectiles?

24 A Yes.

25 Q And, ultimately --

1 MR. SORENSON: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes, sir.

4 Q Agent DeFreese, I'm showing you what's been marked
5 as State's Exhibit 96. Does that chart kind of fairly
6 and accurately depict the items that you had submitted
7 for your analysis and also -- also the results of your
8 analysis on those items?

9 A Yes, sir, it does.

10 Q Okay. And will that aid you in kind of laying out
11 and presenting your findings to the jury here this
12 afternoon?

13 A It will.

14 MR. SORENSON: Your Honor, at this time, we'd offer
15 State's 96 into evidence.

16 THE COURT: Without objection.

17 MR. SORENSON: Thank you.

18 (WHEREUPON, State's Exhibit Number 96 was entered)

19 Q Now, Agent DeFreese, I guess, kind of start off
20 first of all, I guess, on the rail in front of you, is
21 that kind of all the items that were submitted to you in
22 this case that are in evidence?

23 A Yes, they are.

24 Q Okay. And, I guess, I'm going to start off
25 initially, but let's talk about were there two firearms

1 that were submitted to you?

2 A Yes, sir.

3 Q Okay. And, if you would, describe for the jury, I
4 guess, and the chart has disappeared. There we go. And
5 I guess there's -- and, ultimately, we heard earlier
6 that, you know, we end up with a Court Exhibit, where
7 some of them have marker exhibits in the second column
8 when they were collected by law enforcement and then, I
9 assume, SLED now gives it another number; is that
10 correct?

11 A That's correct.

12 Q All right. So that chart kind of helps support for
13 you in all -- some of those items now with three
14 different numbers basically; is that correct?

15 A Yes, sir.

16 Q Okay. Well, let's kind of start off with the two
17 firearms. And if you -- what's the first one on there?

18 A Number 33.

19 Q Let me give you State's Exhibit Number 33 and get
20 you to kind of describe for the jury what that item is
21 and what you did with that item, whether it was in
22 working order, and so forth.

23 A State's Exhibit 33 is a Ruger model SR9c 9mm Luger
24 caliber semiautomatic pistol. At the time I received
25 it, it's serial number had been obliterated by

1 scratching or gouging through the number to make it
2 unreadable. Among the things I did with the pistol was
3 to attempt to restore it's serial number to legible
4 condition. And I was able to restore most of it. It's
5 serial number started with 332 and then there were two
6 characters that I could not restore to a legible
7 condition. And the serial number ended was 2858. This
8 is a 9mm Luger caliber semiautomatic pistol.

9 Q Okay. I'm showing you State's Exhibit Number 13
10 which is in evidence already which is -- are you
11 familiar with forms like this from --

12 A I am. The 4473.

13 Q Okay. And showing you this form, you said you were
14 able to restore most of that serial number is that --
15 were you able to restore, is that consistent or
16 inconsistent with the serial number on that Ruger on
17 that paperwork from that purchase of the Ruger?

18 A It is. I was able to restore everything except the
19 dash 7. On this form it's 332-72858. And I've got
20 everything but the dash and the 7.

21 Q Okay. And then also as part of your -- back when
22 you were doing your analysis of all of these items, were
23 some pictures submitted to you also for your review?

24 A Yes, sir.

25 Q I'm showing you what's marked as State's Exhibit

1 Number 29A. Does that gun -- how does that relate to
2 the gun that you have State's Exhibit Number 33?

3 A This also is a picture of a Ruger model SR9c pistol
4 and it shows -- plainly shows it's serial number plate
5 with serial number 332-72858.

6 Q Consistent with the paperwork I just showed you
7 from the purchase of the Ruger is it also consistent or
8 inconsistent with what you were able to restore on the
9 serial number from State's Exhibit Number 33 with the
10 handgun that you have there?

11 A It's consistent.

12 Q Okay. Now, as far as State's Exhibit Number 33
13 goes, tell the jury what -- what do you typically do
14 with that when you get a firearm such as that, what is
15 the first thing that you do with it?

16 A Well, we collect information on our worksheet about
17 the pistol. We collect the data, its serial number, its
18 number of shots that it will hold, certain dimensions
19 about it. And we also, as part of our analysis, we
20 mark, at least I mark the barrel, the slide, and the
21 frame with my initials and with the item number as well.

22 And then I'll take the pistol and test fire it so
23 that I have bullets that I know this gun fired and
24 cartridge cases that I know that this gun fired.
25 Because our test is a comparison between test cartridge

1 cases and evidence cartridge cases or test bullets and
2 evidence bullets.

3 Q Okay. And did you do that in this case do a test
4 fire of that State's Exhibit Number 33?

5 A I did.

6 Q Okay. And was that gun in proper working order?

7 A It was.

8 Q Okay. And in this case were you also submitted --
9 again, I'm handing you State's Exhibit Number 55 and ask
10 you if that was one of the items you had a chance to
11 analyze and, if so, what that item is and what you were
12 able to do with it.

13 A I did analyze this. State's Exhibit 55 is the test
14 cartridge case received in an envelope which I cut open.
15 It has one fired cartridge case. It's a 9mm Luger
16 caliber, of course. And it's marked with a label that
17 was put there by the manufacturer.

18 At this time manufacturers were including one fired
19 cartridge case in the box with the pistol for use in
20 those states that mandated entry of a cartridge case
21 specimen in a computer data base. So this was what the
22 company provided for that purpose at the time of
23 transaction.

24 Q Okay. So if I had potentially gone to a pawnshop
25 and purchased a new firearm, it came in the box, it may

1 very well have like in this case a test fired cartridge
2 in there from that gun?

3 A Correct.

4 Q Okay. And did you have an opportunity then to
5 compare that State's Exhibit Number 55 that test fire
6 that's noted to supposedly come from that Ruger, did you
7 have a chance to verify that it did in fact was the test
8 fire from that Ruger?

9 A I did. And I verified that this cartridge case was
10 in fact fired by this pistol.

11 Q All right. Now, you also have a second firearm
12 submitted to you for your analysis?

13 A Yes, sir.

14 Q State's Exhibit Number 89. If you would tell the
15 jury what that item is and what you did with it.

16 A State's Exhibit 89 is a Springfield Armory brand
17 model XD9. It's also a 9mm Luger caliber semiautomatic
18 pistol. And it's serial number is US131503.

19 Q Okay. And did you have a chance to determine
20 whether it was in working order?

21 A It was.

22 Q Okay. And just like with the other case I just
23 talked to you about, did you also receive State's
24 Exhibit Number 56?

25 A I did.

1 Q All right. And tell the jury what State's Exhibit
2 Number 56 is.

3 A State's Exhibit 56 is a manufacturer's envelope
4 which also contained one fired 9mm Luger caliber
5 cartridge case. And it was similarly provided for use
6 in those states that required a cartridge case to be
7 entered in a data base when the gun was sold. So it was
8 provided by the manufacturer.

9 And, similarly, I compared the cartridge case in
10 State's Exhibit 56 with the firearm from State's Exhibit
11 89 and confirmed that this cartridge case was indeed
12 fired by State's Exhibit 89.

13 Q Okay. All right. Now, I want to move on to you
14 testified earlier that you received basically the items
15 that are laid out on the bar in front of you for
16 analysis, some of them.

17 A I inspected all of these and confirmed that they
18 were the items that I had previously examined.

19 Q Okay. I want to kind of break it down kind of how
20 it's broken down in the diagram up there. So kind of
21 start with State's Exhibit 40 and 41. Get you to
22 explain to the jury what State's 40 and 41 are.

23 A State's Exhibits 40 and 41 are both 9mm Luger
24 caliber fired cartridge casings.

25 Q And do the boxes kind of indicate of where they

1 were supposedly collected from by the crime scene
2 person?

3 A State's Exhibit 40 is marked as under living room
4 window. State's Exhibit 41 is marked floor by right --
5 or RT hip. I assume right hip.

6 Q All right. And were you able to look at those
7 shell casings and -- those spent shell casings and
8 compare them, first of all, to the two guns, State's
9 Exhibit Number 33 and 89, and then also to each other,
10 to themselves?

11 A I was. I compared both of these cartridge cases
12 with each other and concluded that they were both fired
13 by the same firearm.

14 Q Okay. And that's noted in your -- in the diagram?

15 A Yes.

16 Q Okay. And then how about did you have an
17 opportunity to compare those two, State's 40 and 41 to
18 the Number 33 the Ruger and Number 89 the Springfield
19 Armory?

20 A I did. And I concluded that neither one of these
21 were fired by either of the two pistols. That these
22 were fired by a third firearm.

23 Q Okay. All right. I'm going to show you State's
24 Exhibits 42 through 48, I believe.

25 MR. SIMS: What numbers were those?

1 MR. SORENSON: 42 through 48, I believe.

2 Q It should be seven items?

3 A Yes, sir.

4 Q Did you have an opportunity just like you did with
5 the two items I asked you about, 40 and 41, did you have
6 an opportunity to compare Numbers 42 through 48 to each
7 other and then also to either of the two firearms that
8 were submitted?

9 A I did.

10 Q Okay. And what were the results?

11 A In comparing State's Exhibits 42 through 48 with
12 each other, I determined all of these were fired .32
13 caliber. .32 automatic caliber cartridge cases. They
14 are not the right caliber to be fired in either State's
15 Exhibit 33 or 89. And they were not fired by State's
16 Exhibits 33 or 89.

17 I compared them with each other in an attempt to
18 see if they were all -- had all been fired by one gun.
19 But my results were really not conclusive because these
20 cartridge cases were not sufficiently well marked. All
21 of them could have been fired by one firearm. But I
22 can't say for sure that they were fired by one firearm.
23 But they certainly were not fired by either State's
24 Exhibits 33 or 89 or by the firearm that fired State's
25 Exhibits 40 and 41.

1 Q All right. So far -- and those are all -- and
2 they're noted on the diagram where they supposedly come
3 from based on the -- what's noted on the envelopes; is
4 that correct?

5 A Yes, sir.

6 Q And those are all from inside the residence also
7 either on the den floor or living room floor?

8 A Yes, sir.

9 Q Okay. So that would be from -- based on your
10 findings so far at least two separate firearms that
11 they're shell casings in the residence?

12 A Correct.

13 Q And at least two, assuming all the .32s were fired
14 by the same gun and not multiple .32s; is that correct?

15 A Yes, sir.

16 Q Okay.

17 A Assuming that.

18 Q And then I want to show you State's Exhibit Number
19 49. Where is 49 from?

20 A It says "Casing from den floor."

21 Q Okay.

22 A And it's also a 9mm Luger caliber cartridge case.
23 And I was able to identify State's Exhibit 49 as having
24 been fired by State's Exhibit 33 by the Ruger pistol.

25 Q Okay. So, therefore, it obviously is different

1 than State's 40 and 41, the first two you talked about;
2 correct, a different gun?

3 A That's correct.

4 Q All right. So that would then be at least a third
5 gun that was evidence of being fired inside that
6 residence; is that correct?

7 A Correct.

8 Q Okay. And then I want to move on to, I believe
9 it's 77, 78, 82, and 83. Which would be those four
10 right there.

11 A Yes, sir.

12 Q Did you have an opportunity to compare -- first of
13 all, what are those four and did you have an opportunity
14 to compare them to either of the two guns that we have
15 or to themselves if they didn't match either of those
16 guns?

17 A I compared them first with each other and
18 determined they were all fired by the same gun. And
19 then compared them with test cartridge cases fired by
20 State's Exhibit 89. And I determined all four of these
21 cartridge cases were fired by State's Exhibit 89.

22 Q And that's the Springfield Armory 9mm?

23 A Correct.

24 Q So it's a different gun than the casing that we
25 just talked about that you said was fired by the Ruger,

1 the other gun; is that correct?

2 A That's correct.

3 Q Okay. And once again, where were these four shell
4 casings collected from according to the notes on the
5 boxes?

6 A The box say, State's -- let me get them in order.
7 State's Exhibit 77 is marked "Dashboard wedged at
8 windshield."

9 State's Exhibit 78 is marked, "Floorboard under
10 right side rear seat."

11 State's 82 is "Grassy area in front of Derst
12 Baking." I assume company.

13 And State's Exhibit 83 is, "Grassy area in front of
14 Derst Baking Company."

15 Q Okay. So all four of those were fired by the
16 Springfield Armory 9mm that was submitted?

17 A That's correct.

18 Q All right. Now, I want to move on to some of the
19 bullets, the fired bullets that were submitted. Let me
20 show you 35, 36 -- let's see. Where are we here? Let
21 me show you 35, 36, 50, and 51.

22 In looking at the four of them, what -- first of
23 all, what are those items? Where do they come from?
24 And what were your findings with regards to those
25 State's 35, 36, 50, and 51?

1 A These are all fired 9mm Luger caliber bullets.

2 Q Did you have an opportunity to compare them first
3 of all to each other then also to see if any of those
4 bullets were fired by either the Springfield Armory or
5 the Ruger 9mm pistols that we have?

6 A I did. I first compared them with each other. And
7 then with the test bullets fired by the Springfield
8 Armory pistol, State's Exhibit 89 and the Ruger pistol,
9 State's Exhibit 33. I was able to conclude that item
10 35, 36, and 51 were all fired by the same firearm.
11 State's Exhibit 50 was rather badly damaged and I was
12 not able to determine for certain that State's Exhibit
13 51 was fired by the same firearm. But it could have
14 been.

15 Q Okay.

16 A But in any case, none of these were fired by either
17 the Ruger, State's Exhibit 33, or the Springfield
18 Armory, State's Exhibit 89.

19 Q All right. Now, let me ask you, I asked you
20 earlier about seeing some pictures of -- that had been
21 presented to you off of a camera to look at?

22 A Yes, sir.

23 Q I'm showing you State's Exhibits 29B and 29C. Can
24 you look and see, were those pictures submitted to you
25 --

1 A They were.

2 Q -- for your review?

3 A They were.

4 Q Now, first of all, what can you tell the jury about
5 those two -- the two guns that are depicted in those two
6 photographs.

7 A State's Exhibit 29C shows two pistols. Both of
8 these pistols are Smith & Wesson brand. One of them is
9 a 9mm Luger caliber pistol, the one with the black
10 frame. And the one with the green frame is a .40 S&W
11 caliber pistol. Both of them are what they call a Smith
12 & Wesson Sigma series pistols.

13 The 9mm Luger caliber Sigma pistol is rifled with
14 five grooves and right hand twist. The .40 caliber
15 pistol is rifled with six grooves. So they have
16 different rifling specifications. There are not a
17 tremendous number of firearms in 9mm Luger caliber that
18 are made with five lands and grooves and right hand
19 twists. The Smith & Wesson being the most numerous of
20 them.

21 Q Okay. So, therefore, in looking at that photograph
22 of that 9mm gun, could that 9mm gun depicted in that
23 photograph have fired those last four bullets that we
24 just talked about, State's Exhibits 35, 36, 50, and 51?

25 A Yes, sir, it could have.

1 Q Okay. Additionally, let's kind of back up to the
2 very first two shell casings that you talked about,
3 State's Exhibit Number 40 and 41. So if you look at
4 your diagram, those were two 9mm Luger casings that were
5 not fired by either of our guns that we have; is that
6 correct?

7 A That's correct.

8 Q But were fired by the same gun?

9 A Correct.

10 Q Could any of these spent shell casings relate to
11 any of these, the four fired bullets that we just talked
12 about?

13 A It could have. They could have been fired by the
14 same firearm.

15 Q All right. The next group I want to show you is
16 State's Exhibits -- let's see, 37, 38, and 39. And then
17 52, 53, and 54, so those three. Those should be six
18 items, 37, 38, 39, 52, 53, 54?

19 A Yes, sir.

20 Q Did you had an opportunity to examine those six
21 items?

22 A I did.

23 Q And what were those six items?

24 A These are fired .32 auto caliber bullets. .32 auto
25 full metal jacket bullets. And I compared them with

1 each other and found that two of them, State's Exhibits
2 37 and 38 were both fired by the same gun barrel. But
3 the other ones were so poorly marked, the engagement of
4 the rifling was not good on any of these, but on the
5 rest of them it was even worse than it was on State's
6 Exhibits 37 and 38.

7 So I can say two of them were definitely fired by
8 the same gun barrel. And all of them could have been
9 fired by one gun barrel or possibly more than one since
10 I couldn't identify them.

11 Q Okay. And what caliber were they?

12 A These were .32 auto caliber. So they could not
13 have been fired by either State's Exhibit 33 or 89 or
14 any other 9mm Luger caliber firearm.

15 Q Now, could those six fired bullets have come from
16 any of the seven spent fired .32 auto casings that you
17 talked about earlier that are up there, State's 42
18 through 48?

19 A They could have.

20 Q And I guess one thing, is there any way to let's
21 say you have, you know, a spent 9mm casing and a fired
22 9mm bullet, is there any way to tell if the two of them
23 once were together?

24 A There are technics that try to associate them, but
25 in our case we can't. No.

1 Q Okay. Obviously, if they are the same caliber they
2 could have been though; is that correct?

3 A Right.

4 Q Typically?

5 A The same caliber in some cases the brand of
6 ammunition might be consistent. But we don't actually
7 have a technic for doing that.

8 Q All right. And then I want to show you next
9 State's Exhibit Number 34 which is, I believe, a -- this
10 one is noted as a bullet from forehead; is that correct,
11 State's Exhibit 34?

12 A Yes, sir.

13 Q And tell the jury what your findings were with
14 regards to that.

15 A State's Exhibit 34 is a fired 9mm Luger caliber
16 bullet. But it's constructed somewhat differently than
17 the other fired 9mm Luger caliber bullets. Because this
18 one is a type of bullet that's known as a totally metal
19 jacket bullet, whereas the other ones are called a full
20 metal jacket bullet.

21 The difference being that in the totally metal
22 jacket bullet, a led core has its jacket electroplated
23 on so the entire led core is covered by jacket material.
24 And in the case of the full metal jacket, there's a
25 formed cup made of a copper alloy in the case of these

1 bullets into which a led core is placed and then the two
2 of them are swayed together.

