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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMAL DEVONTAE COBURN,

APPELLANT.

APPELLATE CASE NO. 2020-001528

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

COURT’S EXHIBIT NO. 3 (CD-PHONE EXTRACTION)
COURT’S EXHIBIT NO. 6 (PHOTOGRAPH)
COURT’S EXHIBIT NO. 7 (NEWS 19 ARTICLE)
COURT’S EXHIBIT NO. 8 (PHOTOGRAPH)

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

COURT OF GENERAL SESSIONS
2019-GS-32-00332

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

JAMAL DEVONTAE COBURN,)
DEFENDANT.)

ORIGINAL

November 3, 2020
Lexington, South Carolina

B E F O R E:

THE HONORABLE WILLIAM P. KEESLEY, JUDGE; and a jury.

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

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Senior Assistant Solicitor

MELANIE F. DARKO, ESQ.
Assistant Solicitor

STANLEY L. MYERS, SR., ESQ.
LESTER M. BELL, JR., ESQ.
Attorneys for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

1 limine, there has to be a contemporaneous objection at the
2 time that the evidence will be coming in.

3 Unless there's expert testimony to indicate that a
4 person would act differently under the influence of
5 marijuana, to use Mr. Myers' term, basically,
6 irrationally, then my in limine ruling is that it's not to
7 come in.

8 Now, at the appropriate time, Mr. Myers, you may make
9 your proffer outside of the jury's presence. And I will,
10 perhaps, revisit in my mind and I will decide whether,
11 based at that point, it appears that it's relevant to
12 anything in the case. It, also, depends on exactly what
13 the witness is saying and how they say it.

14 So if there's a hanging issue out there about the \$20
15 and if somebody says it was because of something else,
16 then that gets to be a credibility determination. And if
17 you have information that the \$20 was spent to purchase
18 marijuana, then that may come in on a different issue
19 entirely, and that's credibility.

20 At this point, the motion in limine's granted. But
21 that doesn't mean it's excluded when we get to -- into the
22 case.

23 What's your next motion?

24 MS. PATTERSON: Your Honor, the State would seek to
25 admit evidence of flight in its case in chief. It's well

1 established in South Carolina, Your Honor, that this issue
2 is relevant as evidence of guilt, knowledge, and intent.

3 I'm sure the Defense will object to this being
4 admitted in our case in chief, Your Honor. However, we
5 are prepared to call witnesses so Your Honor can make a
6 ruling on the matter.

7 THE COURT: Is this going to be an issue? I mean, I
8 don't give a flight instruction anymore like I used to
9 20 years ago, but -- or 25 years ago.

10 MR. MYERS: Your Honor, I -- we don't believe that
11 the jury should be charged --

12 THE COURT: I can't charge them on flight.

13 MR. MYERS: Yes, sir.

14 THE COURT: That's clear.

15 MR. MYERS: Right. And we don't believe that the
16 State should be able to argue to the jury that -- let me
17 explain. Let me back up and explain to the Court where we
18 are.

19 The incident occurred on August 24th of 2018. The
20 following day, law enforcement seized Mr. Coburn at a
21 neighborhood in Dixiana. They approach him. They don't
22 have a warrant. They don't even have a search warrant for
23 his vehicle. He is sitting in his vehicle at the time.
24 They ask him if he's Jamal Coburn. And they then search
25 his vehicle.

1 Now, while they don't arrest him, they put handcuffs
2 on him and make him sit in the back of the patrol car.
3 They attempt to talk to him. And that's when he asserts
4 his right to an attorney. At that point, they do -- they
5 release him. They still do not say that he is under
6 arrest. They do not say that he can't go anywhere, that
7 he's, basically, free to go.

8 Now, at that point -- at that time, they did not have
9 a search warrant at all. They didn't have an arrest
10 warrant at all. But they still seized his vehicle.

11 He was later arrested in Arizona. And so they're
12 going to suggest that he attempted to -- to run. And
13 they're going to argue to the jury that that's evidence of
14 flight -- or evidence of guilt.

15 Now, Judge, we have several cases that I would like
16 to hand up to the Court. The first one being State vs.
17 Pagan, the State vs. Pagan and, also, the State vs.
18 Robinson.

19 MS. PATTERSON: What was the last case?

20 MR. MYERS: Robinson.

21 THE COURT: P-A-G-A-N.

22 THE COURT REPORTER: Thank you.

23 MR. MYERS: Judge, two cases. We believe the
24 analysis is the same and the results should be the same.
25 In Pagan, you had Mr. Pagan, who was out on bond for

1 murder. While he was out on bond, he was told not to
2 leave the state, not to do anything. He is then -- he has
3 an encounter with law enforcement. As opposed to
4 stopping, he then takes law enforcement on a high speed
5 chase. So he's then charged with failure to stop for a
6 blue light.

7 At trial, the trial judge, Judge Manning, allowed
8 evidence of flight to come in. But the Court of Appeals
9 reversed that saying that it was unconnected. There was
10 no nexus whatsoever between the murder and the failure to
11 stop for a blue light.

12 So the next case, Robinson, State vs. Robinson, in
13 that case, Mr. Robinson was charged with armed robbery and
14 two other offenses with two other co-defendants.
15 Mr. Robinson decided to cooperate with law enforcement.
16 Law enforcement while they were cooperating -- while he
17 was cooperating with them tells Mr. Robinson that there's
18 a warrant for him for murder.

19 At that point, while handcuffs are on him,
20 Mr. Robinson attempted to leave and, actually, run from
21 law enforcement. So the Court of Appeals, basically, said
22 that in that case because he was on notice and he knew
23 about it, there's a nexus and flight can be charged.

24 So here in this situation, we're saying it's the
25 exact opposite because there is no nexus. What they found

1 in Mr. Coburn's vehicle at the time they -- they talked to
2 him or detained him was a bag. They found drugs inside
3 the bag. Now, they charged him with possession third,
4 which carries 25 years in and of themselves. Offenses
5 that are disconnected for the murder.

6 So, again, at the time that he was with law
7 enforcement in his car, they never charged him. They
8 never said he couldn't leave. They never placed him under
9 arrest. In fact, they told him that he could leave, which
10 he did. He didn't run away from them. He didn't do
11 anything.

12 And then the next time they saw him was in Arizona
13 when the Marshals arrested him. But he didn't attempt to
14 flee. He didn't attempt to do anything. He was arrested
15 without incident.

16 So we believe that in this -- in this particular
17 case, there should be no evidence of guilt -- flight
18 argued to the jury because, one, it's not flight at all.
19 But if the Court believed that there is flight, we believe
20 that the analyses under Robinson and Pagan should prevail
21 and any evidence or any mention of that to the jury should
22 be inadmissible.

23 THE COURT: Call your witness.

24 MS. PATTERSON: Thank you, Your Honor.

25 The State calls Deputy Sharpe, Bryan Sharpe.

1 THE CLERK: Place your left hand on the Bible and
2 raise your right hand.

3 WHEREUPON,

4 BRYAN SHARPE,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Have a seat.

7 Once you're seated, state your full name, spelling
8 your last name for the record.

9 THE WITNESS: Bryan Sharpe. Last name is
10 S-H-A-R-P-E.

11 DIRECT EXAMINATION

12 BY MS. PATTERSON:

13 Q And Deputy Sharpe, you can remove your mask.

14 Deputy Sharpe, on -- did you ever make contact with
15 the Defendant, Jamal Coburn?

16 A I did.

17 Q And what date was this contact made?

18 A August 25th, 2018.

19 Q And where were you when you made contact with him?

20 A 3941 Charleston Highway, which is the Rolling Meadows
21 subdivision.

22 Q And can you explain to Your Honor how this contact
23 was made and what you were -- and what was the purpose of
24 you wanting to make contact with Mr. Coburn?

25 A Yes, ma'am. That night, I was going to the -- the

1 neighborhood on a noise complaint inside the neighborhood.
2 Prior to entering, we'd received information from the
3 shooting the night before that a suspect vehicle was
4 described as a black Chevy Impala with black rims. When I
5 entered into the neighborhood, I observed a vehicle
6 matching that description inside the neighborhood occupied
7 by a driver.

8 I got out and made contact with the driver, who
9 provided me with identification identifying himself as
10 Jamal Coburn. I, also, knew from the previous incident
11 that a subject with the last name of Coburn was possibly
12 involved in the shooting.

13 Q So after you confirmed who he was -- was he alone or
14 was he -- was he in the -- driver or passenger?

15 A I believe he was in the driver's seat. He was the
16 only person in the vehicle.

17 Q And after that confirmation was done, what did you do
18 next?

19 A At that point, I placed him in detention and put him
20 in the back seat of my patrol vehicle.

21 Q What, if anything, did you tell him regarding this
22 detention?

23 A I explained to him that he was in investigative
24 detention. There was an incident that occurred the night
25 before in which he was a possible suspect. And that his

1 vehicle had possibly been involved in it as well. And
2 that he was going into investigative detention until the
3 detectives could come and speak with him.

4 Q Approximately how many times did you explain why you
5 were detaining him?

6 A Four times.

7 Q Did the investigators later arrive to meet with him?

8 A They did.

9 Q And did you have any further involvement with
10 Mr. Coburn at the scene?

11 A I stood by with the investigators while they
12 explained to him that they were going to be seizing the
13 car as evidence.

14 Q Did you have any type of conversation with Mr. Coburn
15 regarding his car being seized?

16 A He was explained that his car was being seized as
17 evidence. And he brought up multiple times about a cell
18 phone inside the vehicle to the detectives while I was
19 standing there. I did explain to him, you know, if -- if
20 it's determined that the car wasn't involved and there's
21 no reason for them to keep the car, they would release it
22 to him following a search warrant.

23 MS. PATTERSON: I beg the Court's indulgence, Your
24 Honor.

25 THE COURT: Yes, ma'am.

1 (Pause.)

2 BY MS. PATTERSON:

3 Q And, Deputy Sharpe, just to be clear, how was it that
4 you got this information about a description of the car
5 and the name of Mr. Coburn?

6 A We were given a be on the lookout for it.

7 Q And is that information something you're routinely --
8 is -- are provided as a patrol officer?

9 A Yes, ma'am.

10 MS. PATTERSON: No further questions.

11 THE COURT: Any questions of the witness?

12 MR. MYERS: Very briefly, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. MYERS:

15 Q Deputy Sharpe, you did a report on this; correct?

16 A I did a supplemental report, yes, sir.

17 Q Now, according to your supplemental report, your
18 encounter with Mr. Coburn occurred at 11:10 p.m. the next
19 day following the incident?

20 A At approximately 23:10, yes, sir.

21 Q All right. And at the time you saw him, it wasn't
22 because his vehicle was then moving. It was, actually,
23 stationary; correct?

24 A That's correct.

25 Q And he was sitting inside of his vehicle, not

1 attempting to run from you when he saw you?

2 A That's correct.

3 Q When you showed up at the incident location, did you
4 have your blue lights on?

5 A I did not.

6 Q Did you have your badge with you?

7 A I did.

8 Q You were dressed in uniform?

9 A I was.

10 Q When he saw you, did he attempt to run anywhere?

11 A He did not.

12 Q He talked to you when you asked him questions? He --
13 he identified himself?

14 A He did, yes, sir.

15 Q All right. He didn't give you any problems?

16 A He did not.

17 Q He didn't try to run?

18 A He did not.

19 Q He wasn't acting belligerent?

20 A He got angry at some point when we told him we were
21 going to be seizing the vehicle as evidence.

22 Q Yes, sir. We'll talk about that momentarily. But, I
23 mean, when you, initially, encountered --

24 A At the beginning, no, sir.

25 Q Yeah. He wasn't belligerent at all. And at that

1 point, you didn't tell him he was under arrest; right?

2 A That's correct.

3 Q I'm sorry about this bar. Do you want to move this
4 thing so --

5 A No. You're fine. I mean, we're -- we're different
6 heights.

7 Q Okay. At that time, you didn't tell him he was under
8 arrest at all?

9 A No, sir.

10 Q You didn't have an arrest warrant for him?

11 A I did not.

12 Q You didn't even have a search warrant for his
13 vehicle; right?

14 A That's correct.

15 Q And when you -- even though he was not under arrest,
16 you decided to put handcuffs on him; right?

17 A He was placed in investigative detention, yes, sir.

18 Q And then you put him in the back of your patrol car?

19 A Yes, sir.

20 Q At that time, you waited on Investigator Burrell, I
21 think?

22 A That's correct.

23 Q How long would he have been in your patrol car while
24 waiting for Investigator Burrell?

25 A I don't recall exactly how long it was. I believe it

1 was approximately 35 minutes.

2 Q And at no time during that -- and you call it an
3 investigative detention? Did you go out and get an arrest
4 warrant? Did you?

5 A No, sir.

6 Q Were you in the car when Investigator Burrell spoke
7 to him?

8 A I was not.

9 Q Now, to your knowledge, again, no search warrant ever
10 arrived at the time you were there on the scene for the
11 call; right?

12 A No, sir.

13 Q And once Investigator Burrell was done speaking with
14 Mr. Coburn, he allowed him to go; right?

15 A That's correct.

16 Q In your words, he was advised that he was free to
17 leave; right?

18 A That is correct.

19 Q He was never told -- he was never told at that time
20 that he was going to -- he was under arrest; right?

21 A Correct.

22 Q Never told, hey, based on what we know now, we're --
23 you're -- you're going to be arrested?

24 A Correct.

25 Q He was free to go; right?

1 A Yes, sir.

2 Q He was just a regular ordinary average American
3 citizen that was free to leave?

4 A At that time, yes, sir.

5 Q And when he left the scene, he didn't try to run, did
6 he?

7 A No, sir.

8 Q He just walked away?

9 A That's correct.

10 Q And the reason he was upset was because he felt that
11 you didn't have the proper paperwork to keep his car;
12 right?

13 A He felt like we couldn't seize his car because it was
14 his property. If he was free to go then his property
15 should be free to go with him were his words.

16 Q Yes, sir. So you took his car, despite having any
17 paperwork whatsoever?

18 A The investigator stated that they were taking the car
19 as evidence --

20 Q No, sir --

21 A -- to obtain a search warrant on the vehicle.

22 Q I understand. But at the time that he was free to
23 go, you didn't have any paperwork keeping that vehicle,
24 did you?

25 A I did not have a search warrant for the vehicle at

1 that time, no, sir.

2 Q To your knowledge, Investigator Burrell didn't have
3 any sort of paperwork to keep the car?

4 A No, sir.

5 Q So any sort of gripe would have just been, heck, show
6 me something before y'all keep my car; right?

7 A Yes, sir.

8 MR. MYERS: Thank you.

9 No further questions.

10 THE COURT: Anything else of the witness?

11 MS. PATTERSON: No, sir, Your Honor.

12 THE COURT: Thank you, sir.

13 You may step down.

14 Call your next witness.

15 MS. PATTERSON: The State calls Sergeant Burrell.

16 THE CLERK: Give me just a minute.

17 (Pause.)

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

20 WHEREUPON,

21 BRIAN BURRELL,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Once you're seated, state your full name,
24 spelling your last, please.

25 THE WITNESS: Brian Burrell. It's B-U-R-R-E-L-L.

DIRECT EXAMINATION

BY MS. PATTERSON:

Q Sergeant Burrell, on August 24th, 2018, were you assigned to investigate a shooting that turned into a murder at Riverbend Apartments?

A Yes, ma'am.

Q Did you respond to that scene?

A Yes, ma'am, I did.

Q When you got to that scene, was the shooter still at -- present at the scene?

A No, ma'am, he wasn't.

Q Were you able to speak with witnesses?

A Yes, ma'am.

Q Regarding the shooting?

A Yes, ma'am.

Q And after speaking to these witnesses, did you have any leads with respect to a possible suspect?

A Yes, ma'am.

Q And what leads did you have?

A The vehicle description was given to us as a black Impala with black rims and, also, the name of Jamal Coburn.

Q And what -- what was -- what happened to that information?

A We relayed that information to road units.

1 Q And did you, ultimately, make contact with Jamal
2 Coburn?

3 A Yes, ma'am.

4 Q And what date was that?

5 A It was on the 25th. I got notified to respond down
6 there around 23:00, 11:00 that evening.

7 Q About what time?

8 A Around 11:00. I got notified to respond down to
9 Rolling Meadows mobile home park.

10 Q And about how long did it take you to arrive there?

11 A I'd say approximately 35, maybe 40 minutes.

12 Q And when you arrived there, who was Mr. Coburn -- was
13 he there?

14 A Yes, ma'am, he was.

15 Q And who was the officer present with him?

16 A It was Deputy Sharpe.

17 Q And were you able to speak to Mr. Coburn?

18 A Yes, ma'am.

19 Q And what, if any, information did he -- you give him
20 about -- about yourself?

21 A I advised him of -- I introduced myself. Detective
22 Lyons was, also, with me. We'd sat Jamal in the front
23 seat of my car, introduced ourself.

24 And I, also, advised him that he, along with his
25 vehicle, were potentially involved in a shooting incident

1 that occurred the night before.

2 Q And how did you introduce yourself to him?

3 A I introduced myself as Detective Brian Burrell with
4 the Lexington County Sheriff's Department.

5 Q And, again, what did you tell him you were
6 investigating?

7 A A shooting incident from the night before.

8 Q Okay. And how many times did you inform Mr. Coburn
9 about your investigation?

10 A Several times.

11 Q And did you give him the same information each time?

12 A Yes, ma'am.

13 Q And at this time, did you have arrest warrants for
14 Mr. Coburn?

15 A No, ma'am, not at that time.

16 Q And why not?

17 A At that time, all I had was just his -- his name
18 being potentially involved in the shooting incident. I
19 had not gotten a positive identification to seek an arrest
20 warrant yet.

21 Q Okay. And were you in the process of doing that?

22 A Yes, ma'am.

23 Q And was he free to leave?

24 A Yes, ma'am, he was.

25 Q And what, if any, information did you give him

1 regarding his vehicle?

2 A That it was being seized as evidence. And that it
3 would be towed to the Lexington County Sheriff's
4 Department where a search warrant would be obtained for
5 the vehicle.

6 Q And so at that time, you didn't have a search
7 warrant?

8 A Not at the time, no.

9 Q But it was your intent to get one?

10 A Yes, ma'am.

11 Q And after seizing his vehicle, was it, in fact,
12 searched?

13 A Once the search warrant was obtained, yes, ma'am.

14 Q And did you continue following up with leads
15 regarding Mr. Coburn's identity --

16 A Yes, ma'am.

17 Q -- as the shooter?

18 A Yes, ma'am.

19 Q And did you, ultimately, obtain arrest warrants for
20 Mr. Coburn?

21 A Yes, ma'am, I did.

22 Q And what date did you do that?

23 A On August 26th, I obtained arrest warrants.

24 Q And when they -- after the arrest warrants were
25 obtained, what did you do with them?

1 A The arrest warrants were taken to our warrant
2 division where they were, also, placed in our system, but,
3 also, put on NCIC.

4 Q And is this normal practice for the Lexington County
5 Sheriff's Department --

6 A Yes.

7 Q -- to put their arrest warrants --

8 A Yes, ma'am.

9 Q And are these typical -- are these types of arrest
10 warrants, typically, served relatively quickly?

11 A They try to be, yes, ma'am.

12 Q And why is that?

13 A Just given the nature of the case. They try -- they
14 try to serve the arrest warrants as quickly as possible.

15 Q And as the investigating officer on this case, are
16 you kept informed or updated about the status of the
17 arrest on homicide warrants?

18 A Yes, ma'am.

19 Q And what information did you receive about
20 Mr. Coburn's location?

21 A On September 19th, I received information that he had
22 been located in Glendale, Arizona.

23 Q And what date again?

24 A September 19th.

25 Q And do you know how long after that Mr. Coburn was

1 brought back to Lexington County?

2 A It was October 19th.

3 MS. PATTERSON: I beg the Court's indulgence, Your
4 Honor.

5 (Pause.)

6 BY MS. PATTERSON:

7 Q And I think you said you, ultimately, got a search
8 warrant for that car?

9 A Yes, ma'am.

10 Q And was a cell phone located inside that car?

11 A Yes, ma'am, there was.

12 MS. PATTERSON: Thank you.

13 No further questions.

14 THE COURT: Any questions of the witness?

15 MR. MYERS: Yes, sir, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. MYERS:

18 Q Investigator Burrell, now, you were here when Deputy
19 Sharpe testified, weren't you?

20 A Yes, sir.

21 Q Do you got anything to dispute what he said?

22 A No, sir, I do not.

23 Q You're in agreement with everything he said?

24 A Yes, sir.

25 Q Now, when you showed up, you said it was about

1 35 minutes after -- I'm going to slide this thing over.

2 I'm going to just come over here.

3 A That's fine.

4 Q You said it was about 35 minutes after he was in the
5 car that you arrived?

6 A Approximately, yes, sir.

7 Q And so at -- from the time you arrived, he was still
8 in hand cuffs -- or he was in hand cuffs?

9 A He was still in hand cuffs.

10 Q All you did was just moved him from the patrol car
11 into your car?

12 A I had them take the hand cuffs off and then placed
13 him in my patrol car.

14 Q I believe that everything about the encounter that
15 you had with Mr. Coburn was recorded; is that right?

16 A Yes, sir.

17 Q And that recording was turned over to the solicitor,
18 who turned it over to me; right?

19 A Yes, sir.

20 Q There's nothing outside of that recording that is of
21 any consequence in this case, is there?

22 A No, sir.

23 Q And on that recording, at no time did you tell
24 Mr. Coburn that he was under arrest, did you?

25 A No, sir.

1 Q At no time did you tell him he could not leave;
2 right?

3 A No, sir.

4 Q At -- and you told him -- according to your
5 testimony, you told him four times what you were there to
6 talk to him about; right?

7 A I testified several. Deputy Sharpe testified -- he
8 said four times.

9 Q And you told him that he could go. He didn't try to
10 run?

11 A No, sir.

12 Q He didn't say, hey, man, I'm leaving. He didn't give
13 you any indication to believe that he was leaving; right?

14 A No, sir.

15 Q The only thing that he was upset about was the fact
16 that you didn't have any paperwork on him to hold his car;
17 right?

18 A That is correct.

19 Q But you didn't have any paperwork at the time to hold
20 his car; right?

21 A Not at that time, no, sir.

22 Q So he had a legitimate argument that you, basically,
23 were seizing his vehicle illegally; right?

24 A Yes, sir.

25 Q And on the 26th, you -- so at that point, you knew

1 where he was. You had his vehicle. On the 26th, the day
2 after, did you have any contact with Mr. Coburn?

3 A Not that day, no, sir.

4 Q Did you go back to him and say, hey, I'm building
5 this case. I don't want you to leave the state?

6 A No, sir.

7 Q Did you make any attempt to notify anybody on his
8 behalf that he was not to go anywhere?

9 A No, sir.

10 Q And as far as this Arizona incident, do you know if
11 he knew anyone there in Arizona?

12 A I don't know who he would have known in Arizona.

13 Q You weren't there when he was arrested?

14 A No, sir.

15 Q But based on your report, he was arrested without
16 incident; right?

17 A Yes, sir.

18 Q He didn't struggle; right?

19 A Not that I'm aware of.

20 Q He didn't try to run; right?

21 A No, sir.

22 Q And Arizona is still a member of the 50 states. So
23 is there any reason why he could not have been in Arizona
24 at the time he was arrested?

25 A No, sir.

1 Q So the fact that he was in Arizona and he was told
2 that he couldn't [sic] leave, that means nothing; right?

3 A I mean, I advised him that, you know, he was under
4 investigation for a shooting incident.

5 Q Yes, sir. Being under investigation is not the same
6 thing as being under arrest?

7 A That is correct.

8 Q And you never told him that you were anticipating
9 getting a warrant for his arrest; right?

10 A No, sir.

11 Q Now, you did find a bag in his car; right?

12 A After we conducted the search warrant, yes, sir.

13 Q And that bag contained some drugs?

14 A Yes, sir.

15 Q You still never arrested him for that, though?

16 A Not until he was brought back to Lexington County.

17 Q And the drugs were completely unrelated to this -- to
18 what you were investigating at that time?

19 A That is correct.

20 Q The drugs had nothing to do with the shooting?

21 A No, sir.

22 MR. MYERS: No further questions, Your Honor.

23 THE COURT: Anything further of the witness?

24 MS. PATTERSON: No, sir, Your Honor.

25 THE COURT: Thank you, sir.

1 You may step down.

2 Do you have another witness?

3 MS. DARKO: The State calls Mike Phipps to the stand.

4 THE COURT: Wait a second. Let her clean this up.

5 THE CLERK: Let me go ahead and swear him in so he
6 can sit down.

7 WHEREUPON,

8 MICHAEL PHIPPS,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Have a seat, please.

11 State your full name, spelling your last.

12 THE WITNESS: My name is Michael Phipps, P-H-I-P-P-S.

13 MS. DARKO: And just begging the Court's indulgence
14 while I have the balance of these items marked.

15 (WHEREUPON, Court's Exhibit Nos. 3, 4, 5, 6, and 7 were
16 marked for ID and admitted into evidence.)

17 DIRECT EXAMINATION

18 BY MS. DARKO:

19 Q Mike, where do you work?

20 A I work for the Lexington County Sheriff's Department.

21 Q And what's your primary role there?

22 A I'm an examiner of forensic and digital evidence.

23 Q And how long have you been doing that?

24 A I've been involved with digital evidence for
25 15 years.

1 Q And when you say "digital evidence," what does that
2 entail?

3 A Initially, with cell phones. More recently,
4 computers and other devices. But anything that's
5 electronic that potentially has evidence of value in a
6 case.

7 Q And do you -- were you involved with the analysis of
8 a cell phone in this case?

9 A I was.

10 Q Okay. And do you recall how you were asked to
11 process that cell phone?

12 A Initially, I received a request back in 2018,
13 September 4th, I believe it was. I examined a Motorola
14 cell phone back in 2018 that was pin locked. We weren't
15 able to gain access to the device except for the SIM card
16 at that point in time.

17 Q Okay. And why was that?

18 A The technology that we had at the time did not allow
19 us to bypass any type of pass codes on those phones. And
20 so we were just stuck with just having the data off of the
21 SIM card.

22 Q And did that ever change? Were you ever able to get
23 into that device?

24 A Yes. In July of this year, we received some
25 hardware, software tools that are proprietary to a company

1 that we deal with called Cellebright. And they came out
2 with a system that allows us to now bypass that pin code.

3 Q I'm showing you what's been marked as Court's
4 Exhibit 3. Do you recognize that item?

5 A Yes. It has my initials.

6 Q And what is it?

7 A It's the data from the Motorola G6 phone.

8 Q And was that in connection with this most recent
9 extraction?

10 A Yes, it was.

11 Q And when we say "most recent," this was conducted
12 when?

13 A October 15th of this year.

14 Q And in connection with that extraction, did you have
15 an occasion to review any images that were on that cell
16 phone?

17 A I did.

18 Q I'm showing you what's been marked as Court's Exhibit
19 No. 6.

20 MR. BELL: Your Honor --

21 THE COURT: Yes, sir.

22 MR. BELL: -- may I approach to see the exhibit?

23 THE COURT: Sure.

24 Hand me those exhibits, please.

25 Thank you.

1 MR. BELL: Thank you, Your Honor.

2 THE COURT: Okay.

3 BY MS. DARKO:

4 Q And I apologize. And what is that item?

5 A It's an image that was obtained from the Motorola G6
6 cell phone.

7 Q And were -- was there any information associated with
8 that image?

9 A The image was found in a -- in a file path that
10 indicates it came from Internet browsing, specifically,
11 the Chrome browser.

12 Q And did you, also, review the browser history in
13 connection with this extraction?

14 A I did.

15 Q And I'm showing you what's been marked as Court's
16 Exhibit No. 4, which has already been shown to the
17 Defense. Do you recognize that item?

18 A I do.

19 Q And what is it?

20 A It's showing the Internet browsing history for this
21 phone on August -- August 25th.

22 Q Okay. And if you could go -- is there information
23 contained in that item regarding the time period of 11:11
24 p.m.? If you could just take us to that.

25 A At 11:11 p.m. on August 25th, 2018, the browser

1 history indicates that the website WLTX.com was visited.

2 Q And were you able to match that image with that web
3 search?

4 A WLTX's website -- if you search for any information
5 concerning this case, there was a -- a news article that
6 was published on their website on August 25th, 2018, at
7 2:41 p.m. in the afternoon that had a still image that
8 matches this image.

9 Q And I'm showing you what's been pre-marked as Court's
10 Exhibit No. 7, and I'll show it to the Defense.

11 And what is that item?

12 A It's a printout of the WLT -- or -- yeah, WLTX
13 website. It's, specifically, this article showing that
14 image.

15 Q And in looking at those -- the three items and
16 those -- just those portions of the extraction, what in
17 layman's terms does that -- that tell a person, if
18 anything?

19 A That the -- a user of this device had visited that
20 site. And at some point in time during that visit, the
21 image of this still image that's embedded in this web page
22 was displayed on the phone.

23 Q And, finally, Mr. Phipps, I'm showing you what's been
24 pre-marked as Court's Exhibit No 5, and I'm showing it to
25 the Defense.

1 Do you recognize that item?

2 A I do.

3 Q And what is it?

4 A It's a portion of the contact list from the cell
5 phone. And it's specific to a certain individual listed
6 in the phone.

7 Q And what individual is that?

8 A Yetti Whiting.

9 THE COURT: Spell that.

10 THE WITNESS: It's Y-E-T-T-I W-H-I-T-I-N-G.

11 THE COURT: Thank you.

12 BY MS. DARKO:

13 Q And with -- just with regard to the website that you
14 confirmed this -- this -- the image and the search were
15 associated with, was that article in connection with this
16 crime --

17 A It was.

18 Q -- this incident?

19 And with regard to the -- the information, do you
20 recall what information the article shared?

21 A It was an article requesting the public's assistance
22 in identifying anyone involved with the incident.

23 MS. DARKO: Nothing further.

24 THE COURT: Any questions of this witness?

25 MR. BELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. BELL:

Q Detective, my understanding is your first encounter with this Motorola cell phone was September of 2018; is that that accurate?

A It is.

Q And at that time, you said you only had access to the SIM card?

A Yes, sir.

Q And what sort of information does that SIM card provide?

A The phone number of the phone -- or the device.

Q Does it provide any sort of contextual information, text messages, MMS, that sort of information?

A No, sir.

Q Any sort of app information, e-mails, anything like that?

A No, sir.

Q So when you, finally, have the ability to do a dump at some time, initially, in July of 2020, and then a few months later, the dump is, ultimately, I guess, successful. And the most recent dump is done on October 15th, which is about two weeks ago; is that right?

A July was the time period we received the equipment. We didn't examine this phone until October 15th.

1 Q And that's about two weeks ago; is that accurate?

2 A Yes.

3 Q And none of this information would have been
4 available to law enforcement back in, let's say, August of
5 2018; right?

6 A That's correct.

7 Q And none of this information would have been relevant
8 until two weeks ago when y'all decided to --

9 A It wasn't that we decided to look. It was that the
10 technology became available.

11 Q And it became available in July; correct?

12 A Yes.

13 Q Now, the date that you've testified to that's located
14 on that WLTX entry is August 25th of 2018; is that
15 accurate?

16 A Yes, sir.

17 Q And you've been present for the previous deputies
18 testimony; is that accurate?

19 A Yes, sir.

20 Q And you're aware that Mr. Coburn was detained, put in
21 handcuffs, and questioned by Detective Burrell on
22 August 25th; correct?

23 A I learned that today in court, yes, sir.

24 Q And you're aware that they told him that he was free
25 to leave. He was under investigation for a shooting that

1 his vehicle was seen at. But that he was free to leave.
2 And they did not have an arrest warrant or a search
3 warrant?

4 A I learned that, yes, sir, today.

5 Q Are you, also, aware now that an arrest warrant did
6 not even get transmitted to the sheriff's department until
7 August 27th of 2018, two full days later?

8 A I -- I don't have any knowledge of an arrest warrant,
9 no, sir.

10 Q You used a very particular phrase in discussing the
11 access to that WLTX article. You said a user of this
12 phone visited this website; is that right?

13 A Yes, sir.

14 Q And that's because simply the fact that there's
15 information on a phone doesn't necessarily say who was
16 using the phone; correct?

17 A That's correct.

18 Q Do you have any information whatsoever that would
19 positively identify Mr. Coburn as being the person
20 searching for that article?

21 A No, sir.

22 Q Now that you have full access to that phone, did you
23 locate any text messages, MMS, Snapchat, WeChat, anything
24 that indicated, hey, I'm getting the hell out of South
25 Carolina?

1 A I don't recall seeing anything, no, sir.

2 Q Is there any indication whatsoever that he's
3 attempting to flee South Carolina because he's worried
4 about being investigated for this alleged murder?

5 A Again, I don't recall seeing anything, no, sir.

6 Q So, again, some user on August 25th accesses a WLTX
7 article; correct?

8 A Yes, sir.

9 Q Does that article say that Jamal Coburn is wanted for
10 murder and is armed and dangerous, or law enforcement is
11 seeking Jamal Coburn?

12 A It does not.

13 Q Would that article in any way, even if it was
14 Mr. Coburn looking at it, identify that he is the person
15 that they need to be speaking to?

16 A No, sir.

17 MR. BELL: Thank you.

18 THE COURT: Anything further of this witness?

19 MS. DARKO: Just very briefly, Your Honor.

20 (WHEREUPON, Court's Exhibit No. 8 was marked for
21 identification and admitted into evidence.)

22 MR. BELL: Your Honor, it is our position that this
23 following exhibit is outside the scope. It could have
24 been more properly introduced during their direct.

25 THE COURT: I don't know what it is.

1 Go ahead and ask him about it.

2 I'm not going to know what it is when I look at it,
3 as far as what it's got to do with the case, I wouldn't
4 think.

5 Ask him what you want to ask him.

6 REDIRECT EXAMINATION

7 BY MS. DARKO:

8 Q Mike, do you recognize this item?

9 A I do.

10 Q And what does it appear to be -- or what is it,
11 rather?

12 A It's a -- part of a chat, communication where an
13 image has been embedded. It's referencing a WLTX website.

14 Q Okay. And who is sharing that website?

15 A Yetti Whiting.

16 Q And is that the person that was listed in the
17 Defendant's cell phone?

18 A It is.

19 Q And what is the date that that is being shared?

20 A August 28th, 2018.

21 Q And the nature of this article, does it identify the
22 Defendant as being wanted?

23 A By image, yes.

24 MS. DARKO: Nothing further, Your Honor.

25 THE COURT: Mr. Bell.

1 MR. BELL: Thank you, Your Honor.

2 RECROSS-EXAMINATION

3 BY MR. BELL:

4 Q Are you aware when law enforcement came into
5 possession of this Motorola cell phone?

6 A I believe it was in the narrative in the search
7 warrant. But it's been a long time since I've read that.

8 Q Was it seized off of Mr. Coburn's person?

9 A I believe it was from the vehicle.

10 Q And it was the vehicle that's previously been
11 testified to as having been seized on August 25th, 2018;
12 correct?

13 A That's my understanding, yes, sir.

14 Q So if the inference is that this article that is
15 apparently embedded on August 28th of 2018, he wouldn't
16 have even had access to that phone at that time; right?

17 A That is correct.

18 Q Does the access that you can see through his phone
19 tell you when he went to Arizona?

20 A I have no knowledge of him going to Arizona, other
21 than the testimony given today.

22 Q He could have very well left before August 28th,
23 2018, to go to Arizona; correct?

24 A I have no idea when he went to Arizona.

25 MR. BELL: Thank you.

1 THE COURT: Thank you, sir.

2 You may step down. You can step down.

3 MS. PATTERSON: Your Honor, that's all the witnesses
4 we have with regard to this issue.

5 THE COURT: Do you wish to offer any evidence on this
6 issue?

7 MR. MYERS: No, sir, Your Honor.

8 MS. PATTERSON: Your Honor, may I be heard?

9 THE COURT: Yes, ma'am.

10 MS. PATTERSON: I beg the Court's indulgence. I have
11 so much stuff here.

12 (Pause.)

13 MS. PATTERSON: Again, Your Honor, it's well
14 established law -- or rule in South Carolina that flight
15 be admitted as evidence of guilt and intent. However,
16 Your Honor, the standard is there must be a nexus between
17 the flight of the Defendant and the offense charged, Your
18 Honor. And that is determined by the totality of the
19 evidence, which would create an inference that the
20 Defendant had knowledge that he was being sought by
21 authorities.

22 And, Your Honor, I have a case, State vs. Walker, I
23 would like to pass up.

24 MR. BELL: Rhonda, can we get the cite on it?

25 MS. PATTERSON: It's a Court of Appeals case. I'll

1 get you the cite. One second.

2 THE COURT: 623 S.E.2d 122, 366 S.C. 643.

3 MR. BELL: Thank you, Your Honor.

4 MS. PATTERSON: Your Honor, in State vs. Walker, it
5 was established that the flight by a suspect in an
6 investigation -- and that was prior to formal charges,
7 actually, being entered against that individual and the
8 serving of the arrest warrant to them. And that evidence
9 of flight was admissible where the other relevancy
10 elements were satisfied in an evidence of flight analysis.

11 There, the Court found that even though Walker had
12 not formally been charged with homicide in that
13 investigation, the totality of the circumstances was
14 sufficient to establish a nexus between Walker -- Walker's
15 flight and the offense later charged.

16 Here, in our case, Your Honor, Walker -- well, let me
17 get back to Walker. Walker had an interview with law
18 enforcement. They told him he was not under arrest. He
19 was free to leave. There was nothing to indicate that he
20 was planning to escape, or anything like that, Your Honor.

21 Here in our case, Jamal Coburn had extensive
22 interaction with law enforcement, Your Honor. The night
23 of the incident on August 24th, Your Honor, he fled the
24 scene after the shooting. He fled the scene.

25 He was detained the next night, Your Honor, at which

1 time Deputy Sharpe -- right before Deputy Sharpe --
2 Sharpe, actually, had interaction with him is when he does
3 that WLTX search on his phone. That was right before that
4 interaction.

5 He exits his car and Deputy Sharpe is out with him.
6 Deputy Sharpe explains to him that he is placed under
7 investigative detention until investigators can get to the
8 scene. And he is told multiple times by Deputy Sharpe the
9 purpose of him being in investigative detention. He was
10 told that it was involving a shooting that had occurred
11 the night before in which he and his vehicle were
12 identified as possibly being involved.

13 When Sergeant Burrell arrives about 35 minutes later,
14 he's told again multiple times that he and his vehicle
15 were identified as being possibly involved in a shooting
16 that had occurred the night before. He was free to leave,
17 Your Honor, at that time just like in Walker. Because
18 Investigator -- I mean, Sergeant Burrell was still
19 investigating and wanted to get those positive
20 identifications made on -- on Jamal Coburn.

21 Investigator Phipps, Your Honor, testified about the
22 WLTX search right before the interaction with Deputy
23 Sharpe. He, also, talked about Mr. Coburn being tagged.
24 I think his friend posts something, Yetti Whiting. And
25 although that was after Mr. Coburn's phone was taken, Your

1 Honor, that was still posted by one of his friends. And
2 it could have been easily assessed -- accessed by
3 Mr. Coburn later on, Your Honor, through social media.

4 THE COURT: How do you know that?

5 MS. PATTERSON: Well, if it was something that was
6 tagged to his Facebook, he could have opened his Facebook
7 in another --

8 THE COURT: You said he had -- how -- do you have any
9 evidence that it was?

10 MS. PATTERSON: No, sir, Your Honor. But that's
11 something that could have been done. I -- we're not
12 certain because his phone was taken.

13 However, Your Honor, he was informed again multiple
14 times that this was an investigation, that Sergeant
15 Burrell was investigating, that he was possibly involved.
16 His vehicle was going to be seized. It was going to be
17 towed. And it was going to later be searched.

18 He kept inquiring about his cell phone because he
19 knew his cell phone was in there. But he, certainly, knew
20 the possibility, Your Honor, that investigators would be
21 knocking on his door again because this was an open
22 investigation.

23 Now, Your Honor, Investigator -- I mean
24 Investigator -- well, Sergeant Burrell, also, testified
25 that, Your Honor, after the arrest warrants were obtained

1 the next day, this was entered in NCIC. It was entered in
2 the warrant division. These are warrants that are
3 customarily served right away, Your Honor, due to the
4 nature of the offenses. However, Mr. Coburn was unable to
5 be served because they could not locate him. And he was
6 located in Glendale, Arizona, on September 19th 2018.

7 THE COURT: Who's saying they couldn't locate him in
8 South Carolina?

9 MS. PATTERSON: Well, Investigator Burrell is
10 continuously -- he testified that he would be updated as
11 to when the arrest warrant was served on Mr. Coburn since
12 he was the lead investigator in the case.

13 THE COURT: Nobody testified about any attempt to
14 locate him in South Carolina.

15 And -- and before I forget it, who testified that
16 this WLTX search was done just before the deputy
17 approached him in the parking lot?

18 MS. PATTERSON: That time was 11:11. And I think
19 Deputy Sharpe testified he was out with him around 11:00,
20 I think. And then Sergeant Burrell was there about 35
21 minutes later.

22 THE COURT: I had that Mr. -- Deputy Sharpe said he
23 approached him, according to his supplemental report, at
24 11:10 p.m. Is that wrong?

25 MS. PATTERSON: Your Honor, his supplemental says --

1 yes, 11:10, Your Honor, is when he was responding to the
2 noise complaint out at Rolling Meadows. And then he spots
3 his car minutes later.

4 THE COURT: All right. So -- and -- and you're
5 telling me it's 11:11. But who -- who said that, or is it
6 on one of those documents that I haven't seen?

7 MS. PATTERSON: Yes, sir.

8 THE COURT: Yes, sir, what?

9 MS. PATTERSON: It's on one of those documents. I
10 thought Investigator Phipps testified to it. But it is
11 definitely on one of the documents. I can pass those up,
12 Your Honor.

13 It's highlighted on here.

14 THE COURT: Okay. So -- so Court's Exhibit No. 4
15 shows that on August 25th, 2019 [sic], at 11:11 and 15
16 seconds that WLTX.com was accessed. It, also, shows that
17 it was accessed at 11:18 and 20 seconds.

18 Go ahead, please, ma'am.

19 MS. PATTERSON: Your Honor, so he knew about that
20 shooting at Riverbend. Officers informed him over and
21 over that he was identified about a possible shooting. He
22 was identified that he and his vehicle were involved in a
23 possible shooting the night before over and over again,
24 Your Honor. And the searches would indicate that he had
25 knowledge, Your Honor, that he was wanted in this case,

1 Your Honor, before he fled to Glendale, Arizona.

2 THE COURT: I don't know when he fled to Arizona.

3 MS. PATTERSON: That's unclear, Your Honor. But the
4 arrest warrants were entered into NCIC. They were given
5 to the warrant division, Your Honor, to be served the very
6 next day.

7 Sergeant Burrell testified, Your Honor, that these
8 warrants are, typically, served right away because of the
9 nature of the warrants. However, these were not -- he was
10 not informed about any updates with respect to Mr. Coburn
11 until September 18th -- or September 19th, 2018.

12 And, Your Honor, we'd just -- we would just argue
13 that there is a connection, Your Honor, a nexus in order
14 for the Court to allow a -- the evidence of flight to be
15 admitted into our case in chief, Your Honor. The totality
16 of the circumstances creates an inference that he had
17 knowledge he was being sought by law enforcement after
18 this interaction at Rolling Meadows after -- after
19 searching the WLTX website, Your Honor, and after being
20 tagged by one of his contacts in his phone --

21 THE COURT: "Tagged" --

22 MS. PATTERSON: -- that he was wanted by social
23 media.

24 THE COURT: What do you mean "tagged"?

25 MS. PATTERSON: That -- I apologize, Your Honor. Can

1 I pass up -- pass up the article that shows his face?

2 And this is the state's -- Court's Exhibit No. 8.

3 And although his phone was in custody with the
4 sheriff's department, Your Honor, as I said, that could be
5 accessed through any social medium -- social media medium,
6 Your Honor, that he had access to, that he would have
7 still had access to, even though he didn't have his phone.

8 THE COURT: Are -- are you saying -- what -- what is
9 this from, Court's Exhibit No. 8?

10 MS. PATTERSON: That's -- that's from Yetti Whiting
11 tagging --

12 THE COURT: No. What -- what is it from, not who?
13 What is it from? Is it from Instagram? Is it from
14 Facebook? Is it from -- what's it from?

15 MS. PATTERSON: It's from Facebook, Your Honor.

16 THE COURT: And you said he tagged the Defendant?

17 MS. PATTERSON: Yes. Yetti Whiting tagged that --
18 can I have Ms. Darko -- she understands the social media
19 better than me, Your Honor. She will explain.

20 THE COURT: Does the Defendant have a -- does the
21 Defendant have a Facebook account that shows that he was
22 tagged by Yetti Whiting?

23 MS. DARKO: Yetti Whiting is a contact --

24 THE COURT: I know who he is. Listen to my question,
25 please. Ms. Patterson said that this was tagged. Then

1 I'll let you talk all you want to. I want to know what
2 evidence you have that -- that -- that this Defendant was
3 tagged by someone, by Yetti Whiting.

4 MS. DARKO: No, he wasn't. That -- this is just a
5 post by one of his close friends, contacts in his phone
6 showing that -- saying that he -- that Mr. Coburn is
7 wanted. So his friends are discussing the fact that he is
8 wanted on a medium where they were both friends. So --

9 THE COURT: Friends on Facebook?

10 MS. DARKO: Yes. And he's, also, a contact in his --
11 his phone.

12 THE COURT: Okay. What else did you want to say?

13 MS. DARKO: Nothing, Your Honor.

14 THE COURT: Mr. Myers.

15 MR. MYERS: Thank you, Your Honor.

16 I'll start in reverse to address this Whiting issue.
17 Judge, I've got friends. Friends might talk about me all
18 they want to. It doesn't necessarily mean they told it to
19 me. So the fact that they want to suggest that he was
20 tagged or however doesn't --

21 THE COURT: Well, they don't have any evidence he was
22 tagged.

23 MR. MYERS: Exactly, Your Honor.

24 THE COURT: Tag -- tagging is a term. It's -- it's a
25 magical thing. It would show up on his Facebook account.

1 MR. MYERS: Yes, sir. It's -- and that's my point.
2 So the fact that they have that document doesn't show or
3 prove anything. It doesn't prove that he saw it. It
4 doesn't prove that he knew about it. That's the
5 equivalent of someone going to my office right now and
6 putting a book on my desk. I ain't there to see it. But
7 they want to come in and say, oh, it was on his desk, so
8 he must have seen it. That's a stretch of an argument.

9 Judge, I -- I don't want to repeat myself on what I
10 said before this hearing started. But I just would rely
11 on what I said earlier, that this is not any sort of
12 flight at all.

13 They mentioned the State vs. Walker. Here is the
14 difference between this case and Walker, when law
15 enforcement spoke to Walker, they told Mr. Walker, Stay at
16 or nearby your residence. And that is found in Section 1
17 of the -- of the -- of the opinion.

18 But to read it, specifically, it says, There is ample
19 evidence that Walker fled his residence after Investigator
20 Silvaggio asked him to stay at or nearby his home. First,
21 Investigator Silvaggio tried to serve the arrest warrant
22 at the domicile. And neither Walker nor King were there.

23 So in this instance, that's exactly why I asked
24 Investigator Burrell, What did you tell him when you
25 released him? There was no testimony whatsoever that he

1 told Mr. Coburn to stay where he was. There was no
2 testimony to say, hey, I'm going to be contacting you in
3 the future. None of that. So he could have told him, but
4 he didn't.

5 So they're relying on Walker, the analysis to say
6 that there is no evidence of flight that should be argued
7 to the jury at all. So I would rely on my previous
8 arguments. I rely on Walker. And I rely on the fact
9 they've not proven that just tagging someone means that
10 Jamal Coburn, actually, saw it.

11 THE COURT: He wasn't tagged.

12 MR. MYERS: Or -- however, Judge. He didn't know.
13 He never saw it.

14 MS. PATTERSON: Your Honor --

15 THE COURT: Well, I don't -- I don't know if he saw
16 it or not. But I -- I'm just trying to get clear. I'm
17 not trying to be argumentative with y'all. Y'all use a
18 phrase like tagging, that's different. If somebody tags
19 me on Facebook, then I'm going to get a message on my
20 Facebook account telling me that I have been tagged.

21 MR. MYERS: That's right.

22 THE COURT: And I will see what it is that they put
23 on there. That's different than just saying we're
24 Facebook friends and maybe I saw it.

25 Okay. Go ahead.

1 MR. MYERS: I -- I agree with that, Judge. And I
2 guess I would conclude that the burden is on them to show
3 you that he, actually, saw it, which I don't think they
4 have.

5 MS. PATTERSON: And, Your Honor, I apologize.
6 Because I'm not on social media. I'm not a fan. And I
7 don't know how it works. I --

8 THE COURT: Well, you're probably smarter than me --

9 MS. PATTERSON: Yes.

10 THE COURT: -- and maybe a lot of other people.

11 MS. PATTERSON: Yes. So I apologize if I was
12 butchering the terminology, Your Honor.

13 But regardless of whether or not he wasn't tagged --
14 let's just put that aside, Your Honor. He was told
15 multiple --

16 THE COURT: He was not tagged. You have no evidence
17 that he was tagged.

18 MS. PATTERSON: Yes, sir. Okay. Just -- yes, sir.
19 I apologize.

20 THE COURT: You keep telling me these if's,
21 Ms. Patterson. And I -- I don't know where you get the
22 if's from.

23 MS. PATTERSON: Right.

24 THE COURT: I need evidence.

25 MS. PATTERSON: And I'm getting ready --

1 THE COURT: Going into this hearing, I thought for
2 sure I'm going to let this in. But now, I've got a whole
3 lot of doubt.

4 MS. PATTERSON: Okay. Well, Your Honor, this is what
5 we know for sure. We know for sure that right before his
6 interaction with Deputy Sharpe, he searched that WLTX
7 article regarding the shooting at Riverbend the night
8 before. Then he had interaction with Deputy Sharpe in
9 which he was told multiple times he and his car was
10 possibly -- were -- were identified as possibly being
11 involved in the shooting.

12 And then Sergeant Burrell comes to the scene
13 30 minutes later. And we know for sure that he, again,
14 told him that he was investigating a shooting from the
15 night before in which Mr. Coburn and his vehicle were
16 possibly involved.

17 We know for sure that Mr. Coburn's vehicle was towed.
18 It was searched. And that he had knowledge of this. He
19 knew that they were still investigating this because they
20 told him that he was possibly -- the vehicle was going to
21 be searched. Even Deputy Sharpe told him in the event,
22 you know, he could even be cleared after the search. They
23 told him that.

24 He knew his phone was in there because he kept asking
25 for his phone. And these are things they -- they

1 testified to. These are things we don't have to make
2 assumptions on, Your Honor. We know these things to be
3 true.

4 THE COURT: I'm with you that far. The question is,
5 what happened after that? That's where I'm struggling.

6 MS. PATTERSON: And then after that, Your Honor, he
7 could not be located for these -- the arrest warrant to
8 be --

9 THE COURT: Nobody testified about anything except
10 that they -- they got the arrest warrant. They're
11 normally served promptly. They put it in NCIC. Nobody
12 told me anything about what efforts they made to go out
13 and serve the man with the arrest warrant.

14 The only other information I recall is he was located
15 in Glendale, Arizona, on the 19th of September. And he
16 was returned to Lexington County on October the 19th.

17 MS. PATTERSON: Yes, sir, Your Honor. And if Your
18 Honor will allow, I can take a break and try to get
19 someone from the warrant division who can attest to that
20 fact.

21 THE COURT: I can't help you build your case now.

22 MS. PATTERSON: I understand, Your Honor. I was just
23 asking for the opportunity.

24 MR. MYERS: Your Honor, I -- I would object to that.
25 Judge, we -- the other reason that I asked Investigator

1 Burrell what was found in that bag was because if there's
2 a nexus, it would be a nexus for the drugs. But he's not
3 on trial for the drugs.

4 So if he fled, it might have come into evidence when
5 he comes to trial -- if he goes to trial on the drugs.
6 But nothing to do with the -- with the murder, which is
7 why I asked Investigator Burrell if he had been charged
8 with that -- well, I might not have asked him, but just
9 arguing now to the Court that he is charged with third
10 offenses, which, certainly, could land him in jail for 25
11 some odd years.

12 So if there's any nexus, it would be a nexus between
13 the drugs and any sort of attempt to go to Arizona, but,
14 certainly, nothing to do with the murder.

15 THE COURT: I don't know that I heard enough about
16 drugs to even know what y'all are talking about.

17 MS. PATTERSON: Exactly, Your Honor. So drugs were
18 found in his car in his search, Your Honor. But a
19 reasonable person would be more concerned about possibly
20 being identified as being involved in a shooting versus
21 drugs, Your Honor. And -- and that's just my argument
22 about -- about that.

23 We don't -- we just have to prove that there is a
24 nexus that he knew about being a possible suspect in this
25 case that was the subject of an investigation, Your Honor,

1 before he fled the State.

2 THE COURT: There's a difference between fleeing the
3 State and leaving the State. That's -- that's what I'm
4 struggling -- nobody -- you may not know. I'm not being
5 critical. I'm just telling you what I have in front of
6 me. I don't know anything at all about this case. The
7 only thing I have is he was here and then they found him
8 in Glendale, Arizona.

9 You don't know how he got there, or you haven't told
10 me. You don't know if there was something going on in
11 Arizona that didn't have anything to do with the crime.
12 I -- like I said, going into the hearing, I thought it's
13 flight. He was -- I thought it'd be pretty much of a --

14 MS. PATTERSON: Yes, sir.

15 THE COURT: -- case where I would be allowing it. I
16 just -- I'm struggling. I need to read the cases.

17 Go ahead.

18 MS. PATTERSON: And, Your Honor, this is pre-trial.
19 So we are trying to hash out all of this before the jury
20 is here. I think my investigator is going to see if he
21 can contact someone from the warrant division, if Your
22 Honor will give me just a few minutes to go confirm that.
23 And maybe I can be able to prove that there was an attempt
24 right after these warrants were issued to serve them on
25 Mr. Coburn, but he was unable to be located until we

1 located him in Glendale, Arizona.

2 THE COURT: I'm going to have to take a break to read
3 these cases. And I'll let y'all know. I mean, it puts me
4 in a really uncomfortable spot for me to tell y'all where
5 your weaknesses are and then you start calling people in.
6 That -- that just bothers me.

7 But let me read the cases that you handed up.

8 We'll be at ease.

9 (WHEREUPON, a break was taken.)

10 THE COURT: Did you have more evidence, Ms. Patterson?

11 MS. PATTERSON: No, sir. It appears that the task
12 force guy's [phonetic] at a doctor's appointments. So he
13 doesn't have his notes. He can't remember them.

14 THE COURT: Okay. Did you have anything else,
15 Mr. Myers?

16 MR. MYERS: No, sir, Your Honor.

17 THE COURT: I read these cases that were handed to
18 me, State vs. Walker and State vs. Robinson. And both of
19 them contain language about the nexus issue. And both of
20 them cite the principle that when flight is unexplained,
21 it's admissible as indicating a consciousness of guilt.

22 Robinson contains language that makes it clear that
23 if a defendant flees while being investigated for another
24 crime that the evidence of flight should be excluded. And
25 that will get into the drug issue, which I really don't

1 have much information about.

2 And then Robinson repeats that evidence of flight
3 should be excluded when the flight is clearly linked to a
4 separate offense for which the Defendant is not on trial.
5 I'm not able to make a determination that the flight is
6 clearly linked to a separate offense for which the
7 Defendant is not on trial.

8 So based on the argument related to any flight being
9 limited to the drug issue, it's not clear. And the
10 Robinson court after citing the case law that I read
11 shortly thereafter emphasized to me that it has to be a
12 clear link between the drugs in this instance and the
13 flight.

14 Based on my reading of these cases, the motion to
15 admit evidence of flight is granted. Because the nexus --
16 the nexus is established by the contact between the
17 Defendant and law enforcement.

18 I had questions because of the unexplained nature of
19 when the Defendant left South Carolina and the
20 circumstances under which he left South Carolina, and
21 whether there was anything in -- in Arizona that would be
22 a legitimate reason for him to be there or, otherwise,
23 would indicate nothing inappropriate about him leaving
24 South Carolina to be in Arizona. But both cases include
25 this language about unexplained flight.

1 So I feel like that it's a matter that's within my
2 discretion. And I am going to grant the motion. That --
3 that does not mean that I'm ruling on the admissibility of
4 any documents.

5 And, again, when I started as a judge, there was a
6 charge that we gave that was in our charge book about
7 flight, that the jury could infer guilt from flight. But
8 there's a case that came out -- I'm -- I'm sure it was in
9 the first five years of my career that said, no, don't do
10 that any more. Don't -- don't give that charge. I think
11 it was one of Judge Pyle's cases that got reversed. But
12 up until that point, that was what judges were told to do.

13 Let me hand these back to you.

14 THE COURT REPORTER: Thank you.

15 THE COURT: All right. So what's the next matter I
16 have to address?

17 MR. MYERS: Judge, if I may, I accept the Court's
18 ruling. I just want to put on the record that I think the
19 Court's analysis and ultimate conclusion causes a burden
20 shift on the Defendant. The State has the burden of
21 proving that this was -- that his actions were evidence of
22 flight. Even though we mentioned the drugs, it wasn't on
23 us to make it clear.

24 So I think that I would just make note that I believe
25 that the Court has shifted the burden from the State to us

1 when the Court says it's unclear about the drugs. So we
2 accept the Court's ruling. I wanted to just make sure
3 that was clear on the record.

4 THE COURT: I -- I believe that flight is almost
5 always a jury issue. And I understand your argument. I
6 respectfully decline to change the ruling.

7 MR. MYERS: Thank you, Your Honor.

8 THE COURT: All right.

9 MS. PATTERSON: Your Honor, one matter I will go
10 ahead and address since this is easy, Mr. Myers and I was
11 able to handle this. I just want to put it on the record.
12 The State had on its witness list James Green, Your Honor.
13 He was an analyst out at SLED. He works in the firearms
14 identification department. He informed us this morning,
15 Your Honor, that he's been placed on COVID quarantine
16 because he was exposed to someone who tested positive over
17 the weekend.

18 However, Your Honor, he did say he would make him --
19 try -- attempt to make himself available if we wanted to
20 Webex his testimony. Or in the alternate, we could call
21 the person who did his peer review. And I have told
22 Mr. Myers this -- that. And he has agreed to allow the
23 person who did Mr. Green's peer review to come and testify
24 about Mr. Green's report. And his name is Paul Greer.
25 And we're in the process of obtaining his CV in order to

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LEXINGTON
4 2019-GS-32-00322

5 State of South Carolina

6 Vs.

7 Jamal Devantae Coburn

8

9 Lexington, South Carolina

10 November 4-6, and 9th, 2020

11 Before the Honorable William Keesley

12 APPEARANCES

13 For the State: Rhonda Patterson, Melanie Darko

14 For the Defendant: Stanley Myers, Gill Bell, Peter O'Reilly

15

16 Reported by: Michael C. Watkins

17 Official Court Reporter

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1 THE COURT: We don't have all of the jurors yet. I did
2 want to make one comment about the hearing we had yesterday.
3 I think it was clear for the record when we were discussing
4 the White concept and it was a part about burden shifting.
5 We did have an in-camera hearing, had a hearing outside the
6 presence so there was an opportunity to give an explanation.
7 I understand burden shifting is the claim that requires the
8 defendant to produce evidence, but based on those cases I
9 read I think that's what I'm required to follow. Does the
10 State have anything I need to address before we get started?

11 MS. PATTERSON: The only thing, Your Honor, I did want
12 to put on the record, I just informed Mr. Myers that -- not
13 with respect to that issue, Your Honor, but another issue.
14 One of our witnesses this morning is Jade Sapienza and she
15 previously went to church with our investigator, James
16 Sullivan, and their daughters used to play together. They
17 no longer go to church together, but I did want to make Mr.
18 Myers and the Court aware of that prior relationship.

19 THE COURT: Okay. It's not a relationship with a
20 juror, it's just a relationship between two witnesses.

21 MS. PATTERSON: With one of the witnesses and our
22 investigator, our in-house investigator.

23 THE COURT: Okay. Anything that you need to put on the
24 record?

25 MR. MYERS: Your Honor, going back to the flight issue.

1 As I understand it, they will now go into our opening
2 statement. I just want to make sure I'm protected on the
3 record, it has never been quite my nature just to object in
4 opening statements or closing, so if I could just be
5 protected on the record to preserve and protect myself with
6 that objection.

7 THE COURT: All right. The ruling I made at this point
8 is that they can discuss flight.

9 (Break in proceedings.)

10 (The jury return to the courtroom.)

11 THE COURT: All right. Good morning, ladies and
12 gentlemen, thank you very much for being here on time.
13 We're going to get started into the trial of the case. The
14 first thing I have to do is have you placed under, a
15 different oath, I need you placed under the oath of the
16 trial jury. So I need for you to stand, please, raise your
17 right hand and the clerk will administer your oath.

18 (The jury panel was sworn.)

19 THE CLERK: Was there any juror not able to take the
20 oath? If so, please stand. All jurors are under oath, Your
21 Honor.