3 So if you look at the base of the full metal jacket
4 bullet, you can see the core. And the base of this one
5 you could not. But many of these totally metal jacket
6 bullets have a somewhat thin coating of jacket material
7 that strips off rather easily which is what occurred in
8 the case of this bullet.

9 I could tell from this bullet that its rifling
10 specifications were six grooves right hand twist which
11 would be consistent with the six groove right hand twist
12 rifling of either the Ruger or the Springfield pistols.
13 But I could not identify this bullet with either of
14 these two pistols. It could have been either of these
15 two or it could have been another pistol with six
16 grooves and a right hand twist. But, for instance, it
17 could not have come from the Smith & Wesson pistol in
18 State's Exhibit 29C.

19 Q And, therefore, also it couldn't have been the same
20 gun that fired, if you look on your diagram, State's 35,
21 36, 50, and 51, right here; is that correct?

22 A Correct. That's correct.

23 Q And yet again, those are all -- the fired bullets
24 we talked about so far up through 35 and then down to
25 this one that we just talked about State's 34 are all

1 noted from either being in the residence or from the
2 autopsy; is that correct?

3 A Yes, sir.

4 Q Okay. And then yet again as I asked you kind of
5 about the casings on the scene, how many -- what is the
6 minimum number of guns then that we have fired bullets
7 from that the victim was shot with? I mean, if you look
8 at least an item from each of the -- from the autopsy,
9 so a minimum number.

10 A A minimum would be three.

11 Q Two 9mm's and a --

12 A And a .32.

13 Q -- .32? All right. And then lastly, I think the
14 last three items is 79, 80, and 81.

15 A Yes, sir.

16 Q Those I believe are all noted as coming from a
17 vehicle; is that correct? Driver's door, rear seat, and
18 then front passenger seat armrest; is that correct?

19 A Yes, sir.

20 Q Okay. And what, if anything, were you able to tell
21 about those three guns?

22 A These also were -- they were rather badly damaged
23 and they -- in comparing them or attempting to compare
24 them with each other, I was not able to tell for certain
25 that they were all fired by the same gun. But they all

1 had the six land groove right hand twist rifling
2 specification. So they could have been fired by the
3 same gun.

4 Q And that gun could have been either of our two
5 guns, State's 33 or 89?

6 A It could have been either one of these two or
7 another gun with similar rifling specifications.

8 Q And those three fired bullets, could they have come
9 from the four -- the four fired casings 77, 78, 82, and
10 83 that are in light blue on the diagram? The two from
11 the vehicle and the two from the grassy area by the
12 baking company, could they have all come from the same
13 gun?

14 A They could have.

15 Q And is there anything you were able to tell
16 difference wise between -- and you may have touched a
17 little bit on this, but as far as -- because obviously
18 those last four that we just talked about, so item 34
19 which was from the forehead and 79, 80, and 81, is from
20 anything that differentiates the two of them that would
21 suggest to you that they either were or were not fired
22 by the same gun?

23 A I'm not sure. You're talking about State's Exhibit
24 34?

25 Q Yeah. Are there any differences, I guess is what

1 I'm getting at, is between State's Exhibit Number 34 so
2 that's that one and then those last three that we just
3 talked about. And I know you talked a little bit about
4 the jacketing on this. I mean, is it --

5 A Yes, sir. The jacket material, for instance, on
6 State's Exhibit 79 from the driver's door, this is what
7 I was referring to as a full metal jacket bullet. That
8 it's the bullet that has this separate cup and core, the
9 separate outer jacket and led core that are swayed
10 together. As are State's Exhibits 79, 80, and 81 are
11 all full metal jacket bullets. And State's Exhibit 34
12 is the totally metal jacket bullet, the one that has the
13 electroplated jacket material. So this bullet, State's
14 Exhibit 34, is constructed entirely differently from the
15 other three.

16 Q Agent DeFreese, I appreciate it. I think that's
17 all the questions I have for you. Thank you.

18 THE COURT: Cross examination?

19 CROSS EXAMINATION BY MR. SIMS:

20 Q How are you doing, Mr. DeFreese?

21 A Fine.

22 Q So you've been with SLED a long time?

23 A Yes, sir. A long time, yes, sir.

24 Q Now, let me ask you about State's Exhibit 33. You
25 said that was the 9mm pistol; is that correct?

1 A Yes, sir. That's the Ruger.

2 Q That's the Ruger?

3 A Ruger 9mm pistol.

4 Q And you said there was no serial number on that one
5 or a partial?

6 A When I received it, the serial number had been very
7 deeply scratched so that the serial number was not
8 legible at the time I received it.

9 Q So I believe you said there were two numbers or
10 four numbers missing?

11 A Well, there were two numbers in the middle of the
12 serial number plate that I was not able to restore to
13 legible condition. The numbers -- the numbers 332, I
14 was able to restore. Then there were two characters I
15 was not able to restore. And then the last four
16 characters, the 2858, I was able to restore.

17 Q Okay. So what we -- and you talked about that the
18 manufacturers usually put -- when you buy a gun, they
19 put the serial number on there when you buy it the
20 serial is there and then has a bullet that's, I believe,
21 test fired; is that correct?

22 A Yes, sir. At this time the manufacturer would
23 include with every new firearm a test cartridge case for
24 entry into a data base in those states where that was
25 required.

1 Q So then -- you were shown State's Exhibit 33 as a
2 -- that the Solicitor talked to you about, it does
3 indicate that there was not a complete picture of it, so
4 -- in terms of it because some of the numbers were
5 missing?

6 A In the picture that you showed me, the numbers were
7 not missing. The picture. The picture shows the full
8 serial number plate.

9 Q But the gun that you tested?

10 A When I received the gun, the serial number had been
11 -- the whole serial number plate had been obliterated.
12 I think the only thing that was remotely readable was
13 the first three in the serial number. So it was
14 necessary to try to restore the serial number as much of
15 it as I could to legible condition. But even if I had
16 not been able to restore the serial number, with the
17 manufacturer's envelope contain the cartridge case, I
18 was able to match that cartridge case back to the gun.

19 Q Okay. So State's Exhibit 42 through 48 you said
20 were not from the two guns that had been presented to
21 you, those two guns up there, I believe?

22 A That's correct. They're the wrong caliber.

23 Q They're the wrong caliber. And the bullets that
24 you looked at, they came from inside the house?

25 A Well, some of them came from inside the house and

1 some of them came from another location.

2 Q Okay. Do you know --

3 A Some of the bullets, you know, were removed from
4 the body.

5 Q From the body. State's Exhibit Number 49, is that
6 one consistent with State's 43?

7 A State's Exhibit 49 is the fired 9mm Luger cartridge
8 case from the den floor which I identified as being
9 fired by the Ruger pistol, State's Exhibit 33. And then
10 the other one you had a question about?

11 Q State's Exhibit 43, the exhibit was 49, I believe
12 that was the 9mm shell casing or bullet itself. And
13 State's Exhibit 43 which is what I believe you have a
14 picture of or have up there?

15 A State's Exhibit 43 was the fired .32 auto caliber
16 cartridge case from the living room floor.

17 Q Okay. Now, 77 and 78 you said were fired from the
18 same gun. And that was fired, I believe, by State's 89?

19 A That's correct, sir.

20 Q This is the dashboard or the windshield; is that
21 correct? I believe you testified to.

22 A The 77 says from dashboard wedged at windshield and
23 78 from floorboard under right rear seat.

24 Q So obviously someone either shot into that vehicle
25 or the -- that's where you would find that casing or

1 shot out of the vehicle or shot into the vehicle?

2 A You know, they look like they were found in the
3 vehicle, so it might infer that they were being shot
4 from inside the vehicle. It could be another
5 explanation for it, but that's a possibility.

6 Q So it could be other explanations?

7 A Yes.

8 Q 35, 36, 50, and 51, they were 9mm's; is that
9 correct?

10 A Yes, sir.

11 Q But I believe you said 50 was not conclusive?

12 A That's correct.

13 Q And 29D and 29C are the pictures of Smith & Wesson
14 are 9mm; is that correct?

15 A One of them is a 9mm and one of them is a .40
16 caliber, Smith & Wesson Sigma pistol.

17 Q And you were asked about them being fired and your
18 response is I believe was they could have, but they --
19 but not definitely. So you said they could have and
20 that was not a definite that those bullets were being
21 fired from either one of those guns, is that the way I
22 understood you?

23 A Well, it could not have been fired by the .40
24 caliber. It's the wrong caliber. But, you know, the
25 bullets that have five lands and grooves with a right

1 hand twist and the two cartridge cases in State's
2 Exhibit 40 and 41 could have been fired by the 9mm
3 pistol in State's Exhibit --

4 Q But not the .40 caliber?

5 A Not the .40.

6 Q 37, 38, 39, 52, 53, and 54, that was .32 caliber
7 bullets; is that correct?

8 A Yes, sir.

9 Q 33 and 38, they were kind of destroyed or not in
10 good shape?

11 A Well, 37 and 38 --

12 Q 37, I mean.

13 A -- were the two bullets that I was actually able to
14 identify as being fired by the same gun barrel. And the
15 other ones I was not. And I think it was more due to
16 the fact that the firearm in which they were fired was
17 not very consistent in its markings. The bullets
18 themselves were not badly damaged, but they were simply
19 not well marked.

20 Q Not well marked. Let me ask you this, and I'm
21 trying to keep my notes straight, but could not be fired
22 by 89 and 83, those are the two guns? We're talking
23 about the same group of State's exhibits that we're
24 talking about?

25 A Well, the .32 caliber bullets in State's 37, 38,

1 39, 50, 52, 53, and 54 were definitely not fired by
2 either of the two 9mm pistols, State's Exhibits 33 or
3 89.

4 Q And 34, 9mm, I believe you said a 9mm metal jacket
5 -- Luger metal jacket?

6 A No. State's Exhibit 34, the bullet from the
7 forehead was a totally metal jacket. The TMJ bullet
8 that has the plated jacket on it. The other ones are
9 full metal jackets. They have the swaged together cup
10 and core bullets.

11 Q And 79, 80, and 81 and these were in the vehicle, I
12 believe, and you said they were badly damaged and could
13 not -- not able to show they were fired by the same gun?

14 A That's correct. And any of those could have been
15 fired by either of these two pistols.

16 Q They could have been but --

17 A There is not another pistol with the same rifling
18 characteristics.

19 Q So rather than a definite, you just simply said it
20 could have been?

21 A It's inconclusive, yes.

22 Q Okay. So some of these bullets and guns were found
23 -- the two guns were found and given to you by the
24 State's 82 and 33; is that correct?

25 A That's correct.

1 Q And a number of the cartridges that you or casings
2 that you have bullet fragments that you have, many of
3 them or some of them were not definite, could be and not
4 definitely identified were either of those two guns?

5 A Some of them were not, yes, sir.

6 Q And so there was -- and you said those were a .40
7 caliber, I didn't kind of understand that.

8 A No. One of the guns pictured in State's Exhibit
9 29, I'm not sure whether it was C or -- I would have to
10 look at to be sure, but State's Exhibit 29 among the
11 pictures are a picture that depicts two pistols. And
12 one of those pistols was a .40 caliber -- .40 Smith &
13 Wesson caliber pistol and the other one was a 9mm Luger
14 caliber pistol. And the .40 caliber S&W caliber pistol
15 has nothing to do with any of these specimens.

16 Q That's what I wanted to point out. The .40 caliber
17 pistol that you saw and with all of the shell casings
18 and bullet fragments that you have, none of them would
19 have come out of that .40 caliber?

20 A That's correct.

21 MR. SIMS: One moment, Your Honor. That's all I
22 have.

23 THE COURT: Any redirect?

24 MR. SORENSON: No, Your Honor.

25 THE COURT: All right. Mr. DeFreese, you may come

1 down. May this witness be excused?

2 MR. SORENSON: No objection, Your Honor.

3 MR. SIMS: None, Your Honor.

4 THE COURT: No objection. You're free to go. Thank
5 you very much.

6 MR. SORENSON: Please the Court, Your Honor?

7 THE COURT: Next witness?

8 MR. SORENSON: State calls Investigator Riley
9 Godwin.

10 RILEY GODWIN,
11 being first duly sworn, was examined and testified as
12 follows:

13 THE CLERK: State your full name for the court.

14 MR. GODWIN: Riley L. Godwin, G-O-D-W-I-N.

15 Q Good afternoon, Investigator Godwin.

16 A Good afternoon.

17 Q If you would, tell the jury where it is that you're
18 employed?

19 A Orangeburg County Sheriff's Office.

20 Q And how long have you been with the Orangeburg
21 County Sheriff's Office?

22 A I've been here since September of 2014.

23 Q And where do you work? You've kind of gone --
24 you've worked in a couple of different counties over the
25 last 20 years or so?

1 A I've been in law enforcement since February of
2 2002. I started in Calhoun County and I've worked in
3 Calhoun and in Orangeburg.

4 Q All right. And, specifically, back in March of
5 2012, where were you working at that time?

6 A I was working at the Orangeburg County Sheriff's
7 Office.

8 Q Okay. And let me ask you, prior to March of 2012,
9 were you familiar with -- from living over and working
10 over in the Calhoun County and St. Matthews area, were
11 you -- did you know who the Defendant, Lamont Samuel,
12 and his brother Jerry McKnight were?

13 A Yes, sir.

14 Q Okay. And what county did they live in?

15 A Calhoun County.

16 Q Okay. So I want to talk about your involvement in
17 this case. I want to fast forward to March 31st of
18 2012. Did you have an opportunity on that day to come
19 into contact with the Defendant, Lamont Samuel?

20 A Yes, sir, I did.

21 Q Okay. And tell the jury how that came about.

22 A At that time, as I say, I was working for the
23 sheriff's office in CID in Orangeburg and I received a
24 call from, I believe, it was Investigator Henry Dukes
25 and Matt Trentham from the Calhoun County Sheriff's

1 Office. And they had Mr. Samuel over at their office on
2 -- they had some business with him and Mr. Samuels
3 (verbatim) asked them to contact me because he wanted to
4 talk -- he wanted to talk to me. He wanted me to come
5 to Calhoun County and talk to him.

6 Q And did you do that that afternoon?

7 A Yes, sir, I did.

8 Q Okay. And was he in custody at that point in time?

9 A I believe he was, Mr. Sorenson. Yes, sir, he was.

10 Q And, ultimately, did you do something with him
11 prior to talking with him?

12 A Yes, sir. I gave him his Miranda form because he
13 was under arrest. And I gave him a Miranda form and
14 explained all his rights which is what we do in every
15 case and he would have -- he would have initialed them
16 and signed that he understood his rights and that he
17 would have signed again saying he wished to go forward
18 and speak to me without an attorney present.

19 MR. SORENSON: And, Your Honor --

20 A And I would have signed it too.

21 Q Okay.

22 MR. SORENSON: May I approach the witness, Your
23 Honor?

24 THE COURT: Sure.

25 Q And, Investigator Godwin, I'm showing you State's

1 Exhibit Number 11, is that the Miranda or advice of
2 rights form that you went over with Mr. Samuel that
3 afternoon?

4 A Yes, sir.

5 Q Okay. And, ultimately, did you take -- did he
6 provide you with a statement after that also?

7 A Yes, sir. We talked at length for a period of time
8 and then upon completion of that then he wrote -- he
9 wrote a statement in his own words.

10 Q Okay. I'm showing you State's Exhibit Number 12,
11 is that 11 page document his statement he gave after you
12 advised him of his rights?

13 A Yes, sir, it's all here.

14 Q All right.

15 MR. SORENSON: At this time, we'd offer State's 11
16 and 12 into evidence.

17 THE COURT: Without objection.

18 (WHEREUPON, State's Exhibit Numbers 11 and 12 were
19 entered)

20 Q And, specifically, as to State's Exhibit Number 11,
21 Investigator Godwin, did you go over all these rights
22 and it's up on the screen behind you. I'll let you kind
23 of read that one. Did you go over those rights with him
24 that afternoon?

25 A Yes, sir, I did.

1 Q Okay. Did Mr. Samuel indicate to you that he
2 understood those rights?

3 A Yes, sir.

4 Q And were you -- let me ask you, at whose request
5 were you there?

6 A I was there at Mr. Samuel's request.

7 Q Okay. And did you pressure him in any way to get
8 him to talk to you that afternoon?

9 A No, sir.

10 Q Make him any promises?

11 A No, sir.

12 Q Threaten him in any way?

13 A No, sir.

14 Q Okay. And, ultimately, did he end up indicating
15 that he wished to waive his rights and talk to you that
16 afternoon of March 31, 2012?

17 A Yes, sir.

18 Q Okay. And he signed that form indicating he
19 understood his rights and wished to waive them?

20 A Yes, sir.

21 Q All right. And then you indicated that you
22 ultimately took State's Exhibit Number 12 from him that
23 statement; correct?

24 A That's correct.

25 Q And whose handwriting is that statement in?

1 A The body of the statement is in -- on the first
2 page obviously I wrote my name in as who he was making
3 the statement to. The information I wrote down the
4 date, time. He wrote out his address, Social number,
5 all his pertinent information. He wrote the body of the
6 statement. And then on the last couple of pages there's
7 always some question and answer that I would do with
8 anybody that I interview. The questions would be
9 written in my handwriting and the answers would be
10 written in his.

11 Q And he provided you with a phone number at that
12 point in time?

13 A Yes, sir, he did.

14 Q Okay. What was that phone number that he provided?

15 A Phone number he provided was a 803-971-0218.

16 Q All right. And can you publish now for the jury
17 the statement that Mr. Samuel gave you?

18 A Yes, sir. You want me to read it exactly as it's
19 written with the language?

20 Q Yes, sir.

21 A Okay. The statement reads in the body of it says,
22 "I Lamont Samuel woke up and decided that I'm tired
23 of this mess. After being in jail sitting behind these
24 walls I said you know -- you know what I'm going to
25 'tell the truth and nothing but the truth so help me

1 (God) '.

2 Yesterday while I was in my jail cell roommate told
3 my cousin a lot more people about the murder that took
4 place on 601. Well the information that he gave my
5 cousin was partial to the truth but not all of it. As I
6 am sitting here quite thinking to myself I decided not
7 to waste any time and get my -- and get down to the
8 bottom of it.

9 That day on 601 I drove over to my cousin Tweety
10 Bird house. When I got there I got a call indicating
11 Gator. Now he called me earlier that morning but I
12 ignored the call. So as the day went on he called me
13 again this time I picked up. Gator asked me where I
14 was. I told him in Orangeburg. (Gator) told me to stop
15 fucking lying. I'm looking at your car right now on 601
16 in buddy fucking yard. I said oh true. I'mma call you
17 back once I leave from here. Hang up the phone went
18 into the house and there was Tweety Bird and his
19 girlfriend.

20 I said what's up to them both sit down and start
21 talking. As I was talking to them we laughed and Tweety
22 Bird says hit the blunt. So at this point I said fuck
23 it and I hit it. So in the mean while Steve comes in
24 once he came in he said what's up Tweety Bird you
25 already now what I want. So Tweety Bird answer and said

1 yeah come talk to me. So Steve said let me get -- let
2 me get a club (verbatim) sack better yet what can you --
3 what can you do for 25 of '(cocaine)'. So Tweety Bird
4 reply man you gone get what your money paid for. So
5 Steve quickly reply hold up man look out for me with
6 another dub sack of (cocaine) until Friday.

7 So Tweety Bird quickly reply hold on pimp look what
8 you mean by look out for so Steve said again look out
9 till Friday man. Tweety Bird said hell no looking out
10 done cause me plenty money. I'm not looking out shit.
11 So Steve said damn dog you ain't (verbatim) never look
12 out so Tweety said looking out for you bitch. I got
13 kids. I got bills bitch. The only looking out I'mma do
14 is giving you what your money paid for.

15 At this time I am still playing the game. Gator
16 steady texting me. I am replying back to some but not
17 all. He trying to come in at this point. I said no man
18 people in here just wait for a little min. So he call I
19 answer and told him to listen so Tweety Bird girlfriend
20 was steady asking for money to get some food. So Tweety
21 said where is we eating at. She said Waffle House.
22 Tweety Bird said he don't want that he tired of it. So
23 she said well let's eat from China Kitchen. Tweety
24 agreed. Order me some wings. So she said okay give me
25 all the money.

1 At this time Tweety made her wait for a minute and
2 asked her to get the computer from out the room so I can
3 download apps off my eye phone to get music. I told
4 Tweety you can't do it you have to have internet. So
5 Tweety said called Samatha so she -- so she did. They
6 talk and she was walking him through the steps. Well
7 that didn't plan out so -- out so good.

8 At this time Gator was still texting and then said
9 you acting like a little bitch. I'm about to call my
10 nigga to do it. So I text back I'm not scared but I
11 really was. Tweety Bird finally gave his girlfriend the
12 money so he got the money and walked out. As she was
13 leaving she said Lamont Lauren outside. I came behind
14 her and said no that's my mama. So she laughed went and
15 got in the truck. I open my truck gave my mama the DSI
16 game and she left.

17 Tweety girlfriend pulled right behind her. So I
18 went back in the house. Steve was sitting down. Tweety
19 Bird was texting so I started back playing the game. So
20 Tweety Bird said what you gone do man because I'am about
21 to put my work up (cocaine).

22 At this time Steve didn't say anything so Tweety
23 Bird said man I am bout to go to the kitchen to get me
24 some snacks until my ol lady come -- come back. As he
25 walked off he said watch my work Mont. I said ok. So

1 there me and Steve where I continue to play the game so
2 Steve asked me what kind of game that is. I said Street
3 Homecourt. Tweety Bird said yeah bitch you don't know
4 nothing about that. So Steve say I bet you if I learn
5 how to play it I will kick his ass. Tweety said I don't
6 know about that one pimp it's hard to beat him. I think
7 he got cheat codes or something. So said I Tweety Bird
8 you know I don't got any cheat codes. Steve yelled and
9 said don't talk to him talk to me. Do you got -- do you
10 got cheat codes tell me before I shoot you.

11 So I pause the game and Tweety Bird came back
12 around from out the kitchen and said nah lil cousin he
13 just fucking with you but he really wasn't. At this
14 time Gator still texting me then he called me because I
15 wasn't texting right back. So Steve asked Tweety Bird
16 man how much do your pound of loud go for. So Tweety
17 Bird said what bitch how are you gone ask me that? And
18 all you do is smoke dust.

19 So Tweety said nah I'mma go head and tell you good
20 people's good clientel you feel me. Steve agree so
21 Tweety Bird went and put his drugs up and Steve said
22 well damn man I'm about the go. At this time he already
23 had his cocaine. He had already rolled up a coolie and
24 said he was about to go since 30 mins ago so he was --
25 so he said so you not gone. Look out man Tweety said no

1 bitch come see me Friday. The work will still be here.

2 So Steve said man I'm out so he left.

3 I grab the gun put it beside me and close the door
4 at this point. I thought he was gone. But an eye
5 witness said he wasn't. He was still on -- he was still
6 on the side getting high. So I sat down for a few secs
7 and said I'm about to go. Tweety said no wait for a
8 little minute. I said fuck and sat down -- sat back
9 down then I said man I got to meet my girl -- I got to
10 meet my girlfriend to get the food she made for me.

11 So I sat back down Gator texting me pressuring me
12 calling me scared then called threatening me so I said
13 man I'm about to go. I left Gator -- I left and -- I
14 left Gator and Steve approach the house. I left them
15 and went back towards Orangeburg. Once I seen that they
16 left the scene I pulled back in the yard and found the
17 Springfield 9 which was the gun thrown by Steve before I
18 pulled off so there it was laying on the ground.

19 I grab pulled off when -- went to the bread place
20 and shot my truck up. I did it because I didn't want to
21 take any parts in the murder consisting my cousin. So
22 once I did that I went towards home to pick the gun up
23 that night. I called the police hung up and called my
24 mama and I called her and she said come home at this
25 point. I didn't tell her what had happened. After I

1 hung up I called back and told her and she cursed me out
2 and called the police from there. My mama tried to get
3 me to turn around and go back to the scene. I was to
4 scared so I went and hid Tweety's gun.

5 After that my mama came home and I follow her back
6 to the scene. At this point Gator call me and said if I
7 see your name on any of my paperwork I'm going to tell
8 my little brother Fabo to kill you word cause I can't
9 have that. You don't know nothing. Don't say nothing.
10 I'm telling you I know where you stay you and your
11 brother. I said man -- good man -- I said man you good
12 man. He said to me I knew cause you were -- cause you
13 know how the game go.

14 So I met up with him early that morning and ask for
15 my gun. He said nah that's my gun and you can't hold it
16 -- you can't hold that no more because I don't need you
17 getting caught with shit. I agree. Then he was like
18 man y'all come at your -- man they come at you get a
19 lawyer and Steve buddy tell him the same goes for him.

20 I called him back later that day and told him I was
21 going to get question. He ignored my calls a lot of
22 times so he finally pick up and I told him I had to be
23 to the place to take the lie detector test. He said nah
24 man get a lawyer they can't make you do shit. So he
25 spoke with my mother and she got off the phone

1 immediately and said no you're going so she took me and
2 said Gator is nothing but trouble. And I want you to
3 know -- I want you to know they know Gator shot that boy
4 on the Interstate. You don't have to tell me but I want
5 the best from you and the truth. I admit to her yeah my
6 daddy told me -- my daddy told me and she said oh but
7 anyway the dude suppose to have know you and said he
8 didn't have beef with you but you be around Gator and
9 anywhere they see the truck that they was going to shoot
10 it up.

11 After that she hug and kiss me and said she see you
12 when you get out. I want y'all to know that I was
13 scared for my life. Gator threatened me over eight
14 times about both crime scenes."

15 That was the completion of the body of what he
16 wrote. And then you want me to read the question and
17 answer too?

18 Q Yes, sir.

19 A Okay. So then I wrote out these questions and then
20 Mr. Samuels (verbatim) wrote the response.

21 The question was: "When did Gator ask you about
22 robbing Tweety?"

23 Mr. Samuels (verbatim) answer: "As soon as he
24 found out that I was over there."

25 "Q Was Steve in on Gator's plan?

1 A I don't know well you say yeah.

2 Q Is the gun you found on the ground the one you
3 shot your car with?

4 A Yes.

5 Q Who had the Alltel bag with Tweety's work when
6 Steve and Gator left?

7 A Steve.

8 Q What was Steve driving?

9 A A white car.

10 Q Did you see Gator and Steve go inside the
11 house?

12 A Yes.

13 Q How many shots did you hear? Estimate.

14 A A bunch.

15 Q So what you're saying is Gator and Steve
16 robbed and murdered Tweety?

17 A Yeah that's exactly what I'm saying?

18 Q Where is the gun you shot -- where is the gun
19 you shot with now?

20 A My brother put it up for me.

21 Q Have you given this statement on your own free
22 will?

23 A Yes.

24 Q Did you ask Investigator Dukes to call me to
25 get me to come to Calhoun County Sheriff's Office to

1 talk with you?

2 A Yes.

3 Q Have you been treated fairly and written your
4 -- excuse me. Have you been treated fairly and written
5 your own -- written in your own words?

6 A Yes, sir.

7 Q Has anyone pressured you to say?

8 A No, not at all.

9 Q So you had Investigator Dukes call me here
10 today and you wanted me to come talk with you?

11 A Yes, officer never contacted me. I called and
12 asked for him.

13 Q Is there anything else you want to say?

14 A Like I said, I was scared for my life. Gator
15 threatened me like eight times on both murder and
16 attempted murder and also said that if my name is on any
17 paperwork he is going to get Fabo to handle me and
18 Steve. I'am glad the Officer Godwin came to talk with
19 me to give me another chance to prove my innocence.
20 Another is I was scared because he was still on the
21 streets along with my family members."

22 And then typically put an X on the back so nobody
23 else could add anything else to the statement and then
24 Mr. Samuel signed it and then I witnessed it.

25 Q Okay. Thank you, Investigator Godwin.

1 MR. SORENSON: That's all I have from this witness,
2 Your Honor.

3 THE COURT: Cross examination?

4 CROSS EXAMINATION BY MR. SIMS:

5 Q So we're talking about Lamont calling you. The
6 call where he talked to somebody and then he asked them
7 to call you; is that correct?

8 A Yes, sir, that's correct.

9 Q So this truly was a voluntary statement that he
10 wanted you to know what had happened?

11 A Yes, sir.

12 Q And that in this statement in which it looks like
13 about seven pages long, he never admitted or said
14 anything that he did anything other than was there
15 playing the game -- playing the game while Steve came in
16 and there was an argument or a disagreement between
17 Steve and Taneris?

18 A I guess that would be an accurate what he was
19 trying to say.

20 Q Okay. And he told you that while he was there,
21 Gator, do you know who Gator is?

22 A Yes, sir.

23 Q Have you had any dealings with Gator?

24 A Yes, sir.

25 Q And do you know of Gator's history?

1 A Yes, sir.

2 Q And do -- what kind of record does Gator have?

3 A He had -- we've had some dealings with him with
4 stealing stuff in my involvement with the sheriff's
5 office in Orangeburg.

6 Q All right. Do you know that he was -- had been in
7 jail for a while?

8 A I believe that's correct.

9 Q Would it surprise you to say that he had just
10 gotten out four months earlier?

11 A No, sir.

12 Q Okay. And so he was just back on the street. Do
13 you know what -- how he was looked at or viewed at on
14 the street?

15 A No, sir, I'm not familiar.

16 Q So he -- do you know whether or not he would be
17 called a violent person?

18 A A valid person?

19 Q Violent person.

20 A A violent person. I would say he -- that could be
21 one characterization of him. Yes, sir.

22 Q Okay. Do you know whether or not during his time
23 or during your tenure that he had a gun or carried guns?

24 A It was implicated to carry a gun in this instance
25 for sure.

1 Q And so the indication that Mr. Samuels (verbatim)
2 kept making to you is that Gator kept calling him
3 wanting to do -- wanting to see where he was and what
4 they were going to do; is that correct?

5 A My interpretation of what Mr. Samuels (verbatim)
6 was telling me that there was a plan to rob Taneris.
7 And Mr. Samuels (verbatim) was the one that was inside
8 the house that was supposed -- they were there -- there
9 was a conspiracy to go and commit this crime. And that
10 basically he was the man that was to give the green
11 light, okay, she's gone. Come on in. Now is the time
12 to do it.

13 Q But in this instance that apparently he did not
14 want to do it?

15 A Well, I think he was telling me the story to best
16 benefit him.

17 Q But that's what they said?

18 A That's what he said. Yes, sir. That's what he
19 alleged in his statement. Yes, sir.

20 Q Gator kept calling him and he kept putting him off?

21 A Right.

22 Q And Gator would call back and used some words that
23 I'm not going to use here today in terms of how he
24 viewed Mr. Samuel? How he viewed Lamont; is that
25 correct?

1 A Can you ask me that again?

2 Q Well, let me ask you, you know, Gator kept calling
3 him and calling him, you know, he was scared telling him
4 he was scared, he was this, he was that, and Lamont kept
5 putting him off. Lamont said he didn't call him. He
6 didn't respond to his calls immediately; isn't that
7 right?

8 A That's correct.

9 Q But Gator kept on calling?

10 A That's what he indicated, yes, sir.

11 Q And now when Steve when he got ready to leave, he
12 said he saw Steve and Gator outside?

13 A That's correct.

14 Q And that when he saw them outside, they went
15 inside?

16 A That's correct.

17 Q So Lamont wasn't even in the house when this went
18 down?

19 A According to him, no, sir.

20 Q According to him. Well, that's what we got right
21 now. According to him he was not even in the house?

22 A That's correct.

23 Q He was in his car?

24 A That's correct.

25 Q And he was leaving trying to get away from there?

1 A Yes, sir.

2 Q And so when he went there and tried to get away
3 from there, subsequent to that, he got calls, according
4 to him, when he voluntarily called you, gave you this
5 statement that Gator called him and threatened him?

6 A I believe, yes, sir, he indicated that in his
7 statement.

8 Q And not only threatened him, but he threatened his
9 whole family?

10 A Yes, sir.

11 Q That -- and he said if he saw his name -- if he saw
12 Lamont's name on any of his papers, he would have his
13 brother to come after him?

14 A Yes, sir.

15 Q So he was the one who was threatening everybody to
16 keep quite?

17 A Yes, sir.

18 Q And Lamont said he saw Steve and Gator?

19 A Yes, sir.

20 Q As the one who went in?

21 A That's correct.

22 Q Okay. Then he said with the gun that he had or
23 found, he then -- he said, hey, I'm going to tell you
24 the truth, I shot up my own car?

25 A Yeah, eventually we got to that point.

1 Q We got to that point?

2 A Eventually, we did.

3 Q And he said the reason that he told you that was
4 that he was afraid?

5 A That's what -- yes, sir.

6 Q Of Gator and Steve?

7 A That's what he said.

8 Q Okay. And so he said then he called his mom?

9 A That's correct.

10 Q And told his mom what had happened?

11 A Yes, sir.

12 Q And his mom he said cursed him out basically?

13 A That's what he said.

14 Q And told him he had to go and turn himself in?

15 A That's what he said.

16 Q And as a matter of fact, did she not bring him back
17 to the scene?

18 A I'm going to be honest with you, Counselor, it's
19 been seven -- however many, seven years ago that this
20 incident took place. I remember obviously what we did
21 at the sheriff's office and what was written in the
22 statement right here. But I do remember his mom -- I
23 believe his mom called, I believe she did place a call
24 to 911 and I think she did bring him back up there that
25 night. And, you know, knowing her, she was -- she's

1 that kind of person.

2 Q She's that kind of person?

3 A That kind of person. She did bring him back up
4 there that night.

5 Q She wouldn't take it --

6 A And -- but I'm kind of speaking third hand because
7 I was not specifically at that scene that night. But I
8 do remember that in conversation that she did bring him
9 up there.

10 Q She straight up, go back. She brought him back
11 basically from what you recall?

12 A What I recall.

13 Q But for her bringing him back, no one would have
14 even known Lamont Samuel at that point?

15 A I have -- I wouldn't have any -- I don't know.

16 Q Because his momma brought him back and put him in
17 the possession or in the in a position where the
18 Orangeburg County Sheriff's Department could have talked
19 to him and asking him questions on that night, that was
20 the night of everything went down. So it wasn't two or
21 three days. It wasn't a month. It wasn't anything like
22 that. She made her son get in a car or get in his car
23 or her car and brought him back to the scene so he could
24 tell the police what had happened; is that correct?

25 A Again, I was not there that night, but I guess that

1 would be some explanation.

2 Q One thing -- one last thing I would say, that in
3 this conversation, he basically continued to tell you
4 that he was afraid of Gator?

5 A He indicated in his statement that Gator did
6 threaten him.

7 Q Okay. Thank you.

8 THE COURT: Redirect?

9 MR. SORENSON: Nothing, Your Honor.

10 THE COURT: All right, sir. You may come down.

11 MR. SORENSON: Can we approach?

12 THE COURT: Yes.

13 (Off the record)

14 THE COURT: All right. Ladies and gentlemen, let's
15 take our afternoon break at this time. Just go to your
16 jury room. Do not discuss the case among yourselves
17 while you're in the jury room, please, and we'll call
18 you in about ten minutes.

19 (WHEREUPON, the jury left the courtroom at 3:11
20 p.m.)

21 THE COURT: All right. Stand at ease for about ten
22 minutes.

23 (WHEREUPON, there was a short break taken)

24 (WHEREUPON, the jury came back in the room at 3:38
25 p.m.)