22 THE COURT: All right. Ladies and gentlemen, I already
23 covered with you how we normally operate court so I'm not
24 going to go through that again. I told you the normal hours
25 of operation and how we usually proceed each day. I

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1 waste your time, I'm going to be quiet now. I am going to
2 invite your close attention and I'm going to recognize the
3 solicitor for opening statement. Which one of you is going
4 to do that? Ms. Darko?

5 MS. DARKO: Yes. Thank you, Your Honor. May it please
6 the Court?

7 THE COURT: Yes, ma'am.

8 (Break in proceedings.)

9 THE COURT: You're recognized.

10 MS. DARKO: You heard at the call of this case that the
11 defendant, Jamal Coburn, is charged with murder. This is
12 because the evidence will show that on August 24th, 2018, in
13 the seconds between 10:44 p.m. and about 10:46 p.m. the
14 defendant shot and pistol-whipped Corey Jamison with no
15 hesitation, fatally striking him in the lower abdomen.
16 Evidence will show that Corey bled out minutes, so quickly
17 that the deep head wounds from the pistol whipping had no
18 time to hemorrhage due to the loss of blood. What
19 precipitated this event was an altercation between Corey and
20 the defendant's sister, Mikhelle Coburn, that began nearly
21 two hours before this incident began at about 9:00. The
22 couple had lived together for approximately three years and
23 had a child together, Osirus, who was by all accounts the
24 love of Corey's life. Corey ultimately goes back to the
25 couple's apartment at [REDACTED] Riverbend Drive after this fight

OPENING STATEMENTS

1 that they have that started at his aunt's house on Charlotte
2 Street over in West Columbia. Mikhelle and Corey were in
3 the process of separating after a tumultuous couple of
4 months. And I will refer Mikhelle as Khelle because that is
5 the way she was referred to by Corey. Evidence will show
6 that that 9:00 p.m. fight begins at Wendy's, apparently they
7 were going to celebrate Khelle getting a new job. And
8 apparently that dinner did not take place, because Corey
9 reaches out to his mom for a ride, that Khelle had put him
10 out after they had had a disagreement. But before anybody
11 can retrieve him, he shows up at the cookout at his aunt's
12 house. He's being dropped off by Khelle. Their child is in
13 the back seat, and what happens over the next 30 minutes is
14 that Khelle continuously attempts to take Corey's keys out
15 of his left back pocket because she doesn't want him to come
16 back, and he refuses to give her the keys to their place.
17 Each time she's asked to leave, pushed away from grabbing
18 the keys out of his pocket, and this escalates over a period
19 of 30 minutes; her leaving, coming back, where the couple
20 are getting physical in front of the family members at this
21 cookout, to the point where Khelle feels it necessary to go
22 into the trunk of her car where her baby is riding, grab a
23 tire iron or wrench, and she strikes Corey with that wrench,
24 and he responds by flashing a pistol at her and telling her
25 to leave. We know that this event ended at about 9:41 p.m.

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1 because that is the point when Jamal Coburn gets involved,
2 because Khelle reaches out to her brother and tells him
3 about this incident at 9:41. She then leaves finally and
4 makes her way back to her own apartment at Riverbend. Corey
5 remains at the cookout where he likely would have remained
6 all evening if it weren't for Khelle attempting to reach out
7 again. And I want to point out that the evidence shows that
8 Corey didn't have a cell phone because she took those with
9 him (sic) when she returned to their apartment. So it's
10 beginning at 10:05 through 10:13. Khelle reaches out to
11 Corey through his mother, the first time with a telephone
12 call, then sending a text message alerting them that she is
13 moving out, and that Margie, Corey's mama, needs to come get
14 the things out of the apartment. All of these go
15 unanswered, including the final message, which is a picture
16 of Corey with the love of his life, Osirus. After receiving
17 that final message, though unanswered, Corey begins asking
18 his mother to return to the couple's apartment. And
19 eventually, though she takes her time having just witnessed
20 the altercation between the couple before, Margie relents.
21 So they pack up their leftovers from the cookout, they pack
22 up Corey's dog, Daisy, who was in the back seat of the
23 vehicle, and their family friend, Cliff, who was with them
24 as well that evening, and they make their way over to
25 Riverbend. When I say 10:43, that time comes from a phone

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1 call between Jamal Coburn and Khelle Coburn. Jamal -- it's
2 about a three and a half minute phone conversation where
3 evidence shows he is making his way to Riverbend. That call
4 is released at 10:43 and about 53 seconds. When Margie
5 pulls up -- she is driving, she has a handicapped placard,
6 typically she parks in front of the couple's apartment in
7 the handicapped zone but there is a car there so they can't
8 pull all of the way up, and she's just dropping her son off,
9 she's not really intending to stay. So at this point she
10 sees Khelle outside making some gestures towards the vehicle
11 and a car, a black car that they do not recognize and two
12 individuals that they don't recognize standing there with
13 her. Again, I want to point out, this phone call that we
14 know the defendant was having with the sister is released at
15 about 10:43, and Corey shows up with his mom right after
16 that. And as I said in the beginning with no hesitation
17 whatsoever, the defendant in this case ambushes Corey. The
18 evidence shows -- the physical evidence shows that the blood
19 is pooled by the back door of the vehicle between the back
20 and front door, and going back towards the rear of the
21 vehicle. Corey's mom sees these two men coming after her
22 son, and though handicapped, having a walker in her vehicle,
23 she attempts to run out to protect her son. His dog is
24 barking madly in the back seat of the car. She comes
25 around, and it's just simply too late. Her son has his

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1 hands up wanting to settle this like a man, wanting to enter
2 a fist fight, but it's too late; he's shot. She keeps
3 begging for Jamal Coburn to stop, and he doesn't. The gun
4 jams so he is not able to get another shot off, but he
5 clears the gun and he keeps shooting, again, no hesitation,
6 and ultimately ends by stepping forward and pistol whipping
7 Corey while he's already down. Margie tried to save her
8 son's life that night. I believe if she had been faster and
9 she hadn't had a handicap placard in her car she would have
10 likely taken a bullet for her son for certain. And you will
11 hear from her today and you will hear from Cliff, and you
12 will hear from other folks that were in the apartment who
13 are just going about their business. This is a residential
14 apartment complex on a Friday night. Very shortly you'll
15 get to hear the 911 call. You will look to the bench for
16 instructions with regard to the law. I will explain briefly
17 what we have to prove; that murder is the killing of another
18 person with malice aforethought. I have stood in this spot,
19 maybe not under these particular circumstances, and
20 explained different areas of the law that always have some
21 kind of valuation it seems to me; if it's theft, we're
22 trying to establish the value of property; if it's drugs,
23 we're trying to establish the value in terms of weight.
24 It's not lost on me that that instruction is rather simple
25 given the weight of what we're dealing with. But there is

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1 no valuation when it comes to life. To Corey's family, and
2 you'll hear from them, he was everything. He was Osirus'
3 dad, he was their son, he was a lover of basketball and Jay
4 Cool and his dog, Daisy, and a really great chef. That's
5 who he was to them. But you're going to hear from other
6 people that likely do not have that same evaluation. But it
7 doesn't matter, that's not what we're here for today. It's
8 the snatching of a human life because we don't put value on
9 that. The Judge has discussed our burden, it is beyond a
10 reasonable doubt, that is not beyond all doubt, it is the
11 type of proof that leaves you firmly convinced. And I think
12 that after you hear from all of the witnesses in this case,
13 both from law enforcement and those that saw what happened
14 that night, you will be firmly convinced and you will be
15 able to return a guilty verdict against the defendant in
16 this case, Jamal Coburn. Thank you.

17 THE COURT: Thank you, Ms. Darko. Mr. Myers, are you
18 going to give the defense's opening statement?

19 MR. MYERS: Yes, sir, Your Honor.

20 THE COURT: You're recognized.

21 MR. MYERS: May it please the Court? Jamal Coburn is
22 not a murderer. Nothing on that night would point to the
23 fact that Jamal Coburn acted with malice aforethought. This
24 case is about three things, and I want you to remember these
25 three things as this trial goes on. It's about protection,

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1 perception, perspective. This is not a who-done-it kind of
2 case. And I'm going to go into each of those three things
3 in a moment, but this is not a who-done-it kind of case.
4 This is not going to be a situation where we're going to try
5 and suggest that the circumstantial evidence, the scientific
6 evidence and the forensic evidence do not point to the fact
7 that Jamal Coburn shot Jamal -- or Jamal Coburn shot Corey
8 Jamison. The evidence is going to be clear, he shot him,
9 but he shot him under the protection of the oldest law
10 recognized by nature, and that's the law of self-defense.
11 You see, in this state you have the right to defend
12 yourself. You have the right to do whatever is necessary --
13 and the Judge is going to tell you about that -- you have
14 the right to do what's necessary if you believe that you are
15 in imminent danger of either death or seriously bodily
16 injury. You know, my grandmother used to have this saying
17 that no matter how thin or thick you cook one, a pancake
18 always has two sides. What does that mean? The State has
19 told you their side of the story, and I just want to just
20 spend a moment to tell you what we believe the evidence is
21 going to show. Before I go there I want to tell you what
22 brought us here. Why is Jamal Coburn on trial? In this
23 state what happens is that when a person is charged with an
24 offense such as this, and in this instance, murder, but
25 whatever they're charged with that brings them into this

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1 type of courtroom, an investigator, here we have
2 Investigator Burrell, talks to witnesses who say that they
3 saw certain things. Now, they're not put under any sort of
4 lie detector test or anything like that. He basically just
5 hears what they have to say and then he goes to a
6 magistrate. He goes to that magistrate, not with the burden
7 of reasonable doubt, but with the burden of probable cause,
8 which simply means that "Hey, I believe this individual
9 committed this act." So he goes to this magistrate, he
10 tells this magistrate, "Hey, these people told me these
11 things." People aren't even there, the defendant isn't even
12 there, the lawyers for the defendant isn't even there, he
13 just tells this magistrate what he believes happened, the
14 magistrate then signs a warrant. Then he goes out and he
15 arrests the individual, in this situation, Jamal Coburn. He
16 gets that warrant and he makes that arrest, but then from
17 that point up until where we are right now there's what's
18 called the grand jury proceeding. The grand jury proceeding
19 is where 18 to 22 individuals, such as yourselves, is
20 summoned to the grand jury, and they then are read what the
21 facts are. Again, the burden isn't even beyond a reasonable
22 doubt, it's only still probable cause; "Hey, this person may
23 done this." But the thing is that in this grand jury
24 proceeding you've got a prosecutor there that is telling
25 these things. You typically don't have the witnesses there,

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1 you don't have the defense lawyer there, you don't even have
2 the defendant there to tell his side of the story. As a
3 result of that, you get this document called the indictment.
4 For some of you, because we had to split you up, some of you
5 heard Ms. Patterson say he's been indicted for murder, then
6 you heard Judge Keesley tell the rest of you that he's been
7 indicted for murder. But that phrase that he's been
8 indicted for murder, it really doesn't mean anything other
9 than that it has gone through the process. Because this is
10 the first time that the story is going to come out, the
11 whole story, and then you will have an opportunity to decide
12 whether or not Jamal Coburn is guilty or not guilty. So
13 here is what happened. Jamal Coburn has a sister by the
14 name of Mikhelle, Mikhelle Coburn, she's his younger sister.
15 Mikhelle had a child, Osiris, from Corey Jamison. Now, the
16 State says that well, Mikhelle and Corey lived together. We
17 anticipate Mikhelle testifying that that wasn't the case.
18 She's going to tell you that because they had a child
19 together Corey came over there, but Corey was not a
20 permanent resident at that apartment. You're going to see
21 the lease agreement, you're going to see photographs, you're
22 going to see some other things that will make you know and
23 understand that Corey Jamison was not a resident at
24 Riverbend Apartments. So August 24th Mikhelle has a job
25 interview. At the time she was working for a daycare,

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1 right? And, you know, any of you that have children
2 understand that daycare is one of those things that can be
3 quite expensive, so Mikhelle had a break because she was
4 working for this daycare so they didn't have to worry about
5 daycare expenses that much. But on August 24th she wanted
6 to do better things, she had a job interview, and that job
7 interview became promising because they then offered her a
8 position. So she contacted Corey, because Corey wasn't with
9 her -- Corey didn't wake up next to her that morning -- she
10 said, "Hey, look, I've got a job that's going to basically
11 require us to talk about daycare expenses. We're going to
12 have to pitch in a little bit more than how we did before."
13 So Mikhelle then met Corey and his mom at the BP gas station
14 right over there on Highway 1. I don't know if you guys are
15 familiar with the Farmers Market, but it's the gas station,
16 the BP close to the Farmers Market. She meets them there.
17 Corey gets into the car with Mikhelle and with Osirus, and
18 then Mikhelle is going to tell you what they did. There's
19 certain things I don't think that need to come out of my
20 mouth, I think you need to hear them from the witnesses, so
21 Mikhelle is going to tell you what they did, where they went
22 and what happened that day. She's also going to tell you
23 that an argument ensued. She's going to tell you that that
24 argument spilled over to Charlotte Street in Cayce. Now,
25 here's where things get real, real interesting. Mikhelle is

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1 going to tell you that Corey, a man, put hands on her.
2 They're going to also tell you that Cory did one other
3 unspeakable thing, which was to pull a gun out on the mother
4 of his child. The State didn't tell you that, but the
5 evidence is going to be very clear that Corey pulled a gun
6 on his child's mother. Just like any reasonable person
7 would have done, she got scared. She got into her car, she
8 called her big brother simply to say, "I need to get out of
9 this apartment, will you please come help me?" That's the
10 sole reason that Jamal, who was simply minding his business
11 that night, even met his sister over at Riverbend
12 Apartments. He wasn't looking for any smoke, he wasn't
13 trying to suggest any smoke. He went over there because he
14 had gotten a phone call from his baby sister that the father
15 of her child put hands on her and also pulled a gun on her.
16 Now, at this point that's where the protection comes in,
17 because the law will tell you that Jamal Coburn had every
18 right to protect himself. The law even recognizes that a
19 person has the right to protect a third person, but in this
20 instance Jamal Coburn only went over to that apartment to
21 basically protect his little sister. So when he's there,
22 when they're there he's sitting in his car, Mikhelle is
23 standing there, and then in comes a vehicle that Jamal had
24 never seen before. Mikhelle knew who it was. It was enough
25 to scare her to make her run away into her apartment. At

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1 that point, perception. When Jamal Coburn got out of that
2 vehicle he perceived a threat. His little sister had
3 already told him that Corey, the father of her child, had
4 pulled a gun on her, and at that point he perceived the
5 threat. You're going to hear -- we anticipate Jamal Coburn
6 telling you how he perceived that threat to be, and he's
7 going to tell you how the incident occurred. I'm not going
8 to try to demonstrate it right now because you're going to
9 get a dose of that when we present our case, but Jamal
10 Coburn is going to tell you from his perspective what he
11 saw. Now, the only thing I would ask you to do is just keep
12 the perspective in mind, that's why I said it's protection,
13 perception, and perspective. You see, you can't look at
14 this case from a 20,000 birdseye view. You can't look at it
15 as if, "Hey, you know, well, what could have happened."
16 You've got to look at it as if it was moving in realtime, as
17 it was moving right there on August 24th, 2018, that's what
18 perspective is all about. So again, Jamal Coburn came to
19 protect his little sister, he ended up having to protect
20 himself because he perceived a very viable and real threat,
21 and it came from his perspective. That's what this case is
22 all about, folks. Now, we have one of the more talented and
23 more thoughtful judges on the bench and he is going to give
24 to you the law, he's going to tell you what the law is, but
25 I'm only going to tell you this: That in this state we

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1 recognize self-defense. We recognize the fact that if you
2 think that your life is in imminent danger, you've got the
3 right to defend yourself, and there's four elements to it.
4 The first element is is that if you did not bring about the
5 difficulty, that's the first element, and we don't believe
6 that Jamal Coburn did. The second one is is that you have a
7 reasonable belief that you were in imminent fear of either
8 your life being taken or physical harm, that's the second
9 one. The third one is that if you have a reasonable belief
10 of those things then a person just like you with the same
11 courage, the same firmness, would have acted in the same
12 way. And the fourth one is that you had no other means to
13 escape that danger. In South Carolina, you can be wrong
14 about that belief. And there also is no duty to retreat in
15 this state. So those are the four things that Judge Keesley
16 is going to charge you about self-defense. And when you
17 look at it, when you look at the protection, when you look
18 at the perception, when you look at the perspective -- and
19 the thing about it, folks, is that it's not even up to Jamal
20 Coburn to prove that. The State has to disprove that he
21 didn't act in self-defense. So when you look at that, you
22 say, "Well, hey, he's saying he acted in self-defense, how
23 are you disproving that? What evidence have you put forth
24 to say that this man, whose sister, his baby sister, just
25 told him that this man had pulled a gun on him? And not

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1 only did he not pull it over there, he came back over to her
2 residence." So again, this is not a who-done-it, that
3 question is going to be very, very easy for you. We're
4 going to tell you who did it. The question that you have to
5 answer is why, and we believe that's because of
6 self-defense. And the how. How did Corey Jamison come to
7 even be in the cross hairs of Jamal Coburn that night. I
8 think that when you get to that answer you will find that
9 Jamal Coburn did absolutely nothing wrong. The judge is
10 also going to talk to you about burden of proof, I'm not
11 going to go into that. Just know that we're here on
12 reasonable doubt, and I will go into that during my closing
13 opportunity to talk to you after the evidence is in. The
14 only other thing that I want to tell you before I sit down
15 is that every trial makes me nervous, every trial scares me.
16 Three things that scare me. Number one is, maybe it's
17 because of my military background, but I have a sort of
18 passion where I talk loud and my eyebrows might go up and I
19 might get a little bit of passion about me and that might be
20 offensive to some of you, and I really don't mean to offend
21 you. I just hope that if I do offend you that you hold that
22 against me and not Jamal. Gill also has a loud voice, he
23 talks loud, I hope that he doesn't do anything to offend
24 you. So I truly apologize, but I've got to tell you that
25 that is just something that just concerns me. The second

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1 thing that concerns me is that I think that I'm being clear
2 as crystal standing up here talking to you, I think that the
3 facts are just as I think they're going to roll out, and I
4 think that y'all understand. I know you're looking at me
5 and you're saying, "Yeah, I get it, Mr. Myers." The problem
6 is you can't ask me questions so I hope that I'm covering
7 every single thing that I can. Otherwise I hope that while
8 you're taking notes when you go back into the deliberations
9 room you'll compare your notes and you'll fully deliberate.
10 The third thing that just scares me is this thing that's
11 called confirmation bias. I don't mean any sort of
12 prejudices or anything like that, I mean just biases that
13 people just come with, and I hope that we can overcome that.
14 And what do I mean by that? I mean this: The Greeks
15 summarized it best, the Greeks said that the wish is the
16 parent to the thought, therefore what a person wishes to be
17 true, they therefore believe it to be true. So what that
18 means is is that the State has an opportunity to put their
19 case up. The tendency is is to tune everything else out, to
20 not understand that, "Hey, we're here to keep an open mind."
21 But I will tell you in that Mr. Bell and my job, we're going
22 to come up and we're going to cross examine these witnesses,
23 that's to try and show you the other side to try and help
24 you keep an open mind. But just know that there are things
25 that are in a trial, these biases that "Hey man, the State

OPENING STATEMENTS

1 says this, should we even listen to what the defense says?"
2 But I've just got to tell you that even though they go
3 first, even though we have an opportunity to cross examine,
4 there's still that other side of the story, and that's what
5 we try to overcome in every trial and I hope that we can do
6 this. In the end, folks -- and I'm sitting down -- I'm
7 sorry Corey Jamison is dead. In my life as a military
8 officer I've seen enough death, I don't want to see it
9 anymore, but unfortunately we're here because Corey Jamison
10 did not act rationally that night. He pulled a gun on the
11 mother of his child, Jamal Coburn was simply minding his
12 business, not even wanting any sort of confrontation
13 whatsoever until he got a phone call from his sister and
14 that's what took him there. In the end, I'm sorry to
15 Corey's family, I'm sorry for y'all having to be here, but
16 this is a very important day for Jamal Coburn, and we
17 believe that when the evidence comes out there is only going
18 to be one verdict and that is not guilty. Thank you.

19 THE COURT: Thank you, Mr. Myers. Solicitor, call your
20 first witness, please.

21 MS. DARKO: State calls Nikki Rogers to the stand.

22 The witness, NIKKI RODGERS, was first duly sworn and
23 Testified as follows:

24 THE CLERK: Once you're seated, state your full name,
25 spelling your last name.

NIKKI ROGERS - DIRECT

1 THE WITNESS: Nikki Rodgers. N-i-k-k-i, R-o-d-g-e-r-s.

2 DIRECT EXAMINATION

3 BY MS. DARKO:

4 Q Good morning, Ms. Rogers. Where are you currently
5 employed and in what capacity?

6 A I am currently employed at Lexington County 911 and I
7 am the chief communications officer.

8 Q And how long have you been doing that?

9 A Twenty-seven years.

10 Q And what did you do before becoming the director?

11 A I started out as a 911 operator and moved my way up
12 through dispatching to training to quality assurance, all
13 the way to chief.

14 Q And what are your responsibilities now as chief?

15 A I oversee the 911 department from everything from
16 budgeting to staffing to policies, procedures,
17 accreditation, training for Lexington County.

18 Q And in connection with overseeing everything, are you
19 also maintaining the records in connection with dispatch?

20 A Yes, ma'am, I'm also the keeper of the record. So all
21 911 calls are recorded on recording software that records
22 all phone numbers, all telephone calls incoming and
23 outgoing, along with radio traffic.

24 MS. DARKO: Permission to approach the witness, Your
25 Honor?

NIKKI ROGERS - DIRECT

1 THE COURT: Yes, ma'am.

2 Q Ms. Rodgers, I've just shown you what has been
3 premarked and previously shown to the defense as State's 1.
4 Do you recognize this item?

5 A Yes, ma'am. This is the 911 recordings that I
6 initialed.

7 Q Okay. And from what evening are this -- are these 911
8 calls from?

9 A They're from August the 24th, 2018.

10 Q And can you also tell me what time period they are
11 from?

12 A They should be from 22:23, to approximately 22 -- I'm
13 sorry, midnight.

14 Q And what incident, or what address are these records
15 associated it?

16 A It's going to be [REDACTED] Riverbend Drive, Apartment [REDACTED].

17 Q And I apologize, Ms. Rodgers, I'm not certain if I
18 asked you this before. How exactly do you recognize this
19 item? Did you have an opportunity to review it?

20 A I did. So we use a computer system called the Computer
21 Aided Dispatch that is basically a software that keeps track
22 of our records of incoming calls and how we dispatch them,
23 unit time stamps; whether it's fire, EMS, law enforcement,
24 whatever agency is needed, and then what resources we send
25 to that location. We also record all of the phone calls and

NIKKI ROGERS - DIRECT

1 we use a process called priority dispatch, which goes
2 through a system of question and answering to see what
3 specific field units or response is needed to go to that
4 location.

5 Q Okay. So I guess just explaining it from a lay
6 person's perspective, if I call 911, how is that being
7 recorded on the dispatcher's end? Is it from the time that
8 the call is picked up? Is it from the time that it's
9 dialed?

10 A It actually starts the recording right before the 911
11 operator picks up, and then it continues until the caller
12 disconnects.

13 Q And the recording, that's an audio recording.

14 A Yes, ma'am.

15 Q And is there also a written recording?

16 A There is. That's the Computer Aided Dispatch, which
17 would be the dispatch records, which is the documentation
18 software that the caller (sic) types in the address, the
19 caller information and the answers to the questions, and
20 then also documents what specific units we dispatch to that
21 location. And then that is all timestamped and recorded for
22 record.

23 Q So the dispatcher is able to type into this document.
24 With regard to when the call was initially received, is that
25 information able to be modified or altered?

NIKKI ROGERS - DIRECT

1 A It cannot be altered. The date, the time is
2 automatically dropped into the call records so the record is
3 already started for the call taker and the dispatcher, all
4 they have to do is key in the answers to the questions.

5 Q Are there ever occasions where dispatch is receiving
6 multiple calls for the same incident?

7 A Correct, yes. There's multiple times that we received
8 multiple calls for the same location, and those calls can go
9 to different operators. And then they merge those call
10 cards together to get all of the information, whether it's
11 fire, EMS and law enforcement, all of the same information
12 at the same time.

13 Q So there could be anywhere from one dispatcher on a
14 call to four or five dispatchers?

15 A Correct. We have 16 positions in the dispatch center,
16 and any of those positions can answer phone-ins and dispatch
17 information for multiple callers.

18 Q And the, for lack of a better word, putting together
19 that information, that comes within the purview of business
20 records.

21 A Yes.

22 Q And that's how you have access to those things.

23 A Yes.

24 Q So you're able to tell then all of the calls that are
25 connected to a particular incident.

NIKKI ROGERS - DIRECT

1 A Correct.

2 Q And during the time that the dispatcher is receiving
3 the information that they're typing in, are they relaying
4 that information to anyone else, or is it purely for the
5 purpose of just creating a record?

6 A It is documented in the record and it's timestamped as
7 the conversation is occurring, and that information is
8 pushed out to the field units live as it's coming in, either
9 through a mobile data terminal and/or over the radio. And
10 it could be fire, EMS or law enforcement.

11 Q And this is for the purpose of responding to a
12 particular incident.

13 A With multiple agencies, yes.

14 Q They're gathering information about whatever the caller
15 is alerting them to.

16 A Correct.

17 Q This could be anything from something small to a major
18 emergency.

19 A Correct.

20 Q And after a call is completed, do you retain the
21 recording and records associated with that particular
22 incident?

23 A We do for 90 days.

24 Q And why do you do that?

25 A The recordings are kept for 90 days. The CAD reports,

NIKKI ROGERS - DIRECT

1 which are the paper reports, those are kept for ten years.
2 We do that in the normal line of business because those
3 records, whether it's fire or EMS or law enforcement, are
4 used for field records for investigations, for medical
5 documentation that goes to DHEC, all of those different
6 things. So 911 is required to keep them for 30 days, we
7 actually keep them for 90. After that the recording system
8 that we have automatically records over it. It is a lot
9 of -- I'm not a IT person, but it's a lot of information to
10 have to keep on a system, so we have blocked off 90 days as
11 what we keep.

12 Q And I believe you previously testified that you've
13 listened to this recording and you've explained the written
14 documentation associated with that recording. And is that a
15 fair and accurate depiction of what happened within dispatch
16 on that night?

17 A Yes.

18 Q And that was August 24th, 2018?

19 A August 24th, 2018, yes, ma'am.

20 MS. DARKO: Your Honor, at this time I would move to
21 admit what's been marked as State's 1 into evidence.

22 THE COURT: Any objection?

23 MR. BELL: No objection to the four 911 calls contained
24 on State's Exhibit 1, Your Honor.

25 THE COURT: Thank you, Mr. Bell. Mark that into

NIKKI ROGERS - DIRECT

1 evidence, please, sir.

2 (The 911 CD was received as State's 1.)

3 MS. DARKO: Your Honor, may I have permission to
4 publish this item?

5 THE COURT: Yes, ma'am. It's not a hour and a half
6 long, is it?

7 MS. DARKO: No, Your Honor, it's about 10 minutes.

8 THE COURT: Did she say 22:33 to midnight?

9 MS. DARKO: That's correct, Your Honor.

10 (The 911 CD was played.)

11 BY MS. DARKO:

12 Q I'm going to stop that right there, Nikki. With regard
13 to this first call, are you able to tell us when exactly
14 that call was made based upon your records?

15 A Yes.

16 Q And what time was that?

17 A That call was 22:26:51, which is 10:46 p.m.

18 Q 10:46 p.m.?

19 A Uh-huh.

20 Q And I can move this back, but on the recording you hear
21 some noise in the background. If you could just kind of
22 explain within dispatch, is each dispatcher working within
23 an individual bubble, or how is that happening?

24 A So there's individual desks and there's four pods, so
25 they're sitting beside each other. They have a radio and

NIKKI ROGERS - DIRECT

1 they're answering phones, so you can hear radio or
2 background noise on the phone calls because they're wearing
3 headsets and that microphone is similar to this, so they
4 would hear whatever is going on around them.

5 Q So they're able to hear the radio traffic from people
6 in the field.

7 A Correct.

8 (The 911 CD continued playing.)

9 BY MS. DARKO:

10 Q Nikki, you previously testified that the span for this
11 incident was 22:33 to midnight. Can you explain why that is
12 when you explained that the first call came in at 10:46, or
13 that would be 22 --

14 A That would be the whole time that the dispatchers and
15 call-takers were documenting information in the call cards.
16 So each -- it's not -- when I said that earlier about the
17 timeframe, that's not the time frame for the calls actually
18 coming in. The time frame for the calls that were coming in
19 is 22:23:40 to 22:51:13.

20 Q And as another way, for that 22:23:40 call, was that a
21 spawned call?

22 A It was.

23 Q And can you explain what that means, what spawning
24 means?

25 A So all of these calls -- all of these phone calls,

NIKKI ROGERS - DIRECT

1 y'all heard them separately but in live time, they're coming
2 in altogether. So these are on top of each other. One
3 caller -- each one of those calls is taken by a different
4 call-taker or a dispatcher. So as they are taking these
5 multiple calls for this same incident location, the first
6 call card that is initiated can be spawned for multiple
7 dispatchers to add different call information from multiple
8 callers. So it spawns a law enforcement call, a medical
9 call, a fire call if needed, a coroner's call if needed, and
10 it's so that all of these documents are linked together. So
11 you can get multiple agencies going with the same time with
12 the ability for the call-taker or dispatcher to add comments
13 from the callers on all call cards at the same time.

14 Q So for the 22:23:40, was that a shooting incident or
15 was that a different incident?

16 A That was a different incident. That was actually a
17 domestic call.

18 Q But same apartment complex.

19 A Correct.

20 Q And the first call associated with this incident was
21 with the 10:46 call.

22 A Correct. And they're all linked together.

23 Q Do you also memorialize response times? When you're
24 talking about the people in the field, do you memorialize
25 response times for them?

NIKKI ROGERS - DIRECT

1 A Yes.

2 Q And response time, is that measured based on what the
3 officer or EMS person or whoever the emergency responder is
4 reporting to dispatch but on the radio?

5 A Correct.

6 Q So theoretically they've arrived and they're speaking
7 to you, so it might be a little bit earlier but you're
8 reporting when they speak to dispatch.

9 A Correct. If we're documenting the time we put those
10 time stamps into the call cards. If the officers or EMT's
11 or paramedics are pushing those buttons in their MDT's,
12 which is the mobile data terminal, then that is recorded
13 when they push the buttons.

14 Q And why does the span of this time end at midnight?

15 A That is the last call card that's initiated for us to
16 respond the coroner.

17 Q So these are not continuous calls from people calling
18 in an emergency, this would be first responders talking to
19 dispatch about --

20 A Yes, ma'am.

21 Q And Nikki, just so we're clear, the domestic call that
22 spawned this incident, this was not connected to this
23 shooting.

24 A It was at the same location, I wouldn't be able to tell
25 you that.

NIKKI RODGERS - CROSS

1 Q So [REDACTED] Riverbend Drive, but not the -- you don't know
2 if it's the same unit?

3 A It was not the same unit.

4 MS. DARKO: Thank you. Nothing further.

5 THE COURT: Cross?

6 MR. BELL: Thank you.

7 CROSS EXAMINATION

8 BY MR. BELL:

9 Q Good morning, Ms. Rodgers.

10 A Good morning.

11 Q Ms. Rodgers, you're essentially here today in your
12 capacity as being the chief over communications; is that
13 accurate?

14 A Yes, sir.

15 Q Did you have any personal interaction with any of these
16 dispatch or 911 calls?

17 A No, sir.

18 Q Are you aware of any of the perception or the context
19 of what those dispatchers may have been thinking or
20 believing while taking these phone calls?

21 A No, sir.

22 Q Would those people be the best people to testify as to
23 the context surrounding these phone calls?

24 A I suppose so. I'm just documenting that this is the
25 call of record, that's my job.

NIKKI RODGERS - CROSS/REDIRECT

1 Q Yes, ma'am. And in some of these calls we heard the
2 dispatchers very methodically asking for contact information
3 or addresses of these call-in witnesses; is that accurate?

4 A Yes, sir.

5 Q And is that normal protocol?

6 A Yes, sir.

7 Q And not to dumb it down too much, but I assume dispatch
8 has what is essentially caller ID, when someone calls in
9 they can identify the number calling in?

10 A Not always.

11 Q So it's up to the dispatcher to get that contact
12 information?

13 A To confirm it, yes.

14 Q But assuming as we heard on these 911 calls the
15 dispatcher asked for that information, police can then
16 follow-up with these witnesses as a later date?

17 A Yes, sir.

18 MR. BELL: Thank you very much, ma'am.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY MS. DARKO:

22 Q Ms. Rodgers, do callers have to give their information
23 when they call in? Can they decline to give their
24 information?

25 A Yes, ma'am.

NIKKI RODGERS - CROSS/REDIRECT

1 MS. DARKO: Nothing further.

2 THE COURT: Recross?

3 MR. BELL: No, Your Honor.

4 THE COURT: Thank you, ma'am, you may step down. All
5 right. Ladies and gentlemen, we're going to take a break,
6 I'm going to send for you in 15 minutes. Leave your notes
7 here in the courtroom. Do not discuss the case. Follow the
8 bailiff, please.

9 (The jury left the courtroom.)

10 THE COURT: Ms. Darko?

11 MS. DARKO: Your Honor, can we go ahead and release
12 Ms. Rodgers?

13 THE COURT: Any objection?

14 MR. BELL: No objection.

15 THE COURT: You are free to go, Ms. Rodgers. Thank
16 you. Ladies and gentlemen, we're going to take a 15 minute
17 recess.

18 (A break was taken.)

19 (The jury returned to the courtroom.)

20 THE COURT: Call your next witness, please, Solicitor.

21 MS. PATTERSON: State calls Margie Schoultz.

22 The witness, MARGIE SCHOULTZ, was first duly sworn and
23 Testified as follows:

24 THE CLERK: State your full name, spelling your last
25 for the record, please.

MARGIE SCHOULTZ - DIRECT

1 THE WITNESS: My name is Margie, M-a-r-g-i-e; Schoultz,
2 S-c-h-o-u-l-t-z.

3 DIRECT EXAMINATION

4 BY MS. PATTERSON:

5 Q Ms. Schoultz, you can take off your mask if you would
6 like. Good morning.

7 A Good morning.

8 Q Ms. Schoultz, can you tell the jury, where do you live?

9 A ██████ Old Leesburg Road in Hopkins.

10 Q And what kind of work do you do?

11 A I used to be an insurance agent/manager for eight years
12 and then I became disabled in 2016.

13 Q Ms. Schoultz, do you have any children?

14 A I do. I have three children and nine grandchildren
15 with one in heaven.

16 Q And what are the names of your children?

17 A Audrey, Dewayne and Corey.

18 Q And what are the names of your grandchildren?

19 A Antanisha, Stacy, T'Asia, Jacorion, Brooklyn, O'Shea,
20 TyShawn, Samara, and Osirus is the youngest, which will be
21 three this December.

22 (All names were spelled phonetically.)

23 Q And Ms. Schoultz, what happened to your son, Corey?

24 A He was killed.

25 Q And were you there when he got killed --

MARGIE SCHOULTZ - DIRECT

1 A Yes, ma'am.

2 Q -- when he was killed? And before we get into the
3 details of that day, let's go back to earlier in that
4 afternoon. Can you tell us a little bit about what you had
5 been doing?

6 A Cliff had came down because he had never met Osirus,
7 and Cliff has like been around us since '82.

8 Q Who is Cliff?

9 A Cliff Anderson is a family friend. And he had came
10 down because he is like step-daddy/grandpa and he had came
11 down to meet Osirus. So we had went and picked up Corey
12 from their apartment in Riverbend and I was going to pay
13 bills, and he just didn't want to sit home all day, so Cliff
14 and I went picked him and Osirus up, and Daisy was already
15 in the car.

16 Q And do you know about what time that was?

17 A It was probably about 10:30 that morning.

18 Q And when you say you went back to their apartment,
19 whose apartment do you mean?

20 A Khelle's and Corey's.

21 Q And again, where did they live?

22 A Riverbend, Apartment [REDACTED].

23 Q Who was Khelle?

24 A His child's mother/girlfriend.

25 Q And how long had Corey and Khelle been dating?

MARGIE SCHOULTZ - DIRECT

1 A They were together since 2015. Because she moved in my
2 house, and they stayed with me for two years before they
3 moved out on their own into their apartment in October of
4 2017, because they wanted to be in there before the baby
5 came.

6 Q So you said they dated about three years?

7 A Correct.

8 Q And during this time they were living at Riverbend
9 Apartments?

10 A No. The first two years they were at my house. The
11 last, until he got killed, they were -- from October until
12 he got killed in August they were in their apartment.

13 Q And how old was Osirus during this time?

14 A He was probably about six or seven months. Are you
15 talking about in their apartment or when Corey got killed?

16 Q When Corey got killed how old was Osirus?

17 A About seven months.

18 Q And after you picked up Corey and Osirus, did you drop
19 Corey off anywhere?

20 A Later on that day. Because they were going to
21 celebrate -- he said they were going to celebrate something
22 but he didn't tell me what it was, and he just asked me to
23 go meet her so they could get in the car with her.

24 Q And where did you drop him off at?

25 A The store -- I don't know the name of the store --

MARGIE SCHOULTZ - DIRECT

1 across the street from the Farmers Market on Charleston
2 Highway in Gaston, or Cayce.

3 Q Did anything unusual happened after you dropped Corey
4 off?

5 A No, everything was fine. She was talking to me,
6 everything was fine. Everybody was in a good mood, getting
7 along. And we put Doodlebug -- well, excuse me -- Osirus in
8 the back of the car, in her car, and they left, and cliff
9 and I went to the aunt's house because she was having a
10 cookout for her boyfriend coming back in town.

11 Q And what aunt do you mean? What's her name?

12 A Amanda Jamison Middleton.

13 Q And where does she live?

14 A At that time she lived on Charlotte Street in Cayce,
15 but now she lives in Columbia.

16 Q And so who did you go to -- did you go to Amanda's
17 house?

18 A Yes, ma'am.

19 Q Who did you go to Amanda's house with?

20 A Cliff, me, Daisy, Osirus, and Corey before I dropped
21 him off.

22 Q So you were all at Amanda's house and then you dropped
23 Corey off.

24 A Correct.

25 Q And after you dropped Corey off, where did you go?

MARGIE SCHOULTZ - DIRECT

1 A Cliff and I went back to Amanda's house, and Daisy.

2 Q And about how long did it take you to get back to
3 Amanda's house?

4 A Probably ten minutes.

5 Q And once you got to Amanda's house what happened?

6 A We were sitting at the table outside, because Amanda
7 had left to -- her and her boyfriend went somewhere. And my
8 niece was there. But then she went to pick up my niece,
9 Paris Jamison, and she went to pick up my other niece from
10 work on Number 1 at Ruby Tuesdays, and my nephew at Lizards
11 Thicket Number 1 right down the road. But they were gone so
12 we sat outside at the table under the trees that was already
13 previously out there.

14 Q And did you have any further contact with Corey once
15 you got to Amanda's house?

16 A Not until he called me asking for a ride.

17 Q And how long had it been since you dropped Corey off
18 until he called you for a ride?

19 A Probably not even 45 minutes I would imagine.

20 Q And without saying what he may have told you, did he
21 tell you the reason he needed a ride?

22 A He said Khelle was flipping and she done drove off and
23 left him there and he wasn't chasing behind a car.

24 Q And what did you tell him in response to --

25 A And that's when I explained to him that Paris was

MARGIE SCHOULTZ - DIRECT

1 already up that way picking up everybody else, so she could
2 just pick him off of Number 1 at the Wendy's on Number 1.

3 Q And do you know if Paris picked him up or not?

4 A She did not because Khelle -- I didn't get a chance to
5 call Paris to ask her.

6 Q What happened next?

7 A Khelle came up with Corey.

8 Q Came up where?

9 A To Amanda's house on Charlotte Street.

10 Q Can you kind of describe to the jury the road where
11 Amanda's house was, Charlotte Street? Can you kind of
12 explain --

13 A Cayce, once -- what's the name of the main road.

14 Q Well, let me ask you this: Is it -- explain the
15 entrance and exits of Charlotte Street.

16 A You come Front Street, you take Julius Felder, make a
17 left on Julius Felder, and you go down until you reach
18 Charlotte Street on your left. You would make a left and
19 then go down, and the road is a dead-end, so you have to
20 turn around at the end of the road to come back, unless you
21 pull out somebody's driveway, which some people do. So it's
22 just like, I guess you would say, a one way in, one way out.

23 Q And I'm going to show you what has been marked as
24 State's Exhibit Number 2.

25 MS. PATTERSON: And, Your Honor, I've already shown

MARGIE SCHOULTZ - DIRECT

1 this to Mr. Myers.

2 Q Do you recognize what's in that photograph?

3 A Yes, ma'am.

4 Q And what is in that photograph?

5 A That's Amanda Jamison Middleton's old house --

6 Q Okay.

7 A -- that everything occurred at.

8 Q Does that picture fairly and accurately represent

9 Amanda Jamison's house on August 24th, 2018?

10 A Yes, ma'am.

11 Q Does it look like it's been changed or altered in any

12 way?

13 A No, ma'am.

14 MS. PATTERSON: Your Honor, at this time we move

15 State's Exhibit Number 1 into evidence.

16 THE COURT: Any objection?

17 MR. MYERS: Without objection, Your Honor.

18 THE COURT: If you could mark that into evidence,

19 please, sir.

20 (The photo was received as State's 2.)

21 Q If you could, Ms. Schoultz, I'm going to hand you a

22 pointer. If you can as we're discussing this please just

23 press the button --

24 A Okay.

25 Q -- and point it towards the picture. Now, you said

MARGIE SCHOULTZ - DIRECT

1 Khelle and Corey pulled up, correct?

2 A Correct.

3 Q And where did Khelle park the car?

4 A On the side of the road right there by the driveway.

5 And that's where she got out the car, because she has a

6 broke handle on the car on the passenger side, so she got

7 out of the car and had to come around to let Corey out.

8 Q And where are you sitting when they pull up?

9 A There was a round table we had right there in between

10 the trees, and that's where Cliff and I were sitting out

11 waiting on everybody to come home.

12 Q Okay. And when she pulled up -- pulled in front of

13 Amanda's house, which way was her car pointing?

14 A It was pointing down towards a dead-end road, the

15 dead-end part, which would be coming down this way.

16 Q And after Corey got out of the car, did anything in

17 particular happen?

18 A Yes. I don't know what they were discussing, I

19 couldn't hear it and I wasn't paying attention at that time.

20 They were having a short few words quietly, and then Corey

21 walked away going up the driveway to this part right here,

22 but as he was right here he was telling her to go, she got

23 what she wanted, to go ahead and leave.

24 Q Okay. And did Khelle leave?

25 A She left and went down the street and turned around and

MARGIE SCHOULTZ - DIRECT

1 came back.

2 Q And when she came back, where did she park the car?

3 A In the middle of the road, again, with my grandchild in
4 it in the middle of the road. This doesn't go all the way
5 in the middle of the road, so she was right here, along the
6 mailbox right here. And then she got out and Corey was
7 already over here against the garage turned into whatever
8 they turned it into, he was against that wall right there,
9 and that's when she started hitting him and fussing out
10 loud.

11 Q And when you saw this going on, what, if anything, did
12 you do?

13 A I was just trying to figure out what was going on at
14 that point.

15 Q And did you come to figure out what was going on?

16 A Yeah. When she finally left and all the coming back
17 and forth, yes, ma'am.

18 Q So what was Corey doing when Khelle was hitting him?

19 A He was turned. His right shoulder was turned against
20 the wall like this, and his head was turned this way and he
21 was laughing at her because she was mad.

22 Q And after he started laughing at her, did this cause
23 any reaction from her?

24 A Oh, yes. She got very, very irate.

25 Q And what did she do next?

MARGIE SCHOULTZ - DIRECT

1 A She got in the car, went back down the road and then
2 she came back again, and this time she got out. And about
3 that time Corey was right here and she got out trying to hit
4 Corey and Corey put his hand out to try to keep her away
5 from hitting her -- I mean, hitting him.

6 Q And let me stop you for a minute. So this time how
7 long had she been gone before she returned?

8 A She was never gone like not a whole minute; just down
9 the street, come back, down the street, come back.

10 Q So when you saw her return, what was going on in your
11 mind?

12 A I was trying to figure out what they were doing and
13 what was going on, because they were getting out of control.

14 Q Okay. And so what, if anything, did you do?

15 A I got in between them to separate them. I got Corey
16 off, you know, hands off of Khelle's neck. But Khelle was
17 also extending her hand, that's why Corey pushed her and put
18 his hands on Khelle's neck.

19 Q And so were you able to successfully separate them?

20 A At that time I was, yes.

21 Q And at that time, did Khelle leave?

22 A She left, got in the car again, went down the street
23 and came back.

24 Q And where were you when she left this time? Where were
25 you all again?

MARGIE SCHOULTZ - DIRECT

1 A Cliff and I were right here at the table and Corey was
2 right there by the tree at that time.

3 Q And when she left this time, did you inquire or did you
4 find out what the argument was about?

5 A When she came back I found out everything. Because
6 when she came back she was totally disarrayed, very upset,
7 being very irate. And she came at Corey again, and that's
8 when Corey -- she had her hand on Corey's neck, and Corey
9 put his hand on her neck again, and she went back to the
10 car. And this last time when she came back she opened up
11 the trunk of her car -- their car, because they both drove
12 it, and she pulled out the regular tire, like backup tire,
13 and they're heavy so you've got to be kind of mad to just
14 throw them out, so she threw out a couple tires and I went
15 over there and I was standing there by her car watching what
16 she was doing to see what was going to happen. And when she
17 threw out the tires she was digging, she knew exactly where
18 she was going and what she was doing, she went and found a
19 little box, and I couldn't see what she pulled out but she
20 had it in her hand. And that's when she came back at Corey
21 right here, and she -- whatever she had in her hand she went
22 at Corey, and that's when Corey pulled the gun on her. And
23 that's when she backed up and she said, "Oh, you wanna be
24 gangster? I'm going to show you gangster. They're going to
25 take my baby tonight because I'm going to fuck you up."

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1 Q Let me just stop you for a minute just to make sure I'm
2 clear.

3 A Excuse me for cussing.

4 Q So when you see her going in the trunk, does this cause
5 you some concern?

6 A Of course, that's my child.

7 Q And did you see exactly what she had in her hand?

8 A I could not. It looked like a screwdriver type thing.
9 It wasn't big, but it was big enough where she could hold it
10 like this (indicating) and go at Corey.

11 Q And is that the way she went at Corey?

12 A Correct, right there by the tree. And when she backed
13 up talking all of -- having her little say-so, she was right
14 there at the driveway acting crazy.

15 Q And when she came at Corey with this object, what did
16 he do?

17 A He did pull the gun on her.

18 Q And where did he have the gun?

19 A I have no idea. I don't know where he had it. But I
20 separated them again and that's when she had her say-so.

21 Q And when you say pull it, what did he do with the gun?

22 A He just pointed it, like pointed it at her. He didn't
23 put it to her head, didn't do none of that, just pointed it.

24 Q And what did you do?

25 A I said, "What the hell are y'all doing?" I said,

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1 "Y'all are out here in somebody's yard doing all this stuff
2 acting crazy. You don't do that in people's yards."

3 Q And what did Corey do at this time?

4 A He was still standing there while she was doing all of
5 this, but he wasn't coming towards her, no. He was always
6 trying to get away from her, she kept coming back.

7 Q And let me ask you this: During any of those times
8 when Khelle was coming back and forth, did Corey try to
9 follow her?

10 A Oh, no.

11 Q Did he --

12 A Corey didn't have a car. He drove my car or her car.

13 Q Did he try to go after her on foot?

14 A No.

15 Q Did he yell at her?

16 A Not after that, because she didn't come back after
17 that. Well, she came back.

18 Q So after Khelle gave her little speech as you
19 described, what happened?

20 A That's when Amanda pulled up, the aunt, Amanda, pulled
21 up and she was trying to speak to Khelle and Khelle was just
22 totally ignoring her. She was saying, "Hey niece. Hey
23 niece." And Khelle just ignored her and walked to the car.
24 And then Paris Jamison had came back with the people she
25 went and picked up from work and she had parked on the side.

MARGIE SCHOULTZ - DIRECT

1 Now, Khelle is still in the road right there, so --

2 Q Use the pointer, please, and show us where Khelle was.

3 A Khelle was still right there.

4 Q And this time what -- which way was her car facing?

5 A Facing the stop sign --

6 Q Okay.

7 A -- at the end of the road. So Samantha pulled right
8 there, Paris, Amanda pulled right there, and that's when
9 they were talking to her but she was ignoring all of them.

10 So Paris walked around to see Osirus on the passenger's
11 side, and when she went back to her car I followed her to
12 her car to see what she was going to do next. And that's
13 when she got on the phone and she called somebody, which
14 y'all know, I don't, and she said, "Come get Corey, bring
15 your shit," simple as that.

16 Q And when you say she said that, who do you mean?

17 A Mikhelle Coburn.

18 Q And when you hear Khelle say this, what do you do?
19 What are you thinking?

20 A I'm thinking what in the world is going on, like who
21 bring what and what's going to happen.

22 Q And where was Corey at again?

23 A Right there in the yard. He didn't go after her at
24 all, she constantly came towards him.

25 Q And at this time, do you know what all of this is

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1 about?

2 A Yeah, they were splitting up. They had previously
3 agreed to split up before the lease was up in October of
4 2018. Corey had already asked me -- because I was in the
5 process of getting a new house, Corey had already asked me
6 could he move home when the lease was up and I told him yes.
7 He said him and Osirus and I said, "Yes, of course."

8 Q But where was he staying at this time?

9 A He lived with Mikhelle.

10 Q And do you remember anything about some keys?

11 A Yeah. She always took his keys. She would put him out
12 of the house. He would sit on the front porch -- he would
13 call and tell me he was sitting on the front porch and I
14 would say, "Why are you sitting on the front porch? She's
15 acting crazy again and I ain't trying to get the police
16 called. She likes to be loud to make everybody think
17 everything is going on."

18 Q Do you remember anything about this incident pertaining
19 to the keys?

20 A Yeah. She was trying to get his keys. She did ask for
21 her keys, and Corey said, "I'm not giving her my keys,
22 mama," he said, "because she's not going to do me like that.
23 I pay bills in there, too, and she's not going to put me out
24 like that, so I'm not giving her my keys."

25 Q And did you offer to do anything with --

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1 A Yeah. I asked Khelle to leave and let me get the keys
2 and that still didn't work.

3 Q And she did not --

4 A She wasn't even paying me any attention at that time.

5 Q And so after you hear Khelle make that phone call, did
6 she leave?

7 A She did.

8 Q And what happened after she left?

9 A We went back to the table and was trying to figure out
10 what was going on. Corey went in the house, got a bottle of
11 water, came back out, and we were all sitting there. And my
12 phone rang awhile later, and Corey was standing right there
13 beside me at the table, it was a round table so Corey was
14 standing right here. When I looked down -- because I had
15 Khelle's number under Corey's ring tone so I know it was one
16 of them calling me so I would answer, so it went off on
17 Corey's ring tone. And I looked at Corey and I said, "Why
18 are you calling me?" And he looked down at me and he said,
19 "I'm not." So I looked and it was Khelle, and he said, "Go
20 ahead and answer it," but when I answered it she had already
21 hung up. So I tried to call back and it went to her voice
22 mail so I just hung up.

23 Q Okay. And do you know how long she had been gone
24 before you got that phone call?

25 A Probably about 20 minutes, 30 minutes, if that.

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1 Q And during this time period after she left, what was
2 the tone or atmosphere outside at Amanda's house?

3 A Corey was calming down. Because Corey -- it takes a
4 lot to get Corey upset, he's very laid back and he was
5 calming down, and he really wasn't showing that he was
6 really mad. And he kept asking me, he said, "Well, mom, are
7 you ready to take me home?" And in my gut -- my gut kept
8 telling me, "No, don't go, don't go." So I changed the
9 subject the first time so he wouldn't think about that
10 again. And then he came back around to it again a few
11 minutes later, and he said, "Mom, are you ready to take me
12 home?" So I finally said, "Yeah, I'll take you home." And
13 he said, "I'll be arguing with her all night about this
14 coparenting thing, and I ain't trying to get all into that."
15 He said, "I just want to get this over and done with so I
16 can be done."

17 Q Now, was Corey, did he sound upset when he was asking
18 you to take him home?

19 A No.

20 Q And after you got that call from Khelle, did you hear
21 from her again?

22 A No.

23 Q Did she try to get in touch with you again?

24 A After she sent the picture and the texts? No.

25 Q What text message and picture are you talking about?

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1 A She sent a text letting me know that I had a few things
2 out of my old truck in their apartment and that she was
3 leaving it and I needed to come get them. And then she sent
4 a picture of her -- I mean, Corey and Osirus when he was
5 supposed to have surgery and we had went -- me, Khelle and
6 Corey had went and took him to the hospital. He either had
7 a fever or a cold or something and they couldn't do it so
8 they rescheduled it.

9 Q And let me just stop you for a second. Do you know if
10 during this time Corey had his phone?

11 A He did. At the hospital he did.

12 Q No, after the incident with Khelle.

13 A Oh, no, he did not have his phone. She had both
14 phones.

15 Q So he did not have a phone.

16 A Correct.

17 Q And I'm going to show you what's been marked as State's
18 Exhibits 3 and 4, and ask you to please look at Number 3
19 first. I'll ask you if you recognize that?

20 A Yes.

21 Q And what do you recognize that picture to be?

22 A Corey and Osirus at the hospital, with Osirus holding
23 Corey's finger looking all sweet.

24 Q What is above that picture that you just described?

25 A The text that she sent me about Osirus and I are moving

MARGIE SCHOULTZ - DIRECT

1 out of here.

2 Q Okay. And is that the text that you received on
3 August 24th, 2018?

4 A Yes, ma'am.

5 Q Does it look like it has been changed or altered in any
6 way?

7 A No, ma'am.

8 Q And who did you get that text from?

9 A Mikhelle Coburn.

10 MS. PATTERSON: Your Honor, at this time we move
11 State's Exhibit Number -- does it look like -- I think I
12 have asked you that.

13 MR. MYERS: Without objection.

14 THE COURT: Mark it in evidence, please.

15 (The photo was received as State's 3.)

16 Q And let me show you what has been marked as State's
17 Exhibit Number 4. And who is in that picture?

18 A Corey and Osirus.

19 Q And is that just an enlarged picture of the one that
20 you previously described?

21 A Yes, ma'am.

22 Q And is that the picture that you received from Khelle
23 on August 24, 2018?

24 A Yes, ma'am.

25 Q Does it look like it's been changed or altered in any

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1 way?

2 A No, ma'am.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's Exhibit 4 into evidence.

5 MR. MYERS: No objection.

6 THE COURT: Mark that in evidence, please, sir.

7 (The photo was received as State's 4.)

8 Q With respect to State's Exhibit Number 3, what is the
9 time shown on that text message that you got from Khelle?

10 A 10:13 p.m.

11 Q And does that sound about right that you remember the
12 next time that you got the text from her?

13 A Yes, ma'am.

14 Q And who is that a picture of?

15 A Corey and Osirus.

16 Q And you were saying that was a picture when the baby
17 was in the hospital?

18 A He was going to have surgery that morning out of
19 outpatient surgery but he had a fever or a cold and they
20 couldn't do it, so they reschedule it to September.

21 Q And Khelle sent you that picture?

22 A Correct.

23 Q And just go back to this one. What time did she send
24 you that picture?

25 A A minute later, 10:14 p.m.

MARGIE SCHOULTZ - DIRECT

1 Q Did you advise Corey that you had received this text
2 message and this picture from Khelle?

3 A I told him about the text, I didn't show him the
4 picture.

5 Q And why didn't you show him the picture?

6 A Because I didn't want to get him upset again, or be
7 worried.

8 Q At some point, did you finally agree to take Corey
9 home?

10 A Yes, ma'am.

11 Q And about how much longer after you received that
12 picture did you take him home?

13 A I think we left his aunt's house -- sorry. I think we
14 left there probably about 10:30, because it didn't take long
15 for us to get to Cayce to West Columbia to Riverbend
16 Apartments. Go straight down State Street.

17 Q And when you say we, who was with you?

18 A Me, Cliff Anderson, Corey, and Daisy the dog.

19 Q And where was everyone sitting in the car?

20 A I was driving, Cliff was in the passenger seat, Corey
21 was in the back passenger seat, and Daisy was behind me in
22 the passenger seat.

23 Q And how was the conversation on the ride to Riverbend?

24 A We were fine. We were joking around and making light
25 of different things. We weren't talking about that, but we

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1 were making light of different things, talking about how his
2 uncles used to come down there to the apartments to the
3 other homes and they would come see him over there.

4 Q And about how long did it take you to get to Riverbend?

5 A Probably about not even ten minutes. Probably about, I
6 would say, ten or 12 minutes.

7 Q And are there different entrances to Riverbend?

8 A There are, but I don't know like how to get into the --
9 depends on which way you're coming. If I came from Brooklyn
10 Baptist way by the church I would take the entrance right
11 there at the front. But you can make a right and there is a
12 second entrance going that way toward 378 but I don't know
13 how to get in that way, so I just always go that first way,
14 the main way.

15 Q And I'm going to show you State's Exhibit Number 5 and
16 see if you can recognize what's in this photograph. Do you
17 recognize what's in that picture?

18 A Yes, ma'am.

19 Q And what is it?

20 A It's Riverbend Apartments in West Columbia.

21 Q Is that picture -- does that image contain the entrance
22 that you would have taken to get to Khelle and Corey's
23 apartment?

24 A Correct.

25 Q Does it look like it's been changed or altered in any

MARGIE SCHOULTZ - DIRECT

1 way?

2 A No, ma'am.

3 MS. PATTERSON: Your Honor, we move State's Exhibit
4 Number 5 into evidence.

5 MR. MYERS: No objection.

6 THE COURT: Mark that in evidence, please, sir.

7 (The photograph was received as State's 5.)

8 Q Margie, Ms. Schoultz, can you point out to the jury
9 which entrance did you take to turn into the apartment
10 complex?

11 A Right here. This entrance is the main entrance, and
12 this way goes in and the other side comes out, so I was
13 going in right here and turning into their apartment. They
14 live in this building right here on the bottom in the back,
15 so I turn in right here to go into the apartment.

16 Q And how many times had you been over there to that
17 apartment?

18 A Ever since they moved in. I've been over there all of
19 the time because I see my grandchildren.

20 Q And did you have a usual parking spot that you would
21 park at?

22 A Yes, ma'am. Normally the gentleman that lived right
23 here in this apartment would park right there on the second
24 handicap space. There was a lady that lived there, but if
25 she was not home and she didn't park there I would normally

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1 park right there at the first one, because I do have a
2 handicap window thing.

3 Q What kind vehicle were you driving?

4 A A 2017 Ford Explorer, blue.

5 Q And again, where was the apartment located?

6 A You go in between here, but it's on the bottom back
7 here. For their windows -- their windows look out to the
8 woods back there.

9 Q And when you turn into the apartment building, what do
10 you see?

11 A When I turned in Khelle was standing right there,
12 Jamal's car was right here, and the gentleman that lived
13 downstairs, his truck was right here, but I didn't know
14 anything about Jamal at that time. I saw Khelle speaking to
15 the people in the car.

16 Q And where were you -- where had you turned when you
17 noticed this?

18 A I was about right here. I'm shaking, I'm sorry, I
19 can't keep it still. Right here.

20 Q And so when this catches your attention, what if
21 anything, did you say?

22 A I said, "Corey" -- when I see it you can see Khelle
23 turn around and go like this (indicating) and everybody just
24 turn around, which means normally, "Oh, there they go." So
25 I said, "Corey," I said, "there's Khelle right there, so who

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1 are the other two?" He said, "I don't know. I don't know.
2 I can't see them."

3 Q And so do you continue to drive up that way?

4 A Correct. I was going to drive and park behind a car
5 just to let him out, because I wasn't staying, I was just
6 taking him home and I was going home.