1 THE COURT: Solicitor, call your next witness.

2 MR. SORENSON: Thank you, Your Honor. The State
3 cause Lieutenant James Shumpert.

4 JAMES SHUMPERT,
5 being first duly sworn, was examined and testified as
6 follows:

7 THE CLERK: Thank you. State your name for the
8 court.

9 MR. SHUMPERT: James Shumpert.

10 DIRECT EXAMINATION BY MR. SORENSON:

11 Q Good afternoon, Lieutenant.

12 A Afternoon.

13 Q If you would, please tell the jury where you work.

14 A The Orangeburg County Sheriff's Office.

15 Q And how long have you been with the sheriff's
16 office?

17 A Twenty-one years.

18 Q And what are your current duties there?

19 A I'm lieutenant over criminal investigations.

20 Q All right. How long have you been employed in that
21 capacity?

22 A I believe 13 years. I believe.

23 Q Okay. So back in March of 2012, you were employed
24 as a lieutenant over investigations at that time?

25 A Yes, I was.

1 Q Okay. And I want to turn your attention, did you
2 become involved in the investigation of this case on the
3 night of March 20, 2012?

4 A Yes, I did.

5 Q Okay. And were you present that night back in the
6 criminal investigative division when Mr. Samuel was
7 brought back and was questioned by Detective Ethridge?

8 A I eventually showed back up, but, yes, I was there.

9 Q Okay. And when you first saw Mr. Samuel there,
10 what was your first understanding of what his kind of
11 role in this whole case was?

12 A Well, that night I thought he was a victim and he
13 was being very cooperative with Mr. Ethridge at the
14 time.

15 Q Okay. And ultimately was somebody that following
16 day on March 21st of 2012 was somebody charged in this
17 case?

18 A Yes, sir.

19 Q And who was that?

20 A Steven Johnson.

21 Q Okay. And do you recall what he was charged with
22 initially?

23 A Murder.

24 Q Okay. Was he also charged with --

25 A Attempted murder.

1 Q Okay. And the attempted murder, who would have
2 been the alleged victim of that attempted murder that
3 Mr. Johnson was charged with?

4 A Mr. Lamont Samuels (verbatim).

5 Q All right. And that was based on whose information
6 that was given?

7 A Mr. Samuels (verbatim).

8 Q All right. Now, Lieutenant, over the next several
9 days, did the sheriff's office start to have any
10 reservations about the information that you were being
11 provided by Mr. Samuels (verbatim)?

12 A Yes, sir, we did.

13 Q Okay. What were you -- what with your thoughts at
14 that point in time?

15 A Well, at that time, the information we received, we
16 decided that Mr. Samuel wasn't telling us the whole
17 truth.

18 Q Initially, were you sure that Mr. Johnson wasn't
19 involved or was there a possibility he was also
20 involved?

21 A At that point we thought Mr. Johnson was still
22 involved in the incident.

23 Q Okay. And I think the jury heard that over the
24 next day or two, Mr. Samuel got charged with obstruction
25 of justice?

1 A Yes, he did.

2 Q Okay. And did you have an opportunity on March
3 23rd, I believe Detective Gillard testified about this
4 earlier that she had advised Mr. Samuel of his rights,
5 but that you were the one that actually questioned him
6 after that, do you recall that?

7 A I vaguely recall that. I think I did speak with
8 him.

9 Q Okay. And that was on March 23rd?

10 A I'm not sure of the date.

11 Q I'm showing you State's Exhibit Number 6. I think
12 that's the advice and rights form with both your
13 signature at the bottom of that also?

14 A Yes, sir.

15 Q Okay. Did you have an opportunity then on that day
16 to confront Mr. Samuel with any of the evidence that had
17 come about from crime scene and talking to other
18 witnesses?

19 A Yes, sir, we did.

20 Q And what was some of that, if you recall, what was
21 some of that information that you confronted him with?

22 A Well, the first thing was after speaking, we had
23 gotten some information that a vehicle as such that
24 Mr. Lamont was driving that was -- shots was fired in
25 the parking lot of the bread company off 601.

1 And then in speaking with Mr. -- Captain Carter
2 with forensics at the time, he told me that he had found
3 shell casings within Mr. Samuel's truck. And then we
4 confronted Mr. Samuels (verbatim) with that information.

5 Q Okay. And as a result of you confronting him with
6 the fact that he had some shell casings that had been
7 found in his vehicle and also witnesses putting somebody
8 shooting up a vehicle in that bread company parking lot,
9 what did Mr. Samuel tell you at that point in time?

10 A At that time, Mr. Samuel told me, I'm trying to
11 recollect, something to the point of that he was in fear
12 of his life. And eventually he told me that he shot his
13 own vehicle up because he was in fear of his life.

14 Q Okay. All right. Now, I'm going to turn your
15 attention a couple of days later then on March 28th,
16 were you present when Investigator Gillard was taking
17 the written statement that the jury's heard testimony
18 about being torn up, were you present when that
19 statement was taken?

20 A I was in another room adjacent to the room as
21 Investigator Gillard was taking the statement which I
22 eventually went into the room.

23 Q Okay. And the room you were in, were you able to
24 observe what was going on in the room that she was
25 interviewing Mr. Samuel?

1 A Yes, sir. I was monitoring interview of
2 Mr. Samuels (verbatim) through -- on a computer which
3 was hooked up to the interview room which I could see
4 from the office I was in.

5 Q Okay. And at some point in time, do you go in that
6 room?

7 A Yes, I did.

8 Q Okay. What was the reason that you went in that
9 room that day?

10 A Well, as I was watching the video, I started seeing
11 Mr. Samuels (verbatim) getting a little agitated. And
12 he kept being like fidgety. He kept moving around the
13 table. So I got up at that time and I went -- and I
14 went to the door. And as I got to the door, I stood
15 like in the doorway. Investigator Gillard was asking
16 him a couple of questions then which led to her asking
17 for the statements back.

18 Mr. Samuels (verbatim) at that time took the
19 statements and kind of turned sideways. So I walked
20 around the table and I stood at the chair of like
21 adjacent to where Mr. Samuels (verbatim) was and across
22 from Investigator Gillard. Investigator Gillard reached
23 out and said give me the statements back. Then I
24 reached out to try to get the statements and at this
25 time he started ripping the statements at that time.

1 He stood up and as you got the statements that he
2 started ripping, he lunged across the table at
3 Investigator Gillard. So I shoved him over into the
4 corner of the wall in the room and Gillard, I believe,
5 was trying to pick the statements up. And I picked him
6 up by his jumpsuit. And as I was escorting him out the
7 interview room, he continued to rip the statements up.

8 Q Okay. Let me ask you about on March 28th, other
9 than Mr. Samuel having mentioned in the couple of his
10 prior statements about giving a gun to Gator, was Gator
11 a suspect at that point in time?

12 A No, he was not.

13 Q Okay. Now, did you become aware on March 31st
14 about the statement that Investigator Godwin read for
15 the jury a little while ago?

16 A Yes, I did.

17 Q Okay. And the fact that he's now implicated Alan
18 Fields "Gator" as being involved?

19 A Correct.

20 Q Okay. And at that point in time, did you also
21 learn about the possibility that the two of them had
22 been texting with each other and possibly calling each
23 other during that evening?

24 A Yes, sir.

25 Q Okay. And as a result of that, did the sheriff's

1 office obtain not only the call logs, but also the text
2 message records from the phone number that -- the
3 Verizon phone number that the Defendant had given you
4 the 803-971-0218?

5 A Yes, sir, we did.

6 Q Okay.

7 MR. SORENSON: And, Your Honor, at this time, I
8 believe we would be offering those records into evidence
9 by way of stipulation.

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, there's a process known as a stipulation in the
12 course of presentation of evidence and basically it
13 means that both parties agree that these are the actual
14 records and that they are -- they have no objection to
15 them being admitted into evidence.

16 I have reviewed that with both counsel. Both
17 counsel agree that these phone records and text records
18 are authentic and they are in the possession of the
19 Verizon telephone company, but they are going to be
20 offered here in this trial and they have stipulated that
21 they are not necessarily -- they don't -- that they are
22 authentic and so they can be presented to you.

23 Go ahead.

24 MR. SORENSON: Thank you, Your Honor.

25 Q And the first item is State's Exhibit Number 16

1 that has been stipulated to.

2 MR. SORENSON: May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, sir.

5 Q And do you recognize State's Exhibit Number 16 that
6 provide the subscriber information for that phone number
7 that I just listed, the 803-971-0218?

8 A Yes, sir.

9 Q All right. And whose phone number -- who is that
10 number, that Verizon phone number come back to?

11 A Lamont Samuel.

12 Q Does it have an address for him also?

13 A Yes, sir. It has 178 Haywood Lane, St. Matthews,
14 South Carolina 29135.

15 Q And I'm showing you State's Exhibit Number 98,
16 that's also in by way of stipulation. Is that the call
17 log from -- between -- for that phone number, that
18 803-971-0218 from, I think, it covers I believe it's
19 March 20th through March 22nd of 2012?

20 A Yes, sir.

21 Q All right. And then showing you what's also been
22 admitted by way of stipulation State's Exhibit Number
23 15. Ask you, are those the text messages from that
24 phone, that 803-971-0218 from March 20th of 2012?

25 A Yes, sir, they are.

1 Q Okay. And those items were provided to you --
2 provided to the sheriff's office by Verizon wireless?

3 A Correct. Yes, sir.

4 Q Okay. Let me ask you, when you got the text
5 messages, it's -- how many pages is that? If you look
6 at the last page. They're numbered at the bottom.

7 A Sixty-one.

8 Q Okay. And there are multiple text messages on each
9 page; is that correct?

10 A Yes, they are.

11 Q Okay. And are those -- when they were provided by
12 Verizon were they in chronological order?

13 A No, sir, they were not.

14 Q We'll talk about that with you in a few minutes.
15 And then showing you State's Exhibit Number 17 which is
16 also in by way of stipulation, is that one of the text
17 messages from State's Exhibit Number 15?

18 A Yes, sir, it is.

19 Q Okay.

20 MR. SORENSON: And can you pull that one up?

21 MR. SIMS: 17?

22 MR. SORENSON: 17, yes, sir. And that might not be
23 on there, Thomas.

24 Q And so that's just one of the text messages?

25 A Yes, sir, it is.

1 Q And are you familiar from this case, but also from
2 just looking at phone records and text message records
3 in the past about what's contained in these Verizon
4 records?

5 A Correct. Yes, sir.

6 Q Okay. Let me show you -- let me give you 17
7 because the highlight didn't come through on there. But
8 does it indicate to you, each of those individual text
9 messages indicate a time that the text message was sent?
10 Or was written or arrived?

11 A It has the date and time.

12 Q Okay. And where is that on there? If you can kind
13 of point. You can use --

14 A All right. Right here you have the date and the
15 time that the text messages were -- this says log
16 written, message arrival, and final disposition. Is
17 right here.

18 Q Okay. And then does it show the originating
19 number? In other words, the number that sent the text
20 message?

21 A Yes, sir. The originating number -- it says
22 originating number right here. It shows it right here
23 803-971-0218.

24 Q Okay. So that would be the number associated with
25 Mr. Samuel?

1 A Correct. That is his number.

2 Q All right. And then does it show the number on
3 that, the terminating number? In other words, the
4 number that is being -- that text message is being sent
5 to?

6 A Correct. The terminating number will be right
7 here. And then the terminating number will be
8 803-308-6533.

9 Q Okay. And then does it show -- and, obviously,
10 there's a whole lot of other just kind of stuff is
11 probably not really matter to us. But does it show the
12 substance of the text message?

13 A Yes, sir. Down here on the bottom left it says
14 message text and in parentheses here it says, let's do a
15 lick -- "Let's do that lick." I'm sorry.

16 Q Okay. All right. Let me see the document a
17 second. And as far as -- look up on the right-hand
18 column, what is the third line down up on the right-hand
19 column?

20 A Right here it says, "Message final status
21 delivered."

22 Q So it indicates whether the text message was
23 delivered or not?

24 A It was sent and received. Yes, sir.

25 Q All right. And lastly, let me show you State's

1 Exhibit Number 99. State's Exhibit Number 99 that's
2 also in by the way of stipulation. Is that kind of the
3 document that Verizon provided that explains when
4 dealing with a call log?

5 A Yes, sir, it is.

6 Q Okay. Does that indicate, I guess, when you're
7 looking at a phone call now, not a text message, but a
8 phone call, does it indicate whether it's an incoming or
9 outgoing call?

10 A Correct.

11 Q And also whether it was potentially just a call
12 that went to voicemail?

13 A Correct.

14 Q Okay. Now, did you have a chance to go through all
15 of those records, both the text messages and the call
16 log?

17 A Yes, sir, I did.

18 Q Okay. And were you able to find any specifically
19 usually starting with the text messages, but any text
20 messages either to or from that phone that's attributed
21 to Mr. Samuel that appear to be relevant to this
22 investigation?

23 A I did.

24 Q Okay. And, specifically, were you able to find
25 text messages and then subsequently phone calls back and

1 forth between that number and a number that you could
2 associate with a codefendant in this case?

3 A Yes, sir, we did.

4 Q And whose number is that that you were able to?

5 A Alan Fields, AKA Gator.

6 Q Okay. And you were in here when Ms. Asbury
7 testified this morning; correct?

8 A Yes, I was.

9 Q Okay. Do you remember her providing a phone number
10 for Alan Fields, AKA Gator?

11 A Yes, sir, she did.

12 Q Okay. Was that that 803-308-6533?

13 A Correct.

14 Q Okay. Can you go back to that text. Is that the
15 number specifically dealing with this text message right
16 here, is that the number that was texted from
17 Mr. Samuel's phone?

18 A Mr. Samuel's number here, the 803-971-0218, again,
19 it was texted to 803-308-6533.

20 Q All right. And let me ask you, I'm actually going
21 to go through a bunch of the texts in a moment here,
22 Lieutenant, but did you come across one of them in there
23 that referenced a person by the name of Rhonda dropping
24 Gator, Alan Fields, off?

25 A Yes.

1 Q Okay. Were you able to figure out who Rhonda was?

2 A Correct. LaRonda Asbury.

3 Q Okay. That's the young lady that testified this
4 morning?

5 A Yes, sir, it was.

6 Q Okay. All right. Now, you had testified a moment
7 ago about the text messages not being in order, did you
8 have an opportunity or have you had an opportunity in
9 the past to go through and kind of -- kind of work with
10 doing a chart that put the text messages, specifically
11 the ones from Mr. Samuel's number to Mr. Fields's number
12 and then from Mr. Fields's number to Mr. Samuel's
13 number, putting them kind of in chronological order?

14 A Yes, sir, we did.

15 Q Okay. Have you also had an opportunity to go
16 through State's Exhibit Number 98, the call log, and
17 also find phone calls either to or from those two
18 numbers and/or any calls from one number that went to
19 the other one's voicemail?

20 A Yes, sir, we did.

21 Q Okay. Were you able to kind of integrate all of
22 that into that same kind of in a chronological chart?

23 A Yes, sir, we did.

24 Q Okay. Let me show you State's Exhibit Number 97.
25 Do you recognize that document?

1 A Yes, sir. This is the sheet that we used to put
2 the numbers in order and the texts in order. Phone
3 calls and the texts back and forth, we put them in
4 order.

5 Q Okay. Did State's Exhibit 97 assist you in kind of
6 going through and chronologically going through the
7 communication between those two phones that night of
8 March 20, 2012?

9 A Yes, sir.

10 Q All right.

11 MR. SORENSON: At this time, we'd offer State's 97
12 into evidence.

13 MR. SIMS: No objection.

14 THE COURT: Without objection.

15 (WHEREUPON, State's Exhibit Number 97 was entered)

16 Q All right. I'm going to go through this in a
17 second, but I'm going to let you -- just so you have it.
18 It's easier for you -- you can do whatever you want to
19 do, just make sure you keep your voice up.

20 And I'm going to kind of stop you at a few points
21 in here when we get to some kind of some terminology in
22 here. Have you had a chance -- how long have you been
23 in law enforcement, Lieutenant?

24 A A little over 25 years.

25 Q Okay. And throughout your 25 years in law

1 enforcement, have you learned to kind of some of the
2 slang and some of the vernacular that typically younger
3 people use?

4 A Yes, sir.

5 Q Okay. I may get you to kind of touch on some of
6 that.

7 A Yes, sir.

8 Q All right. But starting I guess --

9 MR. SIMS: Your Honor, I would object to
10 characterizations and interpretations. The document
11 speaks for itself.

12 THE COURT: Well, interesting question. All right.
13 I think he needs to limit all his interpretations as you
14 say of language used -- commonly used by younger people
15 these days. I mean, I'm not -- he's not been qualified
16 as an expert in that regard so.

17 MR. SORENSON: Can I attempt to expound on that a
18 little bit with him?

19 THE COURT: Well, let him tell me why he thinks he
20 can do that.

21 MR. SORENSON: Yes, sir.

22 Q Lieutenant, I mean, you indicated you've been in
23 law enforcement for 25 years?

24 A Yes, sir.

25 Q All right. How -- throughout the course of that,

1 how many of those years have you been a criminal
2 investigator?

3 A Criminal investigator I've been I think a little
4 bit -- probably about 15 years -- 14 years.

5 Q And how many individuals do you think you've
6 interviewed over that course of that -- just as an
7 investigator in your last 14, 15 years?

8 A Several hundreds. A lot.

9 Q Okay. And have you had an opportunity as part of
10 that to kind of talk to them about -- take statements
11 from them?

12 A I have.

13 Q Okay. Had an opportunity as part of that to
14 question them about maybe some of the terminology that's
15 used and what it means?

16 A Yes, sir, I have.

17 Q Okay. And do you feel like you have an
18 understanding possibly more than a layperson would be
19 about what some of those terms are that -- that young
20 people and potentially some of the defendants that
21 you're interviewing are using?

22 A Sir, you asked me about my history in law
23 enforcement. Part of that time I worked at DJJ where
24 they commonly use these terminology and I'm very
25 familiar with the terminology throughout my law

1 enforcement career.

2 Q Okay. Was that important as, you know, as a law
3 enforcement officer to understand what they were talking
4 about when they're using some terms that maybe don't
5 have their common ordinary meaning?

6 A It's very important.

7 Q Okay.

8 MR. SIMS: Your Honor, I would simply say that the
9 telephone company when they text these or they write
10 these down it's written phonetically, it's not written
11 as it was said. It's written phonetically. So how it's
12 written on here phonetically to mean something
13 altogether different and I don't think he's qualified to
14 testify about the phonetics and how it was written when
15 they picked it up and began to type it when it's typed
16 out. That's a different story altogether.