7 Q So did you block that car that you saw Khelle
8 conversing with those people?

9 A No. I was over here by this median or curve thing,
10 whatever it is, right here.

11 Q And did you see Khelle's car?

12 A I did.

13 Q And where was she parked?

14 A Right there. It was her, him, and the man downstairs.

15 Q And so after you stop your car to let Corey out, what,
16 if anything, do you see?

17 A As soon as Corey went to get out the car, out the back
18 seat, because he was -- he didn't have his phone but he was
19 gathering something and putting it in his pockets, I don't
20 know. As soon as he was getting ready to get out of the car
21 I was parking, and as soon as I look up I see Jamal and this
22 other guy -- Jamal has already got his gun pulled out. When
23 I saw him he was literally in the middle of my truck running
24 to Corey, so that's when I saw him was like in the middle of
25 the hood is when I spotted him with a gun. So I jumped out

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1 trying to see what's going on with my child, but by the time
2 I got around there Corey had his shirt up and he said, "Put
3 the guns down and I'll beat both y'all mother fuckers like a
4 man. Put them down, we don't have to have the guns." And
5 that's when Jamal shot him the first time, which was down by
6 the -- where he bled out at. I don't know the part of the
7 body. And I was in Jamal's face like this asking him,
8 begging him not to shoot my child. And I'm telling him I'm
9 the grandmom in reference to Osirus thinking that might
10 click and make him stop or something, and he pointed the
11 gun, and if the gun would have went off he would have killed
12 me, but it jammed. And he got it cleared and then he shot
13 Corey again. Well, he went to shoot Corey but it didn't hit
14 Corey --

15 Q Okay.

16 A -- the third shot.

17 Q And I'm sorry to do this, but I just want to make sure
18 we have got all of the details. When you stopped the car,
19 which direction do you see who you identified as --

20 A She was standing right there. They were getting in
21 their car as to be leaving, and they came running to my
22 truck, ambushed my truck, him and another gentleman, which
23 has not been named yet and nobody will give up his name on
24 their side.

25 Q Who do you see with a gun?

MARGIE SCHOULTZ - DIRECT

1 A Jamal Coburn, and there's another gentleman, I don't
2 know him. I didn't know Jamal until that night.

3 Q Now, did you see him with a gun at that time?

4 A The other gentleman?

5 Q Yes.

6 A I did.

7 Q And so --

8 A But he stood off. He didn't come over there where
9 Jamal was, he stood to the side.

10 Q Well, where was Jamal standing?

11 A Jamal was right in front of me, right there -- we were
12 both right there by the truck. We were on the passenger
13 side of the truck. My truck was facing the building, and
14 they ran around my truck this way to get to the passenger's
15 side, so we were literally right there by the curb, or that
16 median or whatever they call it.

17 Q And where was this other unidentified man? Where was
18 he standing?

19 A Cliff had already got out of the truck as well. Daisy
20 was still in the truck barking, so Cliff and the other --
21 Cliff was over here and the other gentleman had went
22 somewhere over there. My focus was -- after I saw that my
23 focus was Jamal and Corey.

24 Q And you said Jamal shot Corey.

25 A Correct. When he got out -- when I looked he was

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1 coming around my truck with the gun already drawn, he
2 already had it out. Yeah.

3 Q And when he shot Corey, how did Corey -- did Corey
4 fall?

5 A Yes.

6 Q And how did he fall down?

7 A He went down like -- he went down on the passenger side
8 of my truck, landed on the ground by the tire, and he went
9 over and fell over and he went down like this.

10 Q And after he fell over, at anytime did Jamal or this
11 other guy come up to Corey?

12 A Yeah. They pistol-whipped him in his head after they
13 shot him. After all of the shots were over
14 they pistol-whipped -- both of them pistol-whipped him in
15 the head.

16 Q And what are you doing during this?

17 A I see Mikhelle going back and forth running to the
18 apartment, her car, to the apartment, to her car. And
19 when -- after they got finished pistol-whipping Corey, Jamal
20 and the other guy went back to his car, they did pull out
21 and they sat there at the entrance right there watching
22 everything else take place. I seen them sitting in their
23 car watching everything. So when I seen Khelle coming out
24 of the apartment, I was talking to Corey trying to get Corey
25 to talk to me and I said, "Corey, I'm right here." I said,

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1 "Mama is right here, I ain't going nowhere." And I seen her
2 come back out of the apartment, and I got Cliff and I said,
3 "Cliff make Corey talk to you, don't let Corey not talk to
4 you." I'm sorry. I got Cliff over there to Corey, but I
5 already knew Corey was dead because his eyes had a dead
6 stare. I've been in insurance long enough to know the dead
7 stare, but I still had Cliff with some hope. And by that
8 time when I had Cliff I was dialing 911, but it had attached
9 to my truck, but I dropped my phone because I was shaking
10 and my phone went all to pieces so it never connected.

11 Q Did you see Corey with a gun?

12 A Not there, no. Only at the aunt's house.

13 Q And I think you said you saw Corey, when he first got
14 out of the car he told him to put the guns down?

15 A He had his hands up with his shirt up showing he did
16 not have anything saying he would beat both of them, bla,
17 bla, bla, beat both of them without a gun, do it like men.

18 Q And as Jamal is shooting at Corey --

19 A As soon as he said it.

20 Q -- what are you saying to Jamal, if anything?

21 A "Please stop. Stop shooting -- don't shoot my son
22 again, please." I said, "I'm the grandmom, I'm begging you
23 not to shoot my son." And he just looked at me, and that's
24 when he pulled the gun and it was going to go off on me and
25 it jammed.

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1 Q And after his gun jammed, what happened?

2 A He cleared it, and when he put it down -- I don't know
3 if y'all can see me -- he put it down like this and he shot
4 it and cleared it, and then he went right back to Corey and
5 shot the third shot, but I don't know where it went.

6 Q And at what time during this shooting did they approach
7 Corey and beat him in the head with guns?

8 A As soon as he shot him. As soon as Corey went down --
9 Corey didn't have a chance. Corey didn't -- and when I saw
10 Khelle -- getting back to that question, sorry -- when I
11 seen Khelle coming back out the apartment and I had Cliff
12 over Corey, I was going over there and I was -- all my might
13 I was screaming to the top of lungs, "Mikhelle, I'm going to
14 kill your MF ass," going towards her. And she had got to
15 the car, and I was this far from the car because I going to
16 snatch her out, and she hurried up, put it in reverse and
17 backed out, and that's when she and the Jamal and the other
18 guy in the car all left together. He waited on her to get
19 in the car, Jamal did.

20 Q How long had y'all been at Riverbend when all of this
21 transpired?

22 A It wasn't with even -- I'm sorry, I don't understand
23 the question. Say again?

24 Q How long had y'all been there before all of this took
25 place?

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1 A We didn't even -- we just pulled up, like just pulled
2 up.

3 Q And your car, was it still running?

4 A Correct. And that's when I went back to Corey. And
5 this gentleman came -- a gentleman came and he said, "Move
6 over, mama, I'm EMS, let me try to work on him." So I moved
7 over.

8 Q And this other guy that was with Jamal, did you get a
9 good look at him?

10 A I did.

11 Q Did you ever see him -- what did you see him doing
12 during all of this?

13 A He was just standing there watching at first until he
14 did the pistol-whipping, he helped with the pistol-whipping.
15 He didn't shoot Corey, he just pistol-whipped him. And I
16 also told Khelle in the scream that I made that she left my
17 son laying in the parking lot to die like a dog.

18 Q Now, after they leave, does law enforcement arrive?

19 A They do.

20 Q And does it take them long to arrive?

21 A No, ma'am.

22 Q And when they get there, are you able to tell them what
23 happened?

24 A One officer pulled me away while the EMT and everybody
25 was working on him and the police was up there around my

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1 truck, he pulled me away to rope off the area, and he was
2 asking me my name and things. But while he was asking me I
3 was recording EMT working on Corey.

4 Q And were you able to tell him who you thought shot your
5 son?

6 A Correct.

7 Q And did you know Jamal's name at that time?

8 A No, I didn't.

9 Q So you later learned his name?

10 A Correct.

11 Q And what, if anything, you thought his name may have
12 been?

13 A I thought it was Jeremy at that moment, but then Jeremy
14 is one of her brothers and I did not want to have the wrong
15 person to go to jail by any means. And then I remembered
16 Jeremy was the one that came and cut my grass for me, so I
17 knew it wasn't Jeremy, but I kept telling the police it was
18 Jeremy by mistake.

19 Q So did you recognize him to be one of Khelle's
20 brothers?

21 A Yeah, they all look alike.

22 Q And were you able to give the officers a description of
23 him?

24 A Correct.

25 Q Even though you didn't know his name?

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1 A Correct.

2 Q And did you tell the officers anything about your
3 ability to pick out the person that was shown the photo
4 lineup, that you would be able to pick him out if you saw
5 him again?

6 A Oh, yes, ma'am.

7 Q And so after you talked to law enforcement, what do you
8 do? After you talked to them at the scene.

9 A I got in the ambulance with Corey and I went to the
10 hospital with Corey. I was in the front and I was just
11 talking to Corey through the window, even though I know he
12 was gone.

13 Q And then when you get to the hospital, do you speak
14 with Sergeant Burrell?

15 A Yes, ma'am.

16 Q And do you tell him what happened?

17 A I do.

18 Q And do you go into a little more detail at the
19 hospital?

20 A I do.

21 Q Was this before, after or during the time you found out
22 about Corey passing away?

23 A Before.

24 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

25 THE COURT: Yes, ma'am.

MARGIE SCHOULTZ - DIRECT

1 (Break in proceedings._

2 Q Ms. Schoultz, was Corey left-handed or right-handed,
3 or --

4 A Left-handed. All of my kids are left-handed, and my
5 grandkids, most of them.

6 Q I'm going to show you what has been marked as State's
7 Exhibit Number 6. Do you recognize what I just handed you?

8 A Yes, ma'am.

9 Q And what do you recognize that document to be?

10 A Me signing showing that I picked Jamal Coburn out of
11 the lineup.

12 Q And how is it that you recognize that that was the
13 photo lineup that you did?

14 A Because I signed it and dated it.

15 Q That's your signature?

16 A Correct.

17 Q And does it look like it's been changed or altered in
18 any way?

19 A No, ma'am.

20 MS. PATTERSON: Your Honor, at this time we move
21 State's Exhibit Number 6 into evidence.

22 MR. MYERS: No objection.

23 THE COURT: No need for a Blair hearing?

24 MR. MYERS: No, sir.

25 THE COURT: Without objection mark 6 into evidence.

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1 (The photo lineup was received as State's 6.)

2 MR. MYERS: Judge, just to be safe, you meant Biggers,
3 correct?

4 THE COURT: I'm sorry, I apologize. It starts with a
5 B -- Biggers, not Blair. Thank you.

6 Q And what date is on this photographic lineup?

7 A 8-26, that was a Sunday, 2018.

8 Q About what time?

9 A 6:05 p.m.

10 Q Do you remember where you were when you did this photo
11 lineup?

12 A At the Lexington County Sheriff's Department.

13 Q Do you remember who you met with?

14 A Detective Burrell and Ms. Marlow.

15 Q And --

16 A I'm sorry, Sergeant Burrell and Ms. Marlow.

17 Q And when you went back with Sergeant Burrell, was
18 anybody in there with you other than --

19 A No, it was just us three.

20 Q And what, if anything, did he tell you -- well, did he
21 suggest anyone that you should pick out of this photo
22 lineup?

23 A No, ma'am.

24 Q And how many people are in this photo lineup? How many
25 pictures are in there?

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1 A Six.

2 Q And were the pictures all shown together like they
3 exist on this page?

4 A Yes, ma'am.

5 Q And were you able to identify the person?

6 A Yes, ma'am.

7 Q And which number did you select?

8 A Number four.

9 Q And is that your signature below?

10 A Yes, ma'am.

11 Q And dated it?

12 A Yes, ma'am.

13 Q Did you have any problems making this selection?

14 A No, ma'am, as soon as I seen it.

15 Q And do you see that same person in the courtroom?

16 A Yes, ma'am.

17 Q Can you describe what he's wearing?

18 A A white shirt, and I can't tell the color of the tie
19 but it looks dark color.

20 Q Where is he sitting?

21 A Right there by the gentleman in the blue suit with the
22 blue tie.

23 MS. PATTERSON: Your Honor, let the record reflect she
24 has pointed out the defendant, Jamal Coburn.

25 THE COURT: So noted.

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1 MS. PATTERSON: Beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 (Break in proceedings.)

4 Q And is that the identification that you made?

5 A Yes, ma'am.

6 MS. PATTERSON: Thank you, Ms. Schoultz. Please answer
7 any questions that the defense may have.

8 THE COURT: Cross examination.

9 MR. MYERS: Thank you.

10 CROSS EXAMINATION

11 BY MR. MYERS:

12 Q Good morning, Ms. Schoultz.

13 A Good morning.

14 Q Ms. Schoultz, I've never been formally introduced to
15 you but my name is Stanley Myers and I represent Jamal. And
16 Ms. Coburn (sic) I want to first and foremost tell you that
17 I'm sorry for your loss.

18 A Yes, sir.

19 Q And you understand that I have a job to do, I take no
20 pleasure in what we have to do here today.

21 A Yes, sir.

22 Q Now, from everything that I gathered, you and Corey
23 were pretty close, weren't you?

24 A I'm close to all of my kids and my nieces and
25 everybody.

MARGIE SCHOULTZ - CROSS

1 Q You were close to Corey.

2 A Correct.

3 Q You drove him around when he needed to be driven
4 around, right?

5 A I drove both of them around when they needed driven
6 around.

7 Q Yes, ma'am. I just want to talk about Corey. But you
8 drove Corey around. Corey didn't have a car, right?

9 A Correct.

10 Q Corey was unemployed at the time, right?

11 A He worked different jobs. It depends on when you're
12 talking in reference to. Are you talking about this day?

13 Q Yes, ma'am.

14 A He was unemployed, correct.

15 Q And he had been unemployed for some time.

16 A Correct.

17 Q As a mother I'm pretty sure you've heard of the
18 terminology that a mother's love knows no bounds.

19 A Correct.

20 Q Meaning that a mother, out of the love she has for her
21 children, would pretty much do whatever she needs to do for
22 a child.

23 A Correct.

24 Q Help that child in any way.

25 A Correct.

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1 Q Sometimes sacrifice their own needs for that child.

2 A Correct.

3 Q Say things that may not be true at times and just do
4 things that they ultimately want the benefit of that child
5 to be, right?

6 A Correct.

7 Q Now, having said that, I want to talk a little bit
8 about your relationship just so this jury understands. You
9 were Corey's biological mother, right?

10 A Yes, sir.

11 Q Osirus' maternal grandmother, right?

12 A Correct.

13 Q Now, Corey and Mikhelle were never engaged to be
14 married.

15 A No.

16 Q Had no intent to be married.

17 A No.

18 Q And --

19 A They were common law.

20 Q Common law you say?

21 A Yeah. They lived together for three years, that's
22 common law.

23 Q Okay. Mr. Anderson. Now, you described him as
24 different things; you said that he was granddaddy and
25 step-dad, right?

MARGIE SCHOULTZ - CROSS

1 A He's like a step granddaddy to the kids. You know how
2 somebody from the family gets close to the kids.

3 Q Sure. You've known him for a time, haven't you?

4 A Yes. I've known him since 1982.

5 Q In fact, the two of you were boyfriend and girlfriend
6 at this time.

7 A In 1982 for four years, correct. We had a child.

8 Q And that's one of the reasons that he came down is
9 because the two of you had a close relationship.

10 A We weren't in a relationship like that, we were just
11 friends. His mother and I were best friends and his sister
12 and I were best friends.

13 Q Sure. But close enough so that he could call himself
14 step-dad and grandad and all of that, right?

15 A Correct.

16 THE COURT: You need to let him finish the question,
17 because the court reporter can't take down both of you
18 talking at the same time, so don't anticipate his question,
19 please.

20 THE WITNESS: Yes, sir.

21 Q Now, at the time of this incident going back in
22 August 2018, the lease agreement at Riverbend, have you ever
23 seen that lease, ma'am?

24 A Yes. When they first got it she put her name on it.

25 Q Well, it wasn't she put it, the actual apartment

MARGIE SCHOULTZ - CROSS

1 complex put her name on it, right?

2 A She had to apply for it, yeah.

3 Q Sure. And she was the only one that applied for it,
4 right?

5 A There was a reason, yes.

6 Q Well, what is that reason I must ask?

7 A She did that to keep Corey's name off of it so she
8 would be able to get her food stamps and her benefits
9 without Corey being any part of it while they were living
10 together.

11 Q I see. So at this time Mikhelle was working, right?

12 A At that time, yes, sir.

13 Q Corey wasn't working, right?

14 A She had quit the week of that time actually, she quit
15 the job and then she had got a job that Friday.

16 Q So your testimony is that she was not working at a
17 daycare?

18 A Not that week.

19 Q And you're sure about that?

20 A That's what I was told. I'm not sure but that's what I
21 was told.

22 Q Sure. You might have been told that but that's not
23 true, correct?

24 A Correct.

25 THE COURT: Y'all are talking over each other. He

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1 can't take down both of y'all talking at the same time. One
2 ask the question, one wait to the end of the question, then
3 answer the question.

4 MR. MYERS: Yes, sir.

5 THE COURT: Go ahead, Mr. Myers.

6 Q Now, at the time she was working for this daycare,
7 right?

8 A Correct.

9 Q In fact, that's how they got a reduced rate as far as
10 daycare expenses, right?

11 A They didn't get a reduced rate, Corey kept the baby.

12 Q So you're saying that every day that Mikhelle went to
13 work, that Corey was there taking care of that baby?

14 A No, not everyday. The first few weeks she took him to
15 the daycare because she didn't want her (sic) out of
16 her sight as a new mother, I totally get that. He didn't go
17 all of the time, no.

18 Q Sure. So -- well, which one is it? Which story do you
19 want the jury -- what do you want to tell this jury? Was
20 Corey there everyday taking care of the child?

21 A I mean, he lived there. He woke up there taking care
22 of the child.

23 Q So your testimony is that every day Corey Jamison, your
24 son, woke up at [REDACTED] Riverbend Apartments?

25 A No. I'm not saying everyday he woke up there, I said

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1 everyday he takes care of the child.

2 Q So everyday he went over there to take care of that
3 child.

4 A Yes. Because I told him the child needs to make sure
5 he sees his father before he goes to sleep, and then he can
6 leave and do whatever he wants to do and then come to
7 Khelle's.

8 Q So just to be clear, your testimony is that Mikhelle,
9 even though she worked at the daycare, she did not take
10 advantage of having the daycare take care of Osirus.

11 A The first couple of weeks, yes; but after that, no.

12 Q Well, now, Osirus was only a couple of weeks old at
13 this time, wasn't he?

14 A No. He was seven months when Corey got killed.

15 Q Okay. A couple of months. So you're saying in those
16 couple months, that Corey was there everyday, every other
17 day? How often was he there with Osirus?

18 A He lived there. He saw Osirus every day.

19 Q And during this time Corey didn't have any job.

20 A Not at that time.

21 Q So when he told you that he paid bills there, how was
22 he paying bills there if he didn't have a job?

23 A Because --

24 Q I'm sorry.

25 A I'm apologize. I gave him some money to help pay their

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1 bills, make the car.

2 Q I see. So it wasn't that Corey was paying bills, you
3 were paying bills.

4 A Yes.

5 Q You were paying bills for your son.

6 A Correct.

7 Q Now, Cory was a grown man at this time, wasn't he?

8 A Correct.

9 Q He wasn't a minor.

10 A Correct.

11 Q In fact, how old was he?

12 A Twenty-seven.

13 Q So 27 years old and you're having to pay his bills; is
14 that right?

15 A Yes. And I also bought diapers every week for the baby
16 as well to help both of them out.

17 Q So the only two people at this time who were working
18 were Mikhelle and you giving him -- or giving them money for
19 the benefit of Osirus.

20 A Correct.

21 Q But we know Corey was never working.

22 A I didn't say never, he just wasn't working at that
23 time.

24 Q So the statement that you told this jury on direct
25 examination about him paying bills, that was not true,

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1 right?

2 A That was his statement. When he was working, yes, he
3 did pay bills.

4 Q Sure. Which was not true, right?

5 A At that day?

6 Q Yes, ma'am.

7 A No.

8 Q And you said that he had been out of work for some
9 time. So for some time he hadn't had a job and he hadn't
10 paid any bills, right?

11 A Well, everybody's version of some time is different.
12 He hadn't worked in a couple of weeks, no, but it wasn't
13 months, no.

14 Q I see. Now, your testimony is that Mr. Anderson comes
15 into town and he wanted to see Osirus, right?

16 A Correct.

17 Q And the baby wasn't there at that time, was he?

18 A He was there because we went and picked both of them
19 up.

20 Q Well, that was only after y'all showed up at the BP.

21 A No. We had the baby all day.

22 Q Okay. So let's talk then about this BP. Mikhelle is
23 offered this job, right?

24 A Correct. I guess, I don't know.

25 Q Sure. And then she calls Corey, and she then arranges

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1 to meet y'all at this BP, right?

2 A Corey asked me to take him there, yes.

3 Q And just to make sure that we're clear and the jury is
4 oriented, we're talking about that BP on Highway 321,
5 correct?

6 A Correct, by the State Farmers Market.

7 Q And she shows up, right?

8 A She does.

9 Q And at that point you are not privy to any discussions
10 that Mikhelle and Corey are having, correct?

11 A They weren't having any discussions at that time
12 because we were all outside, and she and I were having a
13 conversation while Corey put Osirus in their car, and then I
14 bent in the car to give Osirus a kiss and tell him bye. You
15 know how grandmamas are.

16 Q And after that you don't know what happened.

17 A I do not until I got the call.

18 Q You don't know where they went, right?

19 A Not until I got the call that they were at Wendy's on
20 Number One.

21 Q Sure. You were not privy to any of the discussions
22 that they had had in that car?

23 A No, sir.

24 Q You don't know what they talked about or where they had
25 gone, right?

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1 A No, sir.

2 Q You don't know what kind of errands they had done, what
3 restaurants they went to, what homes they visited or
4 anything, right?

5 A No, sir.

6 Q So when she showed up at Cayce, your testimony is that
7 Corey indicated that, "Hey, I need a ride," right?

8 A Correct.

9 Q But he ultimately -- he actually showed up there.
10 Mikhelle actually brought him there, right?

11 A She went back and got him I guess, yeah.

12 Q So he didn't need a ride.

13 A Correct.

14 Q She actually brought him to where your guy were, which
15 is the address on Charlotte Street, right?

16 A Correct.

17 Q And when they got there that's when you say that
18 Mikhelle started acting crazy, right?

19 A Correct.

20 Q Now, again, you don't know what they had discussed
21 before they pulled up on Charlotte Street, do you?

22 A Correct.

23 Q You don't know what Corey may have told her or whether
24 or not he'd ever threatened her, right?

25 A I don't know.

MARGIE SCHOULTZ - CROSS

1 Q And to be on the safe side, you don't know what
2 Mikhelle said to him or whether or not she had made any
3 threats to him, right?

4 A Correct.

5 Q But all we know is that it was three the of them;
6 Mikhelle, Corey and Osirus, right?

7 A Correct.

8 Q And the car they were driving in belonged to Mikhelle.

9 A Correct.

10 Q Because, as you said, Corey did not have a vehicle at
11 the time, right?

12 A Correct.

13 Q Now, at the time they get there you say that Mikhelle
14 started acting crazy and they get into this fight, right?

15 A At first it's just an argument, it's not a -- when I
16 say fight like toward the end.

17 Q Right. But they then ultimately get into a fight,
18 right?

19 A Correct.

20 Q And now you kind of glossed over, you said that Corey
21 put his hands around her neck. Corey actually grabbed her
22 by the neck, didn't he?

23 A No. He put his hands to try to keep her away from him,
24 because she kept coming towards him.

25 Q So he put his hands around her neck, both of his hands

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1 around her neck.

2 A Only one of them.

3 Q Only one of them?

4 A Only one of them.

5 Q Which one was it? Was it his right or left?

6 A Left.

7 Q So his left hand around her neck.

8 A Correct.

9 Q And at this point, according to your testimony, she
10 hadn't grabbed any sort of weapon, right?

11 A No, not at that point.

12 Q Yeah, she hadn't done anything.

13 A But she was hitting him and that's why he was trying to
14 back her off.

15 Q And Osirus was in the car at this time.

16 A The whole time.

17 Q The whole time, watching all of this.

18 A Yes, sir.

19 Q And at some point you say Mikhelle went to the trunk
20 and got an object.

21 A Correct.

22 Q Now, you don't know what that object is. You're not
23 here and prepared to testify what that object is, did I
24 understand that?

25 A Correct.

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1 Q But it was like a short object?

2 A Looked like a screwdriver with a flat head to me.

3 Q It wasn't a knife.

4 A I don't know. I said I don't know what it was, but I
5 just know she could grab it and hold it like that
6 (indicating.)

7 Q All right. Now, at some point then you say that Corey
8 pulled a gun out on her, right?

9 A Correct.

10 Q Now, ma'am, you gave multiple statements to law
11 enforcement, did you not? Ms. Patterson asked you the times
12 that you talked to them. You talked to them on the scene
13 when they showed up, right?

14 A Correct.

15 Q You talked with them at the hospital, right?

16 A Correct.

17 Q And then throughout this entire ordeal you've been
18 talking to them, right?

19 A Correct.

20 Q Now, at no time on the scene did you ever tell law
21 enforcement that Corey pulled out a gun on Mikhelle.

22 A Yes, I did, when I talked to Sergeant Burrell at the
23 hospital. It's on the recording.

24 Q Have you got any reason why that didn't make it into a
25 written report?

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1 A I just seen my child get killed in front me, I almost
2 got killed, so when I wrote the report I may have left it
3 out. But I went back and added it when I remembered it.

4 Q How about the next day? You never said anything about
5 Corey having a gun.

6 A Like I said, sir, I just seen my child get killed, I
7 had his blood on me.

8 Q Yes, ma'am, I understand that. I just want to make
9 sure this jury knows that at no time on the 24th or the
10 25th, the next day, did you ever tell them that Corey pulled
11 a gun.

12 A No, I did not. Well, no. At the hospital that night,
13 yes, I did.

14 Q So only at the hospital, but you don't --

15 A It's on tape, yes, sir.

16 Q You don't know how that didn't make it into a written
17 report.

18 A As far as my report or theirs?

19 Q Yes, ma'am.

20 A My statement?

21 Q Right.

22 A Like I said, I went back and put it in.

23 Q All right. Now, at some point, though, you actually
24 gave a detailed written report on what happened that night,
25 didn't you?

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1 A That's the report I'm in reference to.

2 Q Yes, ma'am. Now, let's talk about that report. This
3 report at the time it was given to you was given to you on
4 stationary by the sheriff's department, right?

5 A A bunch of blank pages, yeah, for me to fill out.

6 Q You were told to fill this out and complete it based on
7 what you saw that night, right?

8 A Correct.

9 Q And at that time you understood that you were making
10 that statement under oath.

11 A Correct.

12 Q That you were supposed to tell the truth, right?

13 A Correct.

14 Q That it was supposed to be accurate, right?

15 A Correct.

16 Q And at no time in this statement -- if I understand,
17 this statement, ma'am, wasn't done until June 6th, 2019.

18 A Correct.

19 Q So a whole year after this incident you were asked to
20 give a statement.

21 A There was no hurry for me to make any statement, sir.

22 Q Sure. But that was important while they were
23 investigating this case, right?

24 A I did it when they asked me to do it.

25 Q Sure. But at the time of this statement Jamal had

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1 already been arrested, right?

2 A Correct.

3 Q He'd already been charged, right?

4 A I guess.

5 Q And it wasn't until a year later that you even
6 mentioned that Corey had a gun, right?

7 A No. I said it that night at the hospital, the very
8 first night when they interviewed me.

9 Q You just don't know why that didn't make it into any
10 sort of report.

11 A Like I said, I'm stressing. I mean, I don't know what
12 else to tell you about that.

13 Q In fact, this statement is eight pages long.

14 A Correct.

15 Q Do you need to see?

16 A No. I know exactly what it says.

17 Q This eight page statement, it goes into telling them
18 what you say happened, and then it wasn't until the very
19 last thing, and it wasn't only until Investigator Burrell
20 asked you "Is there anything else you would like to add to
21 your statement?"

22 A I thought I mentioned it first, but yes.

23 MR. MYERS: May I approach?

24 THE COURT: Sure.

25 Q Ms. Schoultz, I'm going to hand you this statement.

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1 And just so this jury knows what we're looking at here, you
2 agree with me that this statement is dated June 6, 2019,
3 right?

4 A Correct.

5 Q This is your name --

6 A Correct.

7 Q -- and your handwriting. Your handwriting throughout
8 this entire document.

9 A Correct.

10 Q Can you tell me before we get to the final page where
11 you said anything about Corey Jamison pulling out a gun on
12 Mikhelle?

13 A It's not in there except for on the final page.

14 Q And the final page, it wasn't at your suggestion, it
15 was actually, "Question, Detective Burrell. Answer, Margie
16 Schoultz. Is there anything else you would like to add to
17 your statement?" Can you read that to the jury, please?

18 A Besides that. What my answer was?

19 Q Yes, ma'am?

20 A "Yes. Adding to page" I think it says three or two, I
21 can't read my number -- "when Khelle went to the car to get
22 whatever she had to stab him with and came back to attack
23 him, Corey put his left hand around her throat to keep her
24 from hitting him, and he pulled the gun on her but quickly
25 put it back on his person, and that's when she went to her

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1 car and called her brother."

2 Q Now, that was after -- it was almost like an
3 afterthought for you, right? You weren't going to even say
4 anything about a gun until he asked you about that, weren't
5 you?

6 A No, sir. Like I said, I said it the first night. I
7 have never tried to hide nothing.

8 Q Ma'am, in this eight page statement, you had every
9 opportunity to put this in there but you didn't until
10 Officer Burrell asked you about it.

11 A And like I said, sir, I have PTSD, the dog has PTSD.

12 Q Ma'am, I just want to make sure the jury understands --

13 A I'm talking about from this.

14 Q I understand that.

15 MS. PATTERSON: And, Your Honor, this is asked and
16 answered. She has said that she told Sergeant Burrell the
17 night about the gun.

18 THE COURT: Well, it's cross examination, the objection
19 is overruled. Go ahead.

20 Q Ma'am, despite you saying that you told Officer Burrell
21 at the hospital, you had an opportunity in eight pages to
22 tell Officer Burrell that Corey Jamison pulled a gun on
23 Mikhelle.

24 A I did.

25 Q And so for eight pages you said nothing, and it wasn't

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1 until he asked you that final question that you said that he
2 pulled a gun.

3 A Well, first of all, I didn't sit down and write all of
4 that at one time, it was wrote at different times, that was
5 just the ending date that it got turned in.

6 Q So you conveniently leave out that he pulled out a gun?

7 A I didn't conveniently leave it out, no, sir.

8 Q Now, ma'am, let's talk about a gun. Guns are actually
9 pretty cool things unless someone irrationally or irrational
10 is handling them. Would you agree with that statement?

11 A No, I wouldn't, because I don't do guns.

12 Q Well, a gun, would you agree with me, that it can be a
13 pretty scary thing if someone pulled a gun out on you?

14 A Correct, yes.

15 Q If I were to pull a gun and point it right now it would
16 put you in fear, wouldn't it?

17 A Yeah.

18 Q It would make you shock, wouldn't it?

19 A Yes.

20 Q It would cause you to panic, wouldn't it?

21 A Somewhat.

22 Q It is certainly not a good experience to have a gun
23 pulled on you, is it?

24 A No, sir.

25 Q And your testimony is that Corey, the father of your

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1 grandchild, his son, pulled a gun on the mother of his
2 child, the mother of your grandchild.

3 A After she came attacking him constantly he did.

4 Q Sure. But he pulled a gun on her, right?

5 A And she kept attacking him trying to stab him.

6 Q No, ma'am. You said on direct examination that when he
7 pulled that gun out she actually got out of there.

8 A She got what?

9 Q She got out of there, she left.

10 A No, she didn't. That's when she backed up and started
11 that rant and rave.

12 Q So you mean to tell me that pointing a gun at a person,
13 it's supposed to go like a very calming experience for the
14 person who is having the gun pulled on them?

15 A It's different for everyone, sir. It just depends on
16 the situation you're going on or through in your life.

17 Q Well, do you know whether or not Mikhelle had ever had
18 a gun pulled on her before?

19 A I have no idea.

20 Q So to her she had a gun pointed at her with the intent
21 to use it, right?

22 A No. He wasn't going to use it, because he done told
23 her the only thing saving her was me.

24 Q Well, how do you know he wasn't going to use that for
25 sure?

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1 A Because I know Corey.

2 Q But you're saying that she knew that too?

3 A She knew that.

4 Q So you're saying that Mikhelle knew that even though he
5 pulled a gun on her that he wasn't going to use it?

6 A She knew that.

7 Q So the fact that he pulled that gun on her, your
8 testimony is, just to make sure we're clear with this jury,
9 that Mikhelle would not have thought that Corey would have
10 used that gun.

11 A She would not have thought that Corey would have pulled
12 the gun, but he wouldn't have pulled the gun on her had she
13 not came up and keep attacking him.

14 Q Okay. And certainly Mikhelle can testify differently
15 to that.

16 A I'm sure she can.

17 Q Now, the fact of having a gun pulled on you, she then
18 leaves; is that right? Well, let's back up for a second.

19 A Say that again, please.

20 Q This gun just wasn't pulled out of magical thin air,
21 right?

22 A I don't know where it came from.

23 Q Well, we know it came off of him.

24 A Well, it came from Corey but I'm saying I did not see
25 where he physically pulled it out from.

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1 Q Sure. So that means that since it does not come out of
2 thin air, he was riding around in the car with that gun,
3 right?

4 A I don't know. I was not in the car with them, I don't
5 know.

6 Q Well, according to your testimony as soon as they got
7 out of the car he didn't go inside the house, did he?

8 A No, he did not.

9 Q He didn't go to your car, did he?

10 A No.

11 Q He didn't go to any other location before he pulled the
12 gun out.

13 A No.

14 Q So it stands to reason then he had that gun on him the
15 entire time, didn't he?

16 A I can't answer that, sir. I was not there, I don't
17 know.

18 Q Well, you know whether or not he would have used the
19 gun. So you don't know where he would have gotten the gun?

20 A I don't know where he got a gun.

21 Q But we know that no third person dropped a gun to him
22 before he pulled it on Mikhelle.

23 A No.

24 Q Again, just to make sure I'm clear, is it your
25 testimony that he did or did not, or was not riding around

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1 with that gun?

2 A I don't know.

3 Q If he was riding around with that gun with Mikhelle,
4 you don't know whether or not he had pulled it on her before
5 they ever got to Charlotte Street, do you?

6 A I don't know what transpired in the car, sir.

7 Q I see. And when he pulled the gun on her, all she had
8 to defend herself at that time was an object that you said
9 looked like a screwdriver?

10 A I don't know what it was. Like I said, it looked a
11 flat head screwdriver.

12 Q It certainly wasn't a gun, though, was it?

13 A No.

14 Q So it was basically bringing a knife to a gun fight.

15 A I guess, if you want to call it.

16 Q Somebody has the advantage in that situation, didn't
17 they?

18 A Not at first. She had the advantage at first because
19 she was the one doing all the hitting.

20 Q But when he pulled that gun out the advantage belonged
21 to Corey, did it not?

22 A With his hand around her trying to get her to stop,
23 yes.

24 Q But when he pulled that gun out clearly he could have
25 inflicted more harm from a farther distance than she ever

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1 could.

2 A Correct.

3 Q And the gun that he had, it was a black gun? Silver
4 gun? Do you know?

5 A I think it was black.

6 Q And your testimony is you had never seen that gun
7 before?

8 A No, I never said that.

9 Q Now, at this point Mikhelle leaves, right?

10 A I don't know what point you're asking.

11 Q Well, after he pulls the gun on her she then leaves,
12 right?

13 A No, she didn't. That's when she went on her rant and
14 then she jumped in the car and called her brother.

15 Q All right. So at some point when he calls up -- you
16 say she calls her brother, she leaves. I want to pick up
17 from that point when she is away from the scene. Okay?

18 A She left after that.

19 Q Mikhelle is gone.

20 A Correct.

21 Q All right. Now, at some point you say that she sent
22 you a text message.

23 A Correct.

24 Q Now, again, do you remember talking to law enforcement
25 about what you remember about that text message?

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1 A They have proof of it. They've got copies of it on my
2 phone. They went in my phone and got everything.

3 Q Sure. But today you said you actually showed that text
4 to Corey.

5 A No. I showed -- no. I told him the text, I didn't
6 show him anything. I told him the text and I did not show
7 him the pictures.

8 Q In fact, according to your statement going back here, I
9 would like for you to read the highlighted portion of your
10 statement, ma'am. Tell this jury what you told them about
11 that text at that time.

12 A I didn't respond, never showed it to Corey. I didn't
13 show it to Corey. I told -- "and that was because he had
14 calmed down and I didn't want him to get stirred up again."

15 Q Sure. So in this statement now you're saying that you
16 didn't show it to Corey.

17 A I never showed it to Corey, I physically spoke it to
18 Corey.

19 Q So now you're saying you physically spoke it to Corey.

20 A Yes, sir.

21 Q Well, which one is it? I want to make sure --

22 A I told them physically spoke it.

23 Q So when you said that you showed it to him you --

24 A That's me telling him.

25 Q So when you told the jury on direct examination that

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1 you showed it to him, that wasn't truthful.

2 A I told him.

3 Q I understand. But you previously testified on direct
4 examination that you showed it to him.

5 A I don't remember that.

6 Q I see. Now, when Mikhelle leaves -- now, she sends you
7 that text message. And let's put that in context. She was
8 telling you that she was leaving because you had some items
9 there, didn't she?

10 A Correct.

11 Q In fact, the items that were there that belonged to you
12 were there because you were going through a situation with
13 FEMA and your home, right?

14 A Well, I had just gotten my truck, and some of the stuff
15 that was there were in my truck and I couldn't take it
16 because I was in the middle of FEMA fixing my house --

17 Q Sure. So she was simply telling you that you needed to
18 get your stuff --

19 A That's what the text said.

20 Q -- right?

21 A That's what the text said.

22 Q She didn't say it in angry manner.

23 A I don't know. You can't read texts and know what
24 someone is feeling when they're sending them.

25 Q Well, certainly the text did not appear to be hostile,

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1 right?

2 A Like I said, sir, I don't know. I can't read
3 everybody's feelings in a text.

4 Q That's the text that we're talking about, right?

5 A Correct.

6 Q Do you see any hostile words anywhere in that text?

7 A No.

8 Q Is she making any sort of threats to you at all in that
9 text?

10 A It's just stating a fact that I need to come get my
11 stuff.

12 Q Sure. She didn't tell you that Corey also needs to
13 come over and get anything, did she?

14 A No.

15 Q Now, at this point you've already agreed with me that
16 someone had a gun pulled on them and they had the right to
17 be nervous, right?

18 A Correct.

19 Q They had the right to be scared, right?

20 A Correct.

21 Q They had the right to be panicked, right?

22 A Yeah.

23 Q And the person who pulled the gun out, certainly the
24 fact that he pulled a gun would indicate that he had some
25 emotions as well, right?

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1 A He was probably tired of getting hit on, yeah, I would
2 imagine.

3 Q Sure. So he was upset.

4 A He wasn't upset, he was just trying to back her off.
5 Corey doesn't get upset often.

6 Q But on this time you said one of the reasons you didn't
7 immediately take him over there is because he was very
8 upset. Do you remember that?

9 A I said he was upset, not very upset. But upset for
10 Corey just means he's mad, that doesn't mean upset like for
11 everybody else. He's very laid back, I'm telling you.

12 Q But when he pulled that gun up he was mad.

13 A He just pulled a gun out.

14 Q He was mad.

15 A I can't answer that, I'm not him.

16 Q So meaning that you don't know whether or not he would
17 have used that gun when he pulled it out.

18 A They were both mad, so --

19 Q Well, I understand. But you can't pick and choose
20 saying you know and you don't know. So do you know whether
21 or not he was mad when he pulled the gun out?

22 A Oh, I'm sure he was. But like I said, I don't know,
23 I'm not him.

24 Q Sure. And Mikhelle had every reason and right to
25 believe that he was mad and he was upset.

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1 A Correct.

2 Q Now, at some point Corey gets over to that apartment.
3 But before we get to that point, Corey still didn't have a
4 car, right?

5 A Correct.

6 Q He didn't have anybody that jumped up and said, "Corey,
7 I'll take you to the apartment," did he?

8 A Correct. No.

9 Q You took him over there.

10 A I did.

11 Q Now, is there any sort of text message that you had
12 that would indicate that, "Hey, Mikhelle, I'm coming over to
13 your apartment?" Did you respond back?

14 A No. Me and Khelle never talked like that.

15 Q Sure. But you certainly could have responded and said,
16 "Mikhelle, I'm coming over there. Are you okay?"

17 A We were not close like that, sir. I would not text her
18 and ask her anything like that.

19 Q So at no time after your granddaughter -- after your
20 grandson's mother had a gun pointed at her did you ever
21 think to call Mikhelle and say, "Hey, are you okay?"

22 A No. Because there was other stuff going on that I was
23 trying to calm down to make sure all of this went away.

24 Q Sure, I understand. But there's nothing that you have
25 in your possession where you told Mikhelle that, "Hey,

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- 1 Mikhelle, I'm coming over there to talk."
- 2 A I never spoke to Khelle again that night, sir.
- 3 Q You could have, couldn't you?
- 4 A But I didn't.
- 5 Q But you could have, right?
- 6 A Anybody could have.
- 7 Q Yes, ma'am. Just answer my question. I'm not talking
- 8 about anybody, I'm talking about you. You could have,
- 9 right?
- 10 A Corey could have called her or I could have called her.
- 11 But I did not, I have no reason to.
- 12 Q You could have even texted her --
- 13 A I had no reason to.
- 14 Q Let me finish my question, I want to make sure the
- 15 court reporter gets everything down. You could have texted
- 16 her and said that you were coming, right?
- 17 A But I wouldn't.
- 18 Q But you didn't and so you loaded --
- 19 A I did not.
- 20 Q And so you loaded Corey up in your truck and you loaded
- 21 Cliff Anderson up in your truck and y'all went over to the
- 22 apartment, didn't you?
- 23 A I didn't load anybody up.
- 24 Q Well, they got in your truck, right?
- 25 A They were all grown, yes.

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1 Q You got three individuals, including the dog, in your
2 truck and y'all go over to the apartment, right?

3 A Well, this was after later he had got everything
4 situated.

5 Q No, ma'am. You just told this jury that it wasn't much
6 later. You said that it was basically within like a 30
7 minute span that y'all got in your truck and y'all went over
8 there, right?

9 A Correct, that's including drive time.

10 Q This place in Charlotte -- on Charlotte Street and this
11 place in West Columbia, they aren't very far apart, are
12 they?

13 A Correct.

14 Q So y'all got in your truck and y'all went over to this
15 apartment, didn't you?

16 A Correct.

17 Q And it didn't take very long for you to get there, did
18 it?

19 A No.

20 Q At no time did you tell Mikhelle that, "Hey, we're on
21 our way," right?

22 A But I never have done that before so I would not do it
23 now.

24 Q I understand that. I just want to make sure that on
25 that day you never told her that you were coming, right?

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- 1 A No, I did not.
- 2 Q And being the mother you never said, "Corey, stay here,
3 I'm going to go over and talk to Mikhelle."
- 4 A No.
- 5 Q You never said, "Corey, you just pulled a gun on this
6 girl. Where is the gun? Let me see the gun before you get
7 in my truck."
- 8 A No.
- 9 Q You never said, "Corey, you need to make sure that gun
10 stays here, it's not going with me and my car."
- 11 A Corey and I never had a discussion about the gun any
12 further except for him pulling out and I looked to him in
13 disgust. He knew.
- 14 Q But you saw it, ma'am.
- 15 A Oh yeah, I saw it. I never denied that, sir.
- 16 Q And at no time did you ever tell Corey, "Corey, leave
17 the gun here."
- 18 A No.
- 19 Q Right?
- 20 A No.
- 21 Q You could have done that, though, right?
- 22 A I don't know where the gun is, sir.
- 23 Q But at this point you load him in your car, or in your
24 truck, and you drive to Riverbend Apartments.
- 25 A Yes. So we could go discuss coparenting with her,

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1 which is what the original day was supposed to be about.

2 Q Ma'am, is there any reason why that couldn't happen the
3 next day?

4 A No. But I kept Corey from going over there for awhile
5 because in my gut I kept saying, "Don't take him." And the
6 last time he asked I did take him because that is his son
7 and I have taught my kids that they need to be around their
8 kids.

9 Q But, ma'am, in a situation where your son had just
10 pulled a gun out in front of his child on his child's
11 mother, you want this jury to believe that that was the best
12 time to take him over to the apartment?

13 A Nobody said anytime -- a week later could not be a good
14 time, sir.

15 Q Well, you certainly could -- you're saying that it
16 would not have taken a week for him to calm down, to let the
17 situation --

18 A Not just him calming down, it's her as well.

19 Q Sure. So you wanted both of them to be calm, right?

20 A Correct.

21 Q And you thought that you could go over there moments
22 after with him pulling a gun and calm the situation down at
23 that point?

24 A You're just stuck on the gun. I'm saying like that he
25 did point the gun, but after that I don't know where the gun

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1 went. I don't know what he did with it, I have no idea.

2 No. I did not ask him about it before he got in my truck
3 and he asked me to take him over there to discuss the
4 coparenting.

5 Q Ma'am --

6 A So therefore -- if I can, please.

7 Q Yes, ma'am, I'm sorry.

8 A So therefore that's the discussion he wants to have
9 with his wife or ex-common law or whatever you want to call
10 it. That's between them, that's not between me.

11 Q So, ma'am, had you not taken Corey over there that
12 night he still would have had a place to stay, wouldn't he?

13 A He always has a place to stay.

14 Q Sure. He could have laid his head down for a few hours
15 and handled that situation the next morning, right?

16 A I'm sure, yes.

17 Q You as a mother and grandmother, you could have gone
18 over there by yourself and talked to Mikhelle, couldn't you?

19 A Yeah.

20 Q You could have been an intermediary, right?

21 A I was their mediator in between them when they were in
22 the yard.

23 Q Because we know now that it wasn't Corey that was
24 paying the bills, you were paying the bills.

25 A Not bills per se, yeah.

MARGIE SCHOULTZ - CROSS

1 Q So as the person who was helping pay the bills for
2 Osirus and in this apartment, you certainly had the right to
3 go over there and say, "Hey, Mikhelle, look, let's talk
4 about this," right?

5 A I did have the right, but that's not our type of
6 relationship, sir.

7 Q Did you try?

8 A No. Did she? No.

9 Q Well, ma'am, she left because she was avoiding the
10 danger.

11 A I get that at that night, sir.

12 Q Yes, ma'am. Mikhelle was -- after that gun was pulled
13 on her, she did what she needed to do to leave the
14 situation, right?

15 A After she called her brother, yes.

16 Q You did everything to actually take Corey to her,
17 right?

18 A I did not do everything. I wasn't sitting there
19 saying, "Oh, come on, Corey, let's go." No, that's not me.

20 Q Well, ma'am, it was your truck, right?

21 A Yes.

22 Q You drove, right?

23 A My child asked me to, yes, sir.

24 Q So you were the instrument that took Corey over there
25 to that apartment, weren't you?

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1 A Yes.

2 Q Corey would not have gotten over there had it not been
3 for you.

4 A I can't answer that.

5 Q Well, there was nobody else that was volunteering to
6 take him, right?

7 A He could have called anybody after that. If I left he
8 could have called anybody.

9 Q Well, we don't want to talk we coulda, woulda, shoulda;
10 we don't convict people in this state for coulda, woulda,
11 shoulda. We're talking about what happened --

12 MS. PATTERSON: Objection, Your Honor, that's an
13 improper comment.

14 THE COURT: Just ask her a question, please.

15 Q Ma'am, you took him over there, didn't you?

16 A Correct.

17 Q Nobody else volunteered to take him over there, right?

18 A He didn't ask anybody but me.

19 Q Cliff was in no position to take him over there, right?

20 A Nobody drives my car but me, Corey and Khelle.

21 Q So at the time y'all pulled up -- do you still have
22 that pointer, ma'am?

23 A Yes, sir.

24 Q Would you mind if I borrow it from you? Thank you.

25 A You're welcome.

MARGIE SCHOULTZ - CROSS

1 Q Now, just to orient this jury, this is Mikhelle's
2 building, right?

3 A Yes, sir.

4 Q These are the two handicapped spots. And your
5 testimony earlier was that Mikhelle's car was parked here,
6 right?

7 A Correct.

8 Q And when you pulled up you saw another vehicle that you
9 then identified as Jamal's vehicle, right?

10 A Correct.

11 Q And that would have been in the first handicapped spot,
12 right?

13 A Correct.

14 Q At the time they were making no attempt to actually
15 leave, were they?

16 A Jamal and the guy were getting in the car when Khelle
17 saw us.

18 Q No, ma'am. Your testimony was they were already in the
19 car.

20 A Halfway in the car and halfway out, so that's why I
21 said getting in the car, or in the car.

22 Q So your testimony is when you pulled up you think they
23 were actually getting in the car?

24 A Oh, they were getting in the car to leave, yes, sir.

25 Q They were getting in the car to leave.

MARGIE SCHOULTZ - CROSS

1 A They were getting in the car.

2 Q What was Mikhelle doing?

3 A She was standing there. And I knew it was her because
4 her hair was in a bun from the day, she had it in a bun that
5 day, and it was her standing beside them. And she went like
6 this (indicating) and they both jumped back out of the car.

7 Q At the time that you saw them, you're sure that they
8 were just in this parking spot here, right?

9 A Yes, sir.

10 Q They weren't any place else, or you never saw them move
11 to any other location. They weren't lying in wait.

12 A They didn't leave -- they didn't move the car until
13 they left.

14 Q So at the time that you showed up, there was no
15 indication that you know of that Mikhelle knew that y'all
16 were showing up.

17 A Correct.

18 Q Y'all just pulled up, right?

19 A I mean -- yeah.

20 Q In fact, when you pulled up -- you came in from here
21 you say?

22 A That first entrance right there, yes, sir.

23 Q So you pulled in and you drove right up behind that
24 vehicle, right?

25 A No. Parked right there by the median in the little

MARGIE SCHOULTZ - CROSS

1 thing on the side.

2 Q Right here?

3 A No.

4 Q Right here?

5 A Right there.

6 Q So you pulled in right here. Nobody knew you were
7 coming, right?

8 A No.

9 Q Corey jumps out of the car, right?

10 A No, Corey was getting his stuff together. They had
11 already started running when Corey opened the door, he
12 already seen them running to the car.

13 Q Well, what stuff was he gathering? What did he have in
14 addition to the gun?

15 A I don't know for sure. You would have to ask them
16 whatever they have on him from his pockets, I'm talking
17 about when they took him to the hospital, but I don't know
18 what from.

19 Q So it wasn't a suitcase.

20 A Oh, no.

21 Q It wasn't a backpack.

22 A No.

23 Q It wasn't anything that had any clothing in it.

24 A No.

25 Q So when you say he was just gathering his personal

MARGIE SCHOULTZ - CROSS

1 belongings --

2 A Like drinks and -- yeah.

3 Q All right. So then he gets out of the car. And to
4 your knowledge no one in Jamal's vehicle or Mikhelle knew
5 that y'all were coming.

6 A I never announced myself coming.

7 Q You don't know what Mikhelle told Jamal before you got
8 there, do you?

9 A No.

10 Q You don't know whether or not she had told Jamal that,
11 "Hey, Corey just pulled a gun on me."

12 A No, I do not.

13 Q And you've already agreed with me that pulling a gun on
14 someone would make them nervous, right?

15 A Correct.

16 Q Pulling a gun on someone is a very violent act, is it
17 not?

18 A It is.

19 Q And so after this violent act had occurred on Charlotte
20 Street, the three of you show up, right?

21 A Correct.

22 Q Now, you say -- you said initially that the two boys
23 jumped on Corey, right?

24 A I said when we first pulled up they got back out of the
25 car, they ran towards my truck and they already had they're

MARGIE SCHOULTZ - CROSS

1 guns extended, pointing them in the direction, and then they
2 came around the side of the car where Corey was getting out
3 the car. Corey did not get out the car before they made it
4 around there, no, he did not.

5 Q And I want to be clear, maybe I just didn't read your
6 writing well enough. But can you show me in this statement
7 where you said that the other gentleman pulled the gun, too?

8 A He picked up a gun.

9 Q No, ma'am. You said --

10 A No, I said he pistol-whipped him. I didn't say the man
11 shot him, I didn't say -- he did not shoot him, he stood to
12 the side. Jamal is the one who did all of the shooting.
13 Him and the other gentleman are the ones who pistol-whipped
14 Corey in the head before they ran.

15 Q So is it your testimony that the other guy did or did
16 not have a gun?

17 A He picked up a gun during all of this, yes.

18 Q He picked up a gun.

19 A Yeah.

20 Q He picked up Corey's gun.

21 A I don't know whose guns it was, because Corey didn't
22 have a gun on him. If Corey would have had a gun on him,
23 don't you think he would have shot Jamal when Jamal pulled
24 the gun on him?

25 Q Ma'am, that's not true. You just testified that Corey

MARGIE SCHOULTZ - CROSS

1 did have a gun on him --

2 A I said he had a gun on Charlotte Street. I never said
3 anything -- I don't know -- he did not have one in the car,
4 he did not come -- did not ask about a gun. We had no
5 conversations about a gun. So if he would have had one I'm
6 quite sure he would have pulled it. I would have.

7 Q Let's try this this way. Corey, sitting here today,
8 the gun that you saw him pull on Mikhelle --

9 A Correct.

10 Q -- was it ever found in your truck?

11 A No.

12 Q Was it ever found on Charlotte Street?

13 A No, or on his person.

14 Q Did anybody at Charlotte Street ever come to you and
15 say, "Hey, this is the gun that Corey pulled on Mikhelle?"

16 A Oh, no, sir.

17 Q So by deduction the gun that would have fallen would
18 have been Corey's gun.

19 A I'm not aware of that, sir.

20 Q But your testimony is you don't know what happened to
21 the gun.

22 A I have no idea.

23 Q So your testimony is this other guy already had the gun
24 on him?

25 A They both came running with guns, but there was another

MARGIE SCHOULTZ - CROSS

1 gun and the other gentleman, which we still don't know who
2 it is, picked it up.

3 Q So when this other guy stood over there, you said that
4 Cliff went over there with him.

5 A No, I didn't say they were together. Cliff got out of
6 the car and went over there by himself because he didn't
7 want to be involved in what was going on.

8 Q Well, you testified to this jury that Cliff went
9 somewhere over here.

10 A Yeah. I said he got out the truck.

11 Q And you also said that the other gentleman also went
12 somewhere over here?

13 A Yeah. But that don't mean they were standing together.

14 Q So your testimony is that Cliff would have went over
15 there with a man with a gun and just stood there next to
16 him?

17 A Sir, I can't answer anything for anybody except for
18 myself. I can't explain how anybody feels or reacts.

19 Q And you said that you would have pulled a gun.

20 A If he would have pulled a gun on me and I had one I
21 said yes.

22 Q So if a person saw Corey with a gun they would have had
23 the right to pull a gun on him, right?

24 A If he would have pulled it on them first, of course.

25 Q That's right --

MARGIE SCHOULTZ - CROSS

1 A But he didn't. He didn't have a gun on him when he
2 shot him.

3 Q But if someone saw a -- if she said that he had a gun
4 and they pulled -- and he pulled it out, they would have had
5 the right to pull a gun out as well, right?

6 A I'm lost on where you're at in this. Are you on
7 Charlotte Street or are you just in general?

8 Q Well, let's start with Charlotte Street.

9 A Okay.

10 Q We know that Corey pulled a gun on Mikhelle. So by
11 your logic Mikhelle then, if she had a gun, would have had a
12 right to pull it on him, right?

13 A Correct.

14 Q But she didn't have a gun, all she had was a
15 screwdriver, right?

16 A I don't know --

17 Q Sure. And --

18 A -- what it was.

19 Q And if Corey -- if the gun didn't come out of thin air
20 and he was in your car and someone said that they pulled a
21 gun on him, they would have had the right to pull a gun out
22 on Corey, right?

23 A If they say he pulled a gun on them -- because it's
24 like you saying you -- let's just use me and you as an
25 example. Are you saying like -- you say somebody pulled a

MARGIE SCHOULTZ - CROSS

1 gun on you and you're calling me telling me this and that
2 gives you the right to pull a gun on me? Is that what
3 you're saying?

4 Q Yes, ma'am. Well, let's just simplify it. Your
5 testimony is if that someone pulls a gun out on you, you
6 have the right to defend yourself with the gun you have,
7 right?

8 A Yes, sir.

9 Q And you say because the person has a right to defend
10 themselves, right?

11 A Yes, sir.

12 MR. MYERS: One moment, Your Honor.

13 THE COURT: Yes, sir.

14 (Break in proceedings.)

15 Q At some point the gun fell on the ground, correct?

16 A Correct.

17 Q That was the only way that the other person would have
18 gotten a gun, right?

19 A No, I can't answer that. Like I said, he had a gun
20 when he got out and there was another gun.

21 Q Corey -- Jamal had a gun when he got out is what you're
22 testifying to.

23 A Both men had guns when they got out.

24 Q So you're saying there were three guns on the scene
25 that night?

MARGIE SCHOULTZ - REDIRECT

1 A Correct.

2 Q One gun belonged to Jamal?

3 A Correct.

4 Q One gun you said belonged to the other gentleman?

5 A I assume it was his, I don't know. He had it.

6 Q And the other gun belonged to Corey.

7 A No. The gun was on the ground.

8 Q So now you're saying that Corey didn't have a gun that
9 night on the scene.

10 A No. You're twisting what I'm saying, sir.

11 Q I just want to make sure that I understand because it's
12 important. Knowing that Corey had previously pulled a gun
13 out on Charlotte Street and he had gotten into your car,
14 your testimony is what, that he did or did not have a gun as
15 he showed up at Riverbend Apartments?

16 A He did not have a -- as I know of because I did not see
17 one, we did not discuss one. You keep trying to make it
18 like he got one in my car and I don't know.

19 MS. PATTERSON: Thank you. No further questions.

20 THE COURT: Redirect?

21 MS. PATTERSON: Yes, sir, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. PATTERSON:

24 Q Ms. Schoultz, just to kind of clarify, Mr. Myers was
25 trying to get you to commit to a time frame. Again, what

MARGIE SCHOULTZ - REDIRECT

1 time was it -- let me just back up a minute. After Khelle
2 left for the final time from Amanda's house, where did Corey
3 go?

4 A In the yard.

5 Q Did he ever go in the house?

6 A He went in the house to get some water.

7 Q Do you know what else he may have done inside the
8 house?

9 A He came back out. On his way out I found out
10 afterwards that he was telling his cousins to pray for him.

11 Q You didn't go inside with him, right?

12 A No.

13 Q So you can't be certain what he did when he got inside.

14 A All I know is he came out with a water bottle.

15 Q And again, these -- the first contact you had from
16 Khelle after she left was a phone call.

17 A That she called, and I didn't -- yeah. I did not
18 answer. She had already hung up after I answered.

19 Q And about how long had she been gone before you got
20 that phone call?

21 A About ten minutes.

22 Q So that's ten minutes, correct?

23 A Yes, fifteen at the most. It wasn't long.

24 Q Ten to 15 minutes. And then, did you try to call her
25 back?

MARGIE SCHOULTZ - REDIRECT

- 1 A I did call her back.
- 2 Q Did you leave her a message?
- 3 A Might have. Right now I don't remember if I left a
4 message, but she didn't answer.
- 5 Q Okay. And in your -- so you don't quite remember what
6 you said in your message?
- 7 A If I said anything I probably said "Khelle, I'll call
8 you back." Most of the time I don't leave a voice mail.
9 Sometimes when people see that you called they'll call you
10 back.
- 11 Q But you did try to call her back.
- 12 A I did.
- 13 Q And did she call you back?
- 14 A Not after that.
- 15 Q Okay. But instead you got that text message.
- 16 A Correct.
- 17 Q And so again, you got that text message, it came across
18 your phone at 10:13.
- 19 A Correct.
- 20 Q So that would have been about how long after you had
21 got the call?
- 22 A That I left?
- 23 Q No. That you got the call from Khelle and tried to
24 call her back, how much longer after that did you get that
25 text message?

MARGIE SCHOULTZ - REDIRECT

- 1 A Right after.
- 2 Q And then she sent you that picture --
- 3 A Correct.
- 4 Q -- about a minute later?
- 5 A Correct.
- 6 Q But Mr. Myers was trying to get you to say that Khelle
- 7 should have been afraid after she got the gun pulled out on
- 8 her.
- 9 A Correct.
- 10 Q But she was still trying to contact you.
- 11 A Correct.
- 12 Q And again, the gun wasn't pulled out until after she
- 13 had the object in her hand?
- 14 A Correct.
- 15 Q And was coming at Corey.
- 16 A Correct.
- 17 Q Were you in the habit of contacting Khelle before you
- 18 came over to she and Corey's apartment?
- 19 A No.
- 20 Q Do you know if Corey was in the habit of letting Khelle
- 21 know before he came to their apartment?
- 22 A No, he just went home.
- 23 Q And I know you were shaking a little bit, but I really
- 24 want the jury to get a sense of where all of this took
- 25 place.

MARGIE SCHOULTZ - REDIRECT

1 A I need the pen back.

2 Q So just try as much as you can to stay steady.

3 A And what am I pointing at now?

4 Q Now, where again did you park your car?

5 A Right there. It was parked this way facing the parking
6 space long-wise, me coming there. Right there.

7 Q Would it help if you stepped down to just point it with
8 my pen?

9 MS. PATTERSON: Your Honor, permission for the witness
10 just to step down.

11 THE COURT: She wants you to go down to that machine
12 and point it.

13 (The witness steps down.)