17 MR. SORENSON: It's a text message, it's not a
18 voicemail. It's a text message.

19 MR. SIMS: Yeah, it's a text message, but it's text
20 -- is it written that way?

21 THE COURT: All right. I'm going to let you cross
22 examine him about it, but I'm going to let him testify.
23 He seems to have a sufficient background and
24 understanding of the vernacular that may be used by
25 younger people these days. I mean, I know a little bit

1 just from social media. I mean, there's all those
2 initials and things, if you want to get into all of
3 that. But I'm not -- I'm not saying what he -- that his
4 interpretations are -- they are what they are.

5 MR. SIMS: Yes, sir. Just noted for the record,
6 Your Honor.

7 THE COURT: You can cross examine him on those. So
8 your objection is overruled.

9 MR. SORENSON: Thank you, Your Honor.

10 Q Lieutenant, if I could get you to kind of go
11 through, as you indicated earlier, so this is sort of
12 chronological, I guess, on the evening of March 20th of
13 2012?

14 A Yes, sir.

15 Q Okay. And this is all of the contact that you
16 could find in the text message records and also the call
17 log?

18 A Correct. Yes, sir.

19 Q Between just those two phones; is that correct?

20 A Yes, sir.

21 Q Okay. And just tell the jury then so it starts at
22 5:36, is that in the evening? Is that p.m.?

23 A I believe that was in the evening.

24 Q Okay. Yes, sir. All right. So if you would just
25 kind of go through it for the jury. So which column --

1 the column on the left, obviously, all the left is the
2 time, but so the middle column is --

3 A This is Lamont Samuels (verbatim) call.

4 Q So that's Lamont Samuel calling or texting Alan
5 Fields?

6 A Right. If it's over here, this is the action that
7 Lamont Samuels (verbatim) is taking. He's calling to
8 Mr. Fields. And on this side is the reply of Mr. Fields
9 did an action back to Lamont.

10 Q Okay. If you go through it.

11 A Okay. Here at 5:36 we have a call from Mr. Fields
12 to Mr. Samuels (verbatim), it went to voicemail. Then
13 again at 5:40 it went to voicemail. At 5:42 Mr. Samuel
14 replied, "I'm at the Navy office."

15 At 5:44, Mr. Fields replied: "Da Navy office at
16 the mall."

17 5:45, Mr. Samuel says, yea buddy BS'ing. He's
18 talking about mid.

19 At 5:46, Mr. -- so I don't get crossed up.
20 Mr. Fields said, f'em.

21 Then at 5:46 you have 129 second call. We don't
22 know what was said between that call.

23 At 6:22 Mr. Samuel said, are you driving -- you're
24 driving rite.

25 And then he says at 6:23, "Let's do that lick."

1 Q Okay. And that's one of them I want to ask you.

2 So in your experience, what does a "lick" mean?

3 A In my experience, doing a lick is doing some type
4 of criminal activity or doing some type of crime.

5 Q Okay.

6 A Proceed?

7 Q Yes, sir.

8 A All right. At 6:23 he says -- Mr. Samuel says, I'm
9 with Tweety Bird.

10 Q So those two are basically the same time, but two
11 separate texts, but right at 6:23?

12 A Yes, sir.

13 Q Okay.

14 A Then at 6:23 Mr. Fields texted, "U wit buddy."

15 At 6:24, Mr. Samuel responded, "Duh."

16 At 6:24 again, Mr. Samuel said, "I see everything."

17 At 6:24 again, he says, money, drugs, and guns.

18 At 6:25, Mr. Fields asked, "How many people in da
19 crib."

20 At 6:26 --

21 Q What is a -- let me back you up. What is a "crib"
22 in your experience?

23 A A "crib" is commonly referred to as a
24 home/residence where somebody sleeps at.

25 Q Okay.

1 A Okay. At 6:26, he says, how many people in the
2 crib.

3 6:26, Mr. Samuels (verbatim) replied, "2."

4 At 6:26, Mr. Samuel says, I'm taking him out.

5 Q What in your experience what does that mean?

6 A That means to kill someone.

7 MR. SIMS: Your Honor, that's what I'm talking about

8 --

9 THE COURT: I understand.

10 MR. SIMS: -- in terms of the interpretation.

11 THE COURT: You can ask him about it.

12 Q Go ahead.

13 A Okay. Go down to 6:30. Mr. Fields said, "Im on my
14 way right now."

15 At 6:32, Mr. Lamont Samuels (verbatim) say, "Hold
16 up real quick my nigga."

17 And then at 6:34 there's a voicemail which we don't
18 know what was said.

19 At 6:35, Mr. Fields said, cum on man what da F u
20 doing.

21 At 6:36, another voicemail.

22 6:36 another voicemail.

23 At 6:37, Mr. Samuel said, "I'm in here talking to
24 this dude man I got everything plan out. Come by
25 yourself."

1 Then he said, "Or bring a real nigga wrd an we gne
2 do it wit that 3 pound."

3 Q Okay. What in your experience what does a "three
4 pound" refer to?

5 A It's commonly known as a .357.

6 Q Okay.

7 A All right. Then at 6:38, Mr. Fields say, where do
8 other MF at.

9 6:38, Mr. Lamont Samuels (verbatim) says, she rite
10 here bra man on set I got u wrd no BS.

11 At 6:39, Mr. Fields said, "Im cumn no talkn
12 straight take out nigga on set."

13 6:42, Mr. Samuel said, "Hold on bra let me move da
14 whip so they wont kno who it is when they kum Dan u can
15 kum he got the pistol on his lap and the G-N-E kum to
16 the door wit it wait till I tell you."

17 Q And what is a "whip"?

18 A Commonly known as a vehicle.

19 Q Okay.

20 A At 6:42, there was eight second phone call.

21 At 6:50, Mr. Fields texts, "Buddy anit fleet yet."

22 And at 6:54, another voicemail. And then they
23 actually talk at 6:55 for 253 seconds. Excuse me.

24 At 7:00, there was a 35 second call.

25 7:00 again, a 16 second call.

1 7:00, Mr. Fields called Mr. Samuels (verbatim). It
2 went to voicemail.

3 At 7:11, Mr. Samuels (verbatim) texts, "Few more
4 mins Imma hit da chirp."

5 Q And what is a "chirp"?

6 A Phone. Commonly known as a phone.

7 Q Okay.

8 A At 7:19, Mr. Samuels (verbatim) texts, "Look around
9 do u see anybody outside kuz my other kuzn stay next
10 door tell Rhonda to go head an let u out."

11 Q Is that where you referred earlier about Rhonda
12 seeing a reference to Rhonda letting off Mr. Fields?

13 A Yes, sir.

14 Q Okay.

15 A All right. At 7:19, Mr. Fields texts back to
16 Mr. Samuel, "Green lac jus left."

17 At 7:20, it says -- Mr. Lamont Samuel texts, "Stay
18 rite there tell her to pass the house the house rite by
19 this house look to see if a car is in the yard."

20 At 7:20, Mr. Fields texts, "I'm out who is ur other
21 cuzzn."

22 7:21, "No he a fat dude on my daddy side."

23 And then at 7:22, I guess Mr. Fields tried to call
24 again, he got the voicemail.

25 At 7:23 Lamont texts back, "Hold up rite here there

1 -- hold up rite here in my face."

2 7:26, there was 151 second call. Then he turned
3 around and did a 118 second call.

4 Then at 7:32, they get 140 second call.

5 At 7:41, Lamont texts, "How we gone do it pistol on
6 his lap biddy round here wit me."

7 Q And what is a "biddy"?

8 A Commonly known as a female. All right.

9 7:42, Mr. Fields texts, nigga u take his A out
10 biddy dnt got no strap.

11 Q Okay. So biddy, that's a girl don't have and
12 what's a "strap"?

13 A A weapon. Means she don't have a pistol or a
14 weapon.

15 All right. 7:42 he tests again -- Mr. Fields
16 texts, nigga act like u playn with da strap buss his A n
17 im cumn.

18 Then at 7:47 there was another voicemail.

19 7:48, Lamont texts, hold up don't txt real quick
20 he's tryin to go through da chirp on set we bout to do
21 it.

22 Q And "chirp" again was a phone?

23 A A phone, correct. Yes, sir.

24 At 7:59 we got another voicemail.

25 At 8:00, Lamont texts -- Mr. Fields said, "Bout to

1 call u just listen."

2 And at 8:10, Lamont texts again, he says, "When u
3 call me wit buddy imam walk out they both in the living
4 room biddy rite front the door he sitting beside me."
5 That was at 8:10.

6 At 8:13, he texts, this is how y'all are going to
7 do it hit the chirp I am a-n-s an u listen when I say I
8 am about to go to the truck to get something imam leave
9 the door wide open and y'all go in and do that imam show
10 none of them I got one of the guns in the room.

11 At 8:13, he texted, "He don't got a pistol."

12 At 8:21, Mr. Samuels (verbatim) texted, "Bout to
13 call u way buddy at."

14 8:22, he says, on da way by the hot spot.

15 Q Go ahead a little bit further.

16 A At 8:24, he texted, "Ite good timing wen I call u
17 pick up but don't say nun for listen wat he sayin."

18 8:25, Mr. Fields texted, "K."

19 At 8:36, there was 1,237 second call.

20 At 8:48, Mr. Samuels (verbatim) texted, "Biddy bout
21 to swerve we got him after that."

22 8:48, where your man at.

23 8:49, Mr. Fields texted, he's in the woods.

24 8:52, "Keep them dawgs quite." Which was texted by
25 Mr. Samuels (verbatim).

1 At 8:53, "Dem craccs next doe."

2 8:53, Mr. Samuels (verbatim) texted, "Or ite they
3 kant see u get all the way in the back."

4 At 8:55, "Get in the way -- get in the way bak of
5 the truck an lay down."

6 8:56, Mr. Fields texted, "Duh."

7 At 8:56, Mr. Fields (sic) texted, "Ite."

8 At 8:57, there was a 432 second call.

9 At 8:59, Mr. Fields asked, when da B is leaving.

10 At 9:00, Mr. Samuels (verbatim) texted, she bout to
11 swerve now just listen that's y I got y on the pho bra
12 wrd I got y'all I'm not going to get y'all caught up
13 that's y I'm waiting.

14 At 9:04, Mr. Samuel texted, "When he leave kum out
15 an do dat."

16 Then it had a four second call.

17 9:05, there was no text.

18 At 9:07, Mr. Samuels (verbatim) is telling them,
19 "Man get ready buddy bout to swerve."

20 Q What does "swerve" mean?

21 A Leave. Commonly known as leave. All right.

22 At 9:07, they say, "They both don't got guns."

23 That is what Mr. Samuels (verbatim) says.

24 After that at 9:11, there was 1,598 second call.

25 At 9:12, Mr. Samuels (verbatim) texted, "She bout

1 to go."

2 9:13 he texted, "Stay dwn."

3 9:19 he texted, "Biddy leavin now."

4 9:22 he texted, are y'all ready.

5 9:23, Mr. Fields texted, u gonna come open the
6 door.

7 9:25 he says, "Open da door," Mr. Fields.

8 9:27, Mr. Fields said, open the door boe.

9 At 9:27, Mr. Samuels (verbatim) said, y'all in
10 front -- y'all in front buddy bout to leave man it's
11 going to be just him.

12 9:28, Mr. Fields said, "Man we at dafront door."

13 9:29, Mr. Samuel said, "He come to get some dust he
14 bout to go buddy about to go Lil hater."

15 At 9:30, Mr. Samuels (verbatim) texted, "Wen he
16 open the door let him leave man."

17 At 9:32, Mr. Fields texted, "U wit dat fakn nigg_
18 we dnt got time for dat."

19 At 9:33, Mr. Samuels (verbatim) texted, man buddy
20 is on the way out the door.

21 9:35, he is getting dust up man on my set. I'm not
22 flogin he's leave now Matt fact since u think I'm fake F
23 buddy about to leave bust him an kum on in.

24 At 9:36, nigga u kno I ain't fake neither scared do
25 wat yu do.

1 All right. 9:36, Mr. Samuels (verbatim) texted,
2 "Kum to the door I'm bout to open it."

3 Mr. Fields at 9:36 texted back, "Open it."

4 At 9:37, Mr. Samuels (verbatim) texted, "Y'all
5 there now."

6 9:37, Mr. Fields responds with, "Duh."

7 At 9:39, Mr. Samuels (verbatim) texted, "Txt me
8 ready to let me kno wen u ready."

9 And then after that from 9:40 we got a seven second
10 call, six second call, another six second call, and
11 another six second call.

12 At 9:44, Mr. Samuels (verbatim) said, "I'm bout to
13 open the door soon as he pull off."

14 At 9:45, Mr. Samuel asked, man where y'all at.

15 At 9:45, Mr. Fields respond with, "Open up."

16 At 9:46, Mr. Samuel texted, "He sitting rite there
17 on the couch soon as y'all come in bus's him the pistor
18 on him."

19 And then at 9:46, Mr. Fields texted, "Open up."

20 And then from that point on you have 9:50, 9:50,
21 two voice calls.

22 9:51, 9:51, another two voice calls.

23 9:55, we have a voice call.

24 9:55, you have a 19 second call.

25 And then -- well, a 19 second call whereas

1 Mr. Fields was calling Mr. Samuels (verbatim). And then
2 you have a nine minute -- at 9:55, you have a 74 second
3 call where Mr. Lamont was calling Mr. Fields.

4 Q Okay. And, ultimately, upon getting these text
5 messages and reviewing them, did you -- what then became
6 your opinion as to Steven Johnson's involvement in this
7 case?

8 A That Mr. Johnson had no involvement in this
9 robbery/murder.

10 Q Okay. These text messages seemed to corroborate
11 him leaving prior to anything happening?

12 A Yeah. By their own admission they were waiting on
13 him to leave.

14 Q Now, ultimately, was Alan Fields -- was Gator
15 charged in this incident?

16 A Yes, he was.

17 Q Was he then convicted and gone to prison?

18 A Correct. Yes, sir.

19 Q All right. Now there's a reference in there
20 waiting on another person to come, do you remember that?

21 A Yes, sir.

22 Q All right. Have you ever identified who that third
23 person might be?

24 A No, sir.

25 Q Do you have through the course of your

1 investigation an idea who it might be?

2 A Yes, sir.

3 Q And who is that?

4 A I know about HD.

5 Q Hillard Pinkney?

6 A Hillard Pinkney, yes, sir.

7 Q All right. Is Mr. Pinkney, is he still alive?

8 A No, he's not.

9 Q So he has never gotten charged or any further
10 investigation with regards to his involvement?

11 A No, sir.

12 Q I believe that's all I have, Lieutenant. You can
13 have a seat.

14 A Thank you.

15 Q Thank you.

16 CROSS EXAMINATION BY MR. SIMS:

17 Q Detective Shumpert --

18 A Lieutenant.

19 Q -- let's go back to the beginning --

20 A Lieutenant.

21 Q -- in regards to -- first of all, let's talk about
22 Alan Fields.

23 A Yes, sir.

24 Q And are you familiar with Alan Fields?

25 A I am.

1 Q And tell us what you know about Alan Fields?

2 A From what I know, he's just a criminal.

3 Q Big time?

4 A I don't know about big time, I just know he's a
5 criminal.

6 Q And you knew about his record?

7 A I know he was into a lot of things which led him to
8 going to prison.

9 Q He was into a lot of things that led him go into
10 prison?

11 A Correct. Yes, sir.

12 Q And, as a matter of fact, you believe you do know
13 based on your investigation that he had just gotten out
14 of prison?

15 A Now, that I don't know. I just heard that today.

16 Q Okay. You just learned that today?

17 A Correct.

18 Q Okay. Well, he had been in prison before?

19 A Yes. I know he's been in prison before; correct.

20 Q And he -- you knew of his street reputation?

21 A A criminal.

22 Q A criminal?

23 A Yes, sir.

24 Q Okay. Was he a big guy on the street? A small guy
25 on the street? Somebody that the people on the street

1 were afraid of?

2 A To me he was a small guy on the street. He was
3 more of a follower than a leader.

4 Q But people were afraid of him; isn't that right?

5 A I don't know that. I can't answer that.

6 Q Now, you said he was convicted. He was convicted
7 in this case; is that correct?

8 A Correct. Yes, sir.

9 Q And did he not at the same time plead to shootings
10 of people or shooting at some people over in St.
11 Matthews?

12 A I have no knowledge of that.

13 Q But would you believe if I told you?

14 A I wouldn't doubt it.

15 Q Okay. So he had shot at some people in Calhoun
16 County and he was involved in this case and so he pled
17 to that; is that correct? Do you know what he pled to?

18 A Yeah, I know he pled to this case. But I --

19 Q Do you know what specifically?

20 MR. SORENSON: Your Honor, I'm going to -- I have an
21 objection. I think relevance would be, but I think I
22 want to be heard on this a little bit.

23 THE COURT: All right. All right. Ladies and
24 gentlemen, let's just take them out there for a minute
25 and work this out.

1 (WHEREUPON, the jury left the courtroom at 4:28
2 p.m.)

3 MR. SORENSON: May it please the Court, Your Honor.

4 THE COURT: Yes.

5 MR. SORENSON: My objection and just -- I think we
6 should have brought this up at some point in time in the
7 past with you, with Your Honor. But this seems to be
8 opening up, I think, a -- first of all, I don't think
9 that question is relevant what a codefendant pled to, I
10 don't know how that's relevant.

11 THE COURT: It's in this case.

12 MR. SORENSON: I understand that. But here's where
13 it gets a little screwier. All right. And we addressed
14 this with Judge Dickson back in a hearing back on
15 January 29th of this year. So the codefendant
16 Mr. Fields, he pled guilty just so Your Honor
17 understands to voluntary manslaughter. He pled to, I
18 think, some stuff in Calhoun County also and got 30
19 years. He subsequently hung himself in the Department
20 of Corrections, so he is dead.

21 Mr. Sims represented him. That was his lawyer. We
22 handled all that. I guess to hopefully to everybody's
23 satisfaction down the road any potential conflict there
24 when we had a hearing in front of Judge Dickson back in
25 January. But, I mean, he is --

1 THE COURT: What was the issue in front of Judge
2 Dickson?

3 MR. SORENSON: Whether there was any conflict.
4 Whether --

5 THE COURT: So it's a conflict question?

6 MR. SORENSON: Yes. Whether Mr. --

7 THE COURT: Whether he could represent Mr. Samuel?

8 MR. SORENSON: Yes. Because he represented the
9 codefendant who he brought into my office and sat down
10 with me to propose testifying against this Defendant.
11 So we're kind of beyond that. But I don't see how what
12 he pled to is relevant. I mean, yet again, it's his own
13 lawyer that got him to that point by -- and part of that
14 was him coming in to meet with me to testify against
15 him. Letting him be allowed to plead to manslaughter.

16 I mean, so up to this point in time I'm fine with it
17 even those it's made me cringe every time he is --
18 Mr. Sims has spent the last two days literally attacking
19 the codefendant and trying to make him out to be this
20 horrible person, the same person that brought him into
21 my office and tried to pitch me to him.

22 THE COURT: He's got a right to --

23 MR. SORENSON: I understand that. But, I mean, you
24 know, it's just -- I mean, you know, seven years ago it
25 was the other way around. It's my guy's the poor

1 follower following this guy. And now -- so I don't see
2 at the end of the day how it's relevant what he pled to
3 the fact that he pled to manslaughter. But I think at
4 some point in time it's opening up the why was he
5 allowed to plead to manslaughter. Well, it's because of
6 his lawyer representing him eight years ago and bringing
7 him into my office and trying to proffer his testimony
8 against him.

9 THE COURT: Mr. Sims?

10 MR. SIMS: Your Honor, I don't think that just to
11 ask the question what he pled to opens up anything. He
12 either knows what he pled to or he doesn't know what he
13 pled to. And he indicated that he did not really know
14 what he pled to.

15 THE COURT: All right.

16 MR. SORENSON: Well, that's the question. And if
17 that's the answer then we're done. I mean --

18 THE COURT: Let's proffer.

19 MR. SORENSON: Yes, please. Thank you.

20 THE COURT: Let's do a proffer.

21 MR. SIMS: My proffer is that basically that the --

22 THE COURT: No, ask him.

23 PROFFER TESTIMONY BY MR. SIMS:

24 Q Do you know what Gator pled to?

25 A No. I thought it was murder. I have no idea.

1 MR. SIMS: That's my question.

2 THE COURT: Is that as far as you're going with
3 that?

4 MR. SIMS: That's as far as I'm going with that. We
5 recognize that there are some things that are there, but
6 that's as far as I wanted to go and he says he doesn't
7 know.

8 THE COURT: Okay. I will allow it as long as it's
9 limited.

10 MR. SORENSON: If that's just the answer that I
11 don't know, I mean, I guess I don't care. That's kind
12 of irrelevant.

13 THE COURT: I'm overruling your objection to that.
14 He can ask that question. Regardless of the answer. As
15 long as that is the end of it and he doesn't go into
16 everything that you've talked about that happened seven
17 years ago.

18 MR. SIMS: That would be my only question, does he
19 know and if he says he doesn't know, I will have to move
20 on.

21 THE COURT: Right. Never mind. Okay. That's it.
22 Bring the jury in.

23 THE BAILIFF: Yes, Your Honor.

24 (WHEREUPON, the jury entered the courtroom at 4:26
25 p.m.)

1 CONTINUED CROSS EXAMINATION BY MR. SIMS:

2 Q Ask you one more question --

3 THE COURT: Let the jury get seated.

4 MR. SIMS: I'm sorry.

5 THE COURT: It's all right. Go ahead, Mr. Sims.

6 Q Do you know what Gator pled to?

7 A Again, I don't know. I thought it was murder.

8 Q Okay. Now, let me ask you this, you were there
9 when a statement was being taken from Mr. Samuels
10 (verbatim); is that correct?

11 A I was there when Investigator Gillard and I was
12 there when Sergeant Ethridge spoke to him.

13 Q Let's go back to Ms. Gillard. You were there on
14 that day; is that correct?

15 A Correct. Yes, sir, I was.

16 Q And that is the day that Mr. Samuels (verbatim)
17 attempted to tear up his own statement?

18 A He didn't attempt, he did.

19 Q Well, he did. And at that point you rushed in and
20 threw him down?

21 A Not because of his tearing of the statement.
22 Because he came across the table at my other officer.

23 MR. SIMS: We have a video that we would like to
24 proffer at this time or show at this time.

25 MR. SORENSON: Proffering into evidence?

1 MR. SIMS: Yeah.

2 MR. SORENSON: No objection.

3 THE COURT: Go ahead.

4 MR. SORENSON: Defense 1, I guess?

5 MR. SIMS: Uh-huh.

6 LT. SHUMPERT: May I stand as well so I can see?

7 MR. SIMS: Uh-huh.

8 (WHEREUPON, playing the video)

9 Q Now, Lieutenant Shumpert, you said that you were
10 protecting your officer?

11 A Yeah. At that point in time when I was standing
12 there, I saw him tear up the first piece of paper, so I
13 wasn't really concerned. But when he came across the
14 desk, I reacted, and pushed him in the corner, and I
15 told him to stop. Stop.

16 Q He came across the desk?

17 A I mean, he lunged at her. You didn't see the same
18 video I just saw?

19 Q No, I didn't.

20 A Oh, okay. I'm trying to figure out. You didn't
21 see him go across the desk, but then he grabbed the
22 other two papers?

23 Q The video will speak for itself.

24 A It did.

25 Q Not in terms of whether or not attacked your

1 officer --

2 A No, he did not attack her. But at that particular
3 time and moment, I was standing there, and if you
4 watched the video, when he initially tore up the first
5 piece of paper, I just reached my hand out and I told
6 Gillard to stop. And then when he jumped, he grabbed
7 more paper. I didn't know what he done when he jumped
8 the second time and I pushed him over in the corner and
9 I held him in the corner while Gillard collect the
10 paperwork and I said stop. Stop. I said it two times.
11 And as I escorted him out the room, he continued to tear
12 up the statements.

13 Q You didn't see -- your officer stood up and while
14 and when she stood up, you went after him and pushed him
15 down --

16 A Mr. Sims --

17 Q -- and put him down?

18 A That's not accurate. I did not go after him. I
19 told Investigator Gillard to stop. I put my hand up and
20 told her to stop. He tore the paper. I said stop.
21 When he lunged like that and he grabbed the other pieces
22 of paper, that's when I pushed him over in the corner.

23 Q Well, the video will speak for itself. Everybody
24 --

25 A I saw it too.

1 Q -- can have their own interpretation.

2 A Well, yours too.

3 Q Now, let's get to this call log.

4 A Yes, sir.

5 Q Now, 5:36, that was a call to voicemail. You got
6 it?

7 A No, I do not.

8 Q So the first thing that you have from Lamont at
9 5:42, is that he is at the Navy office?

10 A Correct. Yes, sir.

11 Q And you know that he was trying to get in the Navy?

12 A Yes. That's what he told us; correct.

13 Q And you know he had never been in any trouble
14 before?

15 A I assume not. I'm not sure.

16 Q And I'm not going to be reading all of this, but at
17 the Navy office at the mall. Then you went through at
18 5:45 and you said, "Yea but buddy bullshitting" --
19 excuse my vernacular, but he was talking about mid. So
20 he was talking about the guy at the Navy was not playing
21 fair with him?

22 A Correct. Yes, sir. Correct.

23 Q And then Gator used the vernacular F him?

24 A Correct. Yes, sir.

25 Q And there's a nine -- 129 second call that the

1 telephone company didn't pick up what was said or what
2 was done?

3 A Correct. Yes, sir.

4 Q So we don't know what was said for that 129 seconds
5 --

6 A No.

7 Q -- between the two of them? We can't say whether
8 he was -- whether Gator was threatening or saying
9 anything to him, we don't know that. And what about
10 6:22, "You driving rite" and "Let's do that lick." Now,
11 when you said lick, I believe you characterized it as
12 doing something illegal or criminal?

13 A Correct.

14 Q Okay. But a lick could be between young folks
15 could be let's go have a party, let's do that lick.
16 Let's go shopping, let's do that lick. Let's go get
17 that drunk. We can do that. That's a lick. So it's
18 not necessary all the time that it is for a criminal
19 activity?

20 A Well --

21 MR. SORENSON: Objection. Is that a question?

22 MR. SIMS: Yes.

23 MR. SORENSON: Well, it sounded like a statement.

24 THE COURT: Please don't interrupt him. Go ahead,
25 Mr. Sims.

1 A In my experience --

2 Q Yes, sir. Go ahead.

3 A Okay. In my experience, doing a lick in all the
4 investigations I've been in, robberies, that terminology
5 is commonly known as doing a robbery. Some type of
6 criminal act.

7 Now, as far as the other things that you mentioned,
8 two teenagers going on dates, I mean, unless it's a
9 criminal act that's what I know it to be.

10 Q Okay. But that's what we were basically talking
11 about because your limited knowledge of the street
12 language is as it relates to criminal activity and not
13 what juveniles or young folks say on a regular basis
14 about other things?

15 A I've been around a few teenagers, I know how they
16 talk. Such as social media. But in this instance here,
17 a lick, and throughout my experience is to do some type
18 of criminal activity.

19 Q And then at 6:24, looks like money, I see
20 everything, money and drugs?

21 A Correct.

22 Q So Taneris was a drug dealer?

23 A Yes.

24 Q And did you find -- were you there -- did you go to
25 the house at any time during the initial stages to

1 investigate the house and see what was in the house?

2 A I was there in a supervisory capacity. I just
3 remained on the outside while they obtained a search
4 warrant. I didn't go in.

5 Q Okay. So you didn't go in the house?

6 A No, sir.

7 Q And he was told there were two people in the crib?

8 A Correct.

9 Q And going to take them out?

10 A Correct.

11 Q And Gator saying, "Im on my way right now;" is that
12 correct?

13 A Correct. Yes, sir.

14 Q Now, there was a call to voicemail that was not
15 recorded by the telephone company, so we don't know what
16 was said during that time or what the voicemail was, do
17 we?

18 A No, we do not.

19 Q And, "Cum on man what da f-u-c-c u doing"?

20 A Correct.

21 Q This is from Gator saying to him, come on what the
22 blankety blank are you doing?

23 A Correct.

24 Q Then another call to voicemail, we don't know what
25 was said during that time?

1 A Correct.

2 Q There was a 6:36 call to voicemail that we don't
3 know whether or not someone was saying -- Lamont was
4 saying, I don't want to do this. I don't care about
5 this. Let me stop this. Let me get out of this. We
6 don't know that, do we?

7 A No.

8 Q And then Gator asked where is the other M-F. And
9 he responds, he's right here bra man. Im cumn no
10 talking straight get out on the set -- on set. So he
11 used a derogatory term here on that part, that was from
12 Gator; right?

13 A I'm coming no talking from Mr. Fields, correct.

14 Q Then at 6:42, we have another 42 second call that
15 we don't have a tape of to say who -- what was being
16 said at that time or who was saying what. Or what
17 Mr. Samuels (verbatim) said to him, there's no tape of
18 where he left -- of what he said to him at that time?

19 MR. SORENSON: Where are you at?

20 MR. SIMS: 6:42 at the bottom.

21 A At 6:42, they was communicating with one another.

22 Q I'm sorry.

23 A At 6:42 they was communicating with one another.

24 Q That's what I'm looking at and I see an 80 second
25 call?

1 A Yes. The 80 second call means they were talking to
2 one another.

3 Q That's what I mean. We don't have a statement or a
4 recording of what was said during those 80 seconds?

5 A No, we do not.

6 Q And "Buddy anit fleet yet." What is your
7 interpretations of ain't it fleet yet?

8 A That mean he didn't leave yet.

9 Q Okay. And then at 6:54 there was a call to
10 voicemail, we don't have what that voicemail is, do we?

11 A No, we do not. We don't have any voicemail calls.

12 Q Okay. And at 6:55, there was a 253 second call.
13 Obviously, that was a call that somebody was talking,
14 but we don't have what it was?

15 A That's Mr. Samuels (verbatim) calling Mr. Fields.

16 Q Right.

17 A He called him and it last 253 seconds.

18 Q Yeah. That's what I'm saying. We don't know what
19 was said between those 253 seconds?

20 A No, we do not.

21 Q At 7:00, there's a 35 second call and another 16
22 second call?

23 A Yes. Your client called Mr. Fields twice.

24 Q So, again, we don't know what was said for those 35
25 seconds or those 16 seconds?

1 A No, we do not.

2 Q And then you have at seven again, a call to the
3 voicemail. So we don't have the voicemail as a result
4 of that call, do we?

5 A We don't have no voicemail's.

6 Q I'm just -- we got to go through it.

7 A I understand. I'm just saying.

8 Q And then at 7:01, 112 second call?

9 A Right.

10 Q So we don't know again what was said?

11 A No, we do not.

12 Q Let's go down here to 7:22. There was another call
13 to voicemail that we don't have a recording of nor do we
14 have a printout of what was said in that voicemail?

15 A Correct.

16 Q And then at 7:26, Mr. Samuel made a 151 second
17 call. And then at 7:29, he made a 118 second call. And
18 then at 7:32, we have a call on the other side of the
19 ledger for 140 seconds. And we have no printout, no
20 interpretation, no recorded information as to what was
21 said during those calls?

22 A Correct.

23 Q Then at 7:47, there was a call to voicemail and
24 again, we don't have the voicemail?

25 A Correct.

1 Q At 7:59, there was another call to voicemail and we
2 don't have that voicemail?

3 A Correct.

4 Q At 8:26, there's a 1237 second call. So,
5 obviously, somebody was talking, but we don't have
6 anything in regards to what was said?

7 A The only thing we know they talked for that length
8 of time between them two selves -- between themselves.

9 Q And at 8:57, there's a 432 second call. Again, we
10 don't have any interpretation or we don't have anything
11 that is written to say what was said during that time?

12 A No, sir.

13 Q A four second call, we're not concerned, but it's
14 the same thing?

15 A Correct.

16 Q And then at 9:11, there's a 1,588 second call that
17 we don't have any information in regards to what was
18 said or what was not said in that call?

19 A Correct.

20 Q And I just want to say one thing. At 9:28, we have
21 Mr. -- we have Mr. Fields, Gator, saying, we at the
22 door?

23 A Correct.

24 Q Then we go on down at 9:40, a seven second call.
25 9:40, a seven second call. 9:40, a six second call.

1 9:40, a six second call. And then we have 9:50, there's
2 a call to voicemail. Again, another call to voicemail.
3 9:51 there is two calls to voicemail. 9:55, there is a
4 19 second call. And at 9:55, there's a 74 second call.
5 So in these transcripts there are several calls that
6 were made and obviously somebody was talking, but we
7 don't have what was said during those calls?

8 A Correct.

9 Q And we can't say whether or not Mr. Samuel was
10 saying, no, I don't want to do this. Let's get out of
11 here. I don't want to do this. I don't want to be
12 involved with this. We don't know anything? We don't
13 know what he was saying?

14 A No, we have no idea what he was saying.

15 MR. SIMS: One moment, Your Honor. I think that's
16 all I have at this time.

17 THE COURT: Redirect?

18 MR. SORENSON: A couple of things, Your Honor.

19 REDIRECT EXAMINATION BY MR. SORENSON:

20 Q Lieutenant, please go back to the page that's got
21 the highlighted part in it. Mr. Sims, Lieutenant, made
22 the comment to you that -- that we know they were
23 talking, but we don't know what they were saying during
24 the phone call; is that correct?

25 A Correct.

1 Q All right. How do we know they were talking?

2 A We don't.

3 Q All right.

4 A We know that a phone call -- if you look like right
5 here, you know that Mr. Fields's phone call -- I mean,
6 Mr. Fields's phone called Lamont Samuel and there was
7 1,237 second call.

8 Q That's almost a 21 minute phone call; is that
9 correct?

10 A Yes, sir.

11 Q All right. And that yellow part that's
12 highlighted, does that cover that 21 minute period?

13 A Correct. Yes, sir.

14 Q So they are actually texting throughout --

15 A Texting and calling.

16 Q -- that call?

17 A Yes, sir.

18 Q How do we know they're talking?

19 A Because --

20 Q But you're using the word talking, do we know they
21 were talking or just that their phones are connected?

22 A We just know the phones was connected.

23 Q Mr. Sims kept using the word talking?

24 A Right.

25 Q Do we know they were talking?

1 A Right. We just know one phone called the other
2 phone, so we don't know what was said or if anybody was
3 talking.

4 Q And, in fact, if you go back one page further, if
5 you go back to the next page further, look at 8:00. Go
6 back one page further. At 8:00, what does -- what's the
7 first text at 8:00 from Mr. Samuel's phone to
8 Mr. Fields's phone?

9 A He said, I'm about to call just listen.

10 Q Okay. And then go down to 8:10. So another
11 reference.

12 A When u call me buddy imam walk out they both in the
13 living room biddy rite front the door hit -- he sitting
14 beside me.

15 Q Okay. And then at 8:13, what does Mr. Samuel text
16 Mr. Fields?

17 A This is how -- this how why y'all going to do it.
18 You hit the chirp imm ans, I guess answer, and you
19 listen and when I say I'm about to go to the truck to
20 get something I'm going to leave the door wide open and
21 y'all -- I go in and do that. Imam show none of them
22 got one of the guns in the room.

23 Q So 8:13, Lamont Samuel is texting Alan Fields this
24 is how y'all are going to do it. You hit the chirp,
25 which you testified is a phone, so you call me on the

1 phone?

2 A Correct.

3 Q I'm going to answer and you listen?

4 A Listen; correct.

5 Q And guess what? We go down 13 minutes later that's
6 what happens; correct?

7 A Correct.

8 MR. SORENSON: That would be all I have, Your Honor.

9 THE COURT: Anything further?

10 MR. SIMS: Yes.

11 RECROSS EXAMINATION BY MR. SIMS:

12 Q When I asked you about those seconds there, it was
13 you who said the phone they were talking?

14 A I -- go ahead. I'm sorry.

15 Q I mean, it was you. When I asked you, when I went
16 through that litany of calls where there were seconds,
17 either 1500 or 1200, it was you who told me that they
18 were talking?