14 Q And can you just point where you parked your car.

15 A Right here (indicating.)

16 THE COURT: Y'all can't talk now unless you talk loud
17 enough for the court reporter to take it down.

18 MS. PATTERSON: I was just switching pens.

19 THE COURT: I'm not casting any aspersions, I'm just
20 reminding you, if you're going to talk it has to be on the
21 record.

22 MS. PATTERSON: I apologize, Your Honor.

23 Q So you were parked in that area?

24 A I was parked exactly right here.

25 Q And where did you see Jamal? Where was he when he shot

MARGIE SCHOULTZ - REDIRECT

1 Corey?

2 A On this side of my truck right here (indicating.)

3 Q And where was the other guy?

4 A Over here somewhere (indicating.)

5 Q And where did you see the other guy go to pick up what
6 you described as a gun?

7 A Right here (indicating.)

8 Q And did you ever see Corey go over in that area?

9 A Corey never left the side of the car.

10 Q So Corey remained at the side of your car the entire
11 time this occurred.

12 A Correct.

13 MS. PATTERSON: Thank you, Ms. Schoultz, you can go
14 back to your seat.

15 Q Did Mr. Myers try to get you to say so the only time
16 that you stated that Corey had a gun at Charlotte Street was
17 a year later in your statement; is that true? Did you ever
18 tell anybody that Corey had a gun on Charlotte Street?

19 A Yes. That night that they interviewed me at the
20 hospital.

21 Q And when you say they, who do you mean?

22 A Sergeant Burrell and Ms. Marlow.

23 Q And you told them about the fact that Corey had a gun
24 on Charlotte Street.

25 A Correct.

MARGIE SCHOULTZ - RECROSS

1 Q And at some point Corey did have a job at UPS, didn't
2 he?

3 A Yes, ma'am.

4 Q And what other places did he work?

5 A Worked at Dot's Barbecue for almost two years doing the
6 catering part, which is the football games, USC down at the
7 stadium. And then he went to UPS.

8 Q And when this incident happened, how long had he been
9 out of work?

10 A A couple of weeks.

11 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

12 THE COURT: Yes, ma'am.

13 (Break in proceedings.)

14 Q When you turned in and you saw Kell at that car, did
15 you see them carrying any items in their hands or anything?

16 A No. They were -- like I said, they were getting in the
17 car, they were halfway in and halfway out and she was
18 standing on the outside.

19 Q Do they have any boxes in their hands?

20 A No, ma'am.

21 Q Any bags in their hands?

22 A No, ma'am.

23 Q And did you see Osirus at all?

24 A I did not. I did not see Osirus since Corey put him in
25 the car at the store across the street from the State Farm

MARGIE SCHOULTZ - RECROSS

1 office.

2 MS. PATTERSON: Thank you, Ms. Schoultz.

3 THE COURT: Recross?

4 RECROSS EXAMINATION

5 BY MR. MYERS:

6 Q Ms. Schoultz, I want to make sure I understand. Now,
7 parking, that is a term -- that would indicate that it was
8 legally parked, right?

9 A I'm not understanding your question. Was I legally
10 parked? No.

11 Q Yeah. In fact, just to be clear, when y'all came in
12 here and got to this point according to your testimony, your
13 headlights were pointing toward the building, right?

14 A Correct.

15 Q So you never pulled into a parking spot at all.

16 A At all.

17 Q So you would have been illegally parked, right?

18 A Yeah. I was just dropping him off.

19 Q And your headlights would have been beaming toward any
20 cars that were parked here --

21 A Yeah.

22 Q -- right?

23 A Well, not anybody, directly in front me.

24 Q Yeah. Okay. Now -- and that was Exhibit 5. In
25 Exhibit Number 3, I just want to make sure we go back to

MARGIE SCHOULTZ - RECROSS

1 this text message. You had the ability to text and respond,
2 right? In other words, you knew how to text.

3 A Yeah.

4 Q And we know that because this is Mikhelle saying, "Hey,
5 ask Corey to call me," and this was July 19th. And after
6 this series of text messages on August 24th there's no
7 response from you whatsoever, right?

8 A No.

9 Q There's nothing that, "Hey, Mikhelle, I'm on my way
10 there," right?

11 A No.

12 Q There's nothing from you saying that, "Corey, Cliff and
13 I, we're coming."

14 A No.

15 Q You could have done that.

16 A Yeah.

17 MR. MYERS: Thank you. No further questions.

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

19 Ladies and gentlemen of the jury, we're going to recess for

20 lunch. You're on your own for lunch. I need you back here

21 at 2:20, please, that's an hour and 15 minutes from now.

22 Please report where the bailiff tells you to report. I hope

23 you have a pleasant evening. Remember all of those

24 admonitions and leave your notes in the courtroom for us,

25 please. Thank you.

1 (The jury left the courtroom.)

2 THE COURT: Ladies and gentlemen, don't leave the
3 courtroom until one of the deputies tells you that the jury
4 has cleared out. Just make sure you don't have any contact
5 with any juror. Be careful in the common areas that you
6 don't have any contact, that you're not talking about the
7 case or anybody in it in a manner that might be overheard by
8 a juror. If you go to a restaurant and you're eating there,
9 the jury may choose -- a juror may choose to eat at the same
10 place, so check around and make sure there are no jurors
11 within earshot of you and that you have no contact with any
12 juror.

13 (A lunch break was taken.)

14 (The jury returned to the courtroom.)

15 THE COURT: Call your next witness.

16 MS. PATTERSON: Thank you, Your Honor. The State calls
17 Cliff Anderson.

18 The witness, CLIFF ANDERSON, was first duly sworn and
19 Testified as follows:

20 THE CLERK: Once you're seating speak up loud and
21 clear. State your full name spelling your last on the
22 record.

23 THE WITNESS: Cliff Anderson, A-n-d-e-r-s-o-n.

24 DIRECT EXAMINATION

25 BY MS. PATTERSON:

CLIFF ANDERSON - DIRECT

1 Q And can you kind of just adjust the microphone so we
2 can make sure the jury hears you? And just get yourself
3 comfortable, Mr. Anderson. Mr. Anderson, can you tell us a
4 little bit about you? Where are you from originally?

5 A Originally from Columbia.

6 Q And where do you currently live?

7 A Sumter, South Carolina.

8 Q What kind of work do you currently do?

9 A I'm a merchandiser, I work for Wal-Mart.

10 Q And where are you actually working at now?

11 A North Dakota.

12 Q And Mr. Anderson, do you know Corey Jamison, or did you
13 know Corey Jamison?

14 A Yes.

15 Q And how long did you know Corey Jamison?

16 A Well, basically I met him when he was a little boy, so
17 most of his life.

18 Q And how is it that you got to know him?

19 A Through his mother. Me and his mother knew each other
20 when we was teenagers back in '82.

21 Q Were you present on the day that he was killed?

22 A Yes, I was.

23 Q And lets go back to earlier in that day. What do you
24 remember?

25 A Margie. She had told me that Corey had a son, and I

CLIFF ANDERSON - DIRECT

1 was like, "Well, I want to meet him." And she was like,
2 "Well, let me call him and we'll get together and see if you
3 can meet him."

4 Q And were you able to meet his son?

5 A Yes.

6 Q And where did you meet him?

7 A We actually went and picked Corey and the baby up, and
8 he actually came back with us over to where she was residing
9 at.

10 Q And do you remember where y'all went to pick them up?

11 A The Riverbend Apartments.

12 Q And were you familiar with the Riverbend Apartments?

13 A Well, I'm familiar with them from just being from this
14 area, you know they're there. But I never knew nobody that
15 stayed over there, no.

16 Q And so when you went over to the apartment, who was all
17 there?

18 A That morning when we went over there it was kind of
19 like a surprise because Corey didn't know I was in the car.
20 Because when he came out he didn't spot me, and then I
21 opened the door and then he spotted me and he was like,
22 "Oh." And I was like, "I come to meet your son." And he
23 was there, Osirus, and his girlfriend.

24 Q Do you know her girlfriend's name?

25 A Well, from what he kept saying her name was Khelles

CLIFF ANDERSON - DIRECT

1 (sic).

2 Q And had you ever met her before?

3 A No.

4 Q And after that initial meeting, what happened?

5 A Me, Corey, his mom and the baby, we left. I don't know
6 where she went, but we left and went together and hanged out
7 for awhile.

8 Q And where did y'all go hang out at?

9 A I can't quite remember where we all went to that day.
10 I know she had to go pay some bills, but we was just
11 basically riding with her for her to take care of her
12 business.

13 Q And at some point, were you with Margie when she went
14 to take Corey to meet Khelle?

15 A Yes. She let me know that she had to go and meet her
16 so they could drop Corey and the baby off to her.

17 Q And after you and Margie dropped Corey off, what did
18 y'all do?

19 A We had ended up going over to Amanda's house.

20 Q And do you know where Amanda lived?

21 A It was Charlotte Street over in Cayce.

22 Q And what were y'all going to do over there?

23 A Well, she was supposed to be having some kind of
24 cookout for one of her kids or something, or her boyfriend
25 or something like that.

CLIFF ANDERSON - DIRECT

1 Q And so who was at Amanda's house with you and Margie?

2 A Basically Amanda and her kids and other folks that I
3 didn't really know. I knew Amanda and them and Margie and
4 them, but I didn't know too many people that was there.
5 There was other people there.

6 Q And where were y'all all sitting?

7 A Out in the yard.

8 Q And what were y'all doing?

9 A Just listening to music and drinking beer and
10 conversating.

11 Q Was it a good time?

12 A Yes, it was.

13 Q And do you remember when Corey arrived there?

14 A I kind of remember when he first pulled up yes. I
15 think it had turned dark, I think, already by the time he
16 got there.

17 Q And how did he get there?

18 A Kell brought him there.

19 Q And when she dropped off Corey, did anything catch your
20 attention?

21 A Basically I can't kind of recall nothing happening
22 right then. But, you know, I saw them talking with each
23 other but I didn't know what they was talking about.

24 Q And did something happen later that drew your attention
25 to them?

CLIFF ANDERSON - DIRECT

1 A Yeah. She pulled up and said she wanted to talk with
2 Corey, and they was arguing back and forth, you know. I
3 cannot recollect what they were saying but they started
4 arguing.

5 Q And when they're arguing, are you really getting
6 involved? Did you do anything?

7 A No, I didn't really do nothing. But I was just
8 basically just, you know, telling Corey, you know, "Hey, man
9 chill out, don't worry about it, man. Just let her go." He
10 kept asking her to leave but she wouldn't leave.

11 Q And did she eventually leave?

12 A Well, after a couple of times of going up the road,
13 coming back, going up the road and coming back, she
14 eventually, left, yes.

15 Q And before she left do you remember anything happening
16 in which you may have stepped up and got involved?

17 A Yeah. I remember her -- I think this was the last time
18 she came -- she went to go to her trunk and she was just
19 slinging stuff out of there, and then she reached down and
20 grabbed something, and when she came up with it, it
21 basically looked like a ratchet or something.

22 Q And what did she do with this ratchet?

23 A Well, she was going to go towards Corey, but I stepped
24 in between them and was like, "Hey, no, don't do this." And
25 that's when she threw it back in the car that I can

CLIFF ANDERSON - DIRECT

1 remember, and that was that.

2 Q Did you ever see Khelle hit Corey?

3 A Well, she was trying to come up on him and kept asking
4 hip for keys, that's what I kept hearing, keys. And as she
5 was trying to reach out for him he was like, "Stop," you
6 know, "go back. Stop."

7 Q At any point did you see him lay his hands on her?

8 A I didn't, no, I didn't. The only thing I seen him
9 defending himself trying to get away from her.

10 Q And did you personally see Corey with a gun out on
11 Charlotte Street?

12 A No, I didn't.

13 Q And at some point did you see Khelle get on her phone?

14 A Yeah. I think it was the time before she left she got
15 on the phone and she was like, "Yeah, he just pulled a gun
16 on me." But when she said it, it didn't regulate to me
17 because I didn't see a gun. I don't know if my back was
18 turned or what, but I didn't see no gun. And then she
19 stated, "You need to come and get him."

20 Q Did you know who she was talking to?

21 A No, ma'am.

22 Q And so after that she leaves.

23 A Yes.

24 Q And what happens at Amanda's house?

25 A Basically, you know, we -- I went and sat back down,

CLIFF ANDERSON - DIRECT

1 Margie sat back down and Corey did the same, and we just sat
2 there, you know, and, you know, was just glad that
3 everything had calmed down. And by that time Amanda had
4 pulled back up, because I think she went to drop somebody
5 off or something, I don't know, but she had pulled back up.
6 And, you know, it was so happened that it had stopped,
7 because, you know, she had just pulled up. And I was like
8 thinking I didn't want that to be the main part of her
9 coming back to her home finding somebody arguing in the
10 yard, because she got neighbors and stuff. But by the time
11 she got there it was, you know, over with.

12 Q Did y'all go back to having a good time?

13 A Yes. Just sitting out there talking, yes.

14 Q And at some point I think you left with Margie to take
15 Corey back to the Riverbend?

16 A Yes. After we sat there for awhile and, you know, it
17 seemed like -- Corey was already calmed down and I figured
18 it wasn't nothing wrong. Margie was like, "Corey want me to
19 take him home." I was like, "Okay. I'll ride with you."
20 And so we did. We left and we took him back.

21 Q And if Corey would have been upset, what would you have
22 done?

23 A Basically if he was upset still I would have, you know,
24 referred to his mother and said, "No, you know, we don't
25 need to go over there right now, you know. He's still kind

CLIFF ANDERSON - DIRECT

1 of upset so let's just chill over here." But I didn't see
2 that.

3 Q And so who leaves Amanda's house with you and Margie?

4 A It's me and Margie, Corey, and the dog, Daisy.

5 Q And where do you remember everybody being in the car?

6 A Margie was driving, I was on the passenger, Corey was
7 sitting directly right behind me, and Daisy was behind
8 Margie.

9 Q And when Margie pulls into the Riverbend Apartment
10 Complex, did anything catch your attention?

11 A Well, when we pulled in -- when we pulled in and as we
12 turned towards the apartment, before we could really get to
13 the apartment I heard somebody yell out, "There he is right
14 there." So to me that's -- she was showing that she
15 recognized the truck, but I ain't know who she was talking
16 to until we actually pulled on up, and that's when the guys
17 jumped out and came around in front of the truck. And
18 before Corey could get out and before I could get out they
19 was already around at the back door trying to swing at
20 Corey.

21 Q And when you say you heard someone say, "There he is,"
22 who were you referring to?

23 A Khelles (sic).

24 Q So you recognized her when y'all pulled in.

25 A Yes.

CLIFF ANDERSON - DIRECT

1 Q And so, do you remember if Margie ever parked in an
2 actual parking spot?

3 A No. I figured she probably would have parked in the
4 handicap but it was cars already parked there.

5 Q Okay. So where did she pull her car?

6 A It's basically, when we pulled in we didn't make it all
7 the way up there. Because by the time we pulled in she
8 hollered, "There he is," then that's when they ran across,
9 and when we saw them running across that's what made us jump
10 out of the car, and by that time we all jumped out. By the
11 time we get out Corey was saying, "Hey man, put the gun
12 down, I'll beat both of y'all," just like that. He never
13 put the gun down, and they kept trying to swing and hit him,
14 and "pow," it went off and then he reacted, and it jammed
15 and then, "pow." And then after Corey was going down he hit
16 him with the gun in the top of his head, and I heard the
17 other guy say, "We've got to get out of here," and that's
18 when they ran off. It happened fast.

19 Q It happened fast. Okay. And I know it happened fast,
20 excuse me, but I'll just slow you down just so I can make
21 sure the jury understands. Margie, you said she pulls up.
22 And where do you see -- what direction do you see the guys
23 coming from?

24 A Well, when we pulled in they're like this, so they're
25 coming towards us in front of the car.

CLIFF ANDERSON - DIRECT

1 Q And maybe this will help. I'm going to give you a
2 pointer and here is the little button. This is States's
3 Evidence 5. Cliff, do you recognize that image in that
4 picture?

5 A Yes.

6 Q And can you tell from that image where Margie pulled
7 in?

8 A When we came in we came in through here and we stopped
9 about -- we didn't get no farther than right there.

10 Q And where did you see Kell when you heard her saying
11 "There he is right there?"

12 A I think she was standing about right here.

13 Q And when Margie pulled up there, what direction did you
14 see the guys come from?

15 A They came from this area right here and crossed in
16 front of the car.

17 Q And when they came in front of the car, did you see
18 anything in their hands?

19 A Yeah, I saw a gun.

20 Q And who had a gun?

21 A The first guy, Jamal.

22 Q Okay. And did you personally see anything in the other
23 guy's hand?

24 A No, I didn't.

25 Q Okay. And so is Corey inside the car then?

CLIFF ANDERSON - DIRECT

1 A No. Corey had -- by the time they crossed in front of
2 the car, Corey had done made it out of the back seat, and
3 that's when Jamal confronted him and said to him, "Hey man,
4 I told you, don't put your hand on my sister." And Corey
5 replied back and said, "Yo, man, I didn't do that." And
6 that's when he swung the gun at him and tried to hit him.
7 And then Corey was like -- and by that time Margie was
8 already there and she was like, "Hey, don't shoot my son."
9 And Corey was like, "Hey, man, if you put that gun down we
10 can fight like men."

11 Q Okay. And had you gotten out of the car?

12 A Yeah. I was out of the car during this time also. And
13 I was basically trying to see what's going on, you know,
14 "Hey man, that's happening? Hey, don't do that, man."

15 Q And when Corey got outside of the car, where was he
16 standing?

17 A At the back of the -- right at the back of the truck.

18 Q And the guy who had the gun, where was he standing in
19 relation to Corey?

20 A Right across in front of him.

21 Q To the left or to the right?

22 A The truck is facing in like -- where we was at right
23 here, it's facing that way towards the building. Corey was
24 here, he was across -- Corey was here and he was right
25 there, right in front of each other.

CLIFF ANDERSON - DIRECT

1 Q And were you paying any attention to the other guy?

2 A Not really, because my focus was on the guy with the
3 gun. Because, you know, if I could get him to calm down the
4 other guy really ain't been -- he really wasn't a threat to
5 me. But I was trying to get the guy with the gun to
6 actually calm down, and at the same time Margie was trying
7 to do the same thing.

8 Q And how were you trying to get him to calm down?

9 A By saying, "Hey, man, put the gun down, man, let's talk
10 about it." But, that was a moot thing because he never paid
11 me no attention. After I said that, then I heard a gunshot
12 went off. I think the first one actually missed Corey, but
13 then when he racked it and did it again, I think the second
14 shot hit him, and then when he hit him and he saw Corey went
15 down, that's when he hit him across the head and took off
16 running.

17 Q Now, you said that the gun jammed.

18 A Jammed.

19 Q And what, if anything, did you do when the gun jammed?

20 A He reached in and did something with it, and that's
21 when he shot the second time.

22 Q And is that the shot that you remember hitting Corey?

23 A Yeah. Because after that that's when I think Corey
24 went down.

25 Q Corey went down? And then what do you remember

CLIFF ANDERSON - DIRECT

1 happening?

2 A They taking off. And once they took off I went to try
3 to grab Corey, and as I'm grabbing him from the back of the
4 vehicle trying to walk him to the front he collapsed on me
5 right there at the passenger door front door. And so during
6 this time I'm trying to get Margie to call 911, and at the
7 same time she tried to call but it was hooked up to the car
8 and her phone dropped.

9 Q Now, you said they took off. Before they took off,
10 what, if anything, did you hear either one of them saying?

11 A Well, I heard the one guy said, "Hey, man, we've got to
12 get out of here." I never heard Jamal said nothing, but the
13 other guy said so.

14 Q And then what type of vehicle did they jump in to?

15 A It was a black Impala, I don't know what year, but it
16 had no hubcaps or nothing on it.

17 Q How many times do you remember they struck Corey in the
18 head?

19 A When they initially ran over there to the car, it was
20 just like somebody trying to hit somebody but they fending
21 off, so I don't think it really hit him then. But then
22 after he backed up and shot the gun, you know, that kind of
23 got all of our attention because of the shot, and then it
24 jammed. And then he reracked it real quick and "pow," and
25 that's when it hit him. It was so fast. I mean, it was

CLIFF ANDERSON - DIRECT

1 like -- it seemed like seconds it was so fast to me. And
2 it's not -- it wasn't no long out drawn argument, that's
3 what I'm trying to get at.

4 Q And did you ever see Corey with a gun out at Riverbend?

5 A No, ma'am. I never saw him with a gun.

6 Q And so are you paying Khelle any attention during all
7 of this?

8 A No, ma'am.

9 Q So you never see where she is?

10 A No, ma'am. The only time I saw where she is when we
11 initially pulled in. Because like I told you, you know, my
12 focus was on the guy with the gun.

13 Q And law enforcement, did they arrive a short time
14 later?

15 A Yes.

16 Q And were you able to give law enforcement a description
17 of the car?

18 A Yes, I did.

19 Q And is that the same description that you gave us?

20 A Yes.

21 Q And were you able to give them any information
22 regarding the shooter?

23 A Not at that moment. But like I said, I didn't know
24 much of who it was or this and that, you know, who did it.

25 No, I didn't know anything right then. But I did know that

CLIFF ANDERSON - DIRECT

1 he was about 5-10, you know, medium build, you know,
2 brown-skinned guy.

3 Q But you were able to get a good look at him.

4 A Yes.

5 Q You actually were having a conversation with him.

6 A Yeah. I was trying to get him to put the gun down.

7 Q And so at some point, did you meet with law enforcement
8 to do a photo lineup?

9 A Yes.

10 Q Pick out someone out of a photo lineup?

11 A Yes.

12 Q I'm going to show you what's been marked as State's
13 Exhibit 7 and ask you to take a look at this. Do you
14 recognize that document that I just handed up to you?

15 A Yes, ma'am.

16 Q And what do you recognize it to be?

17 A My signature and photo lineup.

18 Q Okay. And do you remember where you went to do the
19 photo lineup?

20 A Lexington County Jail.

21 Q And what date is on the lineup?

22 A That was that Sunday.

23 Q And what date is that?

24 A August 26th.

25 Q And does this document fairly and accurately represent

CLIFF ANDERSON - DIRECT

1 the photo lineup that you did on August 26, 2018?

2 A Yes, ma'am.

3 Q Based on your signature?

4 A Yes, ma'am.

5 Q And does it look like it's been changed and altered in
6 any way?

7 A No, ma'am.

8 MS. PATTERSON: Your Honor, at this time we move
9 State's Exhibit 7 into evidence.

10 MR. MYERS: No objection.

11 THE COURT: No Neil versus Biggers hearing?

12 MR. MYERS: Right, Your Honor.

13 THE COURT: Mark 7 into evidence, please, sir.

14 (The photo lineup was received as State's 7.)

15 Q And Mr. Anderson, when you met with -- I think you met
16 with Sergeant Burrell to do this photo lineup. Did he tell
17 you who you should pick out out of this photo lineup?

18 A No, ma'am. One thing he did say to me, he said the
19 suspect may or may not be in this lineup, that's all he
20 said.

21 Q And when he showed you the lineup, did he show you the
22 lineup as represented in this picture, all six pictures?

23 A Yes, ma'am.

24 Q Okay. And were you able to make an identification of
25 someone?

CLIFF ANDERSON - CROSS

1 A Yes, ma'am.

2 Q Do that circle indicate the person that you identified
3 as being the shooter of Corey?

4 A Yes, ma'am.

5 Q And do you see that same person that you selected in
6 the photo lineup in the courtroom today?

7 A Yes, ma'am.

8 Q And where do you see him?

9 A To the left of me at defense table.

10 Q And what does he have on?

11 A A white shirt, back tie.

12 Q And do you recognize the person even wearing a facial
13 mask?

14 A Yes, ma'am.

15 MS. PATTERSON: Your Honor, please let the record
16 reflect that he has identified the defendant, Jamal Coburn.

17 THE COURT: There's two over there with a white shirt
18 and a dark tie.

19 Q What else does he have on?

20 A He has a --

21 Q Does he have a jacket on?

22 A No, he don't have no jacket on. All of the rest of
23 them have a jacket on, he the only one that don't have one.

24 THE COURT: So noted.

25 MS. PATTERSON: Thank you. Beg the Court's indulgence,

CLIFF ANDERSON - CROSS

1 Your Honor.

2 THE COURT: Yes.

3 (Break in proceedings.)

4 MS. PATTERSON: Thank you, Mr. Anderson. Please answer
5 any questions the defense may have.

6 THE COURT: Cross?

7 MR. MYERS: Thank you, Your Honor.

8 CROSS EXAMINATION

9 BY MR. MYERS:

10 Q Good afternoon, Mr. Anderson.

11 A Uh-huh.

12 Q Mr. Anderson, it sounds like on this night you wanted
13 to be the voice of reason; is that right?

14 A Well, sir, if you've got a gun in your face you would
15 want to be a voice of reason.

16 Q Yes, sir. And going back to the time at Charlotte
17 Street it sounded as if you wanted to be a voice of reason,
18 right?

19 A Yes, sir.

20 Q At what point did you tell Ms. Schoultz, or Corey, that
21 "Hey guys, let's just sit here. It ain't a good idea to go
22 over to Riverbend?

23 A I don't remember saying that.

24 Q You didn't say that, did you?

25 A No, I did not.

CLIFF ANDERSON - CROSS

1 Q Was it because you had been drinking all day?

2 A No. It ain't because I'd been drinking all day, I just
3 didn't say it.

4 Q All right. But you had been drinking that day?

5 A Yes.

6 Q Now, have you ever had a gun pulled on you?

7 A Yes, sir.

8 Q And it's a very nerve-racking experience, isn't it?

9 A Yeah.

10 Q A very scary situation, isn't it?

11 A Yes.

12 Q Makes you nervous?

13 A Yes.

14 Q Makes you panic?

15 A Yes.

16 Q But you don't know what that individual with that gun
17 is going to do, do you?

18 A That's true.

19 Q Now, you've been here and you were here when Ms.
20 Schoultz testified, weren't you?

21 A Yes.

22 Q And you heard her testify that Corey pulled a gun on
23 Mikhelle. You heard that, right?

24 A Yes.

25 Q Now, was that the first time you had heard that?

CLIFF ANDERSON - CROSS

1 A Well, yes.

2 Q So the first time you heard that Corey had pulled a gun
3 on Mikhelle was sitting here in this courtroom?

4 A Yes.

5 Q It shocked you, didn't it?

6 A Yeah, because I never saw a gun.

7 Q Yeah. And the fact that you now know that Corey pulled
8 a gun on Mikhelle now says, "Well man, what was he
9 thinking," right?

10 A Well, no. I can't really say what he was thinking,
11 sir.

12 Q Sure. But it surprised you to know that he pulled a
13 gun on his baby's mother.

14 A Well, yeah. Today, yes.

15 Q Yeah. And since we now know that he pulled a gun on
16 her, it makes better sense that she went to her car, doesn't
17 it?

18 A No. Basically she didn't go back to the car right
19 then.

20 Q Well, if someone pulled a gun on her she would have had
21 the right to go to her car to try and defend herself, right?

22 A Yes, sir.

23 Q But she didn't come out with a gun, did she?

24 A No, she did not. But she didn't go to her car right
25 away either.

CLIFF ANDERSON - CROSS

1 Q Right, I know, I get that part. But she didn't pull a
2 gun out either, did she?

3 A No, sir.

4 Q And when you saw her with the iron, or whatever it is
5 that you say -- you say it was a tire iron?

6 A I can't recollect really what it was, but I know it was
7 something shiny.

8 Q Was it a long object?

9 A It was big enough for her to grab it in her hand and
10 hold it up. I could see it.

11 Q Now, when you say big, was it long? How long was it?

12 A I don't know, sir, I can't really recollect how long it
13 was. But I know it was an object.

14 Q Well, just use your hands. Was it this long
15 (indicating?)

16 A It was probably about that big (indicating.)

17 Q How round was it?

18 A I can't tell you that.

19 Q Was it bent in any way?

20 A No. It was --

21 Q But when you went to her, you actually went to her and
22 said, "Hey, calm down," right?

23 A Yes.

24 Q And according to what you just said, she turned around
25 and she went to her car, right?

CLIFF ANDERSON - CROSS

1 A No, she didn't go to the car. She just threw it back
2 in the trunk and shut the trunk.

3 Q She shut it -- she listened to what you were saying,
4 she shut the trunk and that was the end of any sort of
5 weapons that you're saying that she had.

6 A Yeah. At that point, yes.

7 Q And according to Ms. Schoultz we know that Corey still
8 had his gun, right?

9 A I don't know that.

10 Q All right.

11 A Because I never saw a gun, sir.

12 Q Well, you just know she just said that he's had a gun.

13 A Yes.

14 Q Now, at the point -- at some point she leaves, right?

15 A Yes.

16 Q Now, had Ms. Schoultz told you that Corey had a gun,
17 that same voice of reason you would have intervened and
18 said, "Hey, let's not go over there guys."

19 A Well, yes.

20 Q Because you knew the fact that he had pulled a gun,
21 which is a dangerous instrumentality, could have caused some
22 harm, right?

23 A Right.

24 Q That wasn't a situation where a person needed to pull
25 out a gun, was it?

CLIFF ANDERSON - CROSS

1 A Well, yeah, you're right.

2 Q There was no need for Corey to have pulled a gun on
3 her, was there?

4 A Well, I don't know. I never saw a gun so I don't know
5 whether it was -- he was going to pull a gun or not because
6 I never saw one. But in this instance where they was going
7 back and forth, it was just -- it was intense but really
8 wasn't intense, you know.

9 Q What does that mean, it was intense but it wasn't --

10 A It was intense because she kept coming at him and he
11 kept saying, "Go, stop, leave."

12 Q So it was an emotional situation.

13 A Yes.

14 Q And she left, didn't she?

15 A Not eventually, no, not right away. She went up the
16 road and came back several times.

17 Q She left, though, didn't she?

18 A Yeah, she did.

19 Q Now, did Margie show you the text message that she had
20 gotten?

21 A No.

22 Q At anytime did Margie say, "Hey, I need to go over and
23 calm Mikhelle down?"

24 A No.

25 Q At any point did she say, "Hey, I need to go over and

CLIFF ANDERSON - CROSS

1 just make sure my grandbaby is okay?"

2 A No.

3 Q At any point did she say, "Hey, y'all sit here, let me
4 call Mikhelle and make sure she's okay?"

5 A No.

6 Q Now, had you seen Corey pull a gun, would you have
7 called Mikhelle and said, "Mikhelle, are you okay?"

8 A No. I wouldn't have called her because I didn't know
9 her like that, I just had met her. But if I knew he would
10 have pulled a gun on her I wouldn't have let us go back over
11 there right then.

12 Q Exactly. You wouldn't have done that because you knew
13 that that would have added fuel to the fire, right?

14 A Yeah, that's common sense.

15 Q And it wasn't that Mikhelle or anybody came back to
16 Charlotte Street, y'all went to Riverbend, right?

17 A Right.

18 Q And at the time y'all got there you didn't know the
19 gentleman that you say that Corey got into it with, did you?

20 A No.

21 Q You don't know whether or not they knew Corey, did you?

22 A No.

23 Q You don't know how much Mikhelle had told them about
24 what had happened at Charlotte Street, do you?

25 A No.

CLIFF ANDERSON - CROSS

1 Q At that point y'all pull in, headlights facing where
2 they were parked, right?

3 A No. They weren't facing right at them.

4 Q Well, you testified, sir, that according to this -- is
5 that highlighter still there, sir?

6 A Yes.

7 Q May I borrow it from you? Thank you. According to
8 your testimony you say that y'all pulled in and that y'all
9 were here?

10 A Sir, we were right there where that little island was.

11 Q Right there where the island is? And the headlights
12 were beaming in that direction, right?

13 A No, it wasn't shining. His car was over this way.

14 Q Over there?

15 A Right there, yes, sir.

16 Q And so your testimony is when y'all came in y'all's
17 headlights were flashing in that direction.

18 A I mean, sir, it's not pointing directly at them, no.

19 Q I didn't say that. I'm just saying that your
20 headlights were pointed in that direction.

21 A Yes.

22 Q All right. And at that point you don't know what they
23 knew about y'all coming over there, do you?

24 A No, I wouldn't unless I'm psychic.

25 Q At that point the individual that's there, he doesn't

CLIFF ANDERSON - CROSS

1 know who y'all are and y'all don't know who he is --

2 A Yeah --

3 Q -- right?

4 A Evidently when we pulled up I heard her say, "There he
5 is right there." So she recognized our car.

6 Q Yes, sir. I'm talking about the individuals that were
7 in the car, you never heard them say anything, did you?

8 A No.

9 Q Because the only person that you say you heard was
10 Mikhelle?

11 A Yes.

12 Q So you don't know whether or not the individuals in the
13 car ever knew who that was pulling up.

14 A Well, they had to know who this was because she
15 hollered out, "There he is right there," and that's when
16 they ran across in front of the car.

17 Q But you say this happened very fast.

18 A It did.

19 Q So in that instant that would have been the first time
20 that you say that they would have known who that was in the
21 truck?

22 A When we pulled in she said, "There he is right there."
23 They jumped out, ran across, and it all happened fast, sir.

24 Q Yes, sir. But before that there would have been no
25 notice that y'all were coming, right?

CLIFF ANDERSON - CROSS

1 A No, ain't no notice that we was coming.

2 Q Y'all didn't call and say, "Hey, we're on the way."

3 A No.

4 Q And so at that point the individuals in the car, they
5 would have just seen three individuals pull up and a dog; is
6 that right?

7 A I guess so, yeah.

8 Q So from their perspective they didn't know what y'all
9 were coming to do. Y'all weren't legally parked, right?

10 A No. We couldn't park because -- they wasn't legally
11 parked, they was in the handicapped where she would have
12 parked. But at the same time when we came in that's when I
13 heard her say, "There he is right there." And by the time
14 she said, "There he is right there," that's when they ran
15 and crossed over, sir. And so that would make her stop
16 right in her tracks as they're running in front of the
17 vehicle to try to get at her son.

18 Q Have you heard the saying that hindsight is 20/20?

19 A No, I ain't never heard that.

20 Q You never heard that?

21 A No.

22 Q Well, at the time on August 24th of 2018, you didn't
23 know anything about the people in that car, did you?

24 A No, I didn't.

25 Q You didn't know whether or not they had the right to be

CLIFF ANDERSON - CROSS

1 in that handicapped parking spot or not, did you?

2 A No, I didn't.

3 Q Right?

4 A You right.

5 Q So on August 24th of 2018, you knew nothing about that
6 car that was parked there, right?

7 A No.

8 Q And based on what you're saying they didn't know who
9 y'all were, they just saw three individuals and a dog.

10 A Yeah, they did, because she hollered it out.

11 Q That's your story, that just because she hollered it
12 out --

13 A Sir, that's what happened.

14 Q I understand that. But --

15 A Yeah, she hollered. She said, "There he is right
16 there." And I recognized her voice, and I saw her.

17 Q Sure. When she said he, she didn't say, "There they
18 are," did she?

19 A No. She said, "There he is right there."

20 Q But ultimately it was multiple people other than just
21 he, wasn't it?

22 A It just was two other people and a dog.

23 Q You and Ms. Schoultz?

24 A That's right.

25 Q And the dog.

CLIFF ANDERSON - CROSS

1 A That's right.

2 Q But at the time y'all pulled up you don't know whether
3 or not those individuals in that car knew y'all were coming.

4 A No, they didn't know we was coming. Like I said, sir,
5 when we pulled up she made it known that she knew who we
6 were.

7 Q At anytime did they acknowledge that they knew who
8 y'all were?

9 A No, they never said nothing.

10 Q Right. Now, did you know that Corey didn't have a car?

11 A I mean, what that got to do with it?

12 Q How he got over there.

13 A I mean, he was riding with his mother.

14 Q Do you know if he even had a license?

15 A I don't know nothing about whether he had a license or
16 not. But he was riding with his mother all day, so --

17 Q Well, I guess the point is is that he would not have
18 gotten there had you and Ms. Schoultz not driven him there,
19 right?

20 A Why wouldn't we take him there if that was his
21 residence?

22 Q But that's what he was telling you, wasn't it?

23 A Excuse me?

24 Q You don't know that to be true, do you?

25 A Yeah, when I picked him up from there earlier during

CLIFF ANDERSON - CROSS

1 the day.

2 Q So you saw the lease agreement?

3 A No, I ain't see no lease agreement. I saw his stuff
4 agreement inside the house.

5 Q So the fact that he just says that, that means you
6 accepted that as being true.

7 A Yes. Because when we was there all of his stuff was
8 there.

9 Q So did you also see the gun there?

10 A No, I didn't see no gun, sir.

11 Q So what stuff did you see?

12 A I see a Play Station and other items; his clothes, the
13 baby stuff.

14 Q Is that it?

15 A Yeah.

16 Q So the Play Station -- okay. So either way, if Ms.
17 Schoultz is seeing him pull a gun y'all did not have to go
18 over there, did you?

19 A I mean, the situation had done calmed down, sir. It
20 wasn't that serious.

21 Q Well, you just testified, Mr. Anderson, that had Ms.
22 Schoultz told you that he had pulled a gun that would have
23 made a difference as to what you --

24 A Yeah, it would have. Yes, it would have.

25 Q And that difference would have been that you would have

CLIFF ANDERSON - CROSS

1 said, "Hey, let's not go over there."

2 A Yes.

3 Q Or you could have at least said, "Hey, Corey, where is
4 that gun?" Right?

5 A Yes.

6 Q Or you could have said, "Corey, leave the gun here,"
7 right?

8 A Yes.

9 Q Or you could have said, "Margie, let's leave Corey here
10 and let's you and I go over there and talk to this girl,"
11 right?

12 A Yes.

13 Q But you didn't do any of that, did you?

14 A No.

15 Q In fact, had y'all not gone over there, Corey might
16 still be alive today, wouldn't he?

17 A Possibly, yes.

18 MR. MYERS: One moment, Your Honor.

19 THE COURT: Yes, sir.

20 (Break in proceedings.)

21 Q Mr. Anderson, do you recall talking to law enforcement
22 at some point on August 24th, specifically an Investigator
23 Smith and Investigator McCann?

24 A Yeah, I probably did, sir.

25 Q Do you specifically remember telling them that "Some

CLIFF ANDERSON - CROSS

1 time later Corey learned of Mikhelle's intention to leave
2 the residence with the child that they shared in common.
3 Corey then asked for Cliff and Margie to drive him back to
4 his place of business."

5 A His place of business?

6 Q To his place of residence, I'm sorry.

7 A No, I can't remember.

8 Q You can't remember that?

9 A No, I can't. I don't know what you're saying. Will
10 you ask the question again?

11 Q So at no point do you recall telling anybody or hearing
12 anybody say that Mikhelle was trying to set Corey up and
13 all.

14 A No, I ain't hear nothing like that.

15 Q And the whole purpose of her leaving -- leaving
16 Charlotte Street was basically just to leave the residence.

17 A No, sir, I don't remember saying that.

18 Q And you don't recall telling the investigator Corey
19 asked you and Ms. Schoultz to drive him back to stop her
20 from leaving the residence?

21 A Maybe I could have said that, but I know he asked us to
22 take him home.

23 MR. MYERS: Thank you. No further questions, Your
24 Honor.

25 THE COURT: Redirect?

CLIFF ANDERSON - REDIRECT EXAMINATION

1 MS. PATTERSON: Yes, sir.

2 REDIRECT EXAMINATION

3 BY MS. PATTERSON:

4 Q Mr. Anderson, how long after Khelle left Amanda's house
5 did you all leave to go over to Riverbend?

6 A It was awhile. I mean, it was enough to where we could
7 have sat down, had a few beverages and then we went back. I
8 would say at least 30 to 40 minutes I know. I mean, I can't
9 quite recall the exact time, but I know it wasn't right
10 away.

11 Q It wasn't right away. And do you remember Khelle going
12 into her car -- I mean, into her trunk of her car, was that
13 the first time she came there? Is the second time? At
14 which point did she --

15 A I think that was about the third or the fourth time
16 when she had pulled up.

17 Q And all the other times that she was there, was she
18 doing anything to Corey, or trying to do anything to Corey?

19 A Yeah. She was trying to get him to give her the keys
20 and she was hitting him and he was trying to fend her back.

21 Q And so this object that you saw her get out of the
22 trunk, I think you described it as being what?

23 A It was about this long and it looks like a piece of
24 iron or something. But I couldn't really recollect what it
25 was because it's dark.

CLIFF ANDERSON - REDIRECT EXAMINATION

1 Q But you seen her with an object.

2 A Yes.

3 Q A instrument I think Mr. Myers called it.

4 A Yes.

5 Q And what was she doing with this instrument?

6 A She was going at Corey. She was going at Corey with it
7 but I stopped her, I said, "No, don't do that.

8 Q And after you stopped her, did she say anything? Did
9 you hear her saying anything?

10 A No. But I know she was on her phone but I don't know
11 what she was saying, but I know she was on her phone.

12 Q And when she was on her phone, what, if anything, did
13 you hear her say?

14 A I heard her say that one statement, she said, "Yeah.
15 You need to come and get Corey and bring -- and bring your
16 stuff," or something to that --

17 Q And when y'all got to the Riverbend, the one guy,
18 Jamal, who you identified as the shooter, did you hear him
19 say anything about his sister?

20 A Yes. By the time I jumped out of the car he was
21 already confronting Corey and telling him, "Man, didn't I
22 tell you don't put your hands on my sister?" And Corey was
23 like, "Man, I ain't touch your sister." He was like, "Yeah,
24 you did something." And he was like -- Corey was like, "Put
25 the gun down, man, I'll beat both of y'all."

CLIFF ANDERSON - REDIRECT EXAMINATION

1 Q And so when Jamal was saying this, was he stating a
2 reason for getting physical with Corey?

3 A I mean, evidently he was upset to the point to where he
4 was trying to hit him.

5 Q And after Corey told Jamal to put his gun down, did
6 this seem to cause Jamal to step down?

7 A No, he didn't. After Corey told him to put the gun
8 down, it was almost like instantaneous, "pow."

9 Q And you said when y'all had went over earlier that day,
10 did y'all contact Corey or Khelle to let them know y'all
11 were coming then?

12 A I think Corey already knew his mama was coming but he
13 didn't know I was with her.

14 Q And you went inside the house.

15 A Yes.

16 Q And you were able to physically see that Corey had some
17 items there.

18 A Yeah. Because he was in there playing the Play Station
19 or X-box or one of them, I don't know those machines. But I
20 know he was in there playing that.

21 Q And when you were trying to get Khelle to stop coming
22 at Corey with the object, did you notice any injuries to
23 her?

24 A No, I ain't see nothing.

25 MS. PATTERSON: Thank you.

JADE SAPIENZA - DIRECT

1 project ends Friday. But once it ends Friday I would have
2 went some place else, but --

3 THE COURT: Well, maybe we can get you out of here. I
4 really appreciate it, I'm sorry. Okay?

5 THE WITNESS: Yes, sir.

6 MR. MYERS: Your Honor, if we may approach.

7 (Break in proceedings.)

8 THE COURT: So are we ready for the jury?

9 MS. PATTERSON: Yes, sir, Your Honor.

10 THE COURT: All right. Bring them up, please.

11 (The jury returned to the courtroom.)

12 MS. DARKO: The state calls Jade Sapienza.

13 The witness, JADE SAPIENZA, was first duly sworn and
14 Testified as follows:

15 THE CLERK: Once you're seated, state your full name,
16 spelling your last, please.

17 THE WITNESS: May name is Jade Iris Sapienza, S as in
18 Sam, a, p as in Paul, i-e-n-z-a.

19 DIRECT EXAMINATION

20 BY MS. DARKO:

21 Q Hi, Jade. Do you live here in the Columbia area?

22 A Yes, ma'am.

23 Q And about how long have you lived in the area?

24 A About ten years.

25 Q And what kind of work do you do?

JADE SAPIENZA - DIRECT

- 1 A I'm an office manager.
- 2 Q Okay. And in what kind of an office?
- 3 A A car tent shop.
- 4 THE COURT: What kind of shop?
- 5 THE WITNESS: Automotive tent shop.
- 6 THE COURT: Okay. Thank you.
- 7 Q I want to take you back to the night of August 24th of
- 8 2018. Do you remember where you were that night?
- 9 A Yes, ma'am.
- 10 Q And where were you at?
- 11 A I was at Riverbend Apartments with my sister.
- 12 Q Okay. And who is your sister?
- 13 A Julia Jackson.
- 14 Q And how did you get there?
- 15 A In my van.
- 16 Q And what were you doing at your sister's that night?
- 17 A I was dropping her off.
- 18 Q And did you go inside your sister's house when you
- 19 dropped her off?
- 20 A Not when I dropped her off.
- 21 Q Okay. And did you -- were you -- after you dropped
- 22 your sister off, what did you do then?
- 23 A We were still talking. We walked across the parking
- 24 lot, we got her mail, we came back to my van and continued
- 25 talking. I was sitting with the door open and she was with

JADE SAPIENZA - DIRECT

1 me then.

2 Q Okay. What happened then?

3 A We heard a popping noise that we thought were
4 fireworks. People started just running, like yelling and we
5 dropped to the ground. I grabbed her and we dropped to the
6 ground.

7 Q And what, if anything, did you see after you dropped to
8 the ground?

9 A I saw -- underneath the car I could see a man holding a
10 gun towards another man.

11 Q Okay. And what hand was he using to hold the gun?

12 THE COURT: Do you need a minute? Do you need a break?

13 THE WITNESS: (Shakes head no.)

14 A His right hand.

15 Q And do you recall where the gun was pointed?

16 A At the man in front of him.

17 Q And could you see anyone else?

18 A I just saw them two at the time, that's where I was
19 focused at.

20 Q And when you say the man in front of him, can you
21 describe that man?

22 A He was a dark-skinned African-American male.

23 Q And that's the man in front of the gunman or the
24 gunman?

25 A The man holding the gun.

JADE SAPIENZA - DIRECT

1 Q Okay. And the man in front of the gunman, what did he
2 look like? Do you remember?

3 A I think he was African-American.

4 Q And what was he doing?

5 A He was holding his stomach and he was falling to the
6 ground.

7 Q Did you know the man that was falling to the ground?

8 A No, ma'am.

9 Q And did the man that was falling to the ground ever get
10 up?

11 A No, ma'am.

12 Q And where did the man with the gun go after the man
13 falls to the ground?

14 A He ran around a black sedan with the windows tinted
15 really dark and he jumped in, and they backed off and sped
16 off.

17 Q At anytime did the man with the gun move towards the
18 falling man?

19 A Not that I remember.

20 Q And do you remember what direction the car went?

21 A It backed and sped out of the parking lot out of the
22 apartments.

23 Q And forgive me if I didn't get this the first time,
24 what type of car was that?

25 A It was a four-door sedan, black, with dark tinted

JADE SAPIENZA - DIRECT

1 windows, blacked out tinted windows.

2 Q And what, if anything, did you do after the car left?

3 A As soon as the car left I stood up and I went over to
4 the man who had been shot.

5 Q And do you remember what your sister was doing?

6 A My sister called 911 while we were on the ground while
7 I was watching everything. She had called 911, I believe,
8 right then.

9 Q Did your sister go with you when you went over to the
10 man?

11 A No, ma'am.

12 MS. DARKO: Nothing further for this witness, Your
13 Honor.

14 THE COURT: Thank you. Cross?

15 CROSS EXAMINATION

16 BY MR. BELL:

17 Q Ma'am, I mean no disrespect, but may I call you Jade?

18 A Yes, sir.

19 Q Jade, you indicated that you were Ms. Julia's sister;
20 is that right?

21 A Yes, sir.

22 Q Was one of her previous last names, would that have
23 been Waters?

24 A Yes.

25 Q Is that her maiden name or --

JADE SAPIENZA - CROSS

- 1 A She confuses me on that. She goes by Julia Jackson
2 Waters, sometimes she's Jackson Waters. I'm not sure she
3 has a hyphen in between that name, though. I think Jackson
4 is actually her middle name, I think.
- 5 Q Okay. And when you say that's your sister, are you
6 saying biological sister?
- 7 A She is -- we share a mother.
- 8 Q Okay. And you were dropping her off that night at her
9 apartment there at Riverbend, right?
- 10 A Yes, sir.
- 11 Q Had you ever dropped her off before?
- 12 A Yes, sir.
- 13 Q Once? Twice? Many times?
- 14 A Many times. She helps me with my children.
- 15 Q She helps what now?
- 16 A She helps me with my children.
- 17 Q Okay. And as you're there you indicate that you heard
18 what was a bang or that you thought was a firework, right?
- 19 A Correct.
- 20 Q And at that point you look over and indicate what you
21 just testified to, which is that you saw a man with a gun
22 pointing that gun and another man that was falling to the
23 ground; is that right?
- 24 A Yes, sir.
- 25 Q Ultimately you go over to render aid to the man on the

JADE SAPIENZA - CROSS

1 ground, right?

2 A I have no experience in aid, I just went to him.

3 Q Just to try to help?

4 A I tried to console his mother and --

5 Q Did you get a chance to look at the man on the ground?

6 A I don't remember.

7 Q Do you ever recall seeing that man at that apartment
8 complex before in all of the times that you visited your
9 sister?

10 A No, sir.

11 Q You testified that again you saw the man holding the
12 gun at the man on the ground. Did you ever see the man
13 holding the gun beating on the man on the ground?

14 A No. From what I saw the man was standing -- he was in
15 the middle of falling after the shot, and I saw him fall to
16 his knees and fall to the side of the ground. I never saw
17 any beatings. I never saw anybody get in an altercation
18 other than the noise of the gun and the man that had been
19 shot falling to the ground.

20 Q Did you ever see a second man with a gun?

21 A No, only one.

22 Q Did you ever see a second man attempting to beat the
23 man on the ground or hit him in any way?

24 A No.

25 Q And you, again, just said that you heard the bang,

JADE SAPIENZA - REDIRECT

1 that's really the first that you noticed any of this even
2 happening; is that right?

3 A Correct.

4 Q You really don't know what led up to the bang?

5 A No, sir.

6 Q What may have led up in the time before the altercation
7 that led to the bang.

8 A No, sir.

9 Q You talked about the location of the vehicle that
10 backed out and pulled away with the gunman, right?

11 A Yes, sir.

12 Q And you indicated that there was a SUV that was parked
13 that the victim was laying beside?

14 A Yes, sir.

15 Q Now, based on the positioning of the car that pulled
16 out and then left, how close was that SUV to that car?

17 A I can't answer that question, I don't know.

18 Q Was the car able to just pull straight out and turn out
19 without issue or did it have to sort of maneuver?

20 A It's a loop, and since that SUV was in front, from what
21 I remember is backing out and then pulling, and then there's
22 a loop to get out of the actual apartments. It was a fast
23 leave.

24 Q So the SUV was parked close enough to that car that
25 that car had to maneuver to get out of the parking spot and

JADE SAPIENZA - REDIRECT

1 leave the parking area?

2 A That's what I think I remember.

3 MR. BELL: Okay. Thank you, ma'am.

4 THE COURT: Redirect?

5 MS. DARKO: Just briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. DARKO:

8 Q Jade, you testified that you had not seen the man on
9 the ground at the apartment complex before?

10 A Correct.

11 Q Do you visit anybody other than your sister at the
12 apartment complex?

13 A No, ma'am.

14 Q And do you have an occasion to hang out at any of the
15 other buildings or --

16 A No, ma'am.

17 Q And had you ever seen the man with the gun ever before?

18 A No, ma'am.

19 Q So you don't know either of these two individuals.

20 A No, ma'am.

21 MS. DARKO: Nothing further, Your Honor.

22 THE COURT: Thank you. Recross?

23 MR. BELL: None, Your Honor.

24 THE COURT: Thank you, ma'am, you may step down. Call
25 your next witness, please.

PARIS JAMISON - DIRECT

1 MS. DARKO: Can we go ahead and release Ms. Sapienza?

2 THE COURT: Any objection to that?

3 MR. BELL: None, Your Honor.

4 THE COURT: You are free to go if I wish to leave,
5 ma'am. Thank you.

6 MS. DARKO: The State calls Paris Jamison.

7 The witness, PARIS JAMISON, was first duly sworn and
8 Testified as follows:

9 THE CLERK: Once you're seated, state your full name
10 spelling your last, please.

11 THE WITNESS: My full name is Paris Jamison, my last
12 name is J-a-m-i-s-o-n.

13 DIRECT EXAMINATION

14 BY MS. DARKO:

15 Q Paris, how do you know Corey? Who is he?

16 A He's my cousin.

17 Q And you've known him all of your life, then.

18 A Yes, ma'am.

19 Q And did you ever live with Corey?

20 A Yeah. We stayed together growing up at my mom's.

21 Q And for about how long did you live together?

22 A A few years.

23 Q And did you spend time together after that?

24 A Uh-huh.

25 THE COURT: Say yes or no.

PARIS JAMISON - DIRECT

- 1 A Yes, ma'am.
- 2 THE COURT: Thank you.
- 3 Q How often would you see him?
- 4 A Everyday, every other day on the regular.
- 5 Q And did you know Khelle?
- 6 A Yeah, I knew of her.
- 7 Q And did you know them as a couple during the time they
- 8 were staying at Ms. Margie's?
- 9 A What was that?
- 10 Q Did you know them as a couple when they were living
- 11 with Ms. Margie?
- 12 A Yes, ma'am.
- 13 Q And were you aware that they were moving out of Ms.
- 14 Margie's?
- 15 A Yes, ma'am.
- 16 Q And where did they move to from there?
- 17 A Serinity, the old Riverbend.
- 18 Q Okay. And did you spend time with Corey there?
- 19 A Yes, ma'am.
- 20 Q And did Corey live there?
- 21 A Yes, ma'am.
- 22 Q Did your family purchase items or give items to help
- 23 them get set up there?
- 24 A Yes, ma'am.
- 25 Q And during the times that you would visit Corey over at

PARIS JAMISON - DIRECT

1 Riverbend, would Khelle be there?

2 A Yes, ma'am.

3 Q And about how often on average during a week would you
4 go over there?

5 A I go there once ever two or three weeks, it wasn't
6 nothing on the regular.

7 THE COURT: Ever two or three weeks what now?

8 THE WITNESS: I said about once every two to three
9 weeks, something like that.

10 THE COURT: Okay.

11 Q And was he still living there in August of 2018?

12 A From my knowledge, yes, ma'am.

13 Q And on August 24, 2018, to your knowledge was he living
14 there?

15 A Yes, ma'am.

16 Q And did you see Corey on August 24th, 2018?

17 A Yes, ma'am.

18 Q And that was the last day you saw him alive?

19 A Yes, ma'am.

20 Q And where did you see him?

21 A At my mom's house on Charlotte Street.

22 Q About what time of day was it?

23 A It was night.

24 Q And why did you go over there?

25 A My best friend at the time was staying with my mama and

PARIS JAMISON - DIRECT

1 I was picking her and my brother up from work.

2 Q So you were driving then?

3 A Yes, ma'am.

4 Q And where did you park when you got there?

5 A Where the driveway at, to the right of it closer to the
6 fence.

7 Q Okay. And just very briefly, who was all in the car
8 with you?

9 A It was me, Bridgette, Des -- me, Bridgette, Des, it was
10 one more person. I can't think.

11 THE COURT: Who was the third person?

12 THE WITNESS: It was my brother, Desmond, and a girl
13 named Bridgette. I can't remember who else was in the car,
14 it was one more person, though.

15 Q And after you parked the car -- first, did you notice
16 anybody outside when you pulled up?

17 A Yes, ma'am.

18 Q Who was all outside?

19 A Corey, Khelle sitting in the car, and my Aunt Margie.

20 Q And when you said Khelle was sitting in the car, do you
21 remember where her car was at?

22 A Yes, ma'am.

23 Q And can you describe that location?

24 A It was the road in front of my mama's mailbox.

25 Q And did you approach the car?

PARIS JAMISON - DIRECT

- 1 A Yes, ma'am, I did.
- 2 Q Why did you approach the car?
- 3 A I was going to give my little cousin, Osirus, a kiss
- 4 like I always do.
- 5 Q And were you able to do that?
- 6 A No, ma'am.
- 7 Q And why not?
- 8 A Because when -- I proceeded to go around to the car and
- 9 do that, but when I opened the door to lean down and give
- 10 him a kiss, as I opened the door to give him a kiss Khelle
- 11 was on the phone with somebody and all I heard her say was,
- 12 "He in Cayce, go bring the shit."
- 13 Q And was Margie standing there at the time?
- 14 A Yeah. Margie was standing by Khelle's driver door.
- 15 Q And what did you do, if anything, after hearing that?
- 16 A I walked around the car to Khelle's window because it
- 17 was halfway cracked, and I was trying to --
- 18 Q And when you say you were trying to, and you did like a
- 19 snatching motion.
- 20 A Yes, ma'am, snatch her through the window.
- 21 Q What do you -- you were trying to snatch her through
- 22 the window?
- 23 A Uh-huh.
- 24 Q And were you able to do that?
- 25 A No, ma'am.

PARIS JAMISON - DIRECT

- 1 Q Why not?
- 2 A Because my aunt jacked me up and put me in the yard.
- 3 Q And when you say your aunt, who are you referring to?
- 4 A My Aunt Margie.
- 5 Q So she kept you from doing that.
- 6 A Yes, ma'am.
- 7 Q What did you do after Margie kept you from confronting
- 8 Khelle?
- 9 A They put me in the house.
- 10 Q And you went in the house. Did you speak with Corey
- 11 before you went into the house?
- 12 A No. When I got the -- Corey was already in the house.
- 13 Corey was coming out of the kitchen as I was going in the
- 14 house. As they put me in the house Corey was coming out of
- 15 the kitchen.
- 16 Q And at this time what was his demeanor like?
- 17 A He was Corey.
- 18 Q What does that mean?
- 19 A He was just himself, wasn't nothing going on. I didn't
- 20 even know nothing was going on.
- 21 Q So he was not angry?
- 22 A No, ma'am.
- 23 Q Did you see him with a gun?
- 24 A No, ma'am.
- 25 Q Do you recall Corey leaving the house that night?

PARIS JAMISON - DIRECT

- 1 A My mom's house?
- 2 Q Yeah, when he finally left.
- 3 A Yes, ma'am.
- 4 Q And do you remember about how long after that was when
- 5 you arrived at the house?
- 6 A How long it was before Corey left?
- 7 Q Yes, that's right.
- 8 A Thirty-five or 40 minutes, something like that. He was
- 9 there for a little minute after I came.
- 10 Q And did you say goodbye to him?
- 11 A Yes, I did.
- 12 Q And what was his demeanor like when he left?
- 13 A Corey was joking.
- 14 THE COURT: Do you need to stop?
- 15 Q After Corey left, did you receive a phone call from
- 16 Ms. Margie?
- 17 A Yes, ma'am.
- 18 Q And just to clarify, when I say Ms. Margie I mean
- 19 Corey's mother, that's right?
- 20 A Yes, ma'am.
- 21 Q And about how long after they left did you receive that
- 22 phone call?
- 23 A Fifteen minutes, not even 20 minutes.
- 24 Q And what was the purpose of that phone call from
- 25 Corey's mom?

PARIS JAMISON - CROSS

1 A When I asked her -- when I answered she was yelling and
2 I couldn't understand what she was saying, so when I asked
3 her to calm down so I could understand her all I heard was
4 "Corey" and "shot."

5 MS. DARKO: Thank you. Just one moment, Paris.

6 (Break in proceedings.

7 MS. DARKO: Nothing further. Just answer any questions
8 from the defense.

9 THE COURT: Cross examination.

10 CROSS EXAMINATION

11 BY MR. MYERS:

12 Q Good afternoon, Ms. Jamison.

13 A Hey.

14 Q Ms. Jamison, I want to make sure because your name is
15 new to me. You recently met with law enforcement, right?

16 A What you mean?

17 Q You met with them on September 8th of 2020; is that
18 right?

19 A Yes.

20 Q Not only was it you, it was Ms. Amanda and Mr. Lorenzo
21 Jamison; is that right?

22 A Yes.

23 Q And when you met with them, you met with them here in
24 this building.

25 A No.

PARIS JAMISON - CROSS

1 Q Where were you?

2 A My house.

3 Q And when you met with them, who all was there? Were
4 the solicitors there?

5 A Yes.

6 Q When I say solicitors, Ms. Melanie Darko, the one that
7 just talked to you?

8 A Uh-huh.

9 Q And Ms. Patterson, she was also there?

10 A Yes, sir.

11 Q Was anybody else there?

12 A Yes, sir.

13 Q Who else was there?

14 A Detective Sullivan.

15 Q So a detective and two solicitors were there when they
16 talked to you, right?

17 A Yes, sir.

18 Q And this was just on September 8th of 2020.

19 A Yeah, they talked to me that day.

20 Q Prior to that time nobody had ever come to try and take
21 your statement at all.

22 A I was asked questions since that day.

23 Q But at no time did you ever write out a statement or
24 you give any sort of information that you gave today, right?