19 A I assumed they was talking. But looking back at
20 the text, it's obviously they wasn't talking. Because
21 the text says itself from your client that he says, I'm
22 going to call just listen. So it's obviously they
23 wasn't talking.

24 Q So when you -- when I asked you before you were
25 again questioned by Mr. Sorenson here, you told me that

1 they were talking during those seconds?

2 A Again, I just stated that once looking back at the
3 texts, your client said, I'm going to call and leave the
4 phone open just listen. So when you kept asking me are
5 there any messages, I told you I'm not aware of any
6 messages. All I know is there was a phone call made
7 from one phone to another. So I could only assume that
8 they was talking.

9 Q Let us be clear. Yes or no, when I asked you about
10 those red lines where all those seconds were, it was
11 your statement to me and to us in here that they were
12 talking?

13 A Again, Mr. Sims, I say again, I stand to be
14 corrected. As looking through the text messages --

15 Q Well, just answer my question yes or no is that
16 what you said --

17 A Which question?

18 Q -- then you can explain it.

19 A I just told you, I be -- stand to be corrected.
20 After looking at the text message I said I assume they
21 were talking. Once you got these many seconds on the
22 phone, I assume they was talking so. I don't know what
23 you want me to say.

24 MR. SIMS: That's it.

25 THE COURT: You said -- is that it?

1 MR. SIMS: Uh-huh.

2 THE COURT: All right, sir. You may come down.

3 Witness be excused?

4 MR. SORENSON: No objection, Your Honor.

5 THE COURT: Without objection.

6 MR. SORENSON: Beg the Court's indulgence for me to
7 confirm with the court reporter.

8 THE COURT: Yeah.

9 (Off the record)

10 THE COURT: All right. Ladies and gentlemen, that
11 will conclude the testimony for today. I'm going to ask
12 you to be back -- we have some procedural matters I have
13 to take up with the attorneys in the morning, so I'm
14 going to ask you to be here tomorrow at 10:30. Not
15 until 10:30. And was lunch okay today?

16 THE JURY: It was.

17 THE COURT: Because we're thinking about doing the
18 same thing tomorrow at the same place if that's okay.
19 All right. We'll do that. We're going to let you fill
20 out your menu now. It will only take a minute and we'll
21 resume tomorrow at 10:30. When you're done you're
22 dismissed. All right. Thank you very much.

23 Don't discuss the case among yourselves when you
24 return to the jury room in the morning or with anyone
25 else over the evening hours. We'll see you at 10:30 in

1 the morning.

2 (WHEREUPON, the jury left the courtroom at 5:09
3 p.m.)

4 (Deputies took Mr. Samuel out the courtroom)

5 THE COURT: All right. We're still on the record.

6 MR. SORENSON: Is he in the bathroom?

7 MR. SIMS: They took him on out.

8 THE COURT: Huh?

9 MR. SIMS: They took him on out.

10 THE COURT: You mean they took him out of the
11 building?

12 MR. SIMS: No, he's back there. Do you want to
13 bring him back out?

14 THE COURT: Well, yeah. I want to talk to him. I
15 haven't shut down court yet. I just let the jury go.

16 THE DEPUTY: Do you mind if he comes out in a
17 jumpsuit?

18 THE COURT: No, I just got to talk to him. The
19 jury's gone. I've got to talk to him.

20 (The deputies brought Mr. Samuel back out at 5:15
21 p.m.)

22 THE COURT: Mr. Samuel, the State has now informed
23 me that they plan to produce -- I mean, to have no more
24 evidence. In other words, they have finished their
25 case, in other words. It's going to be your opportunity

1 in the morning to present your case. Do you understand
2 that?

3 MR. SAMUEL: Yes, sir.

4 THE COURT: All right. At this time, I'm going to
5 explain to you certain of your rights. I want you to
6 know what your rights are before you start your case, if
7 you plan to start your case. If you do not understand
8 anything I say, please, let me know. If you want me to
9 explain anything in more detail, please, let me know.
10 Do you understand?

11 MR. SAMUEL: Yes, sir.

12 THE COURT: We've now reached the stage of this
13 trial where you may present your defense. You have a
14 right to proclaim the protections given to you by the
15 Fifth Amendment to the Constitution of the United
16 States. This Amendment reads in part, no person shall
17 be compelled in any criminal case to be a witness
18 against himself.

19 This means that you cannot be required to testify in
20 this case. You have the right to testify on your own
21 behalf; however, no one can make you testify. This is a
22 personal right and no one can waive this right except
23 you. If you decide to testify, you will be subject to
24 the same rules that govern other witnesses. And you may
25 be examined and cross examined on any relevant issue in

1 this case.

2 In addition, if you have any convictions involving
3 dishonesty or false statement or for crimes punishable
4 by imprisonment for more than one year and this court
5 determines that the probative value of admitting this
6 evidence outweighs it's prejudicial affect to you, the
7 Solicitor will be able to introduce your record to
8 attacked your credibility.

9 If you decide to testify, this decision on your part
10 must be freely, voluntarily, intelligently made with
11 knowledge of the protections given to you by the Fifth
12 Amendment to the Constitution and the consequences of
13 your decision to testify.

14 If you decide not to testify, I will tell the jury
15 that they cannot give the fact that you did not testify
16 any consideration whatsoever. And that there is to be
17 absolutely no prejudice to you because you did not
18 testify. It's left entirely up to you whether or not
19 you testify. You may talk with your attorney, your
20 family and friends or anyone else, but the final
21 decision will be left entirely up to you.

22 Do you understand what I have explained to you?

23 MR. SAMUEL: Yes, sir.

24 THE COURT: You have any questions about what I've
25 explained to you?

1 MR. SAMUEL: No, sir.

2 THE COURT: Have you discussed with your lawyer
3 whether you or not you should testify? Have you talked
4 about with your lawyer about it?

5 MR. SAMUEL: Yes, sir.

6 THE COURT: Would you wish to talk to your lawyer
7 anymore about your decision?

8 MR. SAMUEL: Yes, sir.

9 THE COURT: Okay. All right. We're going to
10 adjourn now until 10:30 in the morning which will give
11 you that amount of time. And I'm going to expect your
12 answer in the morning whether you intend to testify or
13 not. Do you understand?

14 MR. SAMUEL: Yes, sir.

15 THE COURT: All right. Good luck to you, sir.

16 MR. SIMS: Thank you, Your Honor.

17 (Mr. Samuel left the courtroom at 5:20 p.m.)

18 THE COURT: All right. Stand at ease until 10:30.

19 MR. SORENSON: What time do you want us here?

20 THE COURT: I'm sorry. Jury is coming at 10:30, we
21 will reconvene at 9:30. There won't be any testimony.
22 Just be argument among counsel.

23 (WHEREUPON, court was adjourned at 5:25 p.m.)

24

25

1 (WHEREUPON, Defendant's Exhibit Number 1 was marked)

2 THE COURT: Let's --

3 MR. SIMS: Your Honor?

4 THE COURT: Yes, sir.

5 MR. SIMS: Prior to bringing the jury in, I think
6 there's the question of whether or not he wants to
7 testify on the record. And there's also another issue
8 that I would like to bring up before the Court also.

9 THE COURT: All right. I understand. Mr. Sorenson
10 has wishes to proffer your -- one of your witness's
11 testimony.

12 MR. SIMS: Yes. That's what the second issue is
13 about, Your Honor.

14 THE COURT: Okay. Well, I want to get clear on
15 these charges too. But let's go ahead. And,
16 Mr. Samuel, I told you yesterday evening that after I
17 gave you your Fifth Amendment warnings that you have the
18 opportunity to testify or not testify. What do you wish
19 to do?

20 MR. SAMUEL: Testify.

21 THE COURT: You will testify?

22 MR. SAMUEL: Yes, sir.

23 THE COURT: All right. Thank you very much. Now,
24 this other issue.

25 MR. SIMS: Your Honor, the other issue has to do

1 with calling a lawyer, Ms. Peggy Hinds, in regards to --
2 as the attorney in this case, I have decided that I
3 believe that it's not in the best interest of my client.
4 It's not something that I should do. He wants to call
5 her, so we have an impasse there. But I am the attorney
6 and under the rules it's my understanding that I have
7 the authority to make the decisions about which clients
8 I want to call.

9 THE COURT: That's correct.

10 MR. SIMS: And he wants to address that.

11 THE COURT: All right. Go ahead.

12 MR. SAMUEL: Your Honor, as I stated to my attorney,
13 you know, this was a situation where I was valiant at
14 the first trial; right. And what that means is, I
15 received a sentence of 50 years. All right. During my
16 first trial, I had some evidence where Alan Fields wrote
17 me some letters which was authenticated in front of this
18 attorney along with Ms. Hinds.

19 So according to my knowledge as I went up to road
20 and I started understanding, they had a hearing which
21 was June 6th of 2013 that nobody seems to remember what
22 Alan Fields authenticated these documents. All right.

23 So what I did was, I went back to the county jail at
24 this time, I started to write this letter. I wrote this
25 letter in which Judge Dickson, which Judge Dickson put a

1 defendant exhibit upon this letter.

2 And in his letter, it says, "I bring forth this
3 correspondence in reference to the kites" --

4 MS. SPIRES: Slow down.

5 MR. SAMUEL: I'm sorry.

6 THE COURT: She can't -- you can talk faster than
7 she can put it down.

8 MR. SAMUEL: In this defendant exhibit it reads --

9 THE COURT: Who wrote this letter?

10 MR. SAMUEL: I wrote this letter. Because it was
11 dealing with the authentication. They was explaining to
12 me that the only way the letters was going to get heard
13 under the rules of evidence is that if Mr. Fields
14 authenticated these documents himself. All right. So
15 --

16 THE COURT: Mr. Fields?

17 MR. SAMUEL: Yes, Mr. Alan Fields. If he was going
18 --

19 THE COURT: The witness?

20 MR. SAMUEL: Yes.

21 THE COURT: I mean the -- okay. Go ahead.

22 MR. SAMUEL: All right. So I wrote this saying, "I
23 bring forth this correspondence in reference to the
24 kites/notation that Mr. Fields has wrote me proving my
25 innocence just as well as helping the State convict

1 Mr. Fields. Mr. Mellard and Ms. Hinds asked me to
2 please release the original documents so that they could
3 be -- so that they can get them authenticated so that
4 they can be admitted and as evidence on my behalf while
5 I stand forth at trial.

6 I spoke with them Tuesday after my trial on May 14,
7 2013. At this meeting they say I'd have a chance to
8 prepare a better defense and get those kites that
9 Mr. Fields wrote me authenticated. I have agreed to
10 release the original documents to Mr. Mellard and
11 Ms. Hinds.

12 Now, with that being said, they promised me that I
13 could trust them and that none of kites that Mr. Fields
14 had wrote me will be misplaced, tampered with or left
15 out. They agreed to have all my charges dismissed if
16 the following incident occurred. Thanks, Lamont
17 Samuel."

18 I signed it. I dated it 5/22 -- I mean, '13. Time,
19 I put 3:05 p.m. My name. I signed Lamont Samuel. Then
20 my signature I put in cursive. Ms. Hinds signed it -- I
21 mean, Ms. Hinds print it, 5/22/13. The time she put was
22 3:05. Name, Margaret Hinds. Margaret Hinds again with
23 her signature.

24 Then she put the note at the end of this letter
25 which said, "Received from the Lamont Samuel nine pieces

1 of paper written on both sides to evaluate for potential
2 use at trial."

3 Now, when I got up the road, they mentioned to me
4 that on a direct appeal I had to track down this
5 transcript. So I was writing the court. I could show
6 that I wrote the court's within a timeframe. When I got
7 sentenced 2013, I wrote the court's 2014. I wrote the
8 court's 2015. At the time Rob Paycheck, that was my
9 lawyer, so my appellate attorney. So he tried to
10 contact Ms. Hinds just as well as Doug Mellard, but
11 nobody seemed to respond back.

12 So what he told me to do is write the South Carolina
13 Court of Administration. I wrote the South Carolina
14 Court of Administration and what they're saying is they
15 -- first they said that Rolayne Volpe was the court
16 reporter. Then they say that Karen B. Andersen was the
17 court reporter. So what I did was search my records and
18 I seen that Karen B. Andersen was both of the court
19 reporters.

20 So I wrote Ms. Rolayne Volpe manager which was the
21 court clerk at this -- court reporter manager at this
22 time at the South Carolina Court of Administration. I
23 have some letters that if I could address that
24 situation. But I wrote her and what she told me is that
25 that transcript was here in Orangeburg. Rolayne Hill

1 Volpe says she is now retired and she indicated to me
2 that my case was being called at Orangeburg, South
3 Carolina.

4 On this date of February 12, 2020, Mr. Sims
5 questioned Ms. Hinds along with Don Sorenson and somehow
6 they said in this transcript, I mean, I don't know if I
7 can get it or not, but they said in this transcript --
8 they said in this same transcript, it's Karen B.
9 Andersen. The date on it was June 10, 2013. This was
10 the portion of the transcript that Ms. Judge Goodstein
11 sealed for this record. All right.

12 I went from the front to the back of this transcript
13 and, you know, Judge Goodstein say, "All right. And at
14 this point I'm going to ask for you to state your name
15 so it's clear who's in the courtroom and what your role
16 is and then there would be an order to follow.

17 We will start with you, Mr. Richardson."
18 Mr. Richardson was Raymond Richardson chief bailiff, Ms.
19 Glenn, Vernetha Glenn, that was the court clerk.
20 Mr. Brown -- Officer Fred Brown, that was security.
21 Ms. Asbury, Deborah Asbury that was the sheriff's
22 office. Mr. Mellard -- Doug Mellard which was the
23 public defender and Ms. Hinds which is Margaret Hinds
24 also known as the public defender.

25 All right. And she said, all right. And of course

1 Ms. Andersen. Okay. I gets to page 20 which is how Rob
2 Paycheck got involved. I got to page 20 and it was a
3 Ms. Ford on here which I can show is Ms. Ford. She say,
4 "Your Honor, if I may, those were the letters we're
5 attempting to have authenticated and, ultimately, were
6 authenticated by his codefendant Alan Fields."

7 I pointed this out to Mr. Sims. I pointed it out to
8 Don Sorenson. Don Sorenson ended up making another --
9 he ended up making another reference at the end. If you
10 go to February 12, 2020 in front of Judge Dickson, Don
11 Sorenson indicated that -- it had to been Ms. Hinds that
12 Ms. Sarah Ford never walked in the courtroom. At this
13 time I told my lawyer I felt like he should have
14 subpoenaed Ms. Sarah Ford, but he said outside of me
15 being in Orangeburg County, he said that he went to talk
16 to Ms. Ford and Ms. Ford said -- she testified that she
17 never entered the courtroom.

18 My thing was, I wasn't present for this hearing to
19 know whether or not he spoke to Ms. Ford regarding that
20 matter. But I don't see a court reporter, you know,
21 which is well educated and they listen to everything you
22 say. I don't see a court reporter mistaking Ms. Ford
23 for Ms. Hinds. That's H-I-N-D-S and this is F-O-R-D. I
24 don't see the court reporter misspelling both of those
25 things.

1 So what I then said was, Mr. Sims, all I'm asking
2 for you to do is call Ms. Hinds. Whether you can get
3 into the first trial or not, I'm pretty sure people know
4 -- I'm pretty sure they know I caught 50 years. I'm
5 pretty sure of that, but I'm trying to go along with the
6 rules of evidence myself and agreeing with you.

7 Like I asked him, I just said, all I want her to do
8 is admit that she signed this letter which she already
9 admitted one time before, so I don't understand why she
10 can't testify in front of the jury and allow these
11 things to be heard. This is my life. This is 50 years
12 of my life that was gone that I had to go up the road to
13 figure out how I was going to make it back.

14 But when I made it back, I came and ran into more
15 problems than I had the first time before. You know,
16 here it is, these letters, they actually indicated that
17 I wasn't the crime scene and these letters say I didn't
18 commit a crime of murder. At this letter -- in these
19 letters he say he didn't want me to go down for
20 something that I didn't do that he wanted me to get back
21 to law. He know I got to wiggle between the cracks.

22 So at the end of the day, these letters are very
23 valuable to me. This is a very important part of my
24 case. This is a very important part of my life.
25 Regardless, if he's dead or not. This is --

1 THE COURT: Is he dead?

2 MR. SAMUEL: Yeah, he's dead. He died in prison.

3 At the time, he died in prison. My case got overturned
4 in February 12 -- February 28, 2019 -- '18. I came to
5 the county of June 6, 2018. Alan Fields probably had to
6 die around -- this had to of been -- if it wasn't --

7 THE COURT: It doesn't matter when he died.

8 MR. SAMUEL: But, yeah, he authenticated these
9 letters before he died is my point that I was making.
10 He authenticated these letters before he died, you know.
11 And Ms. Hinds ended up testifying. She -- I mean, yeah,
12 she ended up testifying along with Mr. Sorenson when he
13 said that -- when he indicated that Ms. Sarah Ford never
14 walked inside of the courtroom, but I think that was Ms.
15 Ford -- I mean, Peggy Hinds.

16 THE COURT: What if she testifies? I mean, what do
17 you think she will say?

18 MR. SAMUEL: I mean, honestly, once she testify to
19 this letter --

20 THE COURT: Okay. She signed it.

21 MR. SAMUEL: All right. And then, you know, what
22 else --

23 THE COURT: Just because she signed it --

24 MR. SAMUEL: Yeah.

25 THE COURT: -- doesn't make those letters

1 admissible. If she -- just because she had them.

2 MR. SAMUEL: But even though with me being able to
3 prove that he authenticated, they had a hearing which is
4 June 6th, the transcript that I was chasing down ever
5 since I got convicted. Nobody seems to know where this
6 transcript was at.