25 A No.

PARIS JAMISON - CROSS

1 Q And at that point we knew that this case was called for
2 trial, right?

3 A Yeah.

4 Q They had told you what they had been doing and what
5 these witnesses were going to say, right?

6 A Do what now?

7 Q They basically just told you what they expected the
8 testimony to be, right?

9 A What I seen --

10 Q Right. And at the time --

11 A -- when I was there.

12 Q Sure. And at the time you got there -- or let's
13 actually back up. During the meeting that you had with Ms.
14 Amanda, Mr. Lorenzo and the two solicitors and investigator,
15 you learned that Mikhelle and Corey were no longer together
16 on August 24th of 2018.

17 A No.

18 Q So would it be correct or incorrect if --

19 A What was your question just now? Can you repeat that?

20 Q Yes, ma'am. At that meeting on September 8th of
21 2020 --

22 A Uh-huh.

23 Q -- when you were with the solicitors, the investigator,
24 Ms. Amanda and Mr. Lorenzo, you learned that someone during
25 that meeting said that Corey and Mikhelle were not together

PARIS JAMISON - CROSS

1 at that time.

2 A No, I been knowing that.

3 Q So you knew that they were not together.

4 A Yeah. But the question was were they still living
5 together, that was my question.

6 Q So your testimony is is that --

7 A But I knew they wasn't together.

8 Q I'm sorry?

9 A I said being in a relationship I did, but staying
10 together, they was to my knowledge.

11 Q So you're saying that they were not together but they
12 were staying together?

13 A Yeah.

14 Q Okay.

15 A From my knowledge.

16 Q To your knowledge.

17 A Yes.

18 Q Certainly your knowledge could be different than --

19 A It's an opinion, baby.

20 Q Sure. Now, did you know pulling up at Charlotte Street
21 that Corey had pulled a gun on Mikhelle?

22 A No, I did not.

23 Q Were you aware that Corey had a gun on his possession?

24 A I wasn't there for none of that.

25 Q Prior to that day had you ever seen Corey pull a gun?

PARIS JAMISON - CROSS

1 A No, I didn't.

2 THE COURT: Let him finish his question before you
3 answered, because he's got to take down what y'all are
4 saying and y'all are talking at the same time.

5 Q You would agree with me, ma'am, that someone pulling a
6 gun on you is a very violent act, isn't it?

7 A Yeah.

8 Q It's not everyday that people just walk around and have
9 a gun pulled on them.

10 A No. But I wasn't there so I don't know.

11 Q Now, if someone had pulled a gun on you, would you
12 perceive that to be a threat on your life?

13 A Yeah.

14 Q Would that make you afraid?

15 A Yeah, anybody.

16 Q Because a reasonable person would be afraid if someone
17 pulled a gun on them, right?

18 A Exactly.

19 Q A reasonable person would be nervous, right?

20 A Exactly.

21 Q And at the time that -- you've been in this courtroom
22 the entire time, right?

23 A Uh-huh.

24 Q Now, were you aware before Ms. Schoultz testified that
25 Corey had actually pulled a gun on Mikhelle?

PARIS JAMISON - CROSS

1 A No, sir.

2 Q So that was the first time you heard it too.

3 A Yes, sir.

4 Q That's a big game changer, isn't it?

5 THE COURT: Did you answer?

6 THE WITNESS: Yes, sir.

7 Q I mean, the fact that --

8 THE COURT: Wait a minute. What was your answer?

9 THE WITNESS: No, sir.

10 THE COURT: He asked you if that was a game changer, I
11 think was his question.

12 THE WITNESS: Oh, I said yes, sir.

13 Q Because sitting here today you were under the
14 impression that, "Hey man, she was just there acting crazy
15 and Corey was basically "--

16 A I didn't even know that part.

17 Q You didn't even know that.

18 A No. I didn't know nothing before that.

19 THE COURT: Y'all are talking at the same time.

20 MR. MYERS: I'm sorry.

21 A I didn't know nothing before I got there. When I got
22 there that's all I know, and she was in the road leaving.

23 Q Sure. And sitting here today you now know that Corey
24 pulled a gun.

25 A Now, yeah.

PARIS JAMISON - CROSS

1 Q And the fact you know that now, as I said, that's
2 surprising to you, right?

3 A Yes, sir.

4 Q And do you think that -- well, not what you think --
5 did you at anytime see Mikhelle pull out anything on Corey?

6 A No, sir. Like I told y'all, that happened before I
7 came.

8 Q All right. If Corey had not gone over that night,
9 would you have still -- would he have still been alive to
10 this day?

11 A Sir, I cannot answer that, I don't know.

12 MR. MYERS: No further questions, Your Honor. Thank
13 you.

14 THE COURT: Thank you. Redirect?

15 REDIRECT EXAMINATION

16 BY MS. DARKO:

17 Q Paris, Mr. Myers just asked you if you believe a
18 reasonable person would be afraid after having a gun pulled
19 on them; is that right?

20 A Yes, ma'am.

21 Q And you said yes. And when you pulled up and you
22 perceived Khelle, would you describe her more as angry or
23 fearful?

24 A Angry.

25 Q Was she timid or was she livid, mad?

PARIS JAMISON - REDIRECT

1 A She wasn't mad, but she wasn't outrageous or nothing.

2 Q And she was --

3 A You could tell on her phone but it was nothing crazy
4 loud and obnoxious or nothing.

5 Q She hadn't left.

6 A No. She was still there sitting in her car when I got
7 there.

8 Q And you -- and now you're aware that that was after all
9 of that other, and you weren't aware of any of that.

10 A I wasn't aware of none of that.

11 Q But after all of this -- this altercation that was to
12 instigate a reasonable person being afraid, she was still
13 there.

14 A Uh-huh. When I pulled up she was just sitting in the
15 middle of the road.

16 MS. DARKO: Nothing further.

17 THE COURT: Recross?

18 RECROSS EXAMINATION

19 BY MR. MYERS:

20 Q Ms. Jamison, you described a little bit about what you
21 saw about Mikhelle. Now, you also testified that Margie had
22 to pull you away from having -- to almost assaulting
23 Mikhelle yourself?

24 A Uh-huh.

25 Q So who all wanted to fight Mikhelle that day?

PARIS JAMISON - RECROSS

1 A Sir, I don't know, I wasn't there. I told you I didn't
2 know nothing before I got there. It was just us three in
3 the road.

4 Q Sure. But you just testified that Margie had to pull
5 you away --

6 A Yeah. Because of what I heard her say in the car when
7 I was about to give that baby a kiss.

8 Q So that was you she had to pull away.

9 A Yeah, that was me.

10 Q Corey pulled a gun on her.

11 A I didn't know nothing about that.

12 Q Margie said she intervened.

13 A I didn't know nothing about that at all.

14 Q Now, at some point a person that just had a gun pulled
15 on them --

16 A I didn't know that, sir.

17 Q Sure. It's reasonable, would it not, if a person had a
18 gun pulled on them to call for help?

19 A If I would have knew that at that time. I didn't know
20 that at that time.

21 Q Knowing it today.

22 A Now I do, so I couldn't answer back then. Now --

23 Q Sure. You can answer now that a reasonable person who
24 had a gun pulled on them would be afraid and everything we
25 talked about.

PETER CONKLIN - DIRECT

1 A And I answered to the question yes, sir.

2 Q And you would have asked for some help. That's a
3 reasonable thing to do, right?

4 A Yes, sir.

5 MR. MYERS: Thank you. No further questions.

6 THE COURT: Thank you, ma'am, you may step down. Call
7 your next witness, please.

8 MS. DARKO: Your Honor, may we release Ms. Jamison?

9 MR. MYERS: Yes, sir, no objection.

10 THE COURT: You are free to go if you wish to leave,
11 ma'am. Thank you.

12 MS. DARKO: State calls Pete Conklin to the stand.

13 The witness, PETER CONKLIN, was first duly sworn and
14 Testified as follows:

15 THE CLERK: Once you're seated state your full name,
16 spelling your last, please, on the record.

17 THE WITNESS: My name is Peter Conklin, last name is
18 spelled C-o-n-k-l-i-n.

19 DIRECT EXAMINATION

20 BY MS. DARKO:

21 Q Officer Conklin, where do you currently work?

22 A Lexington County Sheriff's Department.

23 Q Where were you working back in 2018?

24 A Lexington County Sheriff's Department.

25 Q And in what capacity were you working with the

PETER CONKLIN - DIRECT

1 department then?

2 A Patrol deputy.

3 Q And did you ever have any other prior law enforcement
4 experience?

5 A Yes, with the City of Columbia Police Department.

6 Q And what is your total experience in law enforcement?

7 A Started in 2011 with the Columbia Police Department and
8 now working for the Lexington County Sheriff's Department.

9 Q And how did you come to be involved in this incident?

10 A It was a call for service dispatched.

11 Q Okay. And were -- what were you doing prior to going
12 out to the incident location?

13 A Prior to that I was on a traffic stop in West Columbia
14 at 9th Street near Sunset Boulevard, and while on that
15 traffic stop, we were completing the traffic stop and we
16 heard two gunshots and that was in the direction of the
17 Riverbend Apartments, and we had notified dispatch of that.
18 And shortly thereafter we were starting to get the call
19 about something coming in over at Riverbend involving a
20 firearm, and so we started in that direction.

21 Q Now, when you say we, who were you referring to?

22 A Myself and Sergeant Steele were both on the traffic
23 stop.

24 Q And you heard the gunshots. About how far away was the
25 traffic stop from Riverbend?

PETER CONKLIN - DIRECT

1 A Several blocks, less than a two minute drive.

2 Q And when you were making your way over to Riverbend,
3 did you turn on your lights and sirens?

4 A We did not.

5 Q And why was that?

6 A We had nothing confirmed that -- as far as other than
7 there's a shooting incident going on, so we were so close to
8 the location that it didn't warrant blue lights and sirens.
9 There was no traffic and we were there relatively quick.

10 Q And about how long did it take you to get there?

11 A Less than two minutes.

12 Q Do you recall what time you arrived?

13 A At 10:45.

14 Q And what did you see when you got on scene?

15 A We were pulling in and we came in the back way of the
16 apartment complex, which has two entrances. We came in what
17 ended up being the opposite end of the apartment complex, so
18 we were pulling in. Directly in front of me was the Ford
19 Explorer and I observed people standing around it, and
20 obviously there was a patient that was down.

21 Q And you're saying we, and before I asked you who you
22 were referring to and you said that was Steele; is that
23 correct?

24 A Correct. And I also had a state constable riding in
25 the vehicle with me at the time.

PETER CONKLIN - DIRECT

1 Q And what did you do once you arrived?

2 A I got out of my vehicle and headed over towards the
3 victim and assessed what we had going on, and we attempted
4 to render medical aid prior to EMS getting there, and also
5 just trying to make sure we had kept people there that were
6 possibly a witness to it and had any information. So just
7 kind of juggled between that and helping the patient.

8 Q And you responded to shooting incidents as a first
9 responder before; is that right?

10 A Yes.

11 Q And when you say rendered aid, who did you render aid
12 to?

13 A The victim that had been shot.

14 Q And what did Sergeant Steele do at that point?

15 A He was also there attempting to assist. We were trying
16 to locate the entry wound on the victim, and we attempted
17 CPR, and we also had a deputy that attempted to see if an
18 AED would work but --

19 THE COURT: A what?

20 THE WITNESS: AED.

21 THE COURT: A defibrillator?

22 THE WITNESS: A defibrillator.

23 A We attempted CPR but it was apparently pretty grave for
24 the victim.

25 Q Was there anybody there that was already rendering aid

PETER CONKLIN - DIRECT

1 when you got there?

2 A There was a man who was later identified as an off-duty
3 EMT, and he was kind of providing us a little bit of what he
4 was able to assess at that point.

5 Q With regard to the constable, what, if anything, did he
6 do when you arrived?

7 A He also went to the victim and just kind of -- in that
8 role we kind of guide him about what we need his assistance
9 for. So he was just kind of standing there with the victim
10 and we were still just assessing what was going on with him,
11 and that's what he was doing.

12 Q Did he make any observations about the scene?

13 A He did locate two shell casings, and I advised him to
14 go ahead and mark those shell casings that are in the
15 pavement.

16 Q And do you remember what he marked them with?

17 A I think he had to use a piece of paper or some object.

18 Q Did you take any statements or talk to any witnesses at
19 the scene?

20 A I talked to several people on scene, and I did provide
21 some statement forms to some individuals to fill out.

22 Q And those individuals were -- do you recall the names
23 of those individuals?

24 A One was the witness that spoke, Jade, and her sister, I
25 gave them statements to fill out. I don't recall giving --

PETER CONKLIN - CROSS

1 I may have but I don't recall giving physical statements to
2 anyone else. I do remember speaking to the victim's mother,
3 and also the gentleman, I forgot his name, that testified,
4 that said he's got to go back to North Dakota, I spoke to
5 him.

6 Q And the scene as you're responding to it, were people
7 responsive to your instructions?

8 A Yes. It wasn't --

9 Q And did more people come to the scene as time
10 progressed?

11 A There were some others that did end up showing up.

12 Q You were able to control the scene?

13 A We had a pretty easy time getting it under control. We
14 were able to establish a crime scene barrier with tape, and
15 we had ample deputies there to control people in and out of
16 the area.

17 MS. DARKO: Nothing further. Answer any questions from
18 the defense.

19 THE COURT: Cross examination?

20 MR. BELL: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. BELL:

23 Q Deputy, what's your current title?

24 A Master Deputy.

25 Q Master Deputy. If I call you deputy I'm not trying to

PETER CONKLIN - CROSS

1 demote you.

2 A That's fine.

3 Q Deputy, what was the name of the constable you had out
4 with you?

5 A Greg Foster.

6 Q And can you just briefly tell us what exactly a
7 constable is?

8 A They're a voluntary group of individuals that complete
9 training, then gets certified through the state to assist
10 law enforcement agencies. They're completely voluntary,
11 they pay for their own equipment. But as long as they're
12 riding with one of us they're given full law enforcement
13 authority.

14 Q And they typically have some sort of ordinary civilian
15 day job, but it's just something that they like to do as a
16 public service; is that right?

17 A Correct.

18 Q Any idea what Greg's day job is?

19 A He works for, at last check, Jim Hudson Toyota.

20 Q Are you aware if Constable Foster has any CSI or crime
21 scene training?

22 A I don't believe he does.

23 Q When you arrived on scene, how soon after you arrived
24 did you make contact and attempt to render aid to the
25 victim?

PETER CONKLIN - CROSS

1 A Immediately.

2 Q And in the time between you hearing the gunshots when
3 you're out conducting that traffic stop and you arriving to
4 render aid, can you estimate how much time elapsed?

5 A Two minutes.

6 Q Two minutes?

7 A Two and a half.

8 Q And in the time when you approached the victim to
9 render aid, did he have a broken nose as far as you could
10 tell?

11 A I don't recall.

12 Q Did he have bruises all over his face?

13 A I don't recall.

14 Q Eyes swollen shut?

15 A I don't recall.

16 Q While on scene you had the opportunity to canvas and
17 speak to certain witnesses; is that right?

18 A Yes.

19 Q And one of those witnesses was Ms. Margie Schoultz.
20 And how long of a conversation did you have with her?

21 A It was -- I couldn't give you an exact time because it
22 was kind of chaotic. She was emotionally distraught so we
23 were getting some basic limited information from her. I
24 couldn't tell you an exact time, though.

25 Q And what was your understanding of what led up to this

PETER CONKLIN - CROSS

1 shooting?

2 A At the time when I'm arriving or --

3 Q After you have had conversations with the witnesses.

4 A That we had an argument that occurred and a shooting
5 occurred. I really didn't have too much knowledge of
6 specifics of what happened.

7 Q Was it ever brought to your attention that the victim
8 had pulled a firearm on a female?

9 A No.

10 Q Was it ever mentioned to you that there was more than
11 one gun potentially during the incident?

12 A No.

13 Q Was it ever mentioned that a second individual had a
14 gun?

15 A No.

16 Q Was it ever mentioned to you that a second individual
17 was beating on the victim?

18 A No.

19 Q You ultimately set up or helped secure the scene and
20 then set up a crime scene log; is that right?

21 A I did not set up the crime scene tape, nor did I handle
22 the crime scene log.

23 Q Did you help secure the perimeter, basically just make
24 sure the witnesses were standing around so they could give
25 statements, making sure nobody else came on to contaminate

PETER CONKLIN - CROSS

1 the scene, that sort of thing?

2 A Yes, sir.

3 Q Did you have any other interaction in the case?

4 A No, sir.

5 Q Did you actually handle the casings or the evidence
6 yourself at all?

7 A No, sir.

8 Q To your knowledge it was just Greg Foster from Jim
9 Hudson; is that right?

10 A Yes, sir.

11 Q All right.

12 MR. BELL: One moment.

13 (Break in proceedings.)

14 MR. BELL: Nothing further. Thank you.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MS. DARKO:

18 Q With regard to Mr. Foster, did you instruct him to
19 collect those items, bag them, do any processing?

20 A No. Just mark them and leave them where they are,
21 standard protocol until a crime scene investigator comes.

22 Q And if any civilian or witness had pointed out the
23 location of shell casings, what would you have done?

24 A I would have made sure that we marked them and
25 maintained a visual on them.

PETER CONKLIN - REDIRECT

1 Q So essentially the same thing, is that safe to say?

2 A Yes.

3 Q And your duties as a first responding officer, can you
4 compare those to that of an investigator?

5 A For this particular scene we would have rendered aid,
6 made sure it's safe. And when it is safe to do so we were
7 able to get some preliminary information; background stories
8 and gather statements, speak to witnesses, identify
9 witnesses at least, very preliminary before we call
10 investigators out.

11 Q And you're not assigned to the investigation component
12 of the case.

13 A No.

14 Q You're passing that information to investigators?

15 A Yes.

16 MS. DARKO: Nothing further.

17 THE COURT: Recross?

18 MR. BELL: None, Your Honor.

19 THE COURT: Thank you, sir, you may step down.

20 MS. DARKO: Your Honor, may Deputy Conklin be released?

21 THE COURT: Any objection to this witness being
22 released?

23 MR. MYERS: No, sir, Your Honor.

24 THE COURT: You're free to go. Thank you, sir. All
25 right. How long is your next witness suspected to be?

AUSTIN SANNER - DIRECT

1 MS. PATTERSON: I have a short witness, Your Honor.

2 THE COURT: Call your witness, please.

3 MS. PATTERSON: The State calls Austin Sanner.

4 The witness, AUSTIN SANNER, was first duly sworn and
5 Testified as follows:

6 THE CLERK: Once you are seated, state your full name
7 spelling your last, please, on the record.

8 THE WITNESS: My name is Austin Sanner, last name is
9 S-a-n-n-e-r.

10 DIRECT EXAMINATION

11 BY MS. PATTERSON:

12 Q And Mr. Sanner, where are you employed?

13 A Lexington County Sheriff's Department.

14 Q And what capacity are you employed with the Lexington
15 County Sheriff's Department?

16 A Currently I'm an investigator.

17 Q And Investigator Sanner, how long have you been
18 employed with the Lexington County Sheriff's Department?

19 A A little over three and a half years.

20 Q And do you have any prior law enforcement experience?

21 A I do. Five years with the City of Columbia prior to
22 that.

23 Q And in August of 2018, what was your position?

24 A Patrol.

25 Q And did you have the occasion to respond to [REDACTED]

AUSTIN SANNER - DIRECT

1 Riverbend Apartments?

2 A I did.

3 Q And how did it come that you responded to that
4 location?

5 A A shooting call came out and I responded lights and
6 siren to the location.

7 Q Do you remember what time you arrived at the location?

8 A 10:52 p.m.

9 Q And about how long was that after you had got the --
10 heard the call on dispatch?

11 A Less than five minutes.

12 Q And you said you did respond with your lights and
13 sirens?

14 A I did.

15 Q And how was it that you were able to arrive so quickly?

16 A There was no traffic. I don't remember exactly where I
17 was initially, but I remember coming straight down Sunset
18 Boulevard, I was not far away.

19 Q And when you got to the scene, were officers already
20 there?

21 A They were.

22 Q And do you remember any particular officers who were
23 there at the scene?

24 A Sergeant Steele, Deputy Conklin and Constable Greg
25 Foster.

AUSTIN SANNER - DIRECT

1 Q And what, if anything, do you remember seeing when you
2 arrived at the scene?

3 A When I first pulled up I parked directly behind -- a
4 little bit off to the right of the Ford Explorer. I saw an
5 individual laying on the ground by the passenger's front
6 door with multiple people standing around him. Sergeant
7 Steele was kneeled down next to the victim and Deputy
8 Conklin was right there as well, I don't remember if he was
9 standing or kneeling, and Greg Foster was kind of standing
10 over them watching. There were other individuals there
11 assisting with patient care.

12 Q So what you witnessed essentially were them rendering
13 aid to the victim?

14 A Yes, ma'am.

15 Q And so were you able to talk to anybody else at the
16 scene?

17 A Yes. I got out and I first went over to them, I
18 realized that there was nothing for me to do there. I then
19 started calling out for people to see who had witnessed it.
20 I saw a female later identified as the victim's mother along
21 with a black male later identified as Mr. Cliff, as well as
22 Miss, later identified as Jade, standing there.

23 Q And what do you remember about the mother's demeanor?

24 A She was very frantic. Mr. Cliff, I believe, was trying
25 to calm her down. They were standing behind the Explorer

AUSTIN SANNER - DIRECT

1 kind of just walking around in disbelief.

2 Q Was she able to tell you anything about what occurred?

3 A She did. When I asked her what happened she stated

4 her -- the victim's baby mama's brother shot him. She

5 reiterated that once or twice. I then asked where they

6 were. They left in a vehicle. Trying to get the vehicle

7 description or the name -- first I asked the name, she said

8 Jeremy but that she was unsure, and that her niece -- she

9 was trying to call her niece to get that information, get a

10 correct name. That is when Cliff then advised me that they

11 left in a black Chevrolet Impala with no hubcaps accompanied

12 by, I believe, a Toyota Camry.

13 Q And what, if anything, did you do with that

14 information?

15 A I then immediately put it out over dispatch to let

16 other incoming units know in case they saw it in the area or

17 if they returned.

18 Q Now, as a patrol officer, is it your job to delve into

19 all the facts of what occurred?

20 A It is not. My objective, once the suspect is no longer

21 on scene, is to try and identify the suspect as best as

22 possible and/or a vehicle.

23 Q And what, if anything, did you do with respect to the

24 crime scene?

25 A Once I got that information, I instructed Jade, who

AUSTIN SANNER - DIRECT

1 stated her sister was still on the ground over by the
2 vehicle, let her go check on her sister but to stay outside.
3 I then retrieved crime scene tape from the back of my
4 vehicle and set up the crime scene tape around the location,
5 and then once I completed that I began a crime scene log.

6 Q And do you remember what area that you roped off?

7 A From the Tahoe I went to the left to the tree. I then
8 went down behind the vehicles that were to the left of the
9 Explorer, all of way up to the -- I believe the F building,
10 which is the building directly in front of the Explorer to
11 the tree in front of there then all the way down. I then
12 back up in front of Deputy Conklin and Sergeant Steele's
13 Tahos when I saw Foster -- Greg Foster then -- he was
14 marking shell casings, I made sure I kept them inside of the
15 crime scene tape, and took it back around to the back of my
16 vehicle.

17 Q And what is the purpose of roping off this area?

18 A To preserve evidence.

19 Q And once you completed roping off this area, what, if
20 anything, did you do?

21 A I then began the crime scene log. And once that was
22 started I notified the watch commander of the incident,
23 because Sergeant Steele had blood all over his gloves from
24 rendering aid to the victim, and just -- that was it.

25 Q Did you have anything to do with control crowd?

AUSTIN SANNER - DIRECT

1 A I did. I made sure everybody stayed behind the tape.
2 I spoke to them as I was taping off, because the crowd was
3 starting to form beside Deputy Conklin or Sergeant Steele's
4 vehicle, and made sure that they did not come inside the
5 crime scene tape.

6 Q And did you have any problems with anyone complying
7 with your requests?

8 A I did not.

9 MS. PATTERSON: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 (Break in proceedings.)

12 MS. PATTERSON: Thank you, Investigator Sanner. Please
13 answer any questions that the defense may have.

14 THE COURT: Cross?

15 MR. BELL: Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY MR. BELL:

18 Q Investigator, you said your job was not to delve into
19 the facts; is that right?

20 A Right. My job was to find out who the suspect was and
21 where they are currently.

22 Q Your job is also to try to figure out why something
23 occurred, right?

24 A Right. And that's why I have those people stand by to
25 speak to the investigators when they got there.

AUSTIN SANNER - CROSS

1 Q And in your experience, especially now as an
2 investigator, people's memories typically are the freshest
3 and most reliable right after something occurs, right?

4 A I'm not a major crimes investigator, I work narcotics.

5 Q That doesn't apply to investigating narcotics?

6 A We don't have violent crimes that occur that we
7 investigate.

8 Q So after you arrive on scene you're not worried about
9 delving into the facts, but you talk to Ms. Margie Schoultz,
10 right?

11 A I did.

12 Q And you're made aware that someone shot her son and it
13 was apparently the brother of the baby mama; is that
14 correct?

15 A Correct?

16 Q You don't ask was it self defense, right?

17 A No, I do not.

18 Q You don't ask, "Well, did your son have a gun," do you?

19 A I do not.

20 Q You don't ask, "Did he pull a gun on his baby's
21 mother," did you?

22 A I did not.

23 Q You also indicated during testimony that you spoke to
24 Jade Sapienza and Cliff Anderson; is that right?

25 A Right. I didn't know her name at the time and it was

AUSTIN SANNER - CROSS/REDIRECT

1 very brief with her.

2 Q Do you indicate that in your written report?

3 A I did not.

4 Q Did you indicate that as it relates to Cliff Anderson
5 in your report?

6 A I did not, not until I reviewed my body camera footage
7 after typing the report.

8 Q But you did not ever supplement your report.

9 A I did not.

10 Q So today is the first time that you testified to that
11 fact, that you spoke to Jade Sapienza and Cliff Anderson as
12 well?

13 A Yes.

14 Q Did Cliff Anderson provide you with information related
15 to Corey Jamison, the victim, having a gun?

16 A He did not.

17 Q Did he provide information about him pulling a gun on
18 the female an hour or so before this incident?

19 A He did not. He only identified the vehicle.

20 Q And in observing the victim, did you identify what
21 appeared to be bruising to his face?

22 A I never saw the victim. I only saw a subject laying
23 and there were too many people over him, I did not see
24 anything about the victim.

25 Q Did any of the witnesses you speak to make you aware

AUSTIN SANNER - CROSS/REDIRECT

1 that there were two or more guns on scene?

2 A They did not.

3 Q That there was a pistol-whip, double-team, two person
4 beating occurring?

5 A I don't recall that.

6 MR. BELL: Thank you, Investigator.

7 THE COURT: Redirect?

8 REDIRECT EXAMINATION

9 BY MS. PATTERSON:

10 Q Investigator Sanner, when you are a patrol officer
11 responding to a scene, are you concerned about what happened
12 maybe an hour earlier?

13 A I was not, no.

14 Q What was your main focus when you arrived at the scene?

15 A Seeing that the patient was being cared for, which led
16 me to believe that the threat was no longer there. It was
17 then to secure witnesses and to have them stand by, and then
18 to preserve evidence by starting a crime scene -- roping off
19 the crime scene and then starting a log.

20 Q And is it protocol at the Lexington County Sheriff's
21 Department to have an incident like this later assigned to
22 an investigator?

23 A It is.

24 MS. PATTERSON: Thank you. No further questions.

25 THE COURT: Recross?

1 RECROSS EXAMINATION

2 BY MR. BELL:

3 Q If an investigator for a major violent crime is
4 assigned at a later time, do they rely upon reports that
5 have been written by first responders?

6 A They do, but they also review the body camera from the
7 incident to assist them in their case.

8 Q So they review reports but you're saying they also --
9 you assume they look at your body camera?

10 A I do.

11 MR. BELL: Nothing further, Your Honor.

12 THE COURT: Thank you, sir, you may step down.

13 MS. PATTERSON: Your Honor, may this witness be
14 excused?

15 THE COURT: Any objection to the witness being excused?

16 MR. BELL: None, Your Honor.

17 THE COURT: You're free to go, thank you, sir. How
18 long is your next witness?

19 MS. PATTERSON: Your Honor, may we approach.

20 THE COURT: Sure.

21 (A bench conference was held.)

22 THE COURT: Ladies and gentlemen, I think that's going
23 to do it for today as far the witnesses. We will start
24 tomorrow -- plan to start at 9:30 in the morning. So I need
25 for you to do just what you did today, you don't need to

1 another I'm going to stop you. Let's take five minutes. Do
2 you have something else?

3 MS. DARKO: No, sir. I was just going to say thank you
4 for allowing me to be heard.

5 (A break was taken.)

6 THE COURT: Bring the jury in.

7 (The jury returned to the courtroom.)

8 THE COURT: All right, ladies and gentlemen, we will
9 continue with the State's case. Call your next witness,
10 please.

11 MS. PATTERSON: Thank you, Your Honor. The State calls
12 Master Deputy Bryant Sharpe.

13 The witness, BRYANT SHARPE, was first duly sworn and
14 Testified as follows:

15 THE COURT: Say your name and spell your last name,
16 please.

17 THE WITNESS: Bryant Sharpe, S-h-a-r-p-e.

18 DIRECT EXAMINATION

19 BY MS. PATTERSON:

20 Q And Master Deputy Sharpe, where were you employed?

21 A Lexington County Sheriff's Department.

22 Q And how long have you been an officer with the
23 Lexington County Sheriff's Department?

24 A Just over five years.

25 Q Do you have any prior law enforcement experience?

BRYANT SHARPE - DIRECT

- 1 A Four years in the U.S. Air Force.
- 2 Q What was your position in the Air Force?
- 3 A I was security forces.
- 4 Q And in August of 2018, what was your position?
- 5 A I was a master deputy in patrol.
- 6 Q And were you on duty the night of August 25th of 2018?
- 7 A I was.
- 8 Q Did you have the occasion to make contact with the
- 9 defendant, Jamal Coburn?
- 10 A Yes, ma'am.
- 11 Q And do you remember about what time that was?
- 12 A That was at approximately 11:10 p.m.
- 13 Q And where was that contact made? Where were you?
- 14 A 3941 Charleston Highway, which is the Rolling Meadows
- 15 Subdivision.
- 16 Q And how did you come about making contact with Mr.
- 17 Coburn?
- 18 A I entered into the neighborhood on a noise complaint
- 19 inside the neighborhood. When I came in I observed the
- 20 vehicle that I knew that matched the description of the
- 21 shooting incident that occurred the night before, and at
- 22 that point I observed a subject in the driver seat and made
- 23 contact with him.
- 24 Q Was there anyone else in the car?
- 25 A There was nobody else in the vehicle.

BRYANT SHARPE - DIRECT

1 Q And as a patrol officer, how is it that you learn about
2 potential suspects in different incidents?

3 A When they get what they believe to be pertinent
4 information of a suspect or a suspect vehicle then they'll
5 send out a BOLO, which is a Be-On-The-Lookout.

6 Q Okay. And were you able to confirm Mr. Coburn's
7 identity?

8 A I was. He provided me with his identification.

9 Q And after you confirmed his identity, what did you do?

10 A At that point I detained him, put him investigative
11 detention and notified my sergeant at the time, and he made
12 contact with the investigators.

13 Q And what, if anything, did you tell him about placing
14 him investigative detention?

15 A I told him that there was an incident that had occurred
16 the night before in which he and his vehicle were possibly
17 involved in, and that he was placed in investigative
18 detention.

19 Q And did the investigators arrive?

20 A Yes, ma'am.

21 Q About how long did they arrive?

22 A It was approximately 35 minutes later.

23 Q And did you tell Mr. Coburn about the incident more
24 than one time?

25 A It was about four times. I explained to him there was

BRYANT SHARPE - DIRECT

1 an incident that had occurred the night before.

2 Q And did you have any further contact with Mr. Coburn?

3 A Once the investigators got there I turned him over to
4 them and then stood by until they were done speaking with
5 him, at which point he was advised that his vehicle was
6 being seized as evidence so the search warrant could be
7 completed on it, and that he was then -- I stood by while
8 they explained that to him.

9 Q Okay. And who were the investigators that arrived?

10 A It was Detective Burrell and Detective Lyons.

11 MS. PATTERSON: Beg the Court's indulgence?

12 THE COURT: Yes, ma'am.

13 (Break in proceedings.)

14 MS. PATTERSON: Please answer any questions Mr. Myers
15 or Mr. Bell may have.

16 THE COURT: Cross?

17 CROSS EXAMINATION

18 BY MR. MYERS:

19 Q Hey again, Deputy Sharpe.

20 A Hello.

21 Q Now, you testified that your first encounter with Mr.
22 Coburn was August 25th; is that correct?

23 A That's correct.

24 Q That would have been the day after the incident.

25 A Yes, sir.

BRYANT SHARPE - CROSS

1 Q And by incident you mean the shooting, right?

2 A Correct.

3 Q Now, you say that you saw him in Rolling Meadows; is
4 that right?

5 A Yes, sir.

6 Q Now, just that this jury is clear for those that may
7 not know where Rolling Meadows is, that's in Lexington
8 County, right?

9 A It is.

10 Q It is right off of Highway 321?

11 A It's off Charleston Highway near I-26, if you know
12 where mile marker 119 is on I-26.

13 Q Yes, sir. But certainly in Lexington County.

14 A Yes, sir.

15 Q And when you encountered Mr. Coburn, he was actually
16 sitting in his car, correct?

17 A That's correct.

18 Q He wasn't even attempting to move the vehicle, was he?

19 A Not at that time.

20 Q He was, in fact, just sitting there charging his phone.

21 A I don't know what he was doing, but he was sitting
22 there, yes, sir.

23 Q But he had made no attempt to put that car in motion I
24 should say.

25 A No, sir.

BRYANT SHARPE - CROSS

1 Q And when you approached him he in no way became
2 belligerent towards you.

3 A He did not.

4 Q In no way became disrespectful towards you.

5 A He was not.

6 Q But yet you put him in what's called investigative
7 detention, is that your testimony?

8 A Yes, sir.

9 Q Just so this jury is clear about what investigative
10 detention means, that means you put handcuffs on him, right?

11 A That's correct.

12 Q And put him inside your patrol car.

13 A I did.

14 Q But yet you never told him he was under arrest for
15 anything.

16 A That's correct.

17 Q You never told him that he was free to go.

18 A Well, he was told he was placed in detention at that
19 point until investigators could speak with him.

20 Q Sure. And for 35 minutes he sat in your patrol car,
21 right?

22 A That's correct.

23 Q There was no warrant for his arrest.

24 A That's correct.

25 Q You certainly didn't serve him with the warrant.

BRYANT SHARPE - CROSS

1 A I did not.

2 Q Even when the investigators got there they never served
3 him with the warrant.

4 A That's correct.

5 Q But yet you put him in the back of your patrol car in
6 handcuffs, right?

7 A That's correct.

8 Q Now, were the handcuffs in front or were they in the
9 back?

10 A I believe they were in the back.

11 Q So he's sitting in this car for 35 or 40 minutes with
12 his hands handcuffed in the back, right?

13 A Correct.

14 Q But yet you called that just investigative detention?

15 A That's what it was.

16 Q But he was never under arrest at all.

17 A Not at that time, no, sir.

18 Q And once -- and you didn't have any paperwork at that
19 time to even search his vehicle, did you?

20 A His vehicle wasn't searched.

21 Q Sure. Or to even seize his vehicle.

22 A That was the investigator's decision to seize his
23 vehicle.

24 Q Sure. At any time when the investigators got there, I
25 assume you were not privy to those discussions.

BRYANT SHARPE - CROSS

1 A I was not.

2 Q Did you see Mr. Coburn at all attempt to run from them
3 at all?

4 A No, sir.

5 Q So at some point the investigative detention ended; is
6 that right?

7 A He was allowed to leave the scene, yes, sir.

8 Q So he was in handcuffs for 35 or 40 minutes. How long
9 did the time with the investigators last?

10 A I don't recall exactly how long.

11 Q Was he still in handcuffs during that time?

12 A He was released from handcuffs when he was -- when the
13 investigators went to speak with him.

14 Q When they went to speak with him?

15 A Well, when he was turned over to them to speak with
16 them.

17 Q All right. And he was allowed to leave.

18 A He was after they were done, yes, sir.

19 Q He was free to go.

20 A Yes, sir.

21 Q He was never told he was under arrest.

22 A That's correct.

23 Q Never even told to stick around, right?

24 A To my knowledge, no, sir.

25 Q He simply just walked away, right?

BRYANT SHARPE - CROSS

1 A He was allowed to leave, yes, sir.

2 Q And he was allowed to do that as any other American
3 citizen would have been.

4 A Correct.

5 MR. MYERS: Thank you. No further questions.

6 THE COURT: Redirect?

7 MS. PATTERSON: No, sir, Your Honor.

8 THE COURT: Thank you, sir, you may step down. Call
9 your next witness.

10 MS. DARKO: State calls Investigator Patrick Ward.

11 The witness, PATRICK WARD, was first duly sworn and
12 Testified as follows:

13 THE CLERK: Please have a seat and state your name for
14 the record and spell your last name.

15 THE WITNESS: Patrick Ward, W-a-r-d.

16 DIRECT EXAMINATION

17 BY MS. DARKO:

18 Q Good morning, Investigator Ward. Where are you
19 employed?

20 A Lexington County Sheriff's Department.

21 Q And what unit with Lexington County?

22 A I'm with the crime scene unit, crime scene
23 investigations.

24 Q And how long have you been in that unit?

25 A Approximately two and a half years.

PATRICK WARD - DIRECT

1 Q And did you work with any other units within that
2 department prior to that?

3 A I've served on patrol as well as a school resource
4 officer.

5 Q And how long did you do that work for?

6 A I was a school resource officer for two and a half
7 years, and patrol for about a year.

8 Q And with regard to these other experiences, were those
9 all at Lexington or was it another agency?

10 A I've done all three of those at Lexington County. I've
11 also served as a patrolman at the Town of Lexington Police
12 Department for two years.

13 Q And so what's your total experience in law enforcement?

14 A It's approximately eight years.

15 Q And if you could, explain what the crime scene unit is
16 and what you do within that unit.

17 A The crime scene unit responds to major crime incidents
18 such as shootings, stabbings, homicides, suicides; anything
19 where there's a significant amount of evidence that needs to
20 be collected or preserved, anything that's above the level
21 of experience that a patrolman might have.

22 Q And how do you get dispatched to particular instances?
23 Who decides whether or not CSI is needed?

24 A Normally a supervisor from the road or the major crimes
25 unit will request my assistance. They'll just call me.

PATRICK WARD - DIRECT

1 Q And when you're responding to an incident that requires
2 CSI, do you go out by yourself or do you work in teams?

3 A It kind of depends on the situation. There's a lot of
4 things that I can handle by myself, but typically with
5 homicides we'll send two units.

6 Q And why do you send two?

7 A Just the nature of the incident is a little more
8 important, as well as sometimes the scope of the scene can
9 be rather large, a significant amount of evidence. It just
10 helps to have a second pair of eyes, a second pair of hands
11 to help document and collect things.

12 Q And back on August 24th of 2018, did you respond as an
13 investigator to [REDACTED] Riverbend Drive in West Columbia?

14 A I did.

15 Q And were you responding as primary or a secondary CSI?

16 A I was the primary CSI.

17 Q And this was -- so this was one of those scenes that
18 you processed as a team.

19 A That's correct.

20 Q And what county is Riverbend Drive located in?

21 A It's in Lexington County.

22 Q And what kind of call were you responding to exactly?

23 A It was a shooting incident with a gunshot wound, which
24 later we learned would turn into a homicide.

25 Q And what time were you dispatched?

PATRICK WARD - DIRECT

- 1 A I was dispatched from my home at 11:10 p.m.
- 2 Q And what time did you arrive?
- 3 A Shortly after midnight, 12:04 a.m.
- 4 Q And who was the secondary CSI?
- 5 A Now Sergeant Jamie Johnson.
- 6 Q And was she there when you arrived or did she come
- 7 later?
- 8 A She arrived several minutes prior and began to take
- 9 photographs of the scene.
- 10 Q And what were the weather conditions like that night?
- 11 A It was clear and 70 degrees.
- 12 Q And can you describe the crime scene just in general
- 13 terms for me?
- 14 A On arrival I observed a vehicle not parked in a parking
- 15 spot in the parking lot of Riverbend, which is a multiunit
- 16 apartment complex, two stories.
- 17 Q And when you say multiunit apartment complex, about how
- 18 many units were in the complex?
- 19 A I believe each building has eight units.
- 20 Q And can you still hear me okay?
- 21 A Yes.
- 22 MS. DARKO: And can the Court hear me okay?
- 23 Q And do you recall the shape of the perimeter of
- 24 buildings establishing the scene in this case?
- 25 A I do. The parking lot was situated on the northwest

PATRICK WARD - DIRECT

1 portion of the property. To the west of the vehicle was a
2 building with apartments, and to the north was a second one.
3 So it was like an L-shaped.

4 Q And I'm showing you what's been admitted already as
5 State's 5. I know that you also prepared a diagram, but
6 just generally. And when you're speaking of the -- I guess
7 the L-shape nature of the scene you're referring to this
8 here?

9 A That's correct.

10 MS. DARKO: And, Your Honor, may I approach?

11 THE COURT: Yes.

12 Q Investigator Ward, I've just handed you a laser pointer
13 so that you can just orient us generally to the scene.
14 Again, where -- can you just point generally where the
15 vehicle was parked at the scene?

16 A The vehicle was parked approximately right here
17 pointing towards these two parking spots right here.

18 Q And there appears to be at least three sets of
19 buildings here, and all of these buildings are designated as
20 F; is that right?

21 A Correct. As far as I remember these units right here
22 were all F.

23 Q And they're just differentiated by unit numbers.

24 A That's correct.

25 Q For unit numbers one through 16, do you recall which

PATRICK WARD - DIRECT

1 area they extend from?

2 A Units one through 16, this would be units one through
3 eight here, and then nine through 16. So approximately
4 southeast to Northwest.

5 Q And the vehicle was not pulled into one of the parking
6 spaces that are delineated there; is that right?

7 A It was not.

8 Q And was it still running when you got to the scene?

9 A It was.

10 Q Was anybody inside of it?

11 A There was only a dog inside the vehicle.

12 Q The dog was still inside the vehicle?

13 A Correct.

14 Q And so the doors to the vehicle were then shut?

15 A Yes.

16 Q And when you arrived on scene, what did you do first?

17 A When I arrived on scene I initially made contact with
18 investigators, just got some basic information on what
19 happened, what witnesses may have seen, if there was any
20 evidence to be collected, as well as just waiting to hear if
21 there was a search warrant to be obtained for the vehicle or
22 for the residence.

23 Q And had the scene been secured?

24 A It was secured. There was yellow crime scene tape
25 wrapped around, if I can show on the map, approximately a

PATRICK WARD - DIRECT

1 wide swab here. There was multiple law enforcement
2 personnel in vehicles as well.

3 Q And with regard to the crime scene tape, do you limit
4 your processing just to what's inside the crime scene tape?

5 A We don't.

6 Q And going back to what you did first when you arrived
7 on scene, I believe you described that you did some
8 background and locate evidentiary items. Were you able to
9 get background in this case?

10 A I was advised that there had been a domestic dispute
11 that evening between the victim and his girlfriend, that he
12 arrived back at the incident location to retrieve some
13 items, at which point another incident occurred in which he
14 was shot. And then he was transported from the scene to the
15 Lexington Medical Center.

16 Q And was the victim still on scene when you arrived?

17 A He was not.

18 Q And was the location of any evidentiary items indicated
19 when you arrived?

20 A There were. Road officers had located and placed small
21 business cards, case cards next to some cartridge cases and
22 a cartridge that were located on the ground.

23 Q Is that customary when -- you testified previously that
24 you were dispatched a little bit later -- that you're
25 arriving later. Is it customary that when you're arriving

PATRICK WARD - DIRECT

1 essentially an hour later things have already been marked by
2 deputies.

3 A Sometimes they just take it upon themselves to mark it
4 so they don't accidentally step on it or kick it around, but
5 it's not all the time.

6 Q So they're not changing the location of the item?

7 A Correct.

8 Q And after you viewed those items that had been located
9 by deputies, did you go ahead and mark the location?

10 A We did.

11 Q And how do you do that?

12 A I have yellow placards that we place adjacent to the
13 items of evidence, which we used primarily for photography.

14 Q And if you could just take us through the item numbers
15 for those things that you marked when you first arrived.

16 A Marker one was a cartridge case.

17 Q And was -- can you describe the nature of that
18 cartridge case delineating as expended or unexpended?

19 A It was an expended cartridge case, meaning that the
20 projectile on it had been presume fired.

21 Q And what was item two?

22 A Item two was a cartridge case, which had a primer
23 strike on it, a light primer strike.

24 Q And if you could, just explain that. What is a primer?

25 A A primer is a component of a bullet that -- so that the

PATRICK WARD - DIRECT

1 cartridge itself contains a projectile, the cartridge case,
2 the powder, and then the primer. The primer is what is
3 struck and detonates the powder inside the bullet, which
4 then propels the projectile.

5 Q Would the primer be like a little hammer for a lay
6 person striking it?

7 A The primer would be struck by a small hammer, which
8 would then cause a tiny explosion, which then causes a
9 bigger explosion.

10 Q Thank you. And when you say light primer strike, you
11 can see that with the naked eye?

12 A Yes.

13 Q And why do you as a CSI note the location of expended
14 cartridge casings?

15 A I'm sorry, repeat?

16 Q Why do you know the location of expended cartridge
17 casings?

18 A The location of them?

19 Q Uh-huh. Why is that important in the -- why would that
20 be important to investigators?

21 A It gives a general idea of where shots may have been
22 fired from.

23 Q And going back to your marking of the cartridge cases,
24 what did you mark as item three?

25 A Item three was a second expended cartridge case.

PATRICK WARD - DIRECT

1 Q And as you -- after you mark these items, did you know
2 anything else about the scene environment?

3 A To the right of the vehicle there was a pool of what
4 appeared to be suspected blood and vomit just behind the
5 front driver's -- or passenger's side door. There was a
6 blue sweatshirt, which also appeared to be saturated with
7 suspected blood. There's also a disposable lighter on the
8 ground not far from the cartridge cases, also smaller drips
9 of blood near the rear of the vehicle, kind of southeast of
10 the vehicle.

11 MS. DARKO: Permission to approach, Your Honor?

12 THE COURT: Yes, ma'am.

13 Q And I'm showing you what's been premarked and
14 previously shown to defense as State's 8, 9 and 10 and 11.

15 MS. DARKO: It's my understanding that there's no
16 objection to admission.

17 MR. BELL: No objection, Your Honor.

18 THE COURT: Mark 8 through 11 in evidence, please, sir.

19 (The photos were received as State's 8-11.)

20 Q And what are the items that I just showed you?

21 A Exhibit 8 is a photograph indicating the crime scene
22 barrier tape, as well as the rear of the blue Ford Explorer,
23 I believe.

24 Q And is that a fair and accurate depiction of those
25 items as you found them when you arrived?

PATRICK WARD - DIRECT

1 A It is.

2 MS. DARKO: Your Honor, at this time I would like to
3 publish those items just on the projector.

4 THE COURT: Yes, ma'am.

5 Q And this first photo is State's 8. This is just, I
6 guess, the view of the scene as you pull up showing that the
7 crime scene tape is in place when you arrived.

8 A Correct.

9 Q What are we looking at here?

10 A On the passenger side vehicle this was the blue
11 sweatshirt with the suspected blood. Here was the pool of
12 what appeared to be vomit and suspected blood. And here are
13 the additional drips of blood. This was the disposable
14 lighter. And here is, I believe, what will be item number
15 three, the cartridge case.

16 Q And so you took these right away right when you got on
17 scene because you had not placarded that item yet?

18 A Correct. Jamie Johnson took the photograph.

19 Q And the view of this item would be from that island
20 area, that middle row of parking spaces?

21 A I believe so, from southeast to northwest.

22 THE COURT: Was that 9?

23 MS. DARKO: Yes, Your Honor. The photo that we just
24 published was State's 9.

25 THE COURT: Thank you.

PATRICK WARD - DIRECT

1 Q And I'm showing you what's been admitted as State's 10
2 at this time. The this view is from the front of the
3 vehicle? I apologize. What view is this from?

4 A That's a view of the passenger side of the vehicle
5 looking approximately west.

6 Q And States 11?

7 A That's the driver's side looking east.

8 Q And this would be, for those of us who may be
9 directionally challenged, the part of the vehicle that's
10 closest to that tree.

11 A Correct.

12 Q Okay. I'm showing you what has been premarked as
13 State's 12 through 23, and admitted without objection by the
14 defense.

15 MR. BELL: No objection, Judge.

16 THE COURT: Mark 12 through 23 in evidence.

17 (The photos were received as State's 12-23.)

18 Q Do you recognize those items?

19 A I do.

20 Q And what are those items?

21 A Exhibit 12 is a photograph of the blue SUV looking
22 essentially from the island looking northwest. 13 appears
23 to be a similar view looking toward a tree that we took
24 measurements from.

25 Q Okay. And Investigator Ward, I'm just going to stop

PATRICK WARD - DIRECT

1 you. These are, again, items that you took out from the
2 scene that night?

3 A Correct.

4 Q At the scene that night? And delineating the location
5 of the shell casings in this case?

6 A Yes. They do indicate the position of the shell
7 casings.

8 MS. DARKO: Permission to publish, Your Honor.

9 THE COURT: Yes, ma'am.

10 Q States 12. I believe you were getting into describing
11 that these are the markers when you first arrived for the
12 shell casings; is that right?

13 A Correct, up here --

14 (Break in proceedings.)

15 Q And this point right here, this is what eventually
16 would be marked as item -- what item would that be marked
17 as?

18 A That would be item three.

19 Q And that was an expended shell casing.

20 A Correct.

21 Q And then these two items are one and two over here.

22 A Correct.

23 Q Is that right? And this -- what's been admitted as
24 State's 13, again, just where you placarded these items; is
25 that right?

PATRICK WARD - DIRECT

1 A Yes.

2 Q And just to get an understanding, I know that -- did
3 you take measurements at the scene?

4 A We did.

5 Q And with regard to what you've already identified as
6 items one and two, what is this view here on State's 14?

7 A This view right here is an expansion joint in an
8 island, that's one point where we took measurements from to
9 the cartridge cases in the vehicle.

10 Q And just while we're here, can you refer to your report
11 and tell me about how far that is from that expansion joint?

12 A This was marked as point B. And from -- my report
13 might be mixed up, but that should be around seven feet-six
14 inches.

15 Q And that's to this item here?

16 A That's to item one, correct.

17 Q And can you tell me how far away the expansion joint is
18 from this item here?

19 A It's about five feet.

20 Q Okay. And in State's 15 over in this corner here, when
21 you're referring to the measurements you're taking them
22 after you placarded them, right?

23 A That's correct.

24 Q So that five feet and -- was it seven feet?

25 A Seven feet-six inches.

PATRICK WARD - DIRECT

1 Q That's the distance as pictured in this image as well;
2 is that correct?

3 A Correct.

4 Q You testified previously about a light primer strike
5 versus a full primer strike, spent and not spent rounds.
6 Can you tell me what we're looking at here in State's 22?

7 A I believe that was item one, which was one of the
8 expended cartridge cases.

9 Q So this means fired in layman's terms?

10 A Correct.

11 Q Okay. And what are we looking at here in State's 23?

12 A That is a photograph of the base of item two, which was
13 the cartridge with the light primer strike.

14 Q And if you can, just use the pointer to point out the
15 primer strike on that.

16 A This little indentation here was the primer strike.

17 Q That which looks like a nick?

18 A Correct.

19 Q And I had you referring to measurements before. After
20 you have marked the location of these items you said that
21 you took measurements. And I'm showing you what's been
22 marked as State's 24 and admitted without objection.

23 MR. BELL: No objection, Your Honor.

24 THE COURT: Mark 24 into evidence, please.

25 (The photo was received as State's 24.)

PATRICK WARD - DIRECT

1 Q And do you recognize that item?

2 A I do.

3 Q And what is that item?

4 A These are sketches as well as an aerial view of the
5 incident location marked items of evidence.

6 Q And would they assist you in your testimony before the
7 jury today?

8 A Yes.

9 Q And just to be clear, these were not prepared at the
10 time you were investigating the case back in 2018 but
11 recently for purposes of explaining to the jury.

12 A Correct.

13 Q And Investigator, you already explained the distance
14 for items one and two, but just for the jury, can you
15 explain what those are and confirm that items one and two
16 are the shell casings; is that right?

17 A Correct.

18 Q And if you could, just take us through the balance of
19 the diagram that you prepared with regard to the distances
20 and locations of what you have featured there.

21 A Here is the expansion joint on the concrete island,
22 that would be point A. Point B, there is a tree here, we
23 took measurements from the -- we're just trying to find a
24 fixed object from which to pull a measurement from,
25 something that's not going to be movable or change anytime

PATRICK WARD - DIRECT

1 soon. So we would take measurements from point A and from
2 point B to each item, that way in the future we could pull
3 those same measurements and find the exact position of those
4 items. We also took measurements to the rear driver and
5 passenger side vehicles from both points.

6 Q And what is the red dot there on the eastern side of
7 the vehicle?

8 A This is the pool of suspected blood and vomit.

9 Q And what is the delineation below item one?

10 A I'm sorry, I didn't hear you.

11 Q Is that better?

12 A That's good.

13 Q And from the pool of suspected blood, can you just take
14 us through the rest of the items that you described at the
15 scene?

16 A This blue dot here is the blue sweatshirt with the
17 suspected blood. Not all items are shown on this, but there
18 would be a lighter right in here. This would be expended
19 cartridge case, item number one. This is the cartridge with
20 the light primer strike, and this is the second expended
21 cartridge case.

22 Q And then what are the smaller dots?

23 A I'm sorry, these are also the drops of blood.

24 Q Okay. And if you could, just take us -- what were the
25 distances from item three to point A?

PATRICK WARD - DIRECT

1 A To point A was approximately 13 feet, 10 inches.

2 Q Did you attach those measurements when you prepared
3 this exhibit as well?

4 A I did.

5 Q And if you could just take us to the distance with
6 regard to the rear bumper as well.

7 A From the rear passenger side bumper to point A would be
8 21 feet; from the rear driver's side bumper to point A would
9 be 24 feet, 11 inches, and from the rear driver's side
10 bumper to point B to the tree is 36 feet, 2 inches. And
11 those are approximate.

12 Q And this diagram is not to scale; is that right?

13 A Correct.

14 Q But you did memorialize your measurements in your
15 report.

16 A Correct.

17 Q And you used those to create an approximation for the
18 diagram?

19 A Yes.

20 THE COURT: You need to say your answer loud.

21 THE WITNESS: Yes.

22 Q And after you memorialized the location of all of these
23 items, did you go ahead and collect them?

24 A We did.

25 MS. DARKO: Begging the Court's indulgence.

PATRICK WARD - DIRECT

1 (Break in proceedings.)

2 MS. DARKO: Your Honor, may I just have a continuing
3 permission to approach? I have been approaching the witness
4 without --

5 THE COURT: You don't have to ask, that's fine.

6 Q And I'm showing you what's been marked as State's 25
7 and shown to defense in advance and admitted without
8 objection.

9 THE COURT: What number is it?

10 MS. DARKO: 25.

11 THE COURT: Twenty-five is in evidence, Mr. Court
12 Reporter.

13 (Break in proceedings.)

14 THE COURT: I didn't understand you, Mr. Bell.

15 MR. BELL: Beg your indulgence one moment, Your Honor.

16 (Break in proceedings.)

17 MR. BELL: No objection.

18 THE COURT: It's in evidence.

19 (The cartridge case was received as State's 25.)

20 Q Investigator Ward, do you recognize these items?

21 A I do.

22 Q And what are they?

23 A These are the items one and three, which are the
24 cartridge cases that had been fired.

25 Q And how are you able to recognize them?

PATRICK WARD - DIRECT

1 A They're sealed into envelopes that have my initials and
2 date on them.

3 Q Nothing further for that. And what did you do with
4 these items once you collected them?

5 A Once I collected them and submitted them as evidence
6 they were eventually -- a lab request was made to send them
7 to SLED to have them entered into the Integrated Ballistics
8 Identification System, IBIS, to see if there was any
9 firearms that they -- the head of the cartridge might match.

10 Q And did you collect any other items at the scene?

11 A Aside from the two cartridge cases and the cartridge
12 there was nothing else at the scene.

13 Q You did reference this blue sweatshirt. You did not
14 collect that item?

15 A We did not. As far as I understood it was used to help
16 render aid to the victim, but it was not considered to be an
17 item of evidence.

18 Q So what, if anything, did you end up doing with that
19 item?

20 A We photographed it. I don't remember if it was ever
21 collected for a biological hazard to be disposed of.

22 Q You've already testified that the victim was not on
23 scene when you arrived; is that right?

24 A That's correct.

25 Q Did you have an opportunity to view the victim?

PATRICK WARD - DIRECT

1 A We did.

2 Q And where was that?

3 A We -- after processing the scene, the vehicle and the
4 items of evidence, we went to Lexington Medical Center where
5 we were able to view the victim and document any injuries he
6 had.

7 Q And what time was that?

8 A I cleared from Riverbend at approximately 1:02 a.m.

9 Q And you had not processed the blue vehicle at this
10 time?

11 A We had not processed, just photographed the exterior of
12 it.

13 Q And why was that?

14 A We were waiting to hear if there was going to be a
15 search warrant obtained for the vehicle or consent to
16 search.

17 Q Why were you comfortable leaving the scene having not
18 processed that item yet?

19 A There were multiple investigators on scene as well as
20 deputies.

21 Q And you -- where within the hospital did you view the
22 victim's body?

23 A We responded to exam room 17, which is just behind the
24 emergency room area.

25 Q And was the victim still clothed?

PATRICK WARD - DIRECT

- 1 A He was not.
- 2 Q What happened to his clothes?
- 3 A His clothes had been removed by medical personnel and
4 were placed in a brown paper bag.
- 5 Q And did you view the clothes?
- 6 A I did.
- 7 Q And did you search those clothes?
- 8 A I did.
- 9 Q Did you obtain anything of evidentiary value?
- 10 A There was nothing of evidentiary value. There was only
11 the victim's wallet and a set of keys in his back pocket.
- 12 Q And what keys were -- and what pocket were those keys
13 located?
- 14 A They were in the right -- I'm sorry, the left rear
15 pocket of his jeans.
- 16 Q And the clothing, did you end up collecting that
17 clothing?
- 18 A I did.
- 19 Q And was the clothing in -- without regards to any blood
20 stains, was the clothing in the same condition that it was
21 in when you -- when the victim was wearing it?
- 22 A As far as I can remember. I don't remember if it had
23 been cut off of him.
- 24 Q Were the victim's hands bagged?
- 25 A They were.

PATRICK WARD - DIRECT

1 Q And why?

2 A Typically EMS or the coroner's office will place bags
3 over an individual's hands to preserve any DNA or gunshot
4 residue.

5 Q And in this case who did the bagging?

6 A I don't recall.

7 Q Okay. And what is the reason for preserving that
8 residue?

9 A In case we need to collect swabs from the victim's
10 hands to determine if he had been -- had either discharged a
11 firearm or been around a firearm that was discharged.

12 Q And did you collect swabs in this case?

13 A We did not.

14 Q Why not?

15 A Because the likelihood of us collecting gunshot residue
16 off the victim, it would probably indicate that he had
17 because he had suffered a gunshot wound.

18 Q And while at the hospital, were you given any word on
19 the search warrant for the vehicle at the scene?

20 A I was advised that consent had been granted to search
21 the vehicle.

22 Q And the dog had been removed at this point?

23 A Yes.

24 Q And did you collect any items of any evidentiary value
25 from that car?

PATRICK WARD - DIRECT

1 A We did not.

2 Q And about what time did you start processing that car?

3 A Shortly after 2:00 a.m.

4 Q And did you photograph the processing of that vehicle?

5 A We did.

6 Q I'm showing you what has been marked as State's 26
7 through 34. Are those the photographs that you referred to
8 when -- that you took when you were processing that vehicle?

9 A They are.

10 MS. DARKO: And these items have been shown to the
11 defense and it's my understanding admitted without
12 objection.

13 MR. BELL: No objection, sir.

14 THE COURT: Mark through 26 through 34 into evidence,
15 please, sir.

16 (The photos were received as State's 26-34.)

17 Q And we are looking at State's 27. What is this view?

18 A That is an image looking at the front driver's -- from
19 the front driver's side.

20 Q And I want to take you to the images that you took of
21 the rear of the passenger area of the vehicle. What are we
22 looking at there?

23 A That is a view from the rear passenger side looking at
24 the rear seat.

25 MS. DARKO: And just for the record, this is State's

PATRICK WARD - DIRECT

1 32.

2 Q And you stated that you did not collect anything of
3 evidentiary value?

4 A I did not.

5 Q Nothing in the -- and what is this item on the seat
6 here that we're looking at, that red item?

7 A I believe that's an article of clothing.

8 Q So you didn't find any bullets, any ammo among the
9 clothing back there?

10 A I did not.

11 Q And what are the items on the lower floorboard there?

12 A It appears to be a -- well, there's a basketball, and I
13 can't really tell from that image, but either clothing or
14 other just random items.