7 THE COURT: Why wasn't he called at your first
8 trial? Why didn't your lawyer call him at your first
9 trial?

10 MR. SAMUEL: Oh, because Peggy Hinds said that --
11 Peggy Hinds indicated that she wasn't calling no
12 witnesses on my behalf. That Don Sorenson wanted to
13 persecute me regarding this case. Okay. So that's when
14 --

15 THE COURT: She didn't call him while he was alive?

16 MR. SAMUEL: Right. She -- this is what she
17 indicated. She told me --

18 THE COURT: I'm just asking you, why didn't she?

19 MR. SAMUEL: Her reason for not calling him, she
20 said that Don Sorenson was persecuting me in this
21 matter. She said that I --

22 THE COURT: That doesn't make sense.

23 MR. SAMUEL: Right. I'm saying that's what her
24 reason. That's what she told me she was not calling
25 him.

1 THE COURT: For some reason she didn't want to put
2 those -- she didn't want to call him as a witness?

3 MR. SAMUEL: Right.

4 THE COURT: Right. But that's done.

5 MR. SAMUEL: Say that --

6 THE COURT: He can't testify for you from the grave.

7 MR. SAMUEL: That's correct. But I feel like the
8 letters that we have, he spoke very valuable information
9 to me regarding these letters.

10 THE COURT: But that was up to your lawyer to find
11 that out. Find out if that was true.

12 MR. SAMUEL: Uh-huh.

13 THE COURT: You had the letters in your first trial?

14 MR. SAMUEL: Yeah, I had the letters in my first
15 trial.

16 THE COURT: Well, that's what I'm asking.

17 MR. SAMUEL: Yes, sir.

18 THE COURT: That's what I'm saying.

19 MR. SAMUEL: Yes, sir.

20 THE COURT: If she didn't put the letters in and if
21 she didn't call him, I can't do anything about that.

22 MR. SAMUEL: Can you just please allow her to
23 testify admitting that she wrote these letters? I mean,
24 admitting that she received these letters from me? And
25 the point I really wanted to point out, Your Honor, is

1 that when she promised me that none of these copies
2 would be left out or misplaced or tampered with, she
3 agreed to have all my charges dismissed if the following
4 incident occurred. She made a promise to me. And then
5 what the promise is that's called a consent in writing
6 where she signed something.

7 THE COURT: Well, I don't even know if she wants to
8 testify.

9 MR. SAMUEL: I mean, that's what I was saying. I
10 was asking my lawyer could he call her.

11 THE COURT: Well, just hold on. Have you talked to
12 Ms. Hinds?

13 MR. SIMS: I've talked to Ms. Hinds. As a matter of
14 fact, she's back there, Your Honor.

15 THE COURT: I understand that. Just because she's
16 in the room --

17 MR. SIMS: Your Honor, I've talked with her and
18 based upon my conversation with her she indicates that
19 there's nothing that she can remember or talk about
20 other than signing that letter in terms of signing the
21 letter. But as we both know, she cannot testify as to
22 the contents.

23 THE COURT: She's got -- she doesn't, but does she
24 -- have you talked to her about testifying?

25 MR. SIMS: Yeah. I talked with her just -- and I

1 went out and talked with her again. When I first got
2 involved in this case I've been talking to the public
3 defenders who handled this case to find out what if
4 anything. And I had her call -- she's here this
5 morning. She's prepared to take the stand and say that
6 she signed that letter.

7 THE COURT: All right. Well, let me hear her. But
8 that's the extent.

9 MR. SIMS: Yes, sir.

10 THE COURT: If she didn't call a witness in a prior
11 trial, that's all over with. Nothing I can do about
12 that. And if she did not wish to proffer those letters
13 for some reason during the first trial, that's all over
14 with. I can't do anything about that. Like I said,
15 that's like asking somebody to testify from the grave.
16 Those aren't dying declarations.

17 All right. Ms. Hinds, come on up here, please.

18 MS. HINDS: Yes, sir.

19 PEGGY HINDS,
20 being first duly sworn, was examined and testified as
21 follows:

22 EXAMINATION BY THE COURT:

23 THE COURT: My understanding you represented
24 Mr. Samuel in his first trial before Judge Goodstein; is
25 that correct?

1 A Your Honor, Doug Mellard was actually the attorney
2 of record. He was the one that was appointed, but I
3 second chaired the trial and worked with him throughout.
4 Yes.

5 THE COURT: Okay. But you were there?

6 A Yes.

7 THE COURT: Now, Mr. Samuel has raised some issue
8 about some letters that he got from his -- one of his
9 friends who may have been a codefendant for all I know,
10 that in some manner tend to exculpate. Were you aware
11 of those letters?

12 A Yes. To put them in context, they're not actual
13 letters, they're kites. They're scraps of paper that
14 the inmates do back and forth.

15 THE COURT: Oh, so he was in prison with Mr. Samuel?

16 A He was in the detention center here.

17 THE COURT: Okay. So this is -- okay. Not a
18 snitch, but a --

19 A Correct. They were housed there at the same time.
20 They were codefendants.

21 THE COURT: Okay. They were codefendants?

22 A Uh-huh.

23 THE COURT: Oh, I see. And did he testify?

24 A No, he did not. To just put it in context,
25 Mr. Samuel kept saying that he had this -- basically,

1 this one thing that was going to set him free and that
2 was the key to it, but he wouldn't share it with either
3 Doug or I. We talked to him and talked to him and
4 talked to him.

5 My concern was, is that if he had something, okay,
6 that could actually help him and held on to it until the
7 last minute without us getting to follow through and do
8 what we needed to do to authenticate it that it was
9 going to be for nothing. That was the purpose of me.
10 Because we went back and forth. He didn't want to show
11 us. Didn't want to show us. I finally said, I'll put
12 it in writing that you gave them to me. And that was
13 where that letter came from or that piece of paper came
14 from.

15 Doug and I both looked at them. Went through them.
16 We did go to the point of contacting Mr. Sims who
17 represented him at the time. Yes, he wrote them, but
18 there was nothing in there that was exculpatory. And
19 that's why I didn't call either that witness or seek to
20 do anything with those kites.

21 THE COURT: The papers. Well, you understand and I
22 know you understand that authentication in and of itself
23 doesn't make something admissible.

24 A Exactly.

25 THE COURT: So whether it's authenticated or not, I

1 mean, authentication is a big part of evidence, but it's
2 not the sine qua non. It's not the ultimate issue. The
3 ultimate issue is admissibility. Is it relevant and is
4 it admissible. All right.

5 A I would have loved to have had something that would
6 have helped and it just wasn't in my opinion.

7 THE COURT: All right. Thank you very much, Ms.
8 Hinds.

9 All right. I'm not going to call her. I mean, I
10 don't think you can call her. You can call her, but
11 she's going to say what she just told me. And -- that
12 she may have had inadmissible evidence, but she chose
13 not to pursue it.

14 MR. SIMS: And that's what I've been saying all
15 along, Your Honor. That authentication is one part, but
16 you got what's in there has to be able to be put in
17 also.

18 THE COURT: Right. All right. Then your client
19 would be the only witness? I mean, I agree with you,
20 it's your decision whether to call Ms. Hinds or not. I
21 made a proffer of her evidence.

22 MR. SIMS: The only thing I can add that this be
23 made a court record.

24 THE COURT: That will be fine. I have no problem
25 with that. That would --

1 MR. SIMS: The letter that --

2 THE COURT: That would tie in to the testimony she
3 just gave.

4 MR. SIMS: Yes, sir.

5 THE COURT: Go ahead. Make it a Court's exhibit.

6 (WHEREUPON, Court's Exhibit Number 5 was marked and
7 entered)

8 THE COURT: If somebody looks at this on appeal,
9 they've got some context to use to understand what your
10 client's been talking about.

11 MR. SIMS: Yes, sir.

12 THE COURT: Okay. Let's clarify. Let's make sure
13 everybody's on board with these charges. I offered to
14 you a act of one charge which is part of our bench book
15 in which I normally give in these type of cases.
16 Mr. Sorenson, the charge that you submitted, I feel that
17 unnecessarily is very close to the facts.

18 MR. SORENSON: I'm good with what your clerk handed
19 us as the charge.

20 THE COURT: All right. Any objection -- well --

21 MR. SIMS: This is the one that the clerk that you
22 prepared in regards to the hand of one; is that correct?

23 THE COURT: Yes.

24 MR. SIMS: I just want to be sure there was his and
25 then there was this.

1 THE COURT: No, I'm not giving this one.

2 MR. SIMS: Okay.

3 THE COURT: I'm giving the one that --

4 MR. SORENSON: Should be a four page charge
5 regarding hand of one.

6 THE COURT: Yeah.

7 MR. SORENSON: I don't have an objection to the
8 Court's --

9 THE COURT: All right. My normal charge on the hand
10 of one. Mr. Sorenson submitted I feel was too close to
11 the facts of this case, it was almost like a charge on
12 the facts.

13 MR. SIMS: Yes, sir.

14 THE COURT: So I will have you a full set of
15 charges.

16 MR. SIMS: Your Honor, were there any with the
17 requests of charges that I presented?

18 THE COURT: I have no problem with anyone of them.

19 MR. SIMS: Thank you.

20 MR. SORENSON: What -- I'm not sure I have them.

21 THE COURT: Well, that's why I want to give you a
22 full set. Let's do that first and then --

23 MR. SORENSON: The State will be prepared to rest
24 when the jury comes back in.

25 THE COURT: All right. Will there be any motions?

1 MR. SIMS: Yes, sir.

2 THE COURT: You may proceed.

3 MR. SIMS: Yes, sir. Your Honor, at this time the
4 State would move for a directed verdict.

5 THE COURT: The State?

6 MR. SIMS: I'm sorry. The Defense would move for a
7 directed verdict of not guilty. The evidence that has
8 been presented is insufficient to prove beyond a
9 reasonable doubt that the Defendant in this case, my
10 client, Lamont Samuel, committed an act of murder.

11 What the evidence shows is that he had a gun and
12 there was nothing in any of the records or any of the
13 information that was presented by the experts that the
14 gun that he had was a part of the killing of Taneris
15 known as Tweety Bird.

16 The witness for the State, Ms. Wolfe, who lived at
17 the house, who was there at the house, indicated in the
18 beginning and when were asked about those guns, she said
19 Taneris had at 9mm's and stuff, but she said my client
20 had a .40 or a .45 caliber weapon. And each witness
21 that brought in evidence in regards to the bullets that
22 were found, I specifically asked them, was there any
23 casings or anything as it relates to the .40 or .45mm
24 gun. There was none.

25 Dan DeFreese said there was none. I mean, the

1 officers from the sheriff's department all said there
2 was none. So there is nothing to show that he was there
3 or was killed -- was there when the killing occurred.

4 The only other thing that they talked about are guns
5 that were found by somebody else. They were found in
6 the possession or in proximity to someone else. You
7 just cannot say that because I lived with a person for a
8 while that a gun found in the house can be given to me.
9 Or when I'm in jail, in jail at that time, and also when
10 you have a white SUV and they raise up the hood and find
11 in that white SUV in the engine compartment another gun
12 and he's been locked up for five, six, seven, eight
13 months or more at that time.

14 So none of these weapons that they have produced
15 today doesn't show anything in regards to my client
16 having possessions of any of those weapons. Even as
17 they went forward, they prosecuted a lot of people, but
18 they didn't prosecute my client. They prosecuted Jerry.
19 They prosecuted the people, a Donte, and all of those
20 who were in there. They found a car that was in the
21 name of someone else, a Jerry McKnight and they didn't
22 know whether it was Jerry McKnight, Jr. or Jerry
23 McKnight, Sr. So all of this is just pure speculation.

24 The only other issue is those telephone text
25 messages which are not -- which leave two different

1 kinds of interpretations in terms of how you look at it.
2 And I specifically asked Lieutenant Shumpert in terms of
3 those vacant spots and all of that whether or not they
4 knew what was said at that time.

5 Based upon the evidence, what we have is
6 speculation. We don't have evidence that should be
7 presented to a court which would prove beyond a
8 reasonable doubt is calling -- is calling the jurors to
9 have to speculate in terms of whether this happened or
10 that happened. Even when DeFreese -- Dan DeFreese was
11 testifying, there was several instances in which he was
12 talking about it could have been. It could have been.
13 It may have been. Even with the guns that were found
14 with some of the serial numbers, some parts of the
15 serial numbers that were missing.

16 So we find, Your Honor, that the evidence presented
17 to the Court at this time to -- at this time does not
18 rise to the level that it should be taken to the jury.
19 Because in light of the evidence taken in the most
20 favorable to the State, I would say that all we have
21 basically is speculation at this time and I would
22 respectfully ask the Court to direct a verdict of not
23 guilty for my client.

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

25 MR. SORENSON: May it please the Court, Your Honor.

1 As Mr. Sims just concluded there, obviously, at this
2 stage of the proceeding, the Court is merely looking at
3 whether there is evidence when taken in the light most
4 favorable to the State that a jury could find this
5 Defendant guilty and I think in this case there's
6 significantly more than that.

7 You know, if you just left it to nothing else but
8 the text message record as Mr. Sims even indicated, I
9 mean, that there are multiple explanations for them.
10 One of them, Your Honor, is that this three hour text
11 message exchange between this Defendant and a
12 codefendant who has been convicted in this case
13 basically laid out the entire planning, the motive for
14 this crime, right up until it happened with multiple
15 texts from this Defendant basically planning this whole
16 incident.

17 So, yet again, in the light most favorable to the
18 State, I think they convict him. But then when you look
19 at all the other evidence you ultimately have, you know,
20 the jury has heard testimony about two guns that were
21 stolen from the home, that were in the home when Ms.
22 Wolfe left and were not there when she got back. That
23 have both been found. One of them two weeks later in
24 the possession of this Defendant's brother who he
25 resided with. That would be the Ruger of which there

1 was also a photograph found two days after the incident
2 on a camera in the home where this Defendant resided of
3 that Ruger.

4 THE COURT: I'm not sure that's a matter that has
5 been proved that he was living in that home.

6 MR. SORENSON: It's come out in multiple -- I mean,
7 it's on every statement. His address.

8 THE COURT: Okay.

9 MR. SORENSON: I mean, I submit to you there's
10 evidence in the record that he was living at that
11 residence with his brother.

12 THE COURT: I didn't recall that testimony.

13 MR. SORENSON: It came out through Investigator
14 Trentham over in Calhoun County and also through
15 Investigator Godwin that he was residing with his
16 brother Jerry McKnight. Not to mention the address, I
17 mean, it's on every statement. I know Your Honor hasn't
18 had a chance --

19 THE COURT: I don't challenge that.

20 MR. SORENSON: Okay. But that Ruger that I submit
21 to you and that is the weapon that Ms. Wolfe puts the
22 victim having on him. That there is a spent shell
23 casing in the living room from that Ruger. There is a
24 bullet that is found taken out of the victim's forehead
25 that I submit to you is consistent with coming from that

1 Ruger and not from the other 9mm that was fired in the
2 home.

3 So Agent DeFreese testified a minimum of three
4 weapons, two 9mm's and a .32 caliber that shot Taneris
5 Hamilton. Yet again, consistent with the text message
6 records from him planning this with Allen Fields and the
7 other guy that's in the text messages that they are
8 waiting to show up.

9 You got the other gun that Ms. Wolfe testified was
10 in the bedroom under a pillow when she left that is now
11 gone that then pops up three months later, yet again, in
12 the possession of his brother that -- but not only that,
13 we know now that that's the gun that was used to shoot
14 up his vehicle over in the bread company parking lot
15 right down the road.

16 So, yet again, I mean, my argument would be that,
17 you know, where that gun was located in the home has got
18 to be somebody with some intimate knowledge of that
19 home, i.e., a person who is there every day.

20 So, I mean, at least two guns that were stolen
21 during our crime both to this Defendant. Then you take
22 in, I mean, you've heard -- he gave -- he's advised of
23 his rights seven times and gave, you know, half a dozen
24 different statements that all put him there. That put
25 two other people there. Whether, I submit to you he's

1 not telling the truth about one of them, but still put
2 three people involved with him being one of them. And
3 ultimately in that, admits to having the stolen Smith &
4 Wesson -- I'm sorry, the Springfield Armory and shooting
5 up his own vehicle.

6 I mean, when you look at all the inconsistent
7 statements he has given, coupled then with ultimately
8 what I submit to you is what happened, the text messages
9 from that night. I mean, in the light most favorable to
10 the State, I mean, there is a overwhelming amount of
11 evidence to submit this case to the jury.

12 THE COURT: All right.

13 MR. SIMS: Your Honor, they keep talking about three
14 guns, there's only two guns that we are aware of in
15 terms of this -- the two guns that were at the house
16 that she said that she purchased that are of any
17 importance here.

18 MR. SORENSON: That wasn't what I said.

19 THE COURT: We're not going to argue.

20 MR. SIMS: Yes, sir.

21 THE COURT: As to the motion of directed verdict, I
22 feel the evidence goes beyond that of mere conjecture or
23 suspicion and that there is evidence either direct or
24 circumstantial that seems to be a lot of that here or
25 some combination of both which reasonably tends to prove

1 the guilt of the Defendant or from which that guilt
2 might be logically and reasonably produced if that
3 evidence is taken in light most favorable to the State.
4 So I must respectfully deny the motion for a directed
5 verdict.

6 MR. SIMS: Yes, sir.

7 THE COURT: All right. Are you ready for the jury?

8 MR. SIMS: Yes, sir.

9 MR. SORENSON: Yes, sir. And I'll rest on the
10 record before --

11 THE COURT: Yeah, please do.

12 MR. SORENSON: In front of the jury. I'm sorry.

13 THE COURT: Are you ready, Mr. Sims?

14 MR. SIMS: Yes, sir, we are.

15 THE COURT: Bring the jury in.

16 (WHEREUPON, the jury entered the courtroom at 11:00
17 a.m.)

18 THE COURT: Jury all present?

19 THE BAILIFF: Yes, Your Honor.

20 THE COURT: Thank you. Good morning, ladies and
21 gentlemen.

22 THE JURY: Good morning.

23 THE COURT: Now, to continue with the trial.
24 Solicitor?

25 MR. SORENSON: Thank you. May it please the Court,