15 Q And again, no weapons or anything found --

16 A No.

17 Q -- in this rear portion of the vehicle.

18 MS. DARKO: And this is State's 33 for the record.

19 Q What view is this of that area?

20 A That's a view from the rear driver's side looking at
21 the rear seat.

22 Q And again, just confirming that these are like clothing
23 articles that are in the back.

24 A That's correct.

25 Q And what is that item in State's 34 for the record?

PATRICK WARD - DIRECT

1 A That is a view of the cargo area from the rear hatch.

2 Q And what is that item that you photographed there?

3 A That is a folding walker medical device.

4 Q How long did it take you to process this vehicle?

5 A Approximately 30 minutes I would say.

6 Q And is it safe to say the only thing you found was
7 clothing?

8 A That's correct.

9 Q And some leftovers?

10 A Correct.

11 Q No bullets, no ammo.

12 A No.

13 Q And after you finished processing this vehicle I
14 believe you testified before that you also looked outside
15 the crime scene tape. Did you find any vehicles with any
16 bullet defects or anything else of evidentiary value at the
17 scene?

18 A I did not. Myself, Investigator Johnson, as well as
19 other investigators, we searched the exterior of the
20 apartments, vehicles, under vehicles looking for any
21 additional cartridge cases but we couldn't find anything.

22 Q And what time did you clear that scene?

23 A Cleared from Riverbend at approximately 4:26 a.m.

24 Q And minus the time that you spent at the hospital, can
25 you tell me the total amount of time that you were there?

PATRICK WARD - DIRECT

1 A It was a little over three hours around about.

2 Q Did you process any other vehicles in connection with
3 this incident?

4 A I did.

5 Q And when did you do that?

6 A I processed the vehicles that belonged to the suspect
7 on August 26th at the Lexington County Sheriff's Department.

8 MS. DARKO: Begging the Court's indulgence, I just want
9 to confirm my numbers.

10 Q And again, if you could just repeat if you haven't
11 already stated, what kind of vehicle was this?

12 A This was a black Chevy Impala.

13 Q And I'm showing you what has been premarked and
14 admitted without objection as State's 35 and 36.

15 MR. BELL: No objection, Your Honor.

16 (The photos were received as State's 35-36.)

17 Q Did you take photos as you were processing this car as
18 well?

19 A I did.

20 Q And is that a fair and accurate depiction of the
21 vehicle before you began processing it?

22 A It is.

23 Q And you also took photographs of the inside as you were
24 processing?

25 A That's correct.

PATRICK WARD - DIRECT

1 Q And I'm showing you what's been premarked and admitted
2 without objection as State's 51 through 61.

3 MS. DARKO: And I'm just going to show these to Mr.
4 Bell as I understand he did have some objections.

5 (Break in proceedings.)

6 MR. BELL: No objection, Your Honor.

7 THE COURT: Which ones are those?

8 MS. DARKO: These are State's 51 through 61.

9 THE COURT: Marked 35 and 36, and 51 through 61 into
10 evidence, please, sir.

11 (The photos were received as State's 51-61.)

12 Q Do you recognize those as the photos that you took
13 while you were processing the vehicle?

14 A I do.

15 Q And those are a fair an accurate depiction of the
16 vehicle as you found it that day?

17 A Yes.

18 Q And the location of those things recovered from the
19 vehicle?

20 A Yes.

21 Q And they haven't been altered or changed in any way.

22 A No, ma'am.

23 Q And did you -- excuse me. Did you find anything of
24 evidentiary value in the vehicle?

25 A I did. In the center console of the vehicle a loaded

PATRICK WARD - DIRECT

1 pistol was located in the glove box. There was also a
2 receipt as well as a Lexington County property tax receipt
3 that had the suspect's name on them.

4 Q And with regard to the location of the gun inside the
5 vehicle, did you photograph that location before doing
6 anything with the gun?

7 A I did.

8 Q And State's 50, is that the location of the gun that
9 you found inside the vehicle?

10 A It is.

11 Q And what is the view of this photograph?

12 A This is a photograph taken from the front passenger
13 side looking towards the driver's side.

14 Q And what are we looking at here?

15 A That is a close-up of the serial number on the firearm.

16 Q Do you mark the location of the gun?

17 A Yes, we did.

18 Q And is that what we're looking at in State's 53?

19 A It is.

20 Q And that's for purposes of your report; is that right?

21 A Yes.

22 Q What are we looking at here?

23 A That's a close-up photograph of the left side of the
24 gun.

25 Q And what kind of gun is it?

PATRICK WARD - DIRECT

1 A That's a Taurus semiautomatic Millennium G-2 pistol.

2 Q And do you know what caliber it is?

3 A Nine-millimeter. That's a view of the right side of
4 the pistol.

5 Q And when you found this pistol, what, if anything, did
6 you do to render its aid?

7 A I removed the magazine, which was found to be loaded,
8 as well as I racked the slide of the pistol to remove a
9 cartridge that was in the chamber.

10 Q And what is this?

11 A That would be an image of the cartridge found in the
12 chamber.

13 Q And did you memorialize what type of ammo this is?

14 A I did, it's a 9-millimeter.

15 Q And is it the same kind as was recovered from the
16 scene?

17 A Same caliber but not the same kind of ammunition.

18 Q So when we're referring to kind, is that manufacturer
19 or --

20 A It's a different manufacturer.

21 Q And how do you delineate that with regard to bullets
22 for those of us who don't know? Where is that at?

23 A On the bottom of the bullet just outside of the primer,
24 they will put what's called a head stamp which will tell you
25 the caliber and the manufacturer. So this was WIN, which is

PATRICK WARD - DIRECT

1 usually short for Winchester, and then 9-millimeter Luger,
2 which is the caliber.

3 Q Did you take swabs of this gun?

4 A I did.

5 Q And if you could, just explain the process of swabbing
6 a gun, what you would use and why you do it.

7 A In order to swab an item I will take sterile cotton
8 swabs that look Q-tips. I will then place some distilled
9 water on one or both of those swabs, and then rub the tips
10 of that across the surface. In the case of the pistol, I
11 took swabs from the grip, the slide and --

12 Q And I'm going to stop you there because -- so you can
13 explain the parts of the gun for those of us who don't know.
14 When you're saying that you're taking swabs from the grip,
15 what portion of the gun is that? If you could just point
16 that out.

17 A This area in here.

18 Q Okay. And go ahead with you were saying before, and
19 just point to the areas that you swabbed.

20 A I swabbed the grip area, which is where you would
21 normally grip the firearm with your hand, the trigger, as
22 well as the slide.

23 Q And how many swabs did you collect with regard to each
24 area?

25 A There were two swabs for each set, so I will generally

PATRICK WARD - DIRECT

1 swab each area of the two swabs, which will then be placed
2 in one envelope, so one set contains two swabs. So three
3 sets of swabs for touch DNA.

4 Q And why do you do two swabs?

5 A It just comes in the package that way. So normally I
6 will wet one of the swabs and we will be able to dry, that
7 way the dry one is picking up additional evidence.

8 Q And in this case, why did you swab these specific
9 areas?

10 A I swabbed those specific areas because those are going
11 to be the most likely areas to find touch DNA.

12 Q And did you memorialize -- let me ask this another way.
13 Did you believe that there was blood on this gun?

14 A I did observe a reddish-brown substance on the firearm.
15 I didn't know for certain if it was blood or not, but out of
16 an abundance of precaution having been told that the victim
17 had been pistol-whipped, we did collect swabs from those
18 stains.

19 Q You don't know what it is, you're just being cautious.

20 A Correct.

21 MS. DARKO: Begging the Court's indulgence.

22 THE COURT: Yes, ma'am.

23 (Break in proceedings.)

24 Q I am showing to defense what has been premarked as
25 State's 62, State's 39, State's 63.

PATRICK WARD - DIRECT

1 (Break in proceedings.)

2 Q I'm showing you what's been marked as 63 and 62. If
3 you could open 62. What is 62?

4 A It's a Taurus semiautomatic handgun I recovered from
5 the vehicle.

6 Q And that's the gun that you just took the photos of
7 that we just went through; is that right?

8 A Correct.

9 Q And what is the other item I just handed you? That is
10 State's -- I apologize.

11 A These are swabs from the reddish-brown substance that I
12 believed was possibly blood.

13 Q And just for the record, what is the item number
14 affixed to that?

15 A This is Exhibit 63, item 6G, 6E and 6F.

16 Q And you said these are the swabs you took this from
17 each portion of the gun?

18 A These are the blood swabs. There should be touch DNA
19 swabs as well.

20 Q Did you collect any other items of any evidentiary
21 value from the car?

22 A I did collect a black Motorola cell phone.

23 Q And I'm showing you what's already been shown to
24 defense as State's 39.

25 MS. DARKO: And for purposes of the record 62 is

PATRICK WARD - DIRECT

1 entered without objection?

2 MR. BELL: No objection, Judge.

3 MS. DARKO: And State's 39?

4 MR. BELL: No objection, Your Honor.

5 Q I have just handed State's 39. And what is that item?

6 A This is a black and blue Motorola cell phone with a
7 charging cable.

8 Q And where was that found in the vehicle?

9 A This was in the front passenger compartment, I believe
10 it was on the driver's seat.

11 Q And what did you do with that item after you collected
12 it?

13 A We marked it and collected it.

14 Q And I'm showing you what has been marked as State's 37
15 and 38 and shown to defense --

16 THE COURT: Face this way please.

17 Q I'm showing you what's been marked as 37 and 38 and
18 shown to defense but not admitted. And you referenced tax
19 documentation that was recovered from the glove compartment?

20 A Correct.

21 Q And you photographed those items?

22 A I did.

23 Q And you memorialized and reported those items were
24 found in the vehicle.

25 A Yes.

PATRICK WARD - DIRECT

1 THE COURT: Before we get too far into this, 62, the
2 handgun, is in evidence without objection.

3 MS. DARKO: That's correct.

4 MR. BELL: Yes, sir.

5 THE COURT: 39, the black Motorola cell phone and
6 charger cable, all right, is in evidence without objection.

7 MR. BELL: Yes, sir.

8 THE COURT: 63 is not in evidence.

9 MS. DARKO: 63 is not in evidence, that's right.

10 (The cell phone and gun were received as State's 39
11 And 62.)

12 THE COURT: I've got to tell the jury about the
13 handgun. Ladies and gentlemen of the jury, anytime there's
14 a weapon or a firearm introduced into evidence in a case I
15 am required to instruct the jury about safety precautions.
16 The first thing I have to be assured of is that there's been
17 a lock placed on that gun. Is there?

18 THE WITNESS: There is, Your Honor.

19 THE COURT: All right. And it has been checked and
20 made sure there's no ammunition in the gun that has been
21 cleared; is that right?

22 THE WITNESS: Yes, sir.

23 THE COURT: There's no ammo in it?

24 THE WITNESS: No, sir.

25 THE COURT: So ladies and gentlemen, the instructions

PATRICK WARD - DIRECT

1 that I'm required to give you are that you are not to point
2 that gun at anybody. If you handle it do not point it at
3 anyone. I don't know if they intend to introduce any
4 ammunition, but the rule requires me, if they do introduce
5 ammunition, that the jury can only have the gun or the
6 ammunition in the jury room at a given time, you can't have
7 both. So if you want to see the ammo and you have the gun,
8 you have to send me a note asking to see the ammunition, I
9 have to take the gun out until you finish looking at the
10 ammo and vice versa. Okay? That applies to every case
11 where any firearm is introduced. All right. They've been
12 out here, I think, about an hour -- we've been out here
13 since 9:30, they have been out here awhile, so let me know
14 when you get to a good stopping point.

15 MS. DARKO: I just have three more items, Your Honor,
16 and then I think I will be through with my direct of
17 Investigator Ward.

18 THE COURT: Okay.

19 MS. DARKO: I'm showing what's been premarked as items
20 64, 65 and 66 to defense.

21 THE COURT: While he's looking at those, are 37 and 38
22 in evidence, the photos of the --

23 MS. DARKO: No, Your Honor, those are not in evidence.

24 THE COURT: Okay.

25 Q I'm showing you the items that have just been shown to

PATRICK WARD - DIRECT

1 the defense, 64 -- State's 64, 65 and 66 for the record.

2 And do you recognize these items?

3 A I do.

4 Q And what are they?

5 A These are touch DNA swabs taken from the pistol.

6 Q And how do you recognize those as touch DNA swabs that
7 you took from the pistol?

8 A They're sealed and have my initials on the packaging.

9 Q And has that package been opened?

10 A It has not been opened at all.

11 MS. DARKO: Your Honor, I would like to take a break at
12 this time. I promised that I would finish my direct before
13 we took a break but I need to take a break with regard to
14 these items.

15 THE COURT: Is there an objection?

16 MR. BELL: Your Honor, may we very briefly approach?

17 THE COURT: Yes.

18 (A bench conference was held.)

19 THE COURT: Ladies and gentlemen of the jury, we'll
20 take the morning break now. Don't discuss the case, I'll
21 send for you as quickly we can. We'll be out at least 15
22 minutes. Leave your notes in the courtroom.

23 (The jury left the courtroom.)

24 THE COURT: Can you just give me a nutshell of what the
25 issue is going to be?

PATRICK WARD - DIRECT

1 THE COURT: You may continue, Ms. Darko.

2 BY MS. DARKO:

3 Q Investigator Ward, with regard to item 63, which I
4 believe you have in front of you on the stand. You
5 testified before about swabbing different portions of the
6 gun for what you thought was suspected blood; is that
7 correct?

8 A Correct.

9 Q And with regard to the item that's in front of you,
10 when you're saying blood, are you referring to suspected
11 blood?

12 A Suspected blood, the reddish-brown stains.

13 Q So what are the items inside that container?

14 A According to the label item 6D is a swab of suspected
15 blood from the slide of the pistol, 6E is a swab of the
16 suspected blood from the barrel, and 6F is a swab of
17 suspected blood from the frame or the grip.

18 Q And again, these are the swabs that you took from all
19 of those locations for those areas of the gun for what you
20 thought was suspected blood. But again, just swabs of those
21 areas; is that correct?

22 A Correct.

23 MS. DARKO: Your Honor, the State would admit item 63
24 at this time.

25 THE COURT: Any objection?

PATRICK WARD - DIRECT

1 MR. BELL: No, Your Honor.

2 THE COURT: 63 is in evidence.

3 (The swabs were received as State's 63.)

4 Q And Investigator Ward, I want to take you back to
5 the -- your processing of the original scene. You
6 referenced that there was an unspent round collected at the
7 scene. And I am showing the defense what is premarked as
8 State's 67. Can you go ahead and open that item?

9 A Yes.

10 Q And do you recognize that item?

11 A I do.

12 Q And what is it?

13 A This is a cartridge, indicates it has a light primer
14 strike on it.

15 Q Which item number is that in your report?

16 A It should be item two.

17 Q And that's the item as you collected it that day?

18 A Yes.

19 MS. DARKO: The State would move item -- I apologize,
20 67 into evidence.

21 THE COURT: Any objection?

22 MR. BELL: None, sir.

23 THE COURT: Mark it into evidence, please.

24 (The cartridge was received as State's 67.)

25 MS. DARKO: Nothing further for this witness.

PATRICK WARD - CROSS

1 THE COURT: Cross examination?

2 CROSS EXAMINATION

3 BY MR. BELL:

4 Q Sir, do you go by -- is it detective or investigator,
5 or what's your preferred title?

6 A Generally CSI.

7 Q CSI? All right. Now, CSI Ward, part of your job as
8 CSI, or crime scene investigation, puts an absolute
9 importance on the preservation of a crime scene, right?

10 A Correct.

11 Q And that's because you never know what could possibly
12 be evidence when you enter a crime scene until the
13 investigation plays itself out, right?

14 A Correct.

15 Q Now, the purpose of preserving physical evidence that
16 is found at crime scenes is because unfortunately witnesses
17 can lie, right?

18 A Correct.

19 Q Mom's can lie for their sons, right?

20 A It happens, yes.

21 Q Stepfathers can lie for their friends to protect their
22 friend's son, right?

23 A Yes.

24 Q But physical evidence is something that you can try to
25 put an objective truth to, right, through science?

PATRICK WARD - CROSS

1 A Correct.

2 Q So when you approach this crime scene at Riverbend, was
3 crime scene tape already up?

4 A It was.

5 Q And that was as displayed in the photographs that you
6 previously testified to?

7 A Yes.

8 Q Did you have any reason to believe that the crime scene
9 had not been properly preserved in any way upon your
10 arrival?

11 A I saw no indications that it had not.

12 Q Now, when you're also examining a crime scene,
13 especially one that you are coming upon, it is
14 extraordinarily important to keep an open mind about the
15 crime that you may be investigating, right?

16 A Correct.

17 Q And that's because if you only focus on one
18 possibility, well, then you naturally are excluding looking
19 for other possibilities, right?

20 A True.

21 Q So for instance, if you are investigating a murder,
22 then you're only looking for evidence to prove a murder and
23 not potentially prove self-defense, right?

24 A Yes.

25 Q Now, when you arrive on scene it was at about midnight,

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1 right?

2 A Right.

3 Q And this would have been, you know, give or take some
4 time, but roughly an hour or so after the incident allegedly
5 occurred?

6 A Approximately.

7 Q So you had a fairly quick response to the scene, is
8 that fair to say?

9 A About average, just under an hour.

10 Q So an hour or so after the incident takes place you
11 arrive on scene, and you receive a summary from one of your
12 superior officers, or superior personnel on scene; is that
13 right?

14 A Yes.

15 Q And who did you receive your summary from?

16 A I believe it was a Sergeant McCann.

17 Q In the summary that you received from your sergeant was
18 a Jamal, or Jeremy Coburn, some Mr. Coburn, was essentially
19 laying in wait at the apartment and shot the victim and then
20 beat him with a pistol, right?

21 A I wasn't provided all of those details, just that there
22 had been a domestic involving the victim and his girlfriend,
23 and then a shooting happened. I was told about the
24 pistol-whipping. But that was just about the gist of what I
25 was told.

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1 Q So your written report doesn't indicate, and you wrote
2 down because you were told, that Mr. Coburn was essentially
3 waiting at the apartment and then when the victim showed up,
4 shot him and beat him with a pistol.

5 A I will have to refer to my report. One moment.

6 Q Yes, sir.

7 (Break in proceedings.)

8 A It does -- my report does indicate that Jeremy or Jamal
9 Coburn was already on scene when the victim arrived as far
10 as I was told.

11 Q And then as far as you were told by your superior
12 officer barely one hour after the incident occurred you were
13 investigating a murder, right?

14 A Yes. We did have a deceased victim.

15 Q At any point were you investigating this as a
16 self-defense incident?

17 A I kept an open mind when I arrived on scene, that's why
18 I try to look for additional projectiles, cartridge cases.
19 It's not uncommon to have two individuals shoot at each
20 other.

21 Q Now, you were also told there was a female, the sister
22 of Mr. Coburn was on scene, right?

23 A Correct.

24 Q And it was relayed to you that Mikhelle Coburn was seen
25 running in and out of her apartment with no explanation,

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1 right?

2 A Correct.

3 Q And that you were to try to get a search warrant for
4 her apartment, right?

5 A They were trying to get a search warrant for the
6 apartment.

7 Q So in keeping an open mind y'all immediately were
8 investigating Jamal Coburn as having laid in wait, shot and
9 beaten the victim, and then his sister was automatically a
10 suspect and not potentially an intended victim in all of
11 this, right?

12 A I'm not sure what their idea was regarding her.

13 Q One of the first things that you testified to was the
14 measurements that you took of the crime scene itself; is
15 that right?

16 A Correct.

17 Q And the purpose of taking those measurements is to sort
18 of give us a spacial awareness of where things were located
19 when we're here in court; is that right?

20 A Correct.

21 Q And that can be a very important instrument when it
22 comes to trying to figure out how events may have played out
23 as the crime took place; is that accurate?

24 A Yes.

25 Q How long did it take you to take all of these

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1 measurements?

2 A Measurements, maybe 15 minutes.

3 Q I'm showing you what's been entered as State's 24. CSI

4 Ward, you testified this was a diagram that you put

5 together; is that right?

6 A That's correct.

7 Q And that was based on your observations of the scene,

8 right?

9 A Correct, and measurements taken.

10 Q Do you still have a laser pointer up there with you,

11 sir?

12 A I do.

13 Q May I take that laser pointer from you?

14 A Yes.

15 Q Now, we talked about the measurements from point A as

16 was indicated, this median, and the measurements from point

17 B, correct?

18 A Yes, sir.

19 Q And then you talked about the measurements from these

20 items, you have placard here at the point A and the point B,

21 right?

22 A That's correct.

23 Q And then, of course, point A to the vehicle point B to

24 the vehicle.

25 A Yes.

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1 Q What was the measurement from the front of this vehicle
2 to this parking spot right here?

3 A We did not take measurements to the front of the
4 vehicle to the parking spots.

5 Q How long is the Chevy Impala?

6 A I would have to look at the factory specs for that.

7 Q Fair to say about 200 inches, 16 feet or so?

8 A The length of vehicle?

9 Q Yes, sir.

10 A It would not be 16 feet.

11 Q How many feet is a sedan usually?

12 A It's probably about eight to 10 feet, I would imagine.

13 Q All right. Eight to 10 feet. You're aware that the
14 testimony is the Impala was in this position?

15 A I'm not aware of where exactly it was parked.

16 Q This parking lot that we're looking at is essentially a
17 circle, right?

18 A Yes.

19 Q And the entrance as has been testified to would be down
20 in this direction, and then you can come and loop and go
21 back out of the parking lot; is that accurate?

22 A That's correct.

23 Q Now, upon your arrival, was there anything blocking
24 this area here?

25 A There were law enforcement vehicles, that's all I can

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1 remember.

2 Q Were you indicated or told or discover at any point
3 that anything would have been blocking this at the time of
4 the accident or the incident itself?

5 A No. I'm not aware of anything blocking the area.

6 Q So if this SUV as indicated here pulls into this
7 parking lot, and their intent is to drop someone off, they
8 would have been able to simply turn and follow the parking
9 lot right on out; is that right?

10 A Yes. They should have been able to do that.

11 Q Now, when you arrived on scene, this SUV was
12 actually -- the engine was still running, wasn't it?

13 A That's correct.

14 Q You testified that though the engine was running the
15 doors were closed and there was a dog inside?

16 A Yes, sir.

17 Q Do you know what kind of dog it was?

18 A I do not, I never saw the dog.

19 Q Okay. Were the tires shot out or flattened in any way?

20 A No, sir. The vehicle was actually driven away from the
21 scene.

22 Q And who drove it away?

23 A I believe it was the victim's mother, the owner.

24 Q The owner of the vehicle drove it away?

25 A Whoever the registered -- I don't know if she's

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1 registered as the owner, but the victim's mother.

2 Q So was there anything to tell you that as this SUV
3 pulls up into this parking lot, if it perceived a threat it
4 couldn't have just continued driving in the parking lot and
5 leaving?

6 A I can't tell you what somebody's reaction would be if
7 there was a threat, but there was no obstruction in the way.

8 Q And there was no mechanical default or defect in this
9 vehicle that would have caused it to stop, right?

10 A No, sir.

11 Q Because it was able to be driven away at the end of the
12 day?

13 A Yes.

14 Q And so the only person at that could have stopped this
15 vehicle there would have been the person operating it,
16 right?

17 A Correct.

18 Q We discussed the importance of preserving evidence and
19 you've talked about three of the casings that you
20 discovered; is that right?

21 A Yes, sir.

22 Q And you found one unspent or unfired cartridge and two
23 spent or fired cartridges; is that right?

24 A Correct.

25 Q To your knowledge, the scene was taped off as you've

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1 testified to, and it was secured by the initial responders;
2 is that right?

3 A Yes.

4 Q And while we don't necessarily know if someone may have
5 kicked casings around before they set it up, nobody
6 disturbed them after law enforcement arrived?

7 A No.

8 Q So by extension, you had reason to believe that whoever
9 handled those bullets, loaded them into a magazine and into
10 a firearm, fired the firearm one, two or three times, that
11 would have been the last person to physically interact with
12 those items before they hit the ground?

13 A Yes.

14 Q And that's important because it identifies whose
15 potential DNA would be on them, right?

16 A Correct.

17 Q And that's something that you can swab for and you can
18 later test for, right?

19 A Correct.

20 Q Did you take swabs of the casings or the cartridges
21 that were located in this case?

22 A I did.

23 Q And you took swabs from all three?

24 A I believe I collected swabs from the -- I would have to
25 refer to my lab report, but -- yes. It was all three, and

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1 that was August the 30th.

2 Q And you packaged those as you're supposed to, put them
3 into an evidence bag, sealed up the evidence bag, initialed
4 it and then turned it into the evidence custodians?

5 A Correct.

6 Q Are you aware of whether or not it was sent off for
7 testing?

8 A I am not aware. I did notify Detective Burrell, he was
9 the one who requested the swabs be collected.

10 Q Okay. Now, you also located a blood pool, vomit, and
11 what appeared to be a blood soaked article of clothing near
12 the Ford Explorer; is that right?

13 A That's correct.

14 Q And we can assume where the pool of blood was is where
15 the victim came to rest, is that fair to say?

16 A Yes.

17 Q And so, again, presumably that's where the victim was
18 when first responders arrived and were working on him?

19 A Yes.

20 Q Now, in the vicinity of that pool of blood there was
21 another item other than that blue sweater soaked in blood
22 that was in the area, right?

23 A There was a disposable lighter.

24 Q And you testified and used your laser pointer to
25 identify that somewhere in this area was that lighter,

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1 right?

2 A Correct, a little left of three on that diagram.

3 Q But there's no actual placard or indicator to show
4 where the lighter was. Y'all didn't document it.

5 A No, sir.

6 Q I'm showing you State's 9. Is this the lighter that
7 you're referring to?

8 A That is.

9 Q Now, you don't have that lighter today, do you?

10 A We do not.

11 Q And you didn't have it the day after this incident
12 happened, did you?

13 A No.

14 Q Because pretty much as soon as you canvassed the scene
15 you deemed that that lighter was not of evidentiary value,
16 right?

17 A We talked about the lighter but we determined it wasn't
18 evidence.

19 Q Who is we?

20 A Myself and Jamie Johnson, CSI Johnson.

21 Q Now, one of the reasons again that we preserve evidence
22 is because we want to see how it affects the case as the
23 investigation plays out, which you've already testified to,
24 right?

25 A Right.

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1 Q And isn't it usually safer to collect evidence and then
2 after the investigation is completed dispose of it if you
3 believe it's not relevant.

4 A Sometimes we don't collect evidence if we believe it's
5 not evidence.

6 Q Sure. So how could a light blue lighter have anything
7 to do with the murder you were investigating, right?

8 A I'm not sure.

9 Q You weren't considering how it might possibly relate to
10 self-defense that could have occurred.

11 A No. I wasn't thinking about the lighter being an
12 active piece of evidence for the shooting.

13 Q If you had collected that lighter, and then testimony
14 or evidence later came out that a witness says that that
15 light blue lighter was used to harm them, suddenly it
16 becomes relevant to this case, right?

17 A If that had been testimony provided to me, yes.

18 Q But unfortunately, about an hour or so after you arrive
19 on this crime scene you've already deemed this to not be of
20 evidentiary value, never collect it, never swab it, never
21 test it in any way, right?

22 A If we had collected it we wouldn't have really
23 processed it.

24 Q Why is that?

25 A We still would have thought it would be not as

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1 significant as the cartridge cases that were involved in the
2 shooting.

3 Q And that's at the moment you were investigating, right?

4 A Yes.

5 Q But again, we can collect evidence even if we don't
6 think it's relevant, but then later when we deem it is
7 relevant you can then send it off for testing, right?

8 A That is true.

9 Q But again, within hours of this incident occurring
10 you're already assessing what is and is not relevant, right?

11 A We do have to make those decisions.

12 Q The lighter doesn't take up too much space in your
13 storage room, does it?

14 A No, it doesn't.

15 Q You testified that you ultimately had the unfortunate
16 job of also going to the hospital and seeing the victim.

17 A Correct.

18 Q And when you arrived he was already deceased; is that
19 accurate?

20 A That's correct.

21 Q You indicated that you saw a laceration to the forehead
22 and to the crown of his head; is that right?

23 A That's correct.

24 Q Did you see any other signs that a beating had occurred
25 on this man?

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1 A There was a small abrasion to his right wrist, as well
2 as I believe there was a scratch on his left chest.

3 Q And we're going to get to those things. Those were
4 items that you actually identified at the autopsy, not at
5 the hospital that night, right?

6 A I believe so, yes.

7 Q So we'll talk about those things in a moment. But when
8 you first go see him the night of the incident, you identify
9 the laceration to the forehead, and then the crown
10 essentially up from where the laceration on the forehead is.
11 Any other signs of a beating?

12 A No.

13 Q Swollen eyes, busted lip, busted nose, anything of that
14 nature?

15 A No, sir.

16 Q Lacerations to the chin bones, eyebrows, that sort of
17 thing?

18 A No, sir.

19 Q You then locate the GSW, or gunshot wound, right?

20 A That's correct.

21 Q And you determine both the entrance and exit wound at
22 least as you see from the exam table?

23 A Yes.

24 Q And one of the things that you noticed in examining
25 that gunshot wound was that there was no stippling or

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1 blackening that had occurred around the gunshot wound; is
2 that accurate?

3 A That's correct.

4 Q And blackening and stippling, judging by the fact that
5 you even looked to observe it, means you've been trained on
6 what those items mean as a CSI person, right?

7 A Yes.

8 Q And stippling is essentially a rash looking pattern
9 that can occur around a gunshot wound from basically
10 unburned gun powder hitting a victim after a gun has been
11 shot at them; is that right?

12 A Correct.

13 Q And the reason stippling or blackening can be useful is
14 because it can help you determine the distance at which the
15 firearm had been fired at an individual, right?

16 A Correct.

17 Q And typically what we know is if stippling or
18 blackening is present then you're within three or four feet
19 of the victim that has been shot, is that fair to say?

20 A Approximately, yes.

21 Q Approximately? And if there's not blackening or
22 stippling, then it's also fair to say that typically the
23 shooter would have been beyond three or four feet from the
24 victim; is that right?

25 A Yes.

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1 Q And when it comes to CSI gunshot that occurs further
2 than three to four feet away is what's called a distant
3 gunshot wound; is that right?

4 A That's correct.

5 Q And you indicated that his hands were in paper bags at
6 the hospital, right?

7 A Yes.

8 Q Someone did a good job preserving his hands, because
9 you indicated there could be gunshot residue, there can be
10 valid touch DNA. Those kinds of things are important to
11 preserve, right?

12 A Correct.

13 Q Now, did you take swabs of his hands?

14 A We did not.

15 Q You did not. And you testified that that's because,
16 well, typically on a gunshot victim they're going to have
17 gunshot residue on them, right?

18 A Correct.

19 Q Now, when you look at gunshot residue you're actually
20 looking at particles, right?

21 A Yes.

22 Q And when you get a gunshot residue report, it has the
23 number of particles that were located on an individual,
24 right?

25 A Yes.

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1 Q And more particles means more contact with something
2 that had gunshot residue, right?

3 A That can be an indication.

4 Q So just because someone was shot doesn't exclude the
5 probative nature or how useful evidence might be that
6 gunshot residue is on somebody's hands, right?

7 A I suppose so.

8 Q Because you don't even have to fire a gun to get
9 gunshot residue on your hands from holding one, right?

10 A Yes.

11 Q Because when you fire a gun it expels this cloud of
12 particles that settles usually right back on to the firearm
13 that fired it; is that fair?

14 A Yes.

15 Q So if someone is holding a gun you can still test their
16 hands, and if there's a high concentration of GSR on the
17 hand you can infer somebody was holding a gun, right?

18 A That's true.

19 Q But y'all didn't take those swabs in this case, did
20 you?

21 A We did not. We did not take the bags off his hands.

22 Q Because to y'all he was just the victim in all of this?

23 A Generally they will collect that stuff at autopsy.

24 Q Okay. So on the 27th, another day after, August 27th
25 of 2018, you attended the autopsy, right?

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1 A I did.

2 Q Another unfortunately sad and gruesome part of your
3 job.

4 A Yes.

5 Q And that autopsy was conducted by Dr. Ross?

6 A Yes.

7 Q Who I believe at the time was Dr. Ross with Newberry
8 Pathology?

9 A Yes, sir.

10 Q And the purpose of attending that autopsy is because
11 you never know, again, what sort of evidence may be gleaned
12 from the autopsy itself.

13 A Yes.

14 Q That can be extracting projectiles from gunshots from
15 an individual to examining injuries and things of that
16 nature, right?

17 A Yes.

18 Q It can be collecting GSR, right?

19 A Yes.

20 Q And upon arrival of this autopsy one of the first
21 things you noted in your report was that the victim's hands
22 were still bagged, right?

23 A Yes.

24 Q And that those bags were still sealed.

25 A That's correct.

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1 Q But again, no swabs were ever taken of his hands,
2 right?

3 A No, sir.

4 Q No touch DNA was swabbed from his hands?

5 A No. We generally don't collect touch DNA from
6 someone's hands.

7 Q Okay. No fingerprints were taken from his hands.

8 A No. We knew who he was.

9 Q But his fingerprints can be probative to testing
10 against other items that may be relevant in an
11 investigation, right?

12 A It can.

13 Q But y'all didn't take his fingerprints.

14 A No.

15 Q Because you're still operating under the theory that
16 this is a murder and not self-defense, right?

17 A Yes.

18 Q We've talked about the lacerations to the head. But
19 you earlier indicated you did see some other things on his
20 body, and you mentioned that that was bruising to his right
21 hand sort of at the meat of the thumb and the upper wrist
22 connecting to the thumb; is that right?

23 A I'll have to check my report real quick.

24 Q Sure.

25 A I don't recall a bruise. There was an abrasion near

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1 the thumb and the wrist and the right hand.

2 Q Okay. Excuse my ignorance as to the medical
3 terminology, but an abrasion would be some irritation to the
4 surface of the skin?

5 A Correct.

6 Q Versus bruising may be pooling of blood?

7 A Correct.

8 Q And again --

9 MS. DARKO: Objection, Your Honor. CSI Ward is not a
10 medical expert. I think that this is really beyond the
11 scope his ability to testify. And we do have Dr. Ross on
12 notice.

13 THE COURT: If he doesn't know the answer he can say he
14 doesn't know the answer. He is on cross examination, he's
15 allowed wide latitude, I overrule your objection. Go ahead.

16 MR. BELL: Thank you, Your Honor.

17 BY MR. BELL:

18 Q CSI Ward, how many autopsies have you attended?

19 A Dozens. I don't know the exact number.

20 Q How many victims have you had to examine along with
21 Dr. Ross or another CSI companion?

22 A I would say maybe 30, 30 or more.

23 Q And through your training and your experience that you
24 just testified to, you've learned that injuries can be
25 relevant to your CSI investigation and that's why you

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1 document them, right?

2 A Certainly.

3 Q So you certainly can testify to this jury what an
4 abrasion is and what bruising is, right?

5 A Just in the basic sense of everybody knows what a
6 bruise is, everybody has had a bruise, everybody has
7 scratched their hand or fallen down on concrete.

8 Q And again, this abrasion as you called it would have
9 been located on the meat of his non-dominant right hand and
10 upper wrist; is that right?

11 A Yes. It would be located approximately here and right
12 here at the base of the hand.

13 Q Right here.

14 A Yes.

15 Q Got it. On August 30th after this autopsy you were
16 asked to take swabs for touch DNA from the casings that
17 we've discussed, right?

18 A That's correct.

19 Q And you indicated you did take those swabs, you
20 packaged them, you submitted them into evidence; is that
21 right?

22 A Yes.

23 Q You're not trained in touch DNA analysis, right?

24 A No. We don't have the facilities to do that, only
25 SLED.

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1 Q It's expensive and scientific, right?

2 A Yes.

3 Q And your training is essentially limited to just
4 collecting the swabs and then sending them off to someone
5 who has the appropriate equipment and background to handle
6 that.

7 A Yes.

8 Q So questions about the actual DNA analysis would be
9 best posed to the DNA expert that they were sent off to?

10 A Yes.

11 Q I'm going to back up a few days now. But again, on
12 August 26th you were asked to search and process a vehicle
13 that was seized from Mr. Coburn; is that right?

14 A That's correct.

15 Q And that was that Chevy Impala that we've seen pictures
16 of and that you went through and I think located a firearm
17 in, right?

18 A Yes, sir.

19 Q And you said that that was a 9-millimeter, I think,
20 Taurus firearm?

21 A Yes.

22 Q Okay. And that firearm was black in color, right?

23 A Yes.

24 Q And you observed what you believed in your extensive
25 CSI training and experience to be suspected dried blood on

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1 multiple points of the firearm; is that right?

2 A I had a suspicion. But there was a reddish/brown
3 substance, I didn't want to not collect evidence from that
4 and it turn out to be something.

5 Q Absolutely. So you did ultimately take swabs of those
6 items.

7 A Yes.

8 Q And that was from the magazine, the frame, the slide
9 and the trigger?

10 A For the suspected blood it was from the slide, the grip
11 and the trigger.

12 Q You were also asked to collect touch DNA from the
13 passenger compartment of the vehicle, right?

14 A That's correct.

15 Q And that is to try to identify who may have been
16 sitting in the front passenger area of that vehicle?

17 A Yes.

18 Q What all did you swab in that particular area of the
19 vehicle?

20 A I collected a set of swabs from the front driver's side
21 compartment, which was the interior door handle; interior
22 door pull, the seatbelt buckle, the seatbelt receiver,
23 steering wheel and the gearshift; all of where a driver
24 would most likely touch frequently. And then a second set
25 was collected from the front passenger side compartment,

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1 which was the interior door handle, door pull, seatbelt
2 buckle and seatbelt receiver.

3 Q And again, you took great care in collecting these
4 swabs I assume, right?

5 A Yes.

6 Q And then in packaging them?

7 A Correct.

8 Q And then you would have put your signature on them and
9 then ultimately submitted them to evidence, right?

10 A Yes.

11 Q But again, you don't really have any involvement with
12 those swabs after they're taken, that's up to the case
13 investigator?

14 A For the most part, yes.

15 Q And then you certainly don't have any interaction as
16 far as the actual testing of those items goes?

17 A No.

18 Q Now, you weren't just asked to take blood swabs from
19 the firearm, right, you were also asked to take touch DNA?

20 A Yes.

21 Q Now, those were two entirely separate things, right?

22 A That's correct.

23 Q Blood swabs is to try to identify who blood belongs to.
24 Touch DNA is where you're actually getting essentially
25 nuclear evidence to try to identify whose DNA is on a

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1 particular item.

2 A Yes.

3 Q And how many touch DNA samples did you take from this
4 firearm?

5 A I collected four sets from the slide, the grip or
6 frame, the trigger and the magazine.

7 Q So for my math, and I admit it's poor, you took 14
8 total gun swabs, is that right, including blood?

9 A Yeah, that's correct.

10 Q Eight of those were for touch DNA specifically, right?

11 A Yes.

12 Q Six of those, as you have testified to, were specific
13 to blood.

14 A Yes.

15 Q Now, you've talked about and they entered into evidence
16 the blood swabs, correct?

17 A Correct.

18 Q And you were presented with the touch DNA swabs, but
19 you testified that those packages were not even opened,
20 right?

21 A My signature was still on the seal.

22 Q Which indicates that no one after you submitted those
23 touch DNA samples has ever cut open that package to conduct
24 any additional testing.

25 A That's accurate, yes.

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1 Q And here we are over two years later and those packages
2 with touch DNA containing eight different samples from that
3 gun are still in there sealed, correct?

4 A Yes.

5 Q But that's not your fault, you just collected them and
6 submit them, right?

7 A I collect and submit. It might be a miscommunication
8 on my part, but I don't know whose responsibility it was to
9 send those up there.

10 Q And then just to be clear on numbers, you ultimately
11 took four swabs from the various areas of that passenger
12 compartment of the car.

13 A Correct.

14 Q In all we have 18 different DNA or blood related swabs,
15 is that accurate?

16 A Yes.

17 Q And six that have been shown to you and entered into
18 evidence, those were the blood swabs?

19 A Yes.

20 Q I'm going to refer you back to your diagram one last
21 time, which is State's 24. Can you see that, sir?

22 A Yes, I can.

23 Q Now, you have testified that you took measurements, and
24 as you indicated on your diagram this is not necessarily to
25 scale, right?

PATRICK WARD - CROSS

1 A Correct.

2 Q But you do try to generally put where everything was --

3 A Yes.

4 Q -- as an approximation?

5 A Yes.

6 Q And one thing that strikes me is the angle of the hood
7 of this car, it's sort of pointed to the left, isn't it?

8 A Yes.

9 Q Indicating this vehicle was not attempting to turn at
10 any point and go right.

11 A No.

12 Q And it came to rest with that hood pointed left towards
13 this area, didn't it?

14 A Yes. As best as I can place it on the diagram.

15 Q This is State's 12. And it's hard to see because of
16 the lighting. But just as a refresher, this is the Ford
17 Explorer that was sitting, running idle in the middle of the
18 roadway, right, of the parking lot?

19 A Correct.

20 Q Over here to the right would have been the continuation
21 of that parking lot so that you could loop around and exit,
22 right?

23 A Yes.

24 Q And the front of that vehicle is very clearly pointed
25 forward into the left, not to the right, correct?

PATRICK WARD - REDIRECT

1 A Correct.

2 Q And there is no exit up and to the left, is there?

3 A There is not.

4 Q Last question and I'm going to let you go. It's hard
5 to tell from the pictures we have, but in State's 8 for
6 example, again, this is the rear of that Ford Explorer.

7 A That's correct.

8 Q And this is the vehicle that would have been parked
9 legally in the parking spot right ahead of it.

10 A Yes.

11 Q This Ford Explorer was pulled up basically right behind
12 these cars that were parked, wasn't it?

13 A Yes. I don't know how far away, but there was some
14 space there.

15 MR. BELL: Thank you, sir.

16 THE COURT: Redirect?

17 REDIRECT EXAMINATION

18 BY MS. DARKO:

19 Q Investigator Ward, I believe when you were answering
20 Mr. Bell's questions you indicated you were given
21 information that the defendant had been on scene and not
22 lying in wait but that he had been there and subsequently
23 left.

24 A Correct.

25 Q And in terms of processing the crime scene, the

PATRICK WARD - REDIRECT

1 physical area, would self-defense have changed the way you
2 processed that area at all?

3 A No. We would have documented it just as accurately as
4 best as our abilities would allow us.

5 Q So you're still looking for shell casings, and you did
6 walk the parking lot. Again, how much time did you spend on
7 that scene?

8 A We were there, minus the hospital, around three hours.

9 Q Do you recognize this as being the second page in your
10 diagram?

11 A I do.

12 Q And you delineated the handicapped parking areas?

13 A Yes.

14 Q And is the -- the blue vehicle is facing the
15 handicapped park areas?

16 A Correct.

17 Q And did you find a handicap placard inside that
18 vehicle?

19 A I cannot remember off the top of my head. I do believe
20 there was one, though.

21 MS. DARKO: Begging the Court's indulgence just
22 briefly.

23 THE COURT: Yes, ma'am.

24 (Break in proceedings.)

25 Q In examining what has been admitted as State's 10. Can

PATRICK WARD - REDIRECT

1 you see that placard there?

2 A I can.

3 Q And the vehicle is pulled in towards the handicapped
4 parking?

5 A Yes.

6 Q Were you given information about where the defendant's
7 vehicle had been parked on scene?

8 A As best as I can recall he was parked in a parking
9 space near the handicapped.

10 Q So this vehicle would not have been able to pull into
11 the handicapped space.

12 A If they were filled, then no.

13 (Break in proceedings.)

14 Q I'm showing you what has been premarked and shown to
15 the defense as 68. You testified that you did process the
16 black Impala in this case?

17 A I did.

18 Q And do you recognize item 68?

19 A I do.

20 Q And what is item 68?

21 A This is a photograph from the front passenger's seat
22 looking down at the floorboard.

23 Q And did you take that photograph when you were
24 processing that vehicle?

25 A CSI Johnson was with me so she would have taken it.

PATRICK WARD - REDIRECT

1 Q And do you -- is that a fair and accurate depiction of
2 that area of the vehicle as you remember it when you
3 processed it?

4 A It is.

5 MS. DARKO: At this time, Your Honor, the State would
6 move State's 68 into evidence.

7 THE COURT: Any objection.

8 MR. BELL: None, Your Honor.

9 THE COURT: Mark it into evidence, please, sir.

10 (The photo was received as State's 68.)

11 Q And what is pictured in State's 68?

12 A It appears to be some cigarette butts on the front
13 passenger side floorboard, as well as a pack of Newport
14 cigarettes on the passenger seat.

15 Q Investigator Ward, are you aware of the response time
16 in this case?

17 A I am.

18 Q And were officers able to respond fairly quickly?

19 A Yes, within two minutes.

20 Q And the scene was secured when you arrived?

21 A Yes.

22 Q Does that make it more or less likely that items of
23 evidence in their location are preserved?

24 A This would make it more likely that they were.

25 Q You examined the body in this case after medical staff

PATRICK WARD - REDIRECT

1 had worked on the victim trying to save his life; is that
2 right?

3 A Correct.

4 Q And with regard to touch DNA swabs, you collect those
5 items, but ultimately that would be between the investigator
6 and the analyst as to whether or not to process those.

7 A Correct. SLED does have a -- they will only accept a
8 certain number of swabs at any given moment depending on the
9 nature of the crime. So often we will take the most -- what
10 we feel are the best and most significant swabs and send
11 them to SLED first.

12 Q Certainly if something were redundant they are not
13 going to take those if they were already have swabs that
14 have been collected for suspected blood.

15 A Correct.

16 MS. DARKO: Nothing further.

17 THE COURT: Recross?

18 RECROSS EXAMINATION

19 BY MR. BELL:

20 Q Talking about a handicapped placard, but if someone
21 just says they're dropping somebody off, they don't need a
22 handicapped spot, do they?

23 A That's up to them.

24 Q And you just were shown what was entered as State's 68,
25 correct?

PATRICK WARD - RECROSS

- 1 A Correct.
- 2 Q And the inference is this person is a smoker, right?
- 3 A That would be an assumption, yes.
- 4 Q And this is the Impala?
- 5 A Yes.
- 6 Q Which was found in Mr. Coburn's possession, right?
- 7 A Correct.
- 8 Q So maybe that light blue lighter on scene belongs to
- 9 Mr. Coburn, right, is the implications from this photo?
- 10 A I don't know what the implications is.
- 11 Q And we can take implication completely out of it for
- 12 this jury had you collected the lighter, swabbed it and
- 13 tested it for touch DNA, right?
- 14 A Possibly.
- 15 Q But instead, it could be Mr. Coburn's because
- 16 apparently he has cigarettes in his car. Could be the
- 17 victim's, right?
- 18 A Correct.
- 19 Q We don't know.
- 20 A Correct.
- 21 Q Because that lighter was destroyed about an hour after
- 22 this incident took place.
- 23 A I'm not sure what happened to the lighter.
- 24 Q You were asked about submitting DNA swabs to SLED,
- 25 correct?

PATRICK WARD - RECROSS

1 A Correct.

2 Q Do they ever in a murder investigation put a hard limit
3 on you of how many things they will test?

4 A I believe they will take five initially, and then after
5 that each time you go up there they'll take additional
6 swabs.

7 Q So essentially they'll take five at any one time.

8 A Correct.

9 Q And once that five comes back you can send the next
10 five, and once those come back the next five, as many times
11 as it takes to test what evidence has been collected, right?

12 A Right.

13 Q And you've testified already that the difference
14 between blood swabs and touch DNA swabs are two entirely
15 different things or two entirely different purposes, right?

16 A Yes.

17 Q And you only submitted blood swabs to SLED; is that
18 right?

19 A I don't know whose responsibility it was to submit
20 them, but they were collected and found their way to SLED,
21 yes.

22 Q And the eight DNA touch swabs you did from that firearm
23 we've talked about are still sealed in those envelopes where
24 you put them two years ago.

25 A Correct.

BRIAN BURRELL - DIRECT

1 MR. BELL: Thank you.

2 THE COURT: Thank you, sir, you may step down. Call
3 your next witness.

4 MS. PATTERSON: State calls Sergeant Brian Burrell.

5 The witness, BRIAN BURRELL, was first duly sworn and
6 Testified as follows:

7 THE CLERK: Please have a seat, state your name and
8 spell your last name for the record.

9 THE WITNESS: First name is Brian, last name is
10 Burrell, B-u-r-r-e-l-l.

11 DIRECT EXAMINATION

12 BY MS. PATTERSON:

13 Q Sergeant Burrell, where are you employed?

14 A Lexington County Sheriff's Department.

15 Q How long have you been at the Lexington County
16 Sheriff's Department?

17 A For ten years.

18 Q And prior to becoming a sergeant, what department did
19 you work?

20 A I was a major crimes investigator.

21 Q And how long were you a major crimes investigator?

22 A For four years.

23 Q And can you tell us a little bit about how you got
24 involved with the case?

25 A On the night of August 24th of 2018, a little after

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1 11:00 p.m. I was notified by Sergeant McCann to respond to
2 Riverbend Apartments on Riverbend Drive in reference to a
3 shooting investigation.

4 Q Did you respond to the scene?

5 A Yes, ma'am, I did.

6 Q And what time did you get there?

7 A It would probably have been 11:30 maybe.

8 Q And when you arrived at the scene, what did you do?

9 A I first met with the responding deputies, and Sergeant
10 McCann was already on scene, and got a briefing of what the
11 incident was.

12 Q And why is it important to get a briefing?

13 A To get an understanding of what happened, who may have
14 or may not have been there, and if there's any potential
15 evidence that was observed on the scene.

16 Q And so what did you observe personally when arrived at
17 the scene?

18 A I observed the victim's mother in her vehicle, it was
19 parked in the parking area of the apartment complex. I
20 observed that there was blood beside the vehicle. I was
21 made aware that there were three witnesses on scene; Ms.
22 Margie Schoultz, a Cliff Anderson, and I believe Jade
23 Sapienza, I believe it was.

24 Q And did you have the opportunity -- were they still at
25 the scene when you got there?

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1 A I believe Cliff was. I think Ms. Margie had already
2 gone to the hospital.

3 Q And did you speak with Ms. Anderson at that time?

4 A Not at that time, no, ma'am.

5 Q Were you briefed about a possible suspect?

6 A At that time we were given the name of Jeremy Coburn as
7 a possible suspect.

8 Q And were you given any information about a possible
9 vehicle involved?

10 A We were advised that it was a black Impala with black
11 wheels as the suspect vehicle that was observed leaving the
12 scene.

13 Q And when you arrived, what did you do next after you
14 got this information from the scene?

15 A Once I got that information I responded to the hospital
16 where I met with Ms. Schoultz to speak with her about the
17 incident.

18 Q And again, why was it that you wished to speak with
19 Ms. Schoultz?

20 A She was a witness to the incident, she was on scene
21 when it occurred, to get her information and understanding
22 of what had happened.

23 Q Do you remember what time it was when you met Ms.
24 Schoultz?

25 A It was after midnight. About 12:17 is when I have it

BRIAN BURRELL - DIRECT

1 on here.

2 Q Was she able to speak with you?

3 A She was able to speak with me, yes.

4 Q Now, during this interview, are you probing, asking her
5 different questions or are you just kind of letting her
6 speak?

7 A I'm just letting her talk given the nature of the
8 incident, her obviously upset and worried about the
9 condition of her son.

10 Q Did you ask her to write a statement?

11 A I had asked her, but at the time she felt she would not
12 have been able to write a statement.

13 Q And was this interview held before, during or after she
14 found out that her son passed away?

15 A It was before she had found out that her son had passed
16 away.

17 Q And were you there when she found the information out?

18 A Yes, ma'am, I was.

19 Q And so did you feel the need to speak with her again at
20 the hospital?

21 A After she was notified of her son's death, no, ma'am, I
22 did not.

23 Q And what did you do next?

24 A I then responded back to the incident location at [REDACTED]
25 Riverbend Drive.

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1 Q And that is in Lexington County, correct?

2 A Yes, ma'am, it is.

3 Q And when you got back there, what was going on?

4 A CSI had arrived on scene, I believe they were
5 processing the scene, and I was advised of some evidence
6 that they had located and were collecting.

7 Q And what evidence were you told was collected at the
8 scene?

9 A I was told that there were two spent shell casings, and
10 then the other round that had a light primer strike.

11 Q And while you were at the scene, did you have the
12 opportunity to speak with anyone else?

13 A Later on, I guess it was around 3:00 in the morning, I
14 was advised that Mikhelle Coburn had arrived back on the
15 scene.

16 Q Do you know who she arrived with?

17 A It was her father and stepmother.

18 Q Did the defendant, Jamal Coburn, ever come back to the
19 scene?

20 A No, ma'am, he did not.

21 Q So did Mikhelle agree to speak with you?

22 A She did, yes, ma'am.

23 Q Where did you go to speak with her?

24 A Myself and Detective Smith, who was with me at the
25 time, we sat in my patrol vehicle. It's a -- it was a crown

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1 vic, unmarked crown vic is what it was, we sat her in the
2 front seat, I was in the driver's seat and Detective Smith
3 was seated behind her.

4 Q Did you have the light on in the car?

5 A Yes, ma'am, we did.

6 Q Was Mikhelle able to carry on a conversation with you?

7 A She was.

8 Q Did you notice any problems with her voice?

9 A I did not, no, ma'am.

10 Q Did you notice anything in particular about her
11 physical appearance, specifically her face?

12 A I did not, no, ma'am.

13 Q And if you would have noticed any of these concerns,
14 would you have documented them?

15 A Yes, ma'am, I would have.

16 Q Did she indicate she was in any pain?

17 A No, ma'am, she did not.

18 Q And so based on all of this, about how long was your
19 conversation with her?

20 A I believe it was around a 20 minute conversation.

21 Q And in this conversations, did she give you the name of
22 her brother that was at the scene?

23 A She did.

24 Q And what name did she give you?

25 A It was Jamal Coburn.

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1 Q And did you ask about a telephone number for Jamal
2 Coburn?

3 A I did. She said it was in her phone and she wouldn't
4 have been able to provide it to me at that time.

5 Q Did she tell you where her phone was?

6 A She did. She said her phone was still in her vehicle.

7 Q And was her vehicle at the scene?

8 A No, ma'am, it was not.

9 Q And why was it that you wanted Jamal's phone number?

10 A Typically in cases like this, if you have a suspect and
11 you obtain their phone numbers you try to get a search
12 warrant to get the phone records. That way you're able to
13 use those records to -- not only for call logs but also the
14 cell phone data as far as the tower telemetry, and sometimes
15 they have the GPS location that you can get.

16 Q And did Mikhelle give you the name of anyone else who
17 may have been present at the scene with her brother?

18 A No, she did not.

19 Q And within this 20 minute conversation with her, is
20 part of that kind of explaining the purpose of why you
21 wanted to speak with her?

22 A Yes, ma'am.

23 Q And did you get to complete the interview that you
24 wanted to with her?

25 A No, ma'am, I did not.

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1 Q Why not?

2 A She began crying and stated that she wanted to stop.

3 Q And what did you do next?

4 A Since we had learned that her cell phone, and she had
5 also advised us that Corey's cell phone were in her
6 vehicle -- well, one of them was in her vehicle, myself and
7 Detective Smith followed over her over to the Sharmeno
8 (phonetically) Apartments, which is roughly off Graceville
9 Boulevard, to her friend's apartment complex where she had
10 parked her car.

11 Q So you found out her car was parked at the Sharmeno
12 (phonetically) Apartments?

13 A Yes, ma'am.

14 Q And do you know whose apartment this was?

15 A It was Cedasia McQueen's apartment complex, or
16 apartment, is where she was at.

17 THE COURT: Have you got a spelling on that?

18 THE WITNESS: Give me just a second and I'll get that
19 for you, sir.

20 THE COURT: That's okay, just give it to court
21 reporter.

22 THE WITNESS: I've got it right here if you would like
23 it. It is Cedasia, C-e-d-a-s-i-a. McQueen, M-c-Q-u-e-e-n.

24 THE COURT: Thank you.

25 Q And how did you get over to Sharmeno Apartments?

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1 A Myself and Detective Smith drove over there as we
2 followed Mikhelle, I believe she rode with her dad and
3 stepmother.

4 Q And when you got to the apartment, did you retrieve any
5 information from her?

6 A Yeah. Well, first of all we retrieved her cell phone
7 and one of Corey's cell phones from her vehicle. I was also
8 provided with Jamal's phone number.

9 Q And what -- do you have the number that you were
10 provided?

11 A Yes, ma'am. It's [REDACTED].

12 Q And do you remember if Mikhelle got into her car at
13 that time?

14 A She just went in to retrieve her phone and Corey's
15 phone.

16 Q Did you find out about any -- do you know where her
17 baby was?

18 A Her baby was with her friend, Cedasia, in her
19 apartment.

20 Q And did she come out with her baby as well?

21 A When we went to the apartment complex she did go in.
22 She also retrieved Corey's other cell phone and came out
23 with her baby as well.

24 Q And where did you go -- did you have any other
25 interaction with Mikhelle after this?

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1 A After this we just followed her back to the Riverbend
2 Apartments. She advised she wanted to go into the apartment
3 to collect a couple of things so she could leave for the
4 evening.

5 Q So she needed to get some of her items?

6 A Yes, ma'am.

7 Q And who all went back with her?

8 A It was myself and Detective Smith, and, of course, I
9 believe her parents responded with us as well.

10 Q Did anybody other than y'all go back to the scene to
11 help her get this stuff?

12 A No, ma'am.

13 Q And did you later have the opportunity to speak with
14 Cedasia McQueen?

15 A We did, yes.

16 Q And when was that?

17 A It was on the -- I just had it. Excuse me just one
18 second. It was on August 25th of 2018. Myself and
19 Detective Smith went back to the Sharmeno Apartments.

20 Q Did you know anything related to this shooting incident
21 from Cedasia?

22 MR. MYERS: Objection, to the extent it would allow or
23 rely on any hearsay.

24 THE COURT: Do you want to be heard?

25 MS. PATTERSON: I was just saying through the course of

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1 his investigation if he learned anything.

2 MR. MYERS: Judge, it's going to be relying on hearsay
3 evidence on the witness. Either that witness needs to be
4 produced or otherwise they --

5 MS. PATTERSON: I'm not asking what she may have said.

6 THE COURT: Repose your question, please.

7 Q When talking to her, did you learn anything related to
8 your investigation upon speaking with her?

9 THE COURT: Hold on a second.

10 MR. MYERS: I object to that, Your Honor, just on the
11 grounds of hearsay. Anything he says that he learned would
12 be based on what she told him, not what he would have
13 observed. It's based on her personal knowledge.

14 THE COURT: Do you have any exception to the hearsay
15 rule, Ms. Patterson?

16 MS. PATTERSON: Your Honor, it's not for the truth of
17 the matter asserted. I was just asking if anything she may
18 have told him assisted him in this investigation.

19 THE COURT: Well if he says, yes, that's fine; if he
20 says, no, that's fine. If he says what he was told, that's
21 not fine.

22 MS. PATTERSON: Yes. And I'm not asking what she may
23 have told him, I'm just asking after speaking with her did
24 he learn anything related to the investigation?

25 THE COURT: You can't say what she told you.

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1 A Go ahead.

2 Q After speaking with Cedasia McQueen, did you learn
3 anything through her about the investigation?

4 A No, ma'am.

5 Q And after that, what was the next development in the
6 case?

7 A On the later evening of August 25th I was advised that
8 south region deputies were out with Jamal in his vehicle.

9 Q And what time were you notified of this?

10 A I believe it was a little after 11:00 p.m. on the 25th.

11 Q And what location was that?

12 THE COURT: Did you say the 25th? I'm sorry.

13 THE WITNESS: Yes, sir.

14 THE COURT: August?

15 THE WITNESS: Yes. August 25th of 2018, yes.

16 Q And what location did you respond?

17 A It's Rolling Meadows Mobile Home Park, 3941 Charleston
18 Highway.

19 Q And after getting this notification, how long did it
20 take you to get to the scene?

21 A I would say 35 minutes maybe.

22 Q Do you remember who the officer was at the scene?

23 A It was Master Deputy Sharpe.

24 Q Now, when you got there, did you say anything to Jamal
25 Coburn about why you were there?

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1 A I did. I advised him that I wanted to speak with him
2 in reference to a shooting investigation from the night
3 before.

4 Q Now, at this time, did you have any arrest warrants on
5 him?

6 A No, ma'am, I did not.

7 Q And why not?

8 A At the time I didn't feel that I had the probable cause
9 to get the arrest warrant.

10 Q Were you still working through the case?

11 A Yes, ma'am, I was.

12 Q Had you had a positive identification yet on this case?

13 A Not at that time, no, ma'am.

14 Q From the witnesses at the scene.

15 A Not at that time I did not.

16 Q And did you introduce yourself to him?

17 A Yes, I did.

18 Q And what did you tell him?

19 A I advised him that I was Detective Burrell with the
20 Lexington County Sheriff's Department, and Detective Lyons
21 was also with me, I introduced both he and I, and also
22 advised him as to why I wanted to speak with him.

23 Q Now, did you notice any injuries to Jamal?

24 A No, ma'am, I did not.

25 Q Was he free to leave since you hadn't gotten arrest

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1 warrants yet?

2 A Yes, he was.

3 Q Did you, in fact, tell him he was free to leave?

4 A Several times, yes.

5 Q And what did you tell him about his vehicle?

6 A I advised him that being that both he and his vehicle
7 were identified as possibly being involved in the incident,
8 that I was seizing his vehicle as evidence.

9 Q And after you told him this, did he, in fact, leave
10 right away?

11 A Not right away, no, ma'am.

12 Q Was he upset?

13 A He was.

14 Q Why was he upset?

15 A Because we were seizing his vehicle. He kept telling
16 us that it was his vehicle, we didn't pay for his vehicle,
17 and that it was his vehicle, and that if he was free to
18 leave then his vehicle should be free to leave as well.

19 Q And did you try to explain further why you were seizing
20 that vehicle?

21 A Yes, ma'am. Again, I explained to him that it was
22 evidence in an ongoing investigation and that is why it was
23 being seized.

24 Q Did you inform him you were going to get a search
25 warrant to search the vehicle?

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1 A Yes, ma'am, I did.

2 Q And have it towed?

3 A I did advise him that we were having it towed to the
4 Lexington County Sheriff's Department where a search warrant
5 would be obtained for the vehicle.

6 Q And did this seem to calm him down any, your
7 explanations?

8 A No, ma'am.

9 Q And how did he behave? What was his demeanor?

10 A He was still very argumentative about us taking his
11 vehicle, very upset that we were, again, taking it, seizing
12 it as evidence.

13 Q And did you keep explaining to him about him being a
14 possible suspect in this case?

15 A I had told him several times as to possibly being
16 involved, yes, ma'am.

17 Q And did, in fact, you have the car towed?

18 A I did have it towed, yes, ma'am.

19 Q And did you obtain a search warrant for his vehicle to
20 get searched?

21 A Yes, I did.

22 Q And what date was that?

23 A It was on August 26th of 2018.

24 Q And you were present when CSI Ward spoke about doing
25 the search of that vehicle?

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1 A Yes, ma'am.

2 Q So you provided him with those search warrants?

3 A Yes, ma'am, I did.

4 Q And what was the next thing you did in the case?

5 A After obtaining that search warrant I also obtained
6 photo lineups that I wanted to show to the two witnesses in
7 reference to this case.

8 Q And which two witnesses did you show the photo lineup
9 to?

10 A Margie Schoultz and Cliff Anderson.

11 Q And do you know what date you showed them the photo
12 lineups?

13 A It was also on August 26th.

14 Q And where were you when you presented the lineups to
15 them?

16 A At the Lexington County Sheriff's Department.

17 Q In regard to what's already been admitted as State's
18 Exhibit Number 6, is this the lineup that you showed to Ms.
19 Schoultz?

20 A That is the -- I refer to it as the coversheet. Yes,
21 ma'am. I read that to them first, and then I'll show them
22 the lineup, yes, ma'am.

23 Q And what kind of information is contained in the top
24 portion of this form?

25 A It just explains to them to take their time when

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1 looking at the photo lineup. Would you like for me to just
2 read it?

3 THE COURT: Read kind of slowly because he's got to
4 take down what you say.

5 THE WITNESS: Yes, sir.

6 A "In a moment I'm going to show you a group of
7 photographs that may or may not contain a picture of a
8 person involved in the crime now being investigated. The
9 fact that the photographs are being shown to you should not
10 cause you to believe that anyone has been or will be
11 arrested. Remember, when viewing a group of photographs you
12 should consider the lighting and how it might affect the
13 complexion of some persons making them appear lighter or
14 darker. You should also consider the fact that hairstyles,
15 facial hair, scars, marks, et cetera, can be easily changed,
16 added or taken away. Finally, do not allow yourself to be
17 distracted by any background scenery since photographs are
18 sometimes taken at various locations, or obtained from a
19 variety of sources. Please take your time and study the
20 photographs carefully. Once you have viewed the photographs
21 you will be asked to record your viewing."

22 Q And was Ms. Schoultz able to make an identification?

23 A Yes, ma'am, she was.

24 Q And is that the identification she made?

25 A Yes, ma'am. She circled a picture of the individual

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1 pictured in number four.

2 Q And who did you identify that individual to be?

3 A It was Corey -- I mean, excuse me, Jamal Coburn. I am
4 sorry.

5 Q And at the time that you were presenting Ms. Schoultz
6 with her photo lineup, where is Mr. Anderson?

7 A He's in the front lobby of the sheriff's department.

8 Q And why is it that you didn't have them in the same
9 room?

10 A We separated them so that they wouldn't, for lack of a
11 better word, contaminate one another.

12 Q And is this the way you presented the lineup to her?

13 A Yes, ma'am, it is.

14 Q All six photographs together?

15 A Yes, ma'am.

16 Q People with similar physical characteristics?

17 A Yes, ma'am.

18 Q So then later is she taken out -- do you take her out
19 of the room and get Mr. Anderson?

20 A We take her out of the interview room, we sit her in
21 the front lobby, and then we escort Mr. Anderson back to an
22 interview room.

23 Q And you don't have to read the admonition again, but
24 did you read him the same information that you previously
25 read Ms. Schoultz?

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- 1 A Yes, ma'am, I did.
- 2 Q And did you provide him with this lineup?
- 3 A Yes, ma'am, I did.
- 4 Q Now, the photographs are in different orders in this
5 lineup?
- 6 A That is correct.
- 7 Q And did you, in fact, generate this lineup?
- 8 A I did not, no, ma'am.
- 9 Q And who generated this lineup?
- 10 A I requested SLED to generate the lineup, and a SLED
11 analysts by the name of Megan, she's the one that generated
12 that.
- 13 Q And is this the selection that Mr. Anderson made, the
14 circle number two?
- 15 A Yes, ma'am.
- 16 Q And who did you identify that person?
- 17 A It's Jamal Coburn.
- 18 Q Did they seem to have any problems making an
19 identification?
- 20 A No, ma'am, they did not.
- 21 Q Once the identifications were made by Ms. Schoultz and
22 Mr. Anderson, what did you do next?
- 23 A I went and seeked an arrest warrant for Jamal Coburn.
- 24 Q Because this time you felt like you had positive
25 identification?

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1 A Yes, ma'am.

2 Q And do you know if these warrants were served on him
3 immediately?

4 A No, ma'am. They were not served immediately, no,
5 ma'am.

6 Q And did you ever receive any information about Mr.
7 Coburn's whereabouts?

8 A Later on I did. It was September 19th, I believe it
9 was, I had received information that Jamal had been located
10 in Glendale, Arizona.

11 Q And you don't know when he went there, do you?

12 A No, ma'am, I do not.

13 Q But you know that's where he was located?

14 A Yes, ma'am.

15 Q And this would have been after you spoke with him at
16 Rolling Meadows?

17 A Yes, ma'am, it was.

18 Q And what did you do next in the investigation of this
19 case?

20 A We continued with the investigation and tried to
21 identify who the second individual was that was on scene.

22 Q Did you have any leads on that person?

23 A No, ma'am.

24 Q Even after speaking with Mikhelle?

25 A No, ma'am.

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1 Q And did you continue to work on the investigation in
2 this case?

3 A Yes, ma'am.

4 Q How so?

5 A We -- with the generation of obtaining search warrants.

6 Q What type of search warrants did you obtain?

7 A Obtained a couple search warrants for some phone
8 records, specifically those of Jamal Coburn and Mikhelle
9 Coburn.

10 Q Now, did you make any requests for SLED to do any
11 testing on anything that was collected by CSI Ward?

12 A I would have been the one to.

13 Q And do you remember what type of request that you made?

14 A Their crime lab request, and I believe the request I
15 sent for was for the swabs of the --

16 Q Is what? I'm sorry.

17 A The swabs that -- the blood from the -- the suspected
18 blood, excuse me.

19 Q And did you make any requests with respect to the touch
20 DNA swabs?

21 A I would have to go back and check.

22 Q You don't have that --

23 A It's a computer generated form.

24 Q Did you make any other SLED requests?

25 A It was the SLED request for the -- I guess the

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1 ballistics for the shell casings.

2 Q And are those the ones that was at the scene?

3 A Yes, ma'am.

4 Q And did you do anything else as a part of your
5 investigation?

6 A It's still an ongoing investigation.

7 Q Still an ongoing investigation?

8 A Yes, ma'am.

9 Q Did you ever have an opportunity to speak to Mikhelle
10 Coburn again?

11 A We did speak to her again, yes, ma'am.

12 Q Do you know what date this was?

13 A It was on September 6th.

14 Q Of what year?

15 A 2018.

16 Q And where were you when you spoke to her this time?

17 A Spoke to her at the Lexington County Sheriff's
18 Department.

19 Q And about how long was that interview?

20 A I believe that one was approximately 30 or 40 minutes.

21 Q And again, as part of that initial interview, were you
22 explaining things to her?

23 A Yes, ma'am.

24 Q And after speaking with her, did you learn anything
25 additional about your investigation?

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1 MR. MYERS: Objection to hearsay. Same objection
2 regarding the other witness, Your Honor.

3 THE COURT: Do you know of any exception to the hearsay
4 rule?

5 MS. PATTERSON: Your Honor, I will move on.

6 THE COURT: Okay.

7 Q And who was present during the interview with you?

8 A It was myself and Detective Smith.

9 Q And did she provide you any documents in this
10 interview?

11 A She did not provide a written statement, no.

12 Q Did she give you any photographs in this interview?

13 A No, ma'am.

14 Q Did you ask her to write a statement?

15 A I had initially asked her if she would write me a
16 statement, but once it got to the point where she was
17 crying, she wanted to stop the interview, I didn't request a
18 statement after that.

19 Q So did you get to complete this interview with her?

20 A No, ma'am, I did not.

21 Q Did you obtain Mikhelle's phone number?

22 A Yes, ma'am, I did.

23 Q And what phone number did you have for Mikhelle Coburn?

24 A It's [REDACTED].

25 MS. PATTERSON: Beg the Court's indulgence.

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1 THE COURT: Yes, ma'am.

2 (Break in proceedings.)

3 Q Going back to the Rolling Meadows location where you
4 met with Jamal Coburn --

5 A Yes, ma'am.

6 Q -- did he make any admissions about his vehicle?

7 A After being told that the vehicle was being seized as
8 evidence, he told us that the vehicle was his and the items
9 in it were also his.

10 MS. PATTERSON: Thank you, Sergeant Burrell. Please
11 answer any questions they may have.

12 THE COURT: Mr. Myers, unless it's going to be short we
13 will break for lunch.

14 MR. MYERS: Your discretion, Judge. I know the jury
15 might be hungry. I can't predict. I don't want to say it
16 will be short.

17 THE COURT: All right. Ladies and gentlemen, we're
18 going to break for lunch now. I need you back here, please,
19 at 2:05, that's an hour and 15 minutes, all right? Hope you
20 have a pleasant lunch. Remember the admonitions, don't
21 discuss the case.

22 (The jury left the courtroom.)

23 THE COURT: All right. I'm sure you know the drill but
24 you can't discuss your testimony with anybody during the
25 break, please.

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1 (A lunch break was taken.)

2 THE COURT: State ready for the jury.

3 MS. PATTERSON: Yes, sir.

4 THE COURT: Defense?

5 MR. MYERS: Yes, sir.

6 THE COURT: Bring them in, please.

7 (The jury returned to the courtroom.)

8 THE COURT: Cross examination?

9 MR. MYERS: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY MR. MYERS:

12 Q Good afternoon, Sergeant Burrell.

13 A Afternoon.

14 Q Sergeant Burrell, I want to make sure the jury
15 understands your full role in this. You were the lead
16 investigator in this case, right?

17 A That is correct.

18 Q As lead investigator, that means that you oversee the
19 entire investigation.

20 A Yes, sir.

21 Q You direct what needs to happen throughout this
22 investigation, right?

23 A With the assistance of the sergeant, yes.

24 Q Sure. But as far as where the buck stops, it pretty
25 much stops with you as far as what you want to be

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1 interviewed and who don't want to be interviewed, right?

2 A Yes, sir.

3 Q And because you are the lead investigator, it's
4 important for your subordinates to generate reports, right?

5 A Yes, sir.

6 Q Because as the lead investigator, you don't have time
7 to go out and talk to all of these witnesses and do all of
8 this stuff, so you hope that they will and then give you a
9 report, right?

10 A Yes, sir.

11 Q And when they do a report, they make sure that that
12 report is accurate, right?

13 A Yes, sir.

14 Q That it is truthful, right?

15 A Yes, sir.

16 Q That it's reliable, right?

17 A Yes, sir.

18 Q Because a lot of people are dependent on that report,
19 right?

20 A That's correct.

21 Q You've certainly got to depend on it, right?

22 A Yes, sir.

23 Q Then based on your investigation you then give it to
24 the solicitor so that they'll know what's going on, right?

25 A Yes, sir.

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1 Q And in often times when you come to court that
2 solicitor then reads it to the judge so that the judge knows
3 what's going on, right?

4 A Yes, sir.

5 Q So it's important that everything gets documented in
6 that report, right?

7 A Yes, sir.

8 Q It's fair to say that if something didn't make it into
9 a report it either wasn't important or didn't happen, right?

10 A Depends.

11 Q Well, are you suggesting that there might be a time
12 when something very important might not make it into a
13 report?

14 A There are times where things are video or audio
15 recorded --

16 Q Sure.

17 A -- and not everything in that conversation or interview
18 is documented in the report, however, it is documented on a
19 video or audio recording.

20 Q Sure. And it's also -- if it's very important what's
21 on that audio is also given to you in a report because you
22 may not even have time to go back and look at that audio?

23 A Potentially, yes.

24 Q Now, I want to concentrate on a particular time period
25 in this case. I want to talk about from August 24th, 2018,

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1 until August 27th, 2018. Okay?

2 A Yes, sir.

3 Q At the time you got involved in this case all you knew
4 was that Corey Jamison had been shot, right?

5 A That is correct.

6 Q At the time you got there you were told by individuals
7 that were there that Jeremy Coburn, who you later identified
8 as Jamal Coburn, was the individual that did the shooting,
9 right?

10 A That's correct.

11 Q Now, you got that story from Margie Schoultz, right?

12 A Yes, sir.

13 Q Also Mr. Anderson, right?

14 A Yes, sir.

15 Q And initially Ms. Sapienza, right?

16 A Yes, sir.

17 Q That's pretty much all you had to go on, right?

18 A Yes, sir.

19 Q And based on that time period, no one ever told you
20 that Mr. Jamison had actually pulled a gun on Mikhelle
21 Coburn, did they?

22 A When we spoke to Mikhelle she told me that he reached
23 for a gun, yes.

24 Q But Ms. Margie Schoultz never told you that he had
25 pulled a gun on her, did she?

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1 A No, sir.

2 Q She never made any sort of inclination that back on
3 Charlotte Street that her son actually pulled a gun on
4 Mikhelle, did she?

5 A Due to where we were interviewing and the situation we
6 were in that may have slipped her mind, yes, sir.

7 Q Slipped her mind. But even the days leading up to when
8 you got the arrest you still were never told, right?

9 A No, sir.

10 Q That's some important information, isn't it?

11 A Yes, sir.

12 Q That kind of information would change how you actually
13 see this case, right?

14 A Well, I mean, you have an incident that happened on
15 Charlotte Street, and then you have the incident that
16 happened over at the apartment complex.

17 Q Sure. Because as an investigator it's important that
18 you keep an open mind, right?

19 A Yes, sir.

20 Q Because if you don't keep an open mind then you can
21 basically just miss something, right?

22 A Potentially, yes, sir.

23 Q Have you ever heard of this concept called confirmation
24 bias?

25 A I have not, no, sir.

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1 Q Have you ever heard of the fact that sometimes you can
2 have a closed mind and you don't necessarily see all of the
3 facts?

4 A I can see how that --

5 Q And the fact that -- and you've been here the entire
6 time, right? You've heard the testimony.

7 A Yes, sir.

8 Q You've heard what Margie Schoultz said about Corey
9 producing that gun, right?

10 A Over on Charlotte Street, yes, sir.

11 Q At the time you went to that magistrate to get that
12 arrest warrant, you didn't know anything about Corey Jamison
13 pulling a gun, did you?

14 A Other than what Mikhelle had told me, no, sir.

15 Q And certainly what Ms. Schoultz didn't tell you, right?

16 A Correct.

17 Q So when you went to that magistrate -- and I want to
18 make sure that jury understands how this process occurs, it
19 was only you who went to that magistrate, right?

20 A That is correct.

21 Q No other witnesses were there.

22 A No, sir.

23 Q At the time you never even thought about the concept of
24 self-defense, did you?

25 A Well, again, you have two different incidents, incident

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1 locations; you have Charlotte Street and then the apartment
2 complex.

3 Q Is that a yes or a no?

4 A Ask the question one more time.

5 Q At the time you went and swore out that warrant, you at
6 no time were contemplating self-defense, were you?

7 A No, sir.

8 Q In fact, when you told that magistrate that you had
9 probable cause, all you essentially told him at the time was
10 that Jamal Coburn with malice aforethought killed the
11 victim, Corey Jamison. That's all you told him, right?

12 A Yes, sir.

13 Q You didn't say anything at all about, "Hey, well, Mr.
14 Jamison may have also had a gun."

15 A No one said about him having a gun at the incident
16 location.

17 Q Meaning that you then didn't tell the magistrate.

18 A Correct.

19 Q If the magistrate had known that Corey Jamison had a
20 gun, he could have then made the decision not to sign this
21 warrant, right?

22 A Well, it would depend on how that gun was presented
23 during that altercation.

24 Q Sure. But you were not told by Margie Schoultz that
25 there was a possibility that Corey Jamison was in that car

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1 and at that apartment complex with a gun, were you?

2 A No, sir.

3 Q If he had shown up at the apartment complex with a gun
4 that would have a huge impact on your investigation,
5 wouldn't it?

6 A Potentially.

7 Q Because at that point you then would have been saying,
8 "Well, wait a minute, even though he might have been shot,
9 why did he have a gun on the scene," right?

10 A Correct.

11 Q Because that would have opened up the possibility of
12 some sort of self-defense, right?

13 A Again, it depends on how that gun would have been
14 presented.

15 Q Well, let's take this for example. I notice you're
16 wearing your uniform.

17 A That's correct.

18 Q You also have been wearing your gun all week.

19 A Yes, sir.

20 Q You had that gun for protection, right?

21 A Not only for myself but others, yes, sir.

22 Q Sure. Because the law recognizes that in addition to
23 law enforcement every citizen has a right to protect
24 themselves, don't they?

25 A That is correct.

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1 Q They also have the right to protect others, don't they?

2 A That is correct.

3 Q And there's nothing against the law from doing that, is
4 there?

5 A No, sir.

6 Q If someone is waiving a gun at you, you have the right
7 to waive a gun back, don't you?

8 A Yes, sir.

9 Q In fact, if you think that that person is a threat to
10 you and they're going to take your life, you have the right
11 to squeeze that trigger, don't you?

12 A That is correct.

13 Q Because again, you certainly have got the right to
14 protect yourself, right?

15 A Yes, sir.

16 Q Now, with regards to you not knowing how things
17 happened on Charlotte Street and Mr. Jamison's role at the
18 apartment, you didn't know to present any of that
19 information, did you?

20 A No, sir.

21 Q Having said that, that certainly would have weighed in
22 on how you would have investigated this case, right?

23 A We would have looked at it from that perspective, yes.

24 Q Sure. And you certainly would have noticed all of the
25 evidence then on the scene like a lighter, right? You

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1 certainly wouldn't have thrown it away.

2 A Well, again, we work in conjunction with CSI, yes. But
3 yeah.

4 Q But at that point your attention would have been, "Wait
5 a minute, guys, this just is not just a simple shooting.
6 We've got to look at this thing from all perspectives,"
7 right?

8 A Yes, sir.

9 Q Because it's important to see it not from where Ms.
10 Margie Schoultz is seeing it, but also from where Jamal
11 Coburn may have seen it, right?

12 A Yes, sir.

13 Q Because that's the only way self-defense works, right?

14 A Yes, sir.

15 Q And self-defense is a valid defense, right?

16 A It is.

17 Q And if this jury finds that Jamal Coburn acted in
18 self-defense they can let him go, right?

19 A Yes, sir.

20 Q So with regards to that the first time that you learned
21 that Corey Jamison had pulled a gun out on Mikhelle through
22 Margie Schoultz was an entire year later, right?

23 A I believe so, yes, sir.

24 Q This was after you had arrested Jamal Coburn.

25 A Yes, sir.

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1 Q This was after you basically assumed that, "Hey, this
2 was just a straight-up murder and no self-defense," right?

3 A Again, that's a different incident you're referring to.

4 Q Well, I'm just focusing on right now what we know
5 happened there at Charlotte Street and what subsequently
6 happened at Riverbend, right?

7 A Yes, sir.

8 Q And would you agree with me that -- did you give her
9 this statement to write?

10 A I don't know if I gave it to her or my sergeant,
11 Sergeant McCann, gave it to her.

12 Q But either way someone gave her a form to complete,
13 right?

14 A Yes, sir.

15 Q Did you leave her alone while she wrote it?

16 A I believe so, yes, sir.

17 Q Did she have all the time in the world to write out
18 what she believed happened?

19 A Yes, sir.

20 Q You didn't disturb her in any way.

21 A No, sir, we did not.

22 Q When she told you she was finished you then went and
23 collected the report, right?

24 A Yes, sir.

25 Q Now, what's of interest to me is you heard her testify

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1 that she goes on for eight pages -- and just so that the
2 jury knows, this is dated June 6th, 2019, so a full year
3 after the arrest, right?

4 A Yes, sir.

5 Q After you've only assumed that Jamal Coburn was guilty
6 of this murder, right?

7 A Yes, sir.

8 Q Now, she goes through this entire statement. Do you
9 see anywhere on pages one through eight where she mentions
10 anything about a gun in the hands of Mr. Jamison?

11 A Would you like for me to read that?

12 Q Yes, sir, please, take your time.

13 (Break in proceedings.)

14 A I didn't read to the whole part, but I got to page
15 three where it says "See page eight."

16 Q And page eight is the last page.

17 A Yes, sir, that is correct.

18 Q Now -- but nothing in page three mentioned anything
19 about a gun, does it?

20 A No, sir, it does not.

21 Q Now, in fact, when she does mention the gun it's after
22 your question, is it not?

23 A Yes, sir, it is.

24 Q Now, what made you ask this question?

25 A I had a conversation with her, and during that

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1 conversation I believe it was brought up so to get it
2 documented on her statement form that's why I asked her that
3 question.

4 Q And then that's when she explained to you, or admitted,
5 that Corey actually pulled a gun on Mikhelle.

6 A Yes, sir.

7 Q That shocked you, didn't it?

8 A Yes, sir.

9 Q That was the first time you'd ever heard that, wasn't
10 it? Right?

11 A Yes, sir, I'm sorry.

12 Q And the reason it shocked you is because you know what
13 it entails for someone to actually pull a gun on another
14 person, don't you?

15 A Yes, sir, I do.

16 Q That is the last resort, right?

17 A Yes, sir.

18 Q That means that that person wants to do harm to that
19 individual, doesn't it?

20 A Or they're trying to protect themselves, yes.

21 Q But the fact that they pulled a gun means that, "Hey,
22 at this point I've got the intent to do some harm."

23 A Or I need to protect myself, yes, sir.

24 Q But once the threat is eliminated, what's the purpose?

25 A There's not one.

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1 Q But the fact --

2 MS. PATTERSON: Your Honor, he's asking speculation on
3 some of these questions.

4 THE COURT: I don't think I can get into that, Ms.
5 Patterson, I'm sorry. The objection is overruled.

6 Q If you pull your service weapon out, you've got the
7 intent to use it, don't you?

8 A It would depend on the circumstances, yes, sir.

9 Q And at this point we know that this is the relationship
10 between Mr. Jamison and Ms. Mikhelle, who has a child -- who
11 have a child in common, right?

12 A Yes, sir.

13 Q So essentially he had pulled a gun on his baby's
14 mother.

15 A Correct.

16 Q And if a gun was pulled on anyone that person has the
17 right to be afraid, right?

18 A The person having the gun pulled on them, sure.

19 Q Yeah. Because that's not a fun experience, is it?

20 A No, sir.

21 Q In fact, that person -- it is going to make that person
22 pretty emotional, right?

23 A Yes, sir.

24 Q Now, at some point we know based on the testimony that
25 Mikhelle actually left Charlotte Street and went to the

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1 apartment, right?

2 A That is correct.

3 Q Now, do you have any evidence whatsoever where Margie
4 Schoultz tried to calm Corey Jamison down before taking him
5 over to the apartment?

6 A Tried to calm him down?

7 Q Yeah.

8 A Other than her testimony, no, sir.

9 Q Do you have any evidence that would suggest that Ms.
10 Schoultz attempted to contact Mikhelle Coburn herself and
11 offer any assistance?

12 A Other than her testimony saying she tried to call her
13 back, no, sir.

14 Q Did she tell you at the time that Mr. Jamison didn't
15 have a vehicle?

16 A Don't know that that question even came up.

17 Q Did she tell you at all that he had the inability to
18 drive?

19 A No, sir.

20 Q Did you ask?

21 A No, sir.

22 Q Did you ask at all about, "Well, what made you go over
23 to the apartment?"

24 A They explained to me what made them go over to the
25 apartment.

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1 Q That satisfied you?

2 A I mean, he's a grown man, if he wants to go back to his
3 apartment to talk to the mother of his child about a
4 situation they have going on.

5 Q Sure. But the fact that he had pulled a gun -- if he
6 would have known all of the circumstances surrounding how
7 that ordeal started, that wasn't necessarily a wise thing to
8 do, was it?

9 A I mean, there was a lot of decisions that were made
10 that weren't wise.

11 Q And that's certainly one of them that was was unwise,
12 wasn't it?

13 A Again, you're talking about an incident that happened
14 roughly an hour beforehand.

15 Q Right. But it certainly was unwise, based on how
16 you've heard it testified to from that stand.

17 A Sure.

18 Q Information that you just didn't have privy to before
19 you got that warrant, right?

20 A Correct.

21 Q Now, the only individual that has been arrested as a
22 result of this is Jamal, right?

23 A That is correct.

24 Q Mikhelle has never been arrested.

25 A No, sir, she has not.

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1 Q This individual that they say was in the vehicle with
2 Mr. Coburn, there's been no arrest warrant for him.

3 A No, sir.

4 Q And the only thing that Jamal Coburn is on trial for is
5 murder, right?

6 A Yes, sir.

7 Q There's no conspiracy.

8 A No, sir.

9 Q There is no attempt -- and you've heard Mr. Anderson
10 testify that no one set Corey Jamison up.

11 A I don't recall that testimony.

12 Q There's been no testimony presented over the past
13 couple of days that anyone tried to set Corey Jamison up.

14 A No, sir.

15 Q Now, we know that the next day you actually in
16 encountered Jamal Coburn in Rolling Meadows, right?

17 A That is correct.

18 Q And we were all here when I think it was Master Deputy
19 Sharpe testified he was the first one on the scene.

20 A Yes, sir.

21 Q And then you showed up later, right?

22 A That is correct.

23 Q Did you agree that you showed up about 35 or 40 minutes
24 after he was investigative detention?

25 A I believe so, yes, sir.

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1 Q And you will agree that this investigative detention
2 meant that he was in the back of a patrol car with handcuffs
3 on, right?

4 A He was not free to leave at that point in time, yes,
5 sir.

6 Q Right. But he was never told that he was under arrest,
7 was he?

8 A No, sir.

9 Q In fact -- I mean, the fact that he was never told that
10 he was under arrest meant that once y'all got done he was
11 free to leave, right?

12 A And once we got done he was told he was free to leave.

13 Q Now, during the time that you were talking to him, did
14 you continue to have the handcuffs on him?

15 A No, sir, I did not.

16 Q So you released him out of the handcuffs.

17 A I did.

18 Q And you talked to him.

19 A I did.

20 Q Now, at the time that you showed up, you did not have
21 any charging documents whatsoever, did you?

22 A No, sir, I did not.

23 Q You never showed him any sort of search warrants for
24 his vehicle, did you?

25 A No, sir, I did not.

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1 Q You never showed him any sort of search warrants for
2 his phone, did you?

3 A I didn't have one at the time, no, sir.

4 Q So when you say that Jamal was upset --

5 A Uh-huh.

6 Q -- a citizen has the right to object to an illegal
7 seizure or arrest, right?

8 A If they feel that it is an illegal seizure, then yes.

9 Q And at that time y'all hadn't charged the man, right?

10 A That is correct.

11 Q Y'all had him in the back of the patrol car with
12 handcuffs on, right?

13 A Yes, sir, they did.

14 Q And no one said, "Hey, you've got to stay here."

15 A Well, during that investigative detention, that's what
16 that was, it was, "You have to stay here, which is why you
17 are being detained."

18 Q Okay. But even after you released him he walked away.

19 A He would come and go, yes.

20 Q Right. But he was still talking about, "Can I get my
21 car?"

22 A That is correct.

23 Q He was also asking can he get his phone?

24 A That is correct.

25 Q And y'all said no.

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1 A I told him that nobody was going in the car.

2 Q Even though he was never under arrest.

3 A That is correct.

4 Q And you didn't have any sort of documentation saying
5 that, "Hey, I've got the right to seize this vehicle."

6 A It was seized as evidence as being a part of the crime,
7 yes, sir.

8 Q I understand. But there was no documentation saying
9 that it was properly seized, it was just basically your
10 call.

11 A Yes, sir.

12 Q No judge at that point had basically authorized you to
13 seize that vehicle.

14 A No, sir.

15 Q Now, you say that Mr. Coburn was then found weeks later
16 in Arizona; is that right?

17 A A little over a month later, yes sir.

18 Q Now, there was no attempt for him to flee once he was
19 arrested, was there?

20 A I'm not sure as far as what the fugitive task force
21 did.

22 Q When you got the report nobody ever told you that,
23 "Hey, he tried to run from us."

24 A Not that I'm aware of, no, sir.

25 Q No one ever told you that he tried to resist arrest.

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1 A Not that I'm aware of.

2 Q He basically was arrested, as the law calls it, without
3 incident, right?

4 A I believe so.

5 Q Meaning that "Hey, they said that you're under arrest,"
6 and he went peacefully.

7 A It's my understanding that's how it was.

8 Q Sure. As the lead investigator you would know if it
9 was anything different.

10 A I mean, if they had to run him down or use K-9's or
11 whatever, I'm sure I would have been told, yes, sir.

12 Q Sure. Now, the gun that was retrieved from Jamal's
13 car, I believe this is State's Exhibit 62. Now, you've
14 heard the CSI investigator talking about the swabs that were
15 made.

16 A Yes, sir.

17 Q We know now that not all the swabs were tested from
18 this gun.

19 A That is correct.

20 Q That would have been your call to send these in to SLED
21 to actually have them tested.

22 A Ultimately, yes, that's mine.

23 Q You were also here when the CSI investigator said that
24 there's a difference between blood swabs and touch DNA.

25 A Yes, sir.

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1 Q And there's been no testing whatsoever of any sort of
2 touch DNA.

3 A No, sir, there hasn't.

4 Q So we don't know whose prints would have actually been
5 on this gun, do we?

6 A Well, you're referring to prints versus touch DNA.

7 Q Right.

8 A So, I mean, prints is one thing, touch DNA is something
9 else.

10 Q Sure. But we know for one thing that the ballistics
11 test was done on that gun and those bullets, right?

12 A That is correct.

13 Q And by ballistics we mean that, "Hey, by a ballistics
14 test we can determine what bullets were fired from this
15 gun."

16 A That is correct.

17 Q We know that based on the results of those ballistics
18 test that was not the gun used in harming Corey Jamison, was
19 it?

20 A That was not the gun fired to shoot Corey Jamison,
21 that's correct.

22 Q And other than Jamal talking about what was found in
23 his vehicle, you never heard what he had to say about
24 anything that night, do you?

25 A No, sir, I did not.

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1 Q So sitting here today no one has ever heard his side
2 about how that night went down.

3 A No, sir.

4 Q When you got -- when you went to the magistrate for the
5 arrest warrant -- well, let's back up. On the 25th of
6 August, 2018, when you had the encounter with Mr. Coburn and
7 you let him go, right?

8 A Yes, sir.

9 Q What new information did you get that would make you
10 say that, "Hey, I now need to get an arrest warrant?"

11 A I meet with the witnesses and showed them photo
12 lineups.

13 Q So other than the photo lineups, that was it?

14 A They positively identified him as the person that shot
15 her son.

16 Q Other than that, no scientific evidence?

17 A No, sir.

18 Q No body cameras?

19 A Not at that time, no, sir.

20 Q No surveillance video from Riverbend?

21 A No, sir.

22 Q Did you check to see if there were any surveillance
23 videos?

24 A I personally did not check, no, sir.

25 Q Do you know of anybody throughout this entire

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1 investigation that ever asked Riverbend for any sort of
2 videos?

3 A I don't know if any of the responding deputies checked
4 for video surveillance.

5 Q As the lead investigator, checking for surveillance
6 videos would have been helpful in this case, right?

7 A Yes, sir.

8 Q So the fact that you don't know if any of your
9 subordinates ever checked, why don't you know the answer to
10 that as the lead investigator?

11 A Well, again, I responded to the scene and I responded
12 to the hospital, and then I came back to the scene. While I
13 was gone Sergeant McCann was over the crime scene, and
14 again, as to what they did while I was not there I don't
15 know.

16 Q Well, Sergeant Burrell, you are aware that most
17 surveillance videos stays on the system for about 30 or 45
18 days, right?

19 A Yes, sir.

20 Q So within 30 to 45 days no one from your department
21 checked to see if there was any surveillance videos?

22 A Not that I'm aware of.

23 MR. MYERS: One moment, Your Honor.

24 (Break in proceedings.)

25 Q Sergeant Burrell?

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1 A Yes, sir.

2 Q We've heard CSI also say that they didn't test the gun
3 for any sort of prints or DNA, right?

4 A He swabbed it for touch DNA, yes.

5 Q But they never tested it.

6 A No, sir, they were not sent.

7 Q So just swabbing -- just so this jury is clear, just
8 swabbing is not a test.

9 A No. It has to be sent to SLED to be tested.

10 Q Right. And these prints were never sent off to SLED
11 for testing.

12 A The touch DNA swabs, no, sir.

13 Q And that would be your responsibility as lead
14 investigator.

15 A Ultimately it's my choice as to what gets sent, yes.

16 Q And now just to clarify this Glendale, Arizona issue.
17 From the time that you talked to Mr. Coburn on August 25th
18 up until his arrest, he made no attempts to change his phone
19 number, did he?

20 A Not that I'm aware of, no, sir.

21 Q In fact, the same number that you had on the 25th you
22 had for him when he was arrested in Arizona.

23 A But when I had contacted him on the 25th his phone was
24 in the car that was seized.

25 Q But there was no attempt at all to ever tie any other

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1 phone number to Mr. Coburn.

2 A Well, once I got the arrest warrant our fugitive task
3 force team, they would have taken that part of the
4 investigation to try to find him.

5 Q Can you even say whether or not there was ever any
6 attempts, or are you just saying what would have happened?

7 A One more time.

8 Q Can you say what actually happened or are you just
9 saying what should have happened?

10 A As far as --

11 Q About the cell phone.

12 A -- trying to locate him?

13 Q Yes, sir.

14 A Well, again, we had possession of his cell phone,
15 therefore trying to call him would have been a moot point.

16 Q Are you aware that he actually got another phone?

17 A No, sir, I'm not.

18 Q Are you aware that that same number existed?

19 A I would not have known that the new phone would have
20 been under the same number.

21 MR. MYERS: Thank you. No further questions.

22 THE COURT: Redirect?

23 MS. PATTERSON: May we approach for a minute, Your
24 Honor?

25 THE COURT: Yes, ma'am.

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1 (A bench conference was held.)

2 THE COURT: Ladies and gentlemen, there's an issue of
3 law I need to address, leave your notes in the courtroom,
4 don't discuss the case.

5 (The jury left the courtroom.)

6 MS. PATTERSON: Your Honor, I specifically prepped my
7 witnesses not to get into any situations where we would have
8 a violation by commenting on the defendant's right to remain
9 silent once he was Mirandized, but Mr. Myers has opened the
10 door for that, Your Honor, by asking Mr. Burrell if no one
11 ever talked to Jamal and got his side of the story. I think
12 it's unfair to present to the jury that no one ever tried to
13 talk to him even at Rolling Meadows, Your Honor. I just
14 think that it's an unfair situation to put before the jury,
15 because Sergeant Burrell did attempt to talk with Jamal
16 Coburn to get his side of the story but he exercised his
17 right to remain silent. Wasn't even going to try to get
18 into that, Your Honor, but Mr. Myers pushed it and he went
19 on about how nobody tried to hear his side of the story, and
20 that's just simply not true.

21 THE COURT: Yes, sir?

22 MR. MYERS: Judge, I actually do not disagree that they
23 can ask Mr. Coburn -- or she can even ask this witness,
24 "Well, did you try and talk to him," and the Court can then
25 instruct them that he invoked his right. There is nothing

BRIAN BURRELL - CROSS

1 wrong with that. And there is absolutely nothing wrong with
2 the question I had after that that specifically said what he
3 discussed after he was in this investigative detention on
4 the 25th. So we've got some statements in, some not.
5 Everybody knows that he didn't say anything based on his
6 investigation. So I actually do not have any objection to
7 them asking, "Hey, did he talk to you? Did he make any
8 statements?" And then the Court needs to instruct them on
9 his rights to invoke the 5th Amendment.

10 THE COURT: I have made a note on my notes because I
11 knew that that was going to come up about whether the door
12 was opened or not. I agree with the State, the door was
13 opened. I agree with the defense, that if you ask the
14 question I'm going to have to give the jury a limiting
15 instruction about his exercising the constitutional right to
16 remain silent.

17 MS. PATTERSON: Yes, sir, that's fair. Thank you.

18 (A break was taken.)

19 (The jury returned to the courtroom.)

20 THE COURT: Recross?

21 MS. PATTERSON: Yes, sir.

22 REDIRECT EXAMINATION

23 BY MS. PATTERSON:

24 Q Sergeant Burrell, do you know what time the Charlotte
25 Street incident happened between Corey and Mikhelle?

BRIAN BURRELL - REDIRECT

1 A I want to say it was around nine, I believe.

2 Q And did you ever have any information that Jamal Coburn
3 was at the Charlotte Street address?

4 A No, ma'am.

5 Q And you did have the information about Corey having a
6 gun from Mikhelle Coburn, didn't you?

7 A I did, yes.

8 Q And you got this information when she spoke to you when
9 she came back to Riverbend?

10 A Yes, ma'am.

11 Q And would you say Khelle was more fearful or angry at
12 Corey for coming back to the apartment at Riverbend?

13 A Angry.

14 Q And Mr. Myers was asking you about people's rights to
15 be fearful when someone pulls a gun out on them. Would this
16 include Corey? Would he have that same right to be fearful
17 if someone pulled a gun out on him?

18 A Yes, he would have.

19 Q And would he have that same right to pull a gun out and
20 protect himself?

21 A Yes, he would.

22 Q And in your experience as a law enforcement officer if
23 someone is scared, who do they usually call?

24 A The police, 911.

25 Q And when you spoke to Margie Schoultz at the hospital,

BRIAN BURRELL - REDIRECT

1 again, what time was it?

2 A I'm sorry, I'm trying to see if I can get an exact time
3 for you. It was 12:17 a.m.

4 Q And can you describe her demeanor?

5 A She was upset.

6 Q And did you ask her to write you a statement?

7 A I did.

8 Q And was she able to?

9 A No, ma'am, she wasn't.

10 Q And did you have information about Khelle pulling out
11 an object on Corey?

12 A Yes, ma'am, I did.

13 Q Now, when you met with Jamal over in Rolling Meadows,
14 was it an illegal seizure that you did on his car?

15 A No, ma'am, it was not.

16 Q Did you have probable cause to seize his car and get a
17 search warrant?

18 A Yes, ma'am, I did.

19 Q And did you ultimately obtain Jamal Coburn's phone
20 records?

21 A Yes, ma'am, I did.

22 Q And did you review these phone records?

23 A Yes, ma'am, I did.

24 Q And in reviewing these phone records, did you make a
25 determination that he had gotten a new phone?

BRIAN BURRELL - REDIRECT

1 A Yes, ma'am, I did.

2 Q And when you were at Rolling Meadows meeting with Jamal
3 Coburn, did you attempt to speak with him about your
4 investigation?

5 A Yes, ma'am, I did.

6 Q And this was the very next day, wasn't it?

7 A Yes, ma'am, it was on the 25th.

8 Q And he refused to speak to you, didn't he?

9 A Yes, ma'am, he did.

10 Q So when Mr. Myers asked you if you ever got Jamal
11 Coburn's side of the story, you tried, didn't you?

12 A Yes I did.

13 THE COURT: Hold on just a minute, okay? Let me give
14 them a little bit of an instruction. All right. Ladies and
15 gentlemen, please give me your attention. In my opening
16 comments to you on Wednesday I covered some general
17 information, and I realized later that I had omitted
18 something in my opening comments that I normally tell jurors
19 at the beginning of the trial. I do that at the end of the
20 trial, I cover this principle, but I normally do it both at
21 the beginning and the end because it's important for you to
22 understand, and that is that there are two judges in the
23 courtroom: I'm the judge of the law and you're the sole
24 judges of the facts. You have to accept and apply the law
25 as I tell it to you, and on the other hand you're the only

BRIAN BURRELL - REDIRECT

1 ones who get to decide the issues of fact. You alone will
2 determine the truth of the evidence, its effect, its value
3 and its weight. I'm not even permitted to comment on the
4 evidence, and you should not take anything I'm about to tell
5 you as being a determination by me on any facts in this case
6 or any comment upon the facts. However, because it just --
7 what just came out I have to give you an instruction, which
8 is known as a limiting instruction, and for you to
9 understand that I need to explain to you that sometimes the
10 law requires that evidence that would otherwise be
11 inadmissible becomes admissible for a limited purpose only,
12 and in order to explain this to you more fully I have to
13 make a reference to something that is in evidence related to
14 this witness' testimony. You should not construe my
15 reference to this testimony as my making any determination
16 that the evidence is true or is not true, nor is my making
17 any determination as to what, if any, weight the evidence
18 I'm about to mention should have. Now, here is the limiting
19 instruction: You have heard evidence and testimony from
20 this witness on cross examination that the defendant
21 exercised his right not to give a statement. In other
22 words, you heard the testimony from this witness on cross
23 examination and now on redirect examination indicating that
24 the defendant exercised his right not to give a statement to
25 law enforcement when they attempted to question him about

BRIAN BURRELL - REDIRECT

1 what occurred. I charge you ladies and gentlemen, that a
2 person has a constitutional right to remain silent, and the
3 assertion of that right cannot be used against him in any
4 way on the issue of whether he is guilty or not guilty. So
5 it's generally inadmissible to comment on the exercise of a
6 right to remain silent. This evidence that's been admitted
7 in this trial about declining to give a statement to law
8 enforcement was admitted for a limited purpose, and that
9 limited purpose is related to go to your evaluation of the
10 evidence that law enforcement officers have not heard the
11 defendant's position about what happened. If you determine
12 that the evidence is true and you decide to consider the
13 evidence that the defendant exercised his right to remain
14 silent and declined to give a statement to law enforcement,
15 it can only be used for the limited purpose of evaluating
16 what reason or reasons there might be as to why law
17 enforcement did not know the defendant's version of events.
18 Again, a person has a constitutional right to remain silent,
19 and the assertion of that right cannot and must not be
20 considered by you in any manner whatsoever against him on
21 the issue of whether he is guilty or not guilty. You are to
22 reach no inference and draw no conclusion whatsoever as to
23 the defendant's guilt or innocence from the defendant's
24 election not to provide a statement. The State has the
25 entire burden of proof and an accused has no burden to prove

BRIAN BURRELL - REDIRECT

1 anything at all. All right. Any objections to the limiting
2 instruction from the State?

3 MS. PATTERSON: Nothing from the State.

4 THE COURT: From the defense?

5 MR. MYERS: Nothing from us. Thank you, Your Honor.

6 THE COURT: Thank you. You may continue.

7 MS. PATTERSON: Thank you.

8 BY MS. PATTERSON:

9 Q So you tried to talk to Jamal Coburn, correct?

10 A Yes, ma'am, I did.

11 Q And this was after you informed him about your
12 investigating a shooting --

13 A Yes, ma'am.

14 Q -- in which he was named as a possible suspect --

15 A Yes, ma'am, it was.

16 Q -- and his vehicle was possibly involved?

17 A Yes, ma'am.

18 Q And this was the very next day afterwards.

19 A Yes, ma'am, it was.

20 MS. PATTERSON: Thank you.

21 THE COURT: Recross?

22 RECROSS EXAMINATION

23 BY MR. MYERS:

24 Q Sergeant, and this was all after Master Deputy Sharpe
25 had placed him in his car, right?

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1 A Yes, sir.

2 Q This was after he had handcuffs on him, right?

3 A Yes, sir.

4 Q For 35 or 40 minutes, right?

5 A Approximately, yes.

6 Q And this also entails y'all seizing his vehicle without
7 any sort of legal documentation from any court, right?

8 A If I have probable cause to seize it I can.

9 Q But at the time you didn't have any document from the
10 court saying that you had that, right?

11 A No, sir, I did not.

12 MR. MYERS: Thank you. No further questions.

13 THE COURT: Thank you sir, you may step down. Call
14 your next witness, please.

15 The witness, BRANNON MARTHERS, was first duly sworn

16 And testified as follows:

17 THE CLERK: Once you are seated, state your full name
18 spelling your last, please.

19 THE WITNESS: Brannon Marthers, M-a-r-t-h-e-r-s.

20 DIRECT EXAMINATION

21 BY MS. DARKO:

22 Q Brannon, where do you currently work?

23 A Lexington County Sheriff's Department.

24 Q And what unit do you work with at the agency?

25 A Currently I'm assigned to the criminal intelligence

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1 unit.

2 Q And what does that unit do?

3 A Handle analysis based off of reports that have been
4 generated throughout the county, cell phone data analysis as
5 far as like call detail records, JAS mapping, different
6 functions throughout that.

7 Q Were you with any other units within that agency before
8 you were with the intel. unit.

9 A Just prior to the intel. unit I served just with the
10 major crimes unit.

11 Q And when exactly did you begin with the intel. unit?

12 A It was January of this year.

13 Q And have you received any training in cell phone record
14 analysis and mapping at all?

15 A Yes, ma'am, I have.

16 Q And what has been the nature of that training?

17 A Some has been in person, and here recently the majority
18 of it has been online. It has been through peer to peer
19 stuff, Detective Ronnie Travis, Sergeant Travis now, some
20 assistance with Crime Scene Investigator Phipps, and other
21 stuff throughout different companies who have provided
22 training.

23 Q And what are some of those companies?

24 A Geotime, it's a company that runs a program called
25 Glimpse. Pinlink, they've done some. There has been a

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1 couple of other places, Western Regional (inaudible) they
2 host classes. It's a variety.

3 Q And when you're referring to Glimpse and Pinlink, are
4 those tools that you use within the unit?

5 A Yes, ma'am, it is.

6 Q And what do those tools do?

7 A Essentially you can take the call detail records that
8 are received from a carrier like Verizon, AT&T, Sprint; and
9 take those files and upload them to that system, and it
10 takes all of the data that is received and interprets it for
11 your easier understanding and visualization.

12 Q And in your time in the intel. unit, about how many
13 phones have you analyzed?

14 A Since January, 40 plus.

15 Q And prior to being in the intel.unit when you were in
16 major crimes, did you also do some analysis there?

17 A Yes, ma'am. Whenever I would have cases that were
18 associated with cell phone records I would go through and
19 essentially hand plot the records myself.

20 Q And when you're saying hand plot, that's referring to
21 not using the tools you were referencing before; is that
22 right?

23 A Correct. Essentially finding a line of data and going
24 on Google and punching in the information to see where it
25 went.

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1 Q And in the, I guess, eight months that you have been in
2 the intel. unit, have you ever been qualified as an expert?

3 A Yes, ma'am.

4 Q And how many times?

5 A Once prior.

6 Q And what area were you qualified as an expert?

7 A Call detail record analysis and mapping.

8 MS. DARKO: Your Honor, at this time we would move to
9 have Brannon Marthers qualified as an expert in the area of
10 cell phone record analysis and mapping.

11 THE COURT: Any voir dire?

12 MR. BELL: One question, Your Honor.

13 VOIR DIRE EXAMINATION

14 BY MR. BELL:

15 Q Detective, are you also familiar with the more basic
16 functions of cell phones such as unrecorded --

17 A I'm sorry, sir, with the air conditioner it's hard to
18 hear.

19 Q Detective, are you also familiar with more of a basic
20 cell phone function such as number forwarding?

21 A Yes, sir.

22 MR. BELL: Thank you. No objection.

23 THE COURT: The witness is recognized as an expert in
24 the field of detail record analysis and mapping. You may
25 continue.

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1 BY MS. DARKO:

2 Q And you've referred call detail records. Is that one
3 of the pieces of information that would be sent from a
4 carrier?

5 A Yes, ma'am.

6 Q And when I say a carrier, can you identify the types of
7 cell phone carriers, or the names?

8 A There is a variety. You have Verizon, AT&T, T-Mobile.
9 Some places such as Tracfone, that's the company that has
10 the phone, however the service is typically provided through
11 one of the major carriers.

12 Q And what types of information can you obtain from a
13 carrier?

14 A Depending on the carrier, and you can have text message
15 information, cell phone calls, data transmissions, location
16 information. It varies from carrier to carrier.

17 Q And how is this different from what you could obtain
18 off of the actual device?

19 A This is based off the cell phone network.

20 Q And is it, just for the lay person, similar to what you
21 would receive in your cell phone bill? Is it tracking calls
22 and things like that?

23 A Your cell phone bill would be a little more summarized
24 generic, kind of simpler to read. The call detail records
25 would go down into specifics.

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1 Q And you said that you have software that allows you to
2 analyze the information, and that when you were in major
3 crimes you used to do it, I guess, by hand more slowly.
4 What is the item within those records that allows you to
5 interpret the information?

6 A As far as what exactly allows it to plot?

7 Q No. Specifically when you receive the call detail
8 record and it has data in it that to the naked eye would not
9 be explained, how do you determine what is actually in that
10 record regarding towers, et cetera?

11 A Each company provides a key, or an explanation sheet,
12 if you will, of what their specific information means.

13 Q And what is RTT data?

14 A Verizon describes that as realtime -- it's their
15 realtime tool.

16 Q And what does that mean?

17 A Essentially when a phone call is placed, the phone is
18 communicating with the cell phone tower and the network to
19 establish where at so it knows how to send a phone call
20 through the network. And whenever the call is placed it
21 activates that RTT system that Verizon uses and it tells the
22 network this phone is located in this area, and this is what
23 we need to provide the service for to connect to the
24 network.

25 Q How is RTT data different from GPS data?

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1 A GPS data is pretty much point specific. It will tell
2 you where you are as long as you have clear view of the sky.
3 With RTT it essentially takes the transmission from the
4 phone call, the system realizes its communicating with this
5 specific tower off of this specific antenna, and based off
6 the time it takes to send the information to and from the
7 tower it estimates that the range could be a couple of --
8 .5 miles up to maybe 15 or 20 miles.

9 Q And are there confidence levels associated with RTT
10 data?

11 A Each company has specific -- or different confidence --
12 or different confidence levels. For Verizon it's associated
13 to being a high confidence, a medium or moderate confidence,
14 and low.

15 Q Were you asked to do an analysis of call records in
16 this case?

17 A Yes, ma'am.

18 Q And what phone number was associated with these
19 records?

20 A The phone records were obtained for phone number [REDACTED]
21 [REDACTED], which was indicated to me to be associated with a
22 Jamal Coburn.

23 Q And what is -- when you were receiving this information
24 from the carrier, it has account holder information, does it
25 not?

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1 A At times if it is provided.

2 Q What is the difference between somebody who might be
3 using the phone, if there is one, and the account
4 information?

5 A The easiest example would be like a parent. Mom or dad
6 would have the account in their name, but the phone would be
7 used by the child.

8 Q So it's just whoever is footing the bill.

9 A Pretty much.

10 Q Were you asked to analyze any specific call details
11 between Mr. Coburn's phone number and another phone number?

12 A Yes, ma'am, specifically [REDACTED].

13 Q And were you advised who this phone belonged to?

14 A It was indicated to be Mikhelle Coburn.

15 Q And for what period of time did you analyze the
16 records?

17 A For August 24, 2018, and the 25th of that same month
18 and year.

19 Q And were you able to determine times of calls made
20 between these two numbers?

21 A Yes, ma'am.

22 Q And were you able to determine the call duration?

23 A Yes, ma'am.

24 Q And for Verizon -- you mentioned before that carriers
25 have different information and different ways of analyzing

BRANNON MARTHERS - DIRECT

1 data. How is duration measured for Verizon?

2 A For Verizon it's pretty much whenever you hit the send
3 button and until the call is finalized or terminated.

4 Q And were you able to determine locations of Jamal
5 Coburn's cell phone at the time these calls were made?

6 A The towers that the cell phone used, yes, ma'am.

7 Q And did utilizing the RTT data inform your analysis?

8 A It did give me a generalized area. Again, it can't be
9 pinpointed exact, but it will tell you with high a
10 confidence level or a low confidence level that the phone is
11 within this reasonable area.

12 Q And I'm showing you what has been marked as Court's
13 Exhibit 9. Do you recognize that item?

14 A Yes, ma'am. It's a CD of Verizon cell phone records
15 and have my initials.

16 Q And you referenced that it has your initials. Is that
17 how you recognize this item?

18 A Yes, ma'am.

19 Q And are these the cell phone records associated with
20 the (803) 626-3203 number?

21 A Yes, ma'am.

22 Q Including the time period 8/24 of 2018, to 8/25?

23 A Yes, ma'am.

24 Q And in connection with your analysis based on those
25 records, did you develop any charts or summaries?

BRANNON MARTHERS - DIRECT

1 A Yes, ma'am, I did.

2 MS. DARKO: Let the record reflect that I did show the
3 Court's exhibit to Mr. Bell, as well as State's Exhibit 46,
4 State's Exhibit 41, and State's Exhibit 42 for ID. And I'm
5 showing those State's exhibits that I just referenced. And
6 again, these have not been admitted, they're just for ID.

7 Q Do you recognize those items?

8 A Yes, ma'am. They're the summaries and charts that I
9 created.

10 Q And have they been modified or changed since you
11 created them?

12 A They appear to be in the same condition.

13 Q And would they assist you with your testimony before
14 the jury today?

15 A Absolutely.

16 MS. DARKO: Your Honor, at this time the State would
17 move State's 46, 41, and 42 into evidence.

18 MR. BELL: So long as the State will identify what the
19 exhibit is.

20 THE COURT: Say that again and look up.

21 MR. BELL: I apologize. So long as the State will
22 identify what each exhibit is we have no objection.

23 THE COURT: All right. Those are in evidence. And you
24 mentioned a Court's exhibit, you're not trying to get that
25 in?

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1 MS. DARKO: Yes, Your Honor.

2 THE COURT: You are?

3 MS. DARKO: No, I am not trying to get it in.

4 (The documents were received as State's 40-42.)

5 Q And Brandon, just for the record, if you can ID these
6 independently based on your creation of those.

7 A The one marked as State's Exhibit 40 is a summarized
8 map of --

9 THE COURT: Did you say 40?

10 MS. DARKO: Forty-one.

11 THE WITNESS: I'm sorry, that looks like a zero.

12 THE COURT: Do you need to see it, Mr. Bell?

13 MR. BELL: Yes, sir.

14 THE COURT: Y'all said 46, 41 and 42. Is 46 supposed
15 to be 40?

16 MS. DARKO: That's correct, Your Honor, I apologize. I
17 don't have my readers with me.

18 THE COURT: I just want to make clear. The zero looks
19 like a six?

20 MS. DARKO: Yes, to me.

21 THE COURT: The main thing is, Mr. Court Reporter, have
22 you got it?

23 (Break in proceedings.)

24 THE COURT: So 40, 41 and 42 is what we're talking
25 about.

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1 MS. DARKO: That's correct, Your Honor.

2 Q Going back to what we referenced as State's 40. What
3 is that item?

4 A State's 40 is a summary map of the cell phone calls
5 between Mr. Coburn's cell phone and his sister's cell phone,
6 as well as the information provided from the call detail
7 records and summary of the tower cell sites we used for
8 those calls.

9 Q And moving on to the next item.

10 A State's 41 is the cell phone record from the time frame
11 of 9:41 and 53 seconds on 8/24/18 to 8/26/18 and is at 6:49
12 and 48 seconds in the morning.

13 Q And is that a two page item?

14 A Technically it is one page, but it is duplicated to an
15 extent.

16 Q Okay. And what is the third item?

17 A The third item is a copy of the LTE report dating from
18 8/24 at 21:41 and 50 seconds, to 8/25 at 12:08 and 16
19 seconds.

20 MS. DARKO: Permission to publish, Your Honor?

21 THE COURT: Yes, ma'am. What does LTE stand for?

22 THE WITNESS: LTE is the -- one moment, Judge.

23 THE COURT: That's okay. I just thought you might know
24 what the initials stood for.

25 THE WITNESS: I have gotten so much written down,

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1 Judge, it's kind of everywhere right now.

2 THE COURT: Okay.

3 BY MS. DARKO:

4 Q And with regard to LTE, you're referring to the brand
5 of phone; is that correct?

6 A LTE is the type of signal, it's the data transmission.

7 Q And that is the information within the records that
8 would tell you what kind of device is being used associated
9 with the phone. You can obtain that there?

10 A Yes, ma'am. The terminology for it is long term
11 evolution, but --

12 THE COURT: Long term what?

13 THE WITNESS: Long term evolution?

14 A And within those records it has specific files, such as
15 the IMEI number, which is a number specific to each and
16 every cell phone so the carrier knows what type of device is
17 connected to the network.

18 Q And were you able to determine the devices associated
19 with this telephone number?

20 A Yes, ma'am. There were two that attached the network
21 during the timeframe we looked at.

22 Q And I'm publishing State's 42. And this is the LTE
23 information that you were referring to before. Can you tell
24 me when the device changes associated with the cell phone
25 number?

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1 A The new device connects to the network at 12:07 and 36
2 seconds on 8/25.

3 Q And the last time the old device was used?

4 A Was at 10:31 and 43 seconds on the same day.

5 Q And I'm publishing what has been admitted as State's
6 41. You made some reference to raw data versus explanation
7 data. What is this?

8 A That is the data straight from the cell phone provider.

9 Q And so you would have to look up in your explanation
10 file whether it was ingoing, outgoing, there are codes
11 associated with that?

12 A To determine what coding they were using, yes, ma'am.

13 Q And the second page of State's 41, is that the
14 explanation file with all of that decoded?

15 A That's not the explanation file. What I did, I took
16 the raw data from the company, referenced the explanation
17 file and then populated that information based off of what
18 was provided.

19 Q And in this file the items that are highlighted in
20 yellow, what do those refer to?

21 A Those are the phone calls between Mr. Coburn and his
22 sister.

23 Q And if you could just take me through the first phone
24 call for the time period that you referenced.

25 A The first phone call was made at -- for simplistic sake

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1 I'll say 9:41 and 53 second p.m. on 8/24 of '18.

2 Q And what was the length of that call, the duration?

3 A It was 84 seconds.

4 Q And then that's measured from what point, when it rings
5 or when somebody picks up?

6 A For Verizon, when the send buttons is pressed.

7 Q And that second phone call, what can you tell me about
8 that phone call?

9 A It was a 32 second call that started at 9:43 and 22
10 seconds p.m. on the 24th of April, 2018.

11 Q Do you make determinations through call duration --

12 THE COURT: You said 24th of April?

13 THE WITNESS: I'm sorry, August.

14 Q Through duration, are you able to make determinations
15 as to whether somebody actually was able to have a
16 conversation, whether it was a voice mail, can you make
17 estimations with regard to that?

18 A You can estimate, but without -- typically anything 30
19 seconds time frame, it could have been a phone call, it
20 could have been a voice mail.

21 Q And moving on to that next call, when was -- tell me
22 about that phone call.

23 A It was another 84 second phone call at 9:45 and 23
24 seconds p.m. on August 24th of 2018.

25 Q And were you able to plot locations for what I'll refer

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1 to as these 9:40 calls between the defendant and his sister?

2 A Yes, ma'am.

3 Q And what general location was the defendant in based
4 upon your review of the data?

5 A The area that I refer to as Dixiana of Lexington
6 County, South Carolina, Highway 321, Farmers Market, kind of
7 in that area.

8 Q How far away is that from Riverbend Apartments?

9 A Depending on which way you go, about 10 miles give or
10 take.

11 Q And the addresses that you have delineated on the map,
12 are they referring to the defendant's location or the
13 location of the tower?

14 A Those addresses are cell phone towers.

15 Q And you referenced before that you did look at the RTT
16 data.

17 A Yes, ma'am.

18 Q Were there any addresses or intersections associated
19 with these calls that were rated in the high confidence
20 area?

21 A Out of those calls two of the three were.

22 Q And which two were rated with high confidence?

23 A It would have been the phone call at 9:41 and 53
24 seconds, and the phone call at 9:45 and 23 seconds.

25 Q And can you give me an approximation of the address

BRANNON MARTHERS - DIRECT

1 associated with those high confidence calls based on the RTT
2 data?

3 A The specific address, I don't have that documented.
4 However, I can tell you the one that was at 9:41 and 53
5 seconds, if you're looking at the plot there it's to the
6 east. And the call that was at 9:45 and 23 seconds, looking
7 at the plot there, the phone call was just a little to the
8 east as well.

9 Q And would that be consistent with being in the Rolling
10 Meadows area?

11 A It's within that area. To say it's exactly there, I
12 don't have enough information, but that's in Dixiana.

13 Q And moving on to the later portions of the evening,
14 going back to State's 41, the second page of State's 41.
15 Tell me about this last phone call.

16 A The very last phone call or the last one --

17 Q The last one in yellow.

18 A That's another phone call between Mr. Coburn and his
19 sister that started at 10:40 and one seconds on the 24th of
20 August, 2018, and lasted for approximately 225 seconds.

21 Q And about how long is that? When would that call have
22 ended?

23 A 10:43 and some seconds.

24 Q And was that an inbound or outbound call?

25 A That was an outbound call.

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1 Q So that is Jamal calling Mikhelle?

2 A Yes, ma'am.

3 Q And the calls that were made earlier in the evening,
4 were those inbound or outbound?

5 A Those three were inbound calls.

6 Q Okay. And so that's Mikhelle calling Jamal?

7 A Yes, ma'am.

8 Q And can you tell me what tower is associated with that
9 10:40 call?

10 A It would be the one that's indicated in the very top of
11 the map at 200 Calhoun Street in Columbia.

12 Q And using RTT data to confer location or corroborate
13 it, were you able to arrive at an intersection or address
14 associated with that call?

15 A Yes, ma'am. That one populated, I remember this one
16 specifically, it was just at the corner of Riverbend Drive
17 and Saluda Trail.

18 Q And that would have been measured from the time the
19 call was initiated?

20 A When the call was placed, the tower would communicate
21 with the device to see at approximately how long it took for
22 data to transfer back and forth and then estimate the time
23 off that.

24 Q How, if at all, is it reflected when you use web based
25 application to make a phone call?

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1 A As far as that goes, if it's a web based and you're
2 connected to a WiFi the cell phone would never know, or the
3 carrier would never know. If you are not connected to a
4 WiFi network, then it would show up as data transmission.

5 Q And what is web-based calling?

6 A Face time, Facebook messenger calls, things such as
7 that.

8 Q And just so I am clear, the initial set of calls, these
9 9:40 calls, are made in the Dixiana area, which is
10 approximately 10 miles away from the placement of the last
11 phone call at 10:40.

12 A Yes, ma'am.

13 Q And that last phone call has the defendant's cell phone
14 in the area of Riverbend; is that right?

15 A In that area, yes, ma'am.

16 Q And one last thing. After this 10:40 call, what do
17 these zeros indicate, if anything?

18 A To me that tells me the phone is no longer connected
19 with the network, and the activations -- the reason you can
20 see the lines of data there would be people potentially
21 trying to call in.

22 Q And then you have information highlighted in green that
23 begins on 8:25. What does that indicate?

24 A Those are the times after there's an area of no
25 connection where the phone reconnects to the network.

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1 Q So you highlighted any activity because mostly there
2 was no activity.

3 A Correct.

4 Q And what are the reasons for that again?

5 A Cell phone battery dies, it's damaged, it's turned off.

6 MS. DARKO: Nothing further. Answer any questions for
7 the defense.

8 THE COURT: Cross examination?

9 MR. BELL: Thank you.

10 CROSS EXAMINATION

11 BY MR. BELL:

12 Q Detective, I'm referring you to State's 41. This is --
13 I know it's very hard to see, but this is what you call the
14 raw data; is that right?

15 A Yes, sir.

16 Q That means you haven't transplanted the -- basically
17 the legend to say what everything is; is that right?

18 A Yes, sir.

19 Q And then you did that on this second page that is a
20 second part of 41, where you filled in names and other
21 information based on that legend key; is that right?

22 A Yes, sir.

23 Q Okay. And I may have missed it, I apologize. Do you
24 have a laser pointer up there with you, sir?

25 A Not that I see.

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1 Q I may have missed it. If you can just explain real
2 quick, dial digit number, what does that mean again?

3 A The dial digit number, that is the number that was
4 called -- no, I'm sorry -- the calling party's number that
5 was done.

6 Q And so you have these three entries are all by Mikhelle
7 Coburn?

8 A Yes. Those were phone calls from her.

9 Q We have three different numbers here that's being
10 called from; is that right?

11 A Yes, sir.

12 Q 5596, 5591, 5536?

13 A Yes, sir.

14 Q How did you attribute all three of those to Mikhelle
15 Coburn?

16 A The way it was attributed to her is if you look at the
17 far right where it says calling party number, that's what
18 her number showed.

19 Q When Mikhelle -- did she have one number or did she
20 have three?

21 A The dial digit number is the number dialed to initiate
22 the call.

23 Q So that's the person that Mikhelle was trying to call?

24 A Bear with me just one second. I'm trying to find the
25 other LTE file. On the other LTE file if you look at --

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1 which call do you want me to look at first?

2 Q Let just start at the top.

3 A 9:41?

4 Q Yes, sir.

5 A The phone number associated with that shows up under
6 the -- these are a different set of records. It's listed as
7 the calling party that initiated the call. And the number
8 called was -- again it's the mobile directory number, which
9 was the MSISDN number, which is associated to Jamal.

10 Q And I apologize. So these three numbers are Jamal's
11 numbers?

12 A They are not his direct numbers. It's the number
13 that's assigned apparently from the cell phone carrier that
14 communicates to the network with the mobile direct number
15 for the outgoing call going to him.

16 Q Okay. Now, the last thing I really want to talk to you
17 about is, you talked about the duration of these calls, one
18 being 84 seconds and then 32 seconds, and then the third one
19 being 84 seconds; is that right?

20 A Yes, sir.

21 Q And you said it goes from the moment you hit send on
22 that phone, right?

23 A Correct.

24 Q And you said it can be about up to 20 seconds for the
25 ringing and then the voice mail; is that right?

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1 A Typically your voice mail would kick in after about 30
2 seconds give or take.

3 Q And then a voice mail typically let's you record for
4 about 60 seconds?

5 A It depends, but that's not uncommon.

6 Q So 84 seconds and 84 seconds very likely was ringing,
7 and then going to voice mail and then hanging up?

8 A It very well could be, which would also indicate why
9 that dial digital number would be a forwarded call to a
10 voice mail.

11 Q Okay. And then that 32 second one could have been
12 calling and then hanging up once the voice mail came up?

13 A Potentially.

14 Q And you have no idea what the context of any of those
15 calls is.

16 A No.

17 Q You have no idea if somebody is trying to call Jamal
18 because a gun had been pulled on them, right?

19 A I don't have that information.

20 Q And then you mentioned that the phone number was
21 assigned to two different, was it IMEI numbers, is that
22 accurate?

23 A Yes, sir. It's the International Equipment Mobile
24 Identifier.

25 Q And that indicates that that number was ported to a

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1 different device at some point; is that right?

2 A Yes, sir.

3 Q And that's something that you can do if you lose your
4 phone, your phone breaks, your phone is broken in a scuffle,
5 you can then take your number and move it to a new phone,
6 right?

7 A Yes, sir.

8 Q And it was apparently done once, right?

9 A Yes, sir.

10 Q So he still had the same phone number even after he
11 moved it to another phone.

12 A Correct.

13 Q So that number could still be called to reach Jamal?

14 A Correct.

15 MR. BELL: Thank you.

16 THE COURT: Redirect?

17 REDIRECT EXAMINATION

18 BY MS. DARKO:

19 Q Brandon, is 84 seconds long enough to tell somebody to
20 bring their shit?

21 MR. BELL: Objection, speculation.

22 Q Brandon, with regard to the -- you've explained that
23 sometimes when there is no data associated with these zeros,
24 that could be because the device has been destroyed in a
25 scuffle I believe is what Mr. Bell asked.

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1 A Essentially, if the device had damage to it where it
2 would no longer function properly.

3 Q But in this case the device that was used for these
4 calls earlier between Jamal and Mikhelle Coburn was
5 eventually activated.

6 A Yes, ma'am.

7 Q It was just -- I guess the battery died after he talked
8 to his sister, it was turned off and then later turned back
9 on.

10 A Yes, ma'am.

11 Q And then turned off somehow.

12 MR. BELL: Objection, testimony.

13 THE COURT: Rephrase your question.

14 Q Would it be safe that the device was not destroyed?

15 A It could be inferred.

16 MS. DARKO: Nothing further.

17 THE COURT: Recross?

18 RECROSS EXAMINATION

19 BY MR. BELL:

20 Q It could be inferred, is that accurate?

21 A Yes, sir.

22 Q Meaning you don't know.

23 A Correct.

24 Q And then you very clearly testified on your original
25 direct that you were only looking at this device for a very

BRANNON MARTHERS - RECROSS

1 narrow period of time when it was presented to you by the
2 solicitor office?

3 A Yes, sir.

4 Q And then we saw those green lines at the bottom that
5 identified more phone calls?

6 A Yes, sir.

7 Q So that number was reactivated and it could have been
8 called the very next day, right?

9 A The number did have activity on it the next day.

10 Q And that was just during that narrow time period that
11 you reviewed per the solicitor office.

12 A Yes, sir.

13 MR. BELL: Thank you.

14 THE COURT: Thank you, sir, you may step down.

15 MS. DARKO: May we release Brannon?

16 MR. BELL: No objection.

17 THE COURT: You are free to go if you wish, thank you.
18 How long is your next witness?

19 MS. DARKO: State next calls Richard Robinson to the
20 stand.

21 THE COURT: How long is your next witness?

22 MS. DARKO: Oh, I apologize. Rather short, shorter
23 than this one. I am thinking no more than 30 minutes for
24 direct and cross.

25 The witness, RICHARD ROBERTSON, was first duly sworn

RICHARD ROBERTSON - DIRECT

1 And testified as follows:

2 THE CLERK: Once you are seated, state your full name
3 spelling your last once you are seated.

4 THE WITNESS: Richard A. Robertson, R-o-b-e-r-t-s-o-n.

5 DIRECT EXAMINATION

6 BY MS. DARKO:

7 Q Mr. Robertson, where do you currently work?

8 A You're going to have to speak a little louder, I can't
9 hear you.

10 Q Is that better? Where do you currently work?

11 A I'm retired.

12 Q Oh, congratulations. What were you doing back in
13 August 2018?

14 A I was the owner of Carolina Preowned Auto Sales.

15 Q And how long did you own that business for?

16 A All together about four years.

17 Q And did you also do -- well, what was the nature of
18 your business?

19 A I'm sorry.

20 Q What was the nature of your business?

21 A We sold used cars.

22 Q Okay. And did you do in-house financing?

23 A Yes, we did.

24 Q And was the defendant one of your customers?

25 A Yes.

RICHARD ROBERTSON - DIRECT

1 Q He purchased a vehicle from you?

2 A Yes.

3 Q What kind of vehicle was that?

4 A 2009 Chevrolet Impala.

5 Q And did he also finance that vehicle through you?

6 A Yes, he did.

7 Q And do you have GPS monitoring on those in-house
8 vehicles?

9 A We did.

10 Q Why did you do that?

11 A Anyone that we financed we put GPS on them so if they
12 didn't pay we could locate them.

13 Q And when are you made aware of the location of those --

14 A I'm sorry, say again.

15 Q When are you made aware of the location based on that
16 GPS?

17 A Whenever we need to find out we go to the software that
18 runs the GPS and we can request the location and it will
19 give us the last place it was stopped, or the ignition
20 turned off.

21 Q And so you say stopped and parked it would not give you
22 a location.

23 A As long as the ignition was running it wouldn't, it
24 would just give us the last place the ignition was off.

25 Q And did you bring the records associated with that

RICHARD ROBERTSON - DIRECT

1 account with you today in court?

2 A Yes.

3 Q I'm showing you what has been marked as State's 37.

4 MS. DARKO: And for the record, Your Honor, we have
5 shown that item to the defense.

6 MR. BELL: Your Honor, as to 37, we'll object to
7 publication or admission at this time.

8 Q And do you recognize that item?

9 A Yes.

10 Q And how do you recognize it?

11 A It's a receipt for a cash payment from Mr. Coburn.

12 Q And what -- and that's associated with the black
13 Impala; is that correct?

14 A I'm sorry, say again.

15 Q Is that associated with the black Impala you referenced
16 before?

17 A Yes, it is.

18 Q And as the owner of the business, do you store and keep
19 the records associated with each customer's payment on their
20 vehicle?

21 A Yes.

22 Q And you keep those in the ordinary course of your
23 business?

24 A Yes, we do.

25 Q And is that a fair and accurate depiction of the

RICHARD ROBERTSON - DIRECT

1 receipts you issue -- have issued in connection with that
2 account?

3 A Yes.

4 MS. DARKO: Your Honor, at this time the State would
5 admit State's 37 into evidence.

6 THE COURT: What's your objection?

7 MR. BELL: We object under the best evidence rule.
8 It's a photograph or a piece of paper that was located
9 during a search warrant. That actual piece of paper has
10 never been available, it was never made available to us to
11 examine, the photograph would be improper.

12 MS. DARKO: Your Honor, the witness has testified that
13 he keeps records in the ordinary course of his business, and
14 that this is a receipt that was issued in connection with
15 the keeping of those records. With regard to the
16 authenticity, he can attest to that because he is aware of
17 the account -- the payments that are made on the account and
18 how they memorialize that to each customer when it's made.

19 THE COURT: May I see that? Do you have something
20 else?

21 MR. BELL: You Honor, I would just say that we would
22 have no objection under the business exception if he
23 actually brought that document with him that he printed off
24 of his computer in preparation for court. The issue is he
25 didn't construct that piece of paper himself, that is a

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1 picture of a piece of paper that CSI took.

2 THE COURT: So your objection is on authenticity?

3 MR. BELL: Well, it's under the best interest evidence
4 rule. We don't feel sufficient authenticity has been
5 established for a business record at this point.

6 THE COURT: Do you have anything else?

7 MS. DARKO: Your Honor, this -- let me ask him just a
8 few more questions of this witness to alert the Court to why
9 it's appropriate to admit this copy.

10 THE COURT: Okay.

11 BY MS. DARKO:

12 Q Is your business currently open?

13 A No, it's not.

14 Q But you're still housing records in association with
15 the business?

16 A Yes, I do.

17 Q Though your business is not open, you're still winding
18 down the business.

19 A Right.

20 Q And you still have copies associated with each one of
21 the accounts that you had at the time?

22 A Yes.

23 Q Are those the only copies that you have? And would it
24 be burdensome for you to have to turn over the only file
25 that you have now as you're winding down this business and

RICHARD ROBERTSON - DIRECT

1 admit it into evidence?

2 A I could.

3 THE COURT: Anything else?

4 MR. BELL: Nothing, Your Honor.

5 THE COURT: Anything else?

6 MS. DARKO: Nothing, Your Honor.

7 THE COURT: Under Rule 901A, specifically the
8 explanation, or illustrations given to 901B1 perhaps, the
9 objection is overruled and it will be admitted into evidence
10 the State's 37.

11 (The record was received as State's 37.)

12 MS. DARKO: Permission to publish, Your Honor?

13 THE COURT: Yes, ma'am.

14 Q I'm showing you what's been marked as State's 44 and
15 shown to the defense.

16 THE COURT: I didn't site the business record evidence
17 act, or the rule, but it's on that basis, too, I apologize.
18 Go ahead.

19 MS. DARKO: Thank you, Your Honor.

20 Q And what is that item that I've just shown you?

21 A This is the report from the GPS company giving us the
22 location of the vehicle.

23 Q And when you say GPS company, this is the software that
24 you purchase in order to locate the vehicle when the car is
25 turned on?

RICHARD ROBERTSON - DIRECT

1 A Yes.

2 Q And what is the time period associated with that
3 document?

4 A It's on the 24th and 25th of August of 2018.

5 Q And it only includes those times when the car is
6 completely turned off.

7 A Correct.

8 Q And is [REDACTED] Riverbend Drive on that document?

9 A No, it's not.

10 Q And is that a fair and accurate depiction of the
11 locations associated with that account for that time period,
12 8/24 to 8/25?

13 A Yes, ma'am.

14 Q And that you keep in the ordinary course of your
15 business as the records custodian?

16 A We just pull it up on the software when we need it.

17 MS. DARKO: Your Honor, at this time the State would
18 move State's 41 into evidence. Let me confirm that. 44.

19 THE COURT: Any objection to this?

20 MR. BELL: Nothing, Your Honor.

21 THE COURT: Mark 44 in evidence.

22 (The document was received as State's 44.)

23 Q Mr. Robertson, based on this document, where was this
24 vehicle at 21:44:28 on 8/24, 2018.

25 A What time?

RICHARD ROBERTSON - CROSS

1 Q 21:44:28 on August 24th, 2018.

2 THE COURT: Point to it.

3 A I can't see it that well.

4 Q This entry here.

5 A It was at 125 Rolling Meadows Lane, West Columbia.

6 Q And 21:44, that's approximately 9:44 in the evening?

7 A 9:44 and 28 seconds.

8 Q And I'm showing you what's been premarked and shown to
9 defense as State's 43. And what is that item?

10 A This is one of the software reports that we get from
11 our accounting software that gives the payment schedules and
12 the payoff and everything with the customer.

13 Q Does it also include contact information for the
14 customer?

15 A It does. It gives us contact from the customer, the
16 car, the VIN number, all of that.

17 Q And is it a fair and accurate depiction of the records
18 that you keep on that software associated with the account
19 for this car?

20 A Yes. And every one of those payments that are shown
21 would be issued one of the receipts like you had previously.

22 Q And you maintain those in the ordinary course of your
23 business?

24 A Yes.

25 MS. DARKO: At this time, Your Honor, State would move

RICHARD ROBERTSON - CROSS

1 State's 43 into evidence.

2 MR. BELL: No objection.

3 THE COURT: Mark 43 into evidence.

4 (The document was received as State's 43.)

5 Q And just regard with the phone numbers associated with
6 this account, the cell phone number, that's [REDACTED]; is
7 that right?

8 A Correct.

9 MS. DARKO: Nothing further.

10 THE COURT: Cross examination?

11 MR. BELL: Thank you, Judge.

12 CROSS EXAMINATION

13 BY MR. BELL:

14 Q Sir, prior to being contacted for this GPS information
15 by law enforcement, did you ever have to utilize that GPS on
16 that vehicle before?

17 A Not with that number.

18 Q In fact, it actually appears that from State's 43 Mr.
19 Coburn was systematic about making his payments, wasn't he?

20 A Yes.

21 Q It looks like every 30 to 45 days on the dot he's
22 making his payment, right?

23 A Correct.

24 Q Never had any issues with him before?

25 A He was late but not over 30 days.

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1 Q Okay. But he ended up paying you?

2 A I'm sorry?

3 Q He ended up paying you?

4 A Yes.

5 MR. BELL: Thank you, sir.

6 THE COURT: Redirect?

7 MS. DARKO: Nothing, Your Honor. May this witness be
8 released?

9 THE COURT: Any objection.

10 MR. BELL: None, Judge.

11 THE COURT: Thank you, Mr. Robertson, you're free to go
12 if you wish to leave. How long is your next witness?

13 MS. PATTERSON: It is the DNA analyst, Your Honor, so
14 it might be awhile.

15 THE COURT: Do y'all need a break? We'll take a short
16 break and then we'll keep going a little while. All right.
17 Don't discuss the case, leave your notes in the courtroom.

18 (The jury left the courtroom.)

19 (A break was taken.)

20 THE COURT: Call your next witness.

21 MS. PATTERSON: Thank you, Your Honor. The State calls
22 Maryann Boehm.

23 The witness, MARYANN BOEHM, was first duly sworn and
24 Testified as follows:

25 THE CLERK: State your name, and spell your last name

MARYANN BOEHM - DIRECT

1 for the record.

2 THE WITNESS: My name is Maryann Boehm, B-o-e-h-m.

3 DIRECT EXAMINATION

4 BY MS. PATTERSON:

5 Q Ms. Boehm, where are you employed?

6 A I'm employed at the South Carolina Law Enforcement
7 Division, commonly known as SLED.

8 Q And how long have you been employed at SLED?

9 A Approximately 15 years.

10 Q And what is current title?

11 A I am a senior DNA analyst.

12 Q And have you ever been qualified as an expert before?

13 A I have.

14 MR. BELL: Your Honor, at this time we would be happy
15 to stipulate to her expertise.

16 THE COURT: Do you want to go into it any further?

17 MS. PATTERSON: No, sir, Your Honor. I would just like
18 to ask in what field?

19 THE COURT: Go ahead.

20 Q In what field have you been qualified as an expert in
21 before?

22 A In forensic serology and DNA analysis.

23 THE COURT: Without objection the witness is recognized
24 as an expert in those fields. Thank you.

25 Q And Ms. Boehm, what is DNA?

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1 A DNA stands for deoxyribonucleic acid. It is a chemical
2 found in all of the cells of our body, with the exception of
3 red blood cells. It is important for giving us our physical
4 features like our hair color and our height. It also passes
5 along traits from generation to generation. We get half of
6 our DNA from our mother and half from our father. With the
7 exception of identical twins, no two individuals have the
8 same DNA profile. In forensic DNA analysis we are
9 interested in the portions of DNA that differ between
10 individuals. We test 23 different locations, and the
11 combination of those test results makes up a DNA profile.

12 Q Ms. Boehm, what is the best source to obtain DNA?

13 A The best source to obtain DNA would be in the cellular
14 material. The most cells are found in body fluids such as
15 blood and saliva.

16 Q And what is touch DNA?

17 A Touch DNA is when an item is touched or grabbed you
18 leave skin cells behind. Now, it depends on how often that
19 item is touched and how hard it's touched whether any cells
20 are left behind or how many cells are left behind.

21 Q So can touch DNA vary the amount of DNA that may or may
22 not be present?

23 A Yes, ma'am. The amount of DNA from touch DNA samples
24 can vary widely. Like I said, if an object is not touched
25 often there may not be a lot of skin cells left behind,

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1 versus if I rub an object or use that object frequently,
2 like as my steering wheel for example, I touch that multiple
3 times a day, I am going to leave a lot of touch DNA behind.
4 But other items that I may not use as often, I do not leave
5 much DNA or any DNA behind.

6 Q I'm going to show you what's been marked as State's
7 Exhibits 69 and 63. First with respect to 69, do you
8 recognize this item?

9 A Yes. Item 69 is the known blood standard, the dried
10 known blood standard from Corey A. Jamison. I can identify
11 this because it has a SLED lab number and item number, it
12 also has my initials and date of when I processed this item.

13 Q Okay. And does it look like it's been changed or
14 altered in any way?

15 A No, ma'am.

16 MS. PATTERSON: Your Honor, at this time we move
17 State's Exhibit 69 into evidence?

18 MR. BELL: No objection.

19 THE COURT: Without objection mark it into evidence,
20 please, sir.

21 (The standard was received as State's 69.)

22 Q And I'm going to show you what has been marked as
23 State's Exhibit 63. Do you recognize that package?

24 A Yes, ma'am, I do. Again, this has the SLED lab number
25 and the container number, and it also has my initials and

MARYANN BOEHM - DIRECT

1 the date that I processed this item of evidence, or these
2 items of evidence. There is three different swabs in this
3 container.

4 Q Does it look like it's been changed or altered in any
5 way?

6 A No, ma'am, it does not.

7 Q I apologize, I think that's already been admitted into
8 State's evidence. And what's contained in State's 63?

9 A It contains three swabs. It's our SLED item number
10 three, which is swabs from slide labeled item 6.D. There is
11 also swabs from a barrel, items 6.E. And the third item are
12 swabs from frame, items 6.F.

13 Q And did you say where the swab came from from 6.D?

14 A Swab from slide.

15 Q Okay. And did you prepare a report --

16 A Yes, ma'am, I did.

17 Q -- after analyzing these items?

18 A Yes, ma'am.

19 Q With respect to items three, which you have identified
20 as the swab from the slide, 6.D, what are your results?

21 A The partial DNA profile developed is insufficient for
22 interpretation.

23 Q And what does that mean in layman's terms?

24 A So at SLED we have thresholds that a DNA profile has to
25 meet before we can deem it suitable for comparison to known

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1 standards. This item I was able to develop a little bit of
2 a DNA profile but not enough to meet that threshold that I
3 could use for interpretation.

4 Q And with respect to item four, which you identified as
5 a swab from a barrel, what was your result?

6 A No DNA profile was developed.

7 Q And what is the reason why no DNA profile may not be
8 developed?

9 A There was not enough DNA present on this item for me to
10 develop a profile.

11 Q And with respect to item five, which you identified as
12 swabs from the frame, item 6F, what were your results?

13 A A DNA profile suitable for comparison was developed.
14 The DNA profile was interpreted as a mixture originating
15 from three individuals, and Corey A. Jamison is excluded as
16 a contributor to the mixture.

17 Q And what does it mean to have a mixture for a DNA
18 profile?

19 A So a DNA profile can either be single source, that
20 means it comes from one person; or a mixture, which means it
21 comes from multiple people. Based on the data generated I
22 could determine how many people that the profile came from,
23 and this -- in this instance in this case, or this swab, it
24 was determined that it originated from three individuals.
25 So three people have deposited their DNA on that item, which

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1 is swabbed from the frame and the profile developed.

2 Q Again, Corey Jamison was excluded as being one of these
3 contributors?

4 A Yes, ma'am.

5 MS. PATTERSON: Beg the Court's indulgence.

6 THE COURT: Yes, ma'am.

7 (Break in proceedings.)

8 MS. PATTERSON: Thank you, Ms. Boehm. Please answer
9 any questions the defense may have.

10 THE COURT: Cross?

11 MR. BELL: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. BELL:

14 Q Ma'am, do you go by the title of agent or special agent
15 with SLED?

16 A Yes, I do.

17 Q So is it okay if I call you agent?

18 A That's fine.

19 Q All right. Now, touch DNA and DNA analysis is an
20 extremely interesting field, isn't it?

21 A I believe so.

22 Q I agree. And it's still fairly new as far as science
23 goes, right?

24 A It's ever evolving in that sense. DNA has been around
25 for awhile. The technology is becoming more sensitive. So

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1 we're definitely being able to develop profiles -- usable
2 profiles from a lot less DNA than we could have in the past.

3 Q Well, in the United States we started using DNA
4 analysis around 2003, right?

5 A I believe it was 2000, this type of analysis. Now,
6 back in the 90's and maybe even into the 80's there was
7 different forensic DNA analysis used.

8 Q So this kind of methodology that was used in this case
9 has been around for less than 20 years; is that right?

10 A Approximately 20 years.

11 Q And even in that span of time, it's even significantly
12 evolved since 2003 when it came into being, right?

13 A That's correct.

14 Q And again, as you said, ever evolving because we're
15 always learning more about DNA and how to test it; is that
16 right?

17 A Tests is becoming more sensitive, as in we can develop
18 profiles from less amount of DNA. In prior years you needed
19 a big blood stain and now we can do it on a few cells from
20 touch DNA.

21 Q Right. As even as your report suggests that has been
22 public to this jury, DNA can be a fairly volatile substance,
23 right? It can be hard to detect.

24 A Yes, it can be.

25 Q And there's actually a success rate of only about 15 to

MARYANN BOEHM - CROSS

1 20 percent of being pulled off of firearms, right?

2 A I don't know the recovery rate, sir.

3 Q Is it high or low?

4 A It's not often where we are able to develop a useable
5 profile. Sometimes we can get profiles that are
6 insufficient for interpretation, but it doesn't surprise me
7 when I get no profile or a profile that we cannot use for
8 comparison.

9 Q And that information, or that likelihood of success
10 rate is even lower when you talk about testing ammunition,
11 right?

12 A I would agree.

13 Q And one of the reasons that law enforcement is trained
14 to take multiple swabs from an item is to raise the
15 likelihood as far as you can possibly can of being able to
16 detect a DNA sample on any particular item, right?

17 A We're trained to swab the item as thoroughly and
18 completely as possible. I don't know what local law
19 enforcement, what their training is, though, but that's at
20 SLED.

21 Q Would you agree with me, though, that the more samples
22 you have from an item, the higher the possibility is you'll
23 be able to find DNA?

24 A Not necessarily. So it's better to swab a single item
25 with one swab and collect all of the DNA on one swab versus

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1 trying to spread it out. So the more concentrated a DNA is,
2 the more likely we're going to get a profile. If you take
3 swabs from multiple swabs you're essentially diluting that
4 DNA where it may not be able to be picked up.

5 Q So if a law enforcement officer were to have taken
6 let's say 14 swabs off of an item, that would dilute it to
7 the point that you may not be able to detect a DNA profile?

8 A It's possible. There may be reasons, specific areas of
9 interest why they're swabbing different areas and not as one
10 item in total. It really depends on the situation.

11 Q But when it comes to swabbing an item multiple times,
12 let's say a firearm for instance, and is it usually good to
13 take samples from various parts of the firearm?

14 A It really depends on what kind of questions you're
15 trying to answer.

16 Q Well, if I'm trying to answer who is the primary
17 possessor of the firearm, who may have had it in their
18 waistband or hold it in their hand, that kind of information
19 would be useful to take as many swabs as possible to test
20 for DNA, right?

21 A Typically we swab -- we swab three. At SLED we swab
22 three main areas of a firearm; one would be the trigger, the
23 gripping magazine would be another item, and then the slide
24 would be another item. It really just depends on the case
25 scenario, and like I said, what you're trying to answer, or

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1 questions you're trying to answer from that item.

2 Q And when we refer to your report again, ultimately you
3 were just submitted three swabs as it relates to a firearm;
4 one from a slide, one from a barrel, one from a frame; is
5 that accurate?

6 A That's correct.

7 Q So if there were 14 swabs taken, you got three out of
8 14.

9 A I only received three swabs.

10 Q And those swabs were identified as blood swabs; is that
11 accurate?

12 A There was a blood request on the swabs. And I believe
13 in the original description it says suspected blood in the
14 description.

15 Q Was it determined to be blood?

16 A I did not test for blood. Upon opening the swabs and
17 visually examining them, the stain was very small. Instead
18 of taking some of that sample -- consuming some of that
19 sample for serology testing, that's the test I would do to
20 determine if it's possibly blood, I took that sample
21 straight to DNA as to not consume some of the sample for
22 serology to get the best chance to get a DNA profile from
23 that item.

24 Q And per your report that you've spoken off, you found a
25 partial DNA profile on the slide but it was insufficient for

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1 interpretation, right?

2 A That's correct.

3 Q Meaning you found DNA but you have no idea whose it is
4 and you can't really match it up to anything.

5 A It's not suitable for interpretation, so I can't make
6 any kind of comparisons.

7 Q And then the swab from the barrel, there was no DNA at
8 all --

9 A That's correct.

10 Q -- is that accurate? And then when it comes to the
11 frame, you found DNA that was suitable for comparison,
12 right?

13 A That's correct.

14 Q And only on that particular swab, that one swab, does
15 your report say that Corey Jamison is excluded as a
16 contributor under the listed propositions, right?

17 A Yes. That was the only item that was suitable for
18 comparison.

19 Q So what we know is that suspected blood stain that was
20 swabbed on that particular item isn't Corey's blood, right?

21 A Corey was excluded from that item. I can't tell you if
22 there was blood there or not.

23 Q Okay. But there was something -- it was listed as
24 suspected blood, right?

25 A That's how it came -- that's how it was described, yes,

MARYANN BOEHM - CROSS

1 sir.

2 Q And on that particular swab you did find DNA, which is
3 contained in blood as you testified, right?

4 A That's correct.

5 Q Corey Jamison is excluded. Were you ever provided a
6 standard for a Jamal Coburn?

7 A I was not.

8 Q Were you ever provided a standard for a Mikhelle
9 Coburn?

10 A I was not.

11 Q Were you ever provided a standard for anybody else
12 other than Corey Jamison to see if it may have been their
13 blood?

14 A No, sir.

15 Q We've heard testimony that swabs were also taken from
16 the magazine and the trigger of a firearm. Did you receive
17 swabs pertaining to the magazine and the trigger?

18 A I did not.

19 Q As of today, have you ever received those swabs to
20 test?

21 A No, sir.

22 Q So all you can say based on your report is that on one
23 swab from a frame Corey Jamison is excluded from that
24 particular swab.

25 A Yes, sir.

MARYANN BOEHM - CROSS

1 Q And you can't tell us -- you say he was mixed from two
2 other individuals, you can't tell us who those individuals
3 are or whose suspected blood it may have been.

4 A The DNA profile I developed was a mixture of three
5 individuals.

6 Q So Corey Jamison was excluded. So you can't tell us
7 who any of the three people may have been as far as
8 suspected blood goes?

9 A That is correct. If I had standards I could make a
10 comparison to it, however for the standard I did receive
11 that individual was excluded.

12 Q And again, you haven't received those standards to do
13 that additional analysis?

14 A That's correct.

15 Q Now, when someone is excluded as a contributor under a
16 listed proposition, if you find additional standards later
17 that that proposition would identify as an individual, could
18 you rerun your test?

19 A Will you rephrase that question, please?

20 Q Absolutely. One of your propositions was that Corey
21 Jamison and then two unidentified individuals, right?

22 A Yes, sir.

23 Q If a second and/or third blood standard were submitted
24 to you, could you rerun your test?

25 A Yes. So if I had other additional standards to compare

MARYANN BOEHM - CROSS

1 I would have additional proposition sets comparing those
2 standards to the evidence.

3 Q And your report actually says DNA comparisons can be
4 conducted following submission of additional known
5 standards, right?

6 A It says DNA comparisons can be conducted following the
7 submission of a known standard from Jamal Coburn.

8 Q And that would apply to any other standards you
9 receive, though; not just Jamal, right?

10 A That's correct.

11 Q Those could be plugged into that equation.

12 A Yes, sir.

13 Q And why is it that identifying more individuals on a
14 DNA test might change the results?

15 A It wouldn't change results of the DNA profile I
16 developed from the evidence. I would only be able to
17 include or exclude that person of interest from that piece
18 of evidence.

19 Q You never received any additional standards to test?

20 A I did not.

21 Q And you only received three swabs out of 11; is that
22 accurate?

23 A I don't know how many swabs were taken, but I did only
24 receive three swabs.

25 Q Three out of 14, excuse me. Did you receive any other

MARYANN BOEHM - CROSS

1 swabs to test?

2 A In this case? I did.

3 Q What were they?

4 A A swab from the front driver's side compartment, and
5 swabs from a head stamp of item two cartridge case.

6 Q Now, item two you said was a cartridge casing; is that
7 right?

8 A It was a swab from the cartridge casing.

9 Q Swab from the cartridge casing, I apologize. Was there
10 any DNA located on that cartridge casing?

11 A No DNA profile was developed.

12 Q From the swab, excuse me. And then you said that there
13 was swabs submitted from the front passenger area of a
14 vehicle?

15 A No, sir. It was the front driver's side compartment.

16 Q Front driver's side compartment. Was any DNA developed
17 from that?

18 A Yes. A DNA profile suitable for comparison was
19 developed.

20 Q And what was that result of that comparison?

21 A So I have a proposition set that the DNA profile was
22 interpreted as a mixture originating from four individuals.
23 Corey Jamison and three unidentified unrelated individuals
24 contributed to the mixture, or four unidentified unrelated
25 individuals contributed to the mixture. And the results are

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1 the DNA profile is approximately four times more likely if
2 four unidentified, unrelated individuals contributed to the
3 mixture than of Corey A. Jamison and three unidentified,
4 unrelated individuals contributed to the mixture.

5 Q Basically that's a fancy way of saying you have high
6 confidence that Corey Jamison wasn't detected on that DNA
7 swab?

8 A It's more likely that it was four unidentified
9 unrelated individuals than Corey Jamison and three
10 unidentified individuals.

11 Q Were you ever provided any other standards to compare
12 against that swab?

13 A No, sir.

14 Q So you have no idea who any of those other individuals
15 may have been?

16 A I do not.

17 Q When did you receive those three blood swabs, suspected
18 blood swabs?

19 A I'm going to look at the chain of custody to determine
20 that. I took the three blood swabs in my custody on
21 June 15th of 2020.

22 Q This year.

23 A Yes, sir.

24 Q So of the 14 DNA swabs, you received three two years
25 later in 2020; is that right?

MARYANN BOEHM - CROSS/REDIRECT

1 A That's when I took them into my custody. They were
2 brought to SLED prior to that.

3 Q When were they brought?

4 A On March 6th of 2019.

5 Q So a little less than a year from the incident date
6 listed on your report.

7 A That's about right, yes.

8 Q And then roughly another year before they were actually
9 tested?

10 A That would be correct.

11 Q And again, three out of 14 standards for swabs?

12 A I received the three swabs from the gun, and then those
13 two other swabs I discussed with you too, Item 1 and Item
14 2.1.

15 MR. BELL: Thank you, ma'am.

16 THE COURT: Redirect?

17 REDIRECT EXAMINATION

18 BY MS. PATTERSON:

19 Q Ms. Boehm, would a person who drives their car, would
20 it be expected that their DNA is present?

21 A Yes, ma'am.

22 MS. PATTERSON: No further questions.

23 THE COURT: Recross?

24 MR. BELL: Nothing further.

25 MS. PATTERSON: Your Honor, we would ask that this

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1 witness be excused?

2 THE COURT: Any objection?

3 MR. BELL: None, Judge.

4 THE COURT: Do you have any witnesses you have to do
5 today?

6 MS. PATTERSON: No, sir, we don't.

7 THE COURT: Ladies and gentlemen, I do a volunteer
8 court on Thursdays at night, we do it on video but I've got
9 to do that shortly. We are going to recess for the day, I
10 need you back here, please, in the morning at 9:30. For
11 planning purposes, I think it's almost certain we're going
12 to go into next week, okay? I hope you have a pleasant
13 evening, leave your note and don't discuss the case and
14 remember all of those instructions.

15 (The jury left the courtroom. Court recessed for
16 The evening and resumed at 9:30 a.m. on Friday,
17 November 6, 2020.)

18 THE COURT: Is the State ready for the jury?

19 MS. PATTERSON: Yes, sir.

20 THE COURT: Defense ready for the jury? Bring them in.

21 (The jury returned to the courtroom.)

22 THE COURT: Ladies and gentlemen, thank you. We're
23 going to continue with the State's case. Call your next
24 witness.

25 MS. DARKO: The State calls Paul Greer. Your Honor,

PAUL GREER - DIRECT

1 may we approach?

2 THE CLERK: Yes, ma'am.

3 (A bench conference was held.)

4 The witness, PAUL GREER, was first duly sworn and

5 Testified as follows:

6 THE CLERK: Have a seat please. Once you are seated,
7 state your name for the record, spelling your last, please.

8 THE COURT: State your name for me, please.

9 THE WITNESS: My name a Paul Geer, G-r-e-e-r.

10 THE COURT: Ladies and gentlemen, this witness is being
11 substituted for another witness who is ill, and I need to
12 ask you if any of you are related by blood or marriage,
13 connected by employment, have any connection whatsoever with
14 Mr. Paul Greer? If so, raise your hand. Are you neighbors,
15 friends, attend the same church, civic clubs, have any kind
16 of connection whatsoever with Mr. Greer? If so, please
17 stand -- or raise your hand. Is there anything about Mr.
18 Greer being a witness that might in any way affect your
19 ability to be a fair and impartial juror in the case? If
20 so, raise your hand. Any further questions from the State?

21 MS. DARKO: Nothing, Your Honor.

22 THE COURT: Defense?

23 MR. MYERS: No, sir, Your Honor.

24 THE COURT: Thank you. All right. Go ahead, please,
25 ma'am.

PAUL GREER - DIRECT

1 DIRECT EXAMINATION

2 BY MS. DARKO:

3 Q Mr. Greer, where are you employed?

4 A I'm employed at the South Carolina Law Enforcement
5 Division, which is commonly known as SLED.

6 Q And how long have you been employed with SLED?

7 A Approximately six and a half years.

8 Q And what is your job title?

9 A I'm a fire and tool mark examiner in the forensic
10 services laboratory.

11 Q And what is your educational background?

12 A I received a Bachelor of Science in Biological Sciences
13 from the University of South Carolina. I've also completed
14 the SLED firearm and tool mark course of instruction
15 program. This is an extensive multiyear apprenticeship
16 style training program that we participate in, and that's
17 conducted under other court qualified examiners in the
18 laboratory. During that time in that training period I
19 completed multiple written and practical examinations. I
20 assisted other examiners prep their cases, and I conducted
21 many microscopic comparisons. At the conclusion of that
22 training I completed a multipart comprehensive exam, and
23 that included some case work. I successfully completed
24 those parts and was able to begin case work on my own at
25 that time.

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1 Q And if you could, just explain some of your duties in
2 firearms analysis.

3 A My duties at SLED include the examination of firearms
4 and firearms related evidence, tool marks and the tool mark
5 related evidence along with that. I also conduct serial
6 number restoration, general rifling characteristics exams on
7 fired projectiles that are submitted to the lab. I conduct
8 some distance determination. And also we perform
9 destructions for weapons that are submitted from agencies
10 all over the State of South Carolina.

11 Q And how many cases have you performed firearms
12 identification on outside of training?

13 A At this point I would say hundreds.

14 Q And have you testified in court before?

15 A Yes, ma'am, I have.

16 Q And have you been qualified as an expert witness?

17 A Yes, ma'am.

18 Q And how many times have you been qualified?

19 A Six times.

20 Q And in what field or fields?

21 A Those were all in firearms identification.

22 MS. DARKO: At this time, Your Honor, the State would
23 offer Mr. Greer as an expert in firearms identification.

24 THE COURT: Voir dire?

25 MR. BELL: None, Your Honor.

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1 THE COURT: Any objection?

2 MR. BELL: None, Your Honor.

3 THE COURT: He's recognized as an expert in the field
4 of firearms identification. You may continue.

5 Q Mr. Greer, can you explain what peer reviewing is?

6 A Yes, ma'am. So when we work a case at SLED, before
7 that case or those conclusions are rendered to the agency
8 that has submitted it and before that case file and reports
9 can be issued, we peer review those cases. So that means we
10 review the work that has been done microscopically, that has
11 done by the original examiner so that an additional examiner
12 comes in to review that. And also the case file is
13 technically reviewed to make sure all of those aspects are
14 correct and administratively reviewed.

15 Q And I think you kind of gotten into this, but exactly
16 why do you require peer reviewing at SLED?

17 A Yes, ma'am. At SLED we do have that 100 percent
18 micro-verification and review process. We do that just to
19 make sure that all of our quality assurance standards are
20 met, and so by doing the peer review we are ensuring that
21 the product that we're issuing is meeting certain
22 requirements and certain standards.

23 Q And when you're peer reviewing something, if you find
24 that the policies and procedures have not been followed or
25 there's another issue, how do you handle that?

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1 A That would be addressed with the original examiner. If
2 there was a discrepancy it would be discussed among the two
3 examiners that are in that process. I mean, if there was an
4 issue that could not be decided between those two examiners,
5 then a supervisor or lieutenant would be called in to help
6 remedy the situation.

7 Q And the peer reviewing, is that memorialized on the
8 original report that the order examiner would generate?

9 A The peer review process that includes reviewing the
10 microscopic work is documented in the case file that is put
11 together while working the case.

12 Q And is that something that is kept in SLED's ordinary
13 course of business?

14 A Yes, ma'am.

15 Q And did you review a report in connection with this
16 incident?

17 A Yes, ma'am, I did.

18 Q And you were subpoenaed here in court today?

19 A Yes, ma'am.

20 Q And did you bring the file with you in connection with
21 that incident?

22 A I did.

23 MS. DARKO: Permission to approach, Your Honor?

24 THE COURT: Sure.

25 Q And I have provided you with what's been admitted as

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1 State's 25.

2 MS. DARKO: And begging the Court's indulgence.

3 (Break in proceedings.)

4 Q State's 62. Do you recognize these items?

5 A Yes, ma'am. I recognize State's Exhibits 25, which
6 were SLED items 9 and 10. And they do appear to be in a
7 sealed container as the examiner would have packed them, his
8 initials and seal date are still on the packaging.

9 Q And you recognize them through the initials of the
10 original examiner; is that right?

11 A Yes, ma'am.

12 Q Who was the original examiner?

13 A The original examiner was James Green.

14 Q And do you know where he is today?

15 A Yes, ma'am. He is not able to be here due to medical
16 reasons.

17 Q And did you -- are the item identifications for SLED
18 memorialized in your report?

19 A Yes, ma'am.

20 Q And is it common for other analysts who peer review, of
21 course, to come to court for the actual analysts in
22 situations like this where they are just simply not able to
23 come?

24 A Yes, ma'am, it does happen from time to time.

25 Q And did you have any concerns about whether SLED's

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1 policies and procedures were handled correctly in this case?

2 A They were handled correctly.

3 Q And based on your review of the report and your
4 examination of those items now, do they appear to have been
5 changed or altered in any way?

6 A No, ma'am, they do not.

7 Q And does this item fairly and accurately represent the
8 item that was examined independently by Mr. Green as
9 memorialized in that report?

10 A Yes, ma'am, it does.

11 Q And you've already referenced your report and that you
12 have brought it here today. With regard to what is referred
13 to as items two and -- let's first just go to item 2, one of
14 items within State's 25. I believe that's a shell casing?

15 A Are you referring to SLED item 2?

16 Q SLED item 2, and State's -- one of the items within
17 State's 25.

18 A State's Exhibit 25 were items 9 and 10.

19 MS. DARKO: Begging the Court's indulgence.

20 (Break in proceedings.)

21 Q And if you could just take me through that item, the
22 first item in State's 25, that first item in your report.
23 If you could just take me through the procedures that were
24 performed by Mr. Green.

25 A Yes, ma'am. So SLED Item 9, that first exhibit on

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1 State's Exhibit 25, is a fired cartridge case. So when Mr.
2 Green would have examined the fired cartridge case, he would
3 have documented the packaging as it was received, he would
4 have photographed that as well as documented on our
5 departmental worksheets. He would have then physically
6 examined the cartridge case, and he would determine the
7 brand, the caliber and other characteristics of his
8 construction. And then he would have looked at it
9 microscopically to see what those characteristics were on
10 the item.

11 Q And for what purpose is he doing all of these
12 examinations, just in layman's terms?

13 A He's doing all of this in an effort to try to determine
14 if those cartridge cases were fired by the same firearm, or
15 if they were fired by a different firearm, and also if they
16 were fired by the firearm submitted in his case.

17 Q And with regard to comparing it to the submitted
18 firearm, how did he go about conducting that comparison?

19 A Yes, ma'am. So he would have also examined the State's
20 Exhibit 25, which was also SLED item 10. He would have done
21 the same documentation and overall documentation and
22 photography for that item. He would have also looked at it
23 microscopically to see what the characteristics were on that
24 cartridge case. After he had written those up and come to a
25 conclusion about those characteristics, he would have then

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1 looked at the firearm. He would have documented it on our
2 worksheets and also photographed it. He would have then
3 written down some basic information about the firearm, its
4 brand, its caliber, and then he would have examined it to
5 make sure it was safe to test fire. When he determined it
6 was safe to test fire, he would have test fired it in our
7 bullet recovery tank at SLED and recovered those test fired
8 cartridge cases. At that time he would have examined those
9 cartridge cases on a microscope, and at SLED we use a
10 comparison microscope, which if you think of two microscopes
11 that are joined together so we can look at two things at one
12 time, he would have done that. He would have looked at
13 those test fired cartridge cases from the firearm and
14 examined those to determine what characteristics they
15 exhibited. At that point he would have compared those test
16 fired cartridge cases to SLED Items 9 and 10 to see if there
17 was a match or if they were negative with each other.

18 Q And with regard to the microscope you're referencing,
19 we're talking about an incredible piece of equipment.

20 A Yes, ma'am. Our microscopes typically at SLED, those
21 comparison microscopes, we're looking at things under six
22 times the magnification, all of the way up to 102 times the
23 magnification. So the scratches that we're looking at and
24 those characteristics on the cartridge cases are very small.

25 Q And what conclusions, if any, did Examiner Green reach

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1 in this case?

2 A Yes, ma'am. In regards to State's Exhibit 25, those
3 are SLED items 9 and 10, he determined that they were fired
4 by the same firearm. So the same firearm fired those
5 cartridge cases.

6 Q And with regard to the firearm that was submitted, what
7 conclusions, if any, did he reach about that?

8 A Yes, ma'am. It was concluded that the fired cartridge
9 cases, SLED items 9 and 10, State's Exhibit 25, were not
10 fired by the SLED Item 6 pistol, which is also State's
11 Exhibit 62.

12 Q State's Exhibit 62 was excluded as being the firearm
13 that fired the submitted shell casings, is that my
14 understanding?

15 A That's correct.

16 Q And there were also two other items submitted in
17 connection with IBIS. Can you explain what you concluded
18 about those?

19 A Yes, ma'am. Those two items were items -- SLED items 7
20 and 8, and those were submitted from the Lexington County
21 Sheriff's Department. And those were just test fires that
22 were test fired by the sheriff's department in regards to
23 being entered into the IBIS, or the Integrated Ballistics
24 Identification System, and that's a database that we use in
25 the firearms department.

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1 Q And you do take submissions in order to put things into
2 IBIS; is that correct?

3 A Yes, ma'am, we do.

4 Q And the firing of those two items out of State's 61,
5 would that affect your analysis at all? Would that have
6 changed the outcome?

7 A No, ma'am. The test firing by Lexington County would
8 not affect our examination.

9 Q With regard to the analysis in this case, the firearms
10 analysis, you've explained the IBIS casings and the two
11 rounds from the scene. Did you also have an occasion to
12 examine an unspent round?

13 A There was an unfired cartridge submitted in this case
14 that James Green did examine.

15 Q And I'm showing you what's been admitted as State's 67.
16 Do you recognize that item?

17 A Yes, ma'am. And it is still packaged with Mr. Green's
18 initials and seal date, and I see the SLED lab number and
19 item number on it as well.

20 Q And you did not perform any analysis with regard to
21 firing that item, but did you reach any conclusions with
22 regard to that item?

23 A Yes, ma'am. This item, SLED Item 2, State's Exhibit
24 67, was determined to be an unfired 9-millimeter Luger
25 caliber cartridge. And so basically our conclusion here was

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1 that it was the correct caliber for use, and the item --
2 SLED Item 6 pistol, that's State's Exhibit 62, and also in
3 other firearms that are chambered for Luger 9-millimeter
4 Luger caliber.

5 Q So with regards to the spent rounds, those were fired
6 from the same gun. And with regard to the item we just
7 referenced, you can't -- it has not been fired, but it's
8 consistent with the rounds that have been fired all coming
9 from the same gun.

10 A Correct. All of these cartridge cases and cartridges
11 here were of 9-millimeter Luger caliber, which is the same
12 caliber as SLED item 6, the pistol.

13 MS. DARKO: Nothing further. Please answer any
14 questions for the defense.

15 THE COURT: Cross?

16 CROSS EXAMINATION

17 BY MR. BELL:

18 Q Good morning, Agent.

19 A Good morning.

20 Q I hope your colleague gets well soon. Part of your
21 training that you've gone through with the State leading up
22 to your qualifications as an expert, that training actually
23 includes training in courtroom testimony, right?

24 A Yes, sir.

25 Q And that's the kind of training that most forensic

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1 scientists with SLED go through, right?

2 A Correct.

3 Q And that's like getting on the stand and learning how
4 to stand up to cross examination by defense lawyers, right?

5 A We are trained in a mock trial at the conclusion of our
6 training.

7 Q Okay. And that's all forensic scientists with SLED?

8 A Yes, sir, it's part of our training.

9 Q Okay. And the last part you were just discussing, the
10 unfired round, the State said it was consistent with the
11 other casings. And when you say it's consistent with, you
12 simply mean it is also of the 9-millimeter caliber, right?

13 A Yes, sir. It was a 9-millimeter Luger caliber
14 cartridge.

15 Q But you can't make any actual forensic determinations
16 that that round necessarily came from the same firearm as
17 those two casings you tested that were shot.

18 A It was not microscopically examined. This was an
19 unfired cartridge, so there was a physical examination that
20 just stated it was a 9-millimeter Luger caliber cartridge.

21 Q Yes, sir. So the result of your report that you've
22 testified to is that the two spent casings that you have
23 were fired by the same firearm, right?

24 A That's correct.

25 Q But it was not the actual firearm that was submitted to

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1 SLED that was identified as the 9-millimeter PT 111

2 Millennium G2 Taurus; is that right?

3 A That is correct.

4 Q And that is the firearms that's sitting in that white
5 box beside you; is that right?

6 A I have not verified it.

7 Q If you could just take a look and make sure.

8 THE WITNESS: Ladies and gentlemen, this firearm is
9 unloaded, it's safe for me to handle here.

10 A On the firearm in the packaging I do see the SLED lab
11 number, the item number and the initials of the examiners.
12 And it is the pistol that we are discussing.

13 Q Thank you, sir. So your analysis is that the two
14 casings were fired from the same gun but not that gun,
15 right?

16 A That's correct.

17 Q So the shooter on the night of the incident that those
18 casings that you did analyze came from was not holding that
19 gun at the time of the shooting, right?

20 A The cartridge cases that we received did not match the
21 pistol.

22 Q So then very possibly that gun was being held by
23 somebody else?

24 A I don't know.

25 MR. BELL: Thank you, sir.

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1 THE COURT: Redirect?

2 MS. DARKO: Nothing, Your Honor. May this witness be
3 released?

4 THE COURT: Yes, sir. You are free to go if you wish
5 to leave. Call your next witness, please.

6 MS. PATTERSON: Thank you, Your Honor. The State calls
7 Dr. Janice Ross.

8 The witness, JANICE ROSS, M.D., was first duly sworn
9 And testified as follows:

10 THE CLERK: Once you are seated, state your full name,
11 spelling your last, please.

12 THE WITNESS: Janice Edwards Ross, R-o-s-s.

13 DIRECT EXAMINATION

14 BY MS. PATTERSON:

15 Q Good morning, Dr. Ross.

16 A Good morning.

17 Q Dr. Ross, can you tell the jury, what's your
18 profession?

19 A I'm a forensic pathologist.

20 Q And are you also a licensed physician?

21 A Yes.

22 Q In which states are you licensed?

23 A South Carolina and New York.

24 Q And how long have you been a licensed physician?

25 A Forty-four years.

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1 Q What field of medicine do you practice?

2 A Pathology.

3 Q And could you explain what is pathology?

4 A Yes. A pathologist is a doctor. So we've been through
5 four years of college, I went to the University of South
6 Carolina, and four years of medical school, and then at
7 least five years of training in the field of pathology.
8 That's a field unlike surgery or pediatrics. We learn how
9 to identify tissue under a microscope to identify cancers,
10 leukemias. We also learn how to use a laboratory in the
11 hospital to identify and further diagnose diseases. A
12 forensic pathologist also is trained to identify patterns of
13 injury like gunshot wounds, accidents, stab wounds, et
14 cetera, and how to do a -- in performing an autopsy, we
15 identify and document these injuries and then come to a
16 conclusion of the cause of death and the manner of death.

17 Q Dr. Ross, about how many autopsies have you performed?

18 A Close to 14,000.

19 Q And have you been qualified in court before as an
20 expert in the field of forensic pathology?

21 A Yes.

22 Q How many times?

23 A In South Carolina at least 280 times.

24 MS. PATTERSON: Your Honor, at this time we move that
25 Dr. Ross be qualified as an expert in the field of

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1 pathology.

2 THE COURT: Any voir dire?

3 MR. BELL: Yes, Your Honor.

4 VOIR DIRE EXAMINATION

5 BY MR. BELL:

6 Q Dr. Ross, throughout your extensive education in
7 medical school you learned at least some facets of
8 pharmacology; is that accurate?

9 A Some, yes.

10 Q And you learned the interaction between some
11 pharmacological compounds and the human body?

12 A To an extent, yes.

13 Q And that includes things like toxins, drugs, things of
14 that manner, and how they interact with the human body?

15 A To an extent, yes.

16 Q And part of your training and forensic pathology is to
17 determine if a body does have any substances which may have
18 contributed to the death in any manner?

19 A We -- during the course of the autopsy we obtain fluids
20 for the purpose of toxicology, but I am not a toxicologist
21 and I cannot always interpret the results.

22 Q You cannot always interpret the results, but you are
23 trained to determine if a substance inside of the body could
24 have contributed to someone's death?

25 A I can identify some symptoms that the drugs may cause,

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1 yes.

2 Q Symptoms.

3 MR. BELL: No objection, Your Honor.

4 THE COURT: She's recognized as an expert in the field
5 of forensic pathology. You may continue.

6 MS. PATTERSON: Thank you, Your Honor.

7 BY MS. PATTERSON:

8 Q Dr. Ross, in August of 2018, did you perform an autopsy
9 on Corey Jamison?

10 A Yes.

11 Q And can you tell us the specific date that you
12 performed this autopsy?

13 A August 27th, 2018.

14 Q And did you make a report regarding your findings of
15 this autopsy?

16 A Yes.

17 Q And where did this autopsy take place?

18 A In the morgue at the Newberry County Memorial Hospital.

19 Q And in performing an autopsy, what is the first thing
20 that you do?

21 A We receive the patient in a body bag. So we identify
22 the fact that it's locked or not locked, this one was
23 locked, with a seal. Then we open the body bag and we take
24 photographs of the patient if he's clothed, and then
25 unclothed. And we identify any external injuries before we

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1 look internally to the internal injuries.

2 Q And did you, in fact, take pictures during this
3 autopsy?

4 A Yes.

5 Q And would these pictures assist you in your testifying
6 before this jury?

7 A Yes. I also may add, in this case where there was a
8 gunshot wound, we did an x-ray to identify whether or not
9 there were pieces of lead still in him, portions of the
10 bullet.

11 Q Dr. Ross, I'm going to show you what has been
12 previously marked as State's Exhibits 45 through 49.

13 MS. PATTERSON: And I've shown these to the defense,
14 Your Honor.

15 Q Dr. Ross, do you recognize those photographs?

16 A Yes.

17 Q And what do you recognize those photographs to be?

18 A They're photographs of Corey Jamison at the time of
19 autopsy. I took the photographs.

20 Q And do they fairly and accurately represent the
21 photographs that you took when you performed Mr. Jamison's
22 autopsy on August 27th, 2018?

23 A Yes.

24 Q Do they look like they've been changed or altered in
25 any way?

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1 A No, they have not.

2 MS. PATTERSON: Your Honor, at this time we move
3 State's Exhibit 45 through -- into evidence, 45 through 49.

4 MR. BELL: No objection.

5 THE COURT: Mark 45 through 49 into evidence, please,
6 sir.

7 (The photos were received as State's 45-49.)

8 Q Now, Dr. Ross, you talked about that you observed or
9 performed an external examination of Mr. Jamison?

10 A Yes.

11 Q What, if anything, did you observe when you first
12 looked at him?

13 A I found evidence of some blunt force injury and
14 possible scrapes of the skin from a possible sharp edge
15 along with a gunshot wound.

16 Q Okay. And let's first talk about that gunshot wound.
17 Where was it located on Mr. Jamison's body?

18 A The entrance wound was in the right lower abdomen near
19 the pelvis, and the exit wound was in the left buttock. So
20 the bullet -- bullets go straight -- the bullet went front
21 to back, slightly downward and right to left.

22 Q That's front to back -- I'm sorry, what else did you
23 say?

24 A Downward and right to left.

25 Q And what part of the body was damaged as a result of

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1 this bullet entrance?

2 A Internally there were a lot of blood vessels and
3 probably nerves that were damaged inside the pelvis, the
4 blood vessels, main blood vessels that go to the legs along
5 with the nerves.

6 Q And you stated there was an exit wound?

7 A Yes.

8 Q And again, where was this located?

9 A In the left buttock.

10 Q And did your x-ray reveal any particles or anything
11 left inside Mr. Jamison's body?

12 A No, there were none.

13 Q And next you explained that you saw some injuries to
14 his body?

15 A Yes.

16 Q With respect to -- I'm going to show you State's
17 Exhibit -- I'll kind of go out of order a little bit --
18 State's Exhibit 46. And Dr. Ross, what are we looking at in
19 this photograph?

20 A The front part of the palm of the right hand and the
21 right wrist.

22 Q And what is that on his wrist?

23 A Well, there's several little red areas that are
24 superficial wounds that could have been made from something
25 like a fingernail or a point of some kind of sharp

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1 instrument.

2 Q And Dr. Ross, what are defensive wounds?

3 A Defensive wounds are what we refer to as what they
4 sound like. If somebody is trying to defend themselves and
5 they put their arms up, for instance, then they might get
6 hit in the arms or the hands by whatever is coming at them.

7 Q And are these injuries consistent with being defensive
8 wounds?

9 A They are consistent, yes.

10 Q And are these injuries fresh?

11 A Yes.

12 Q And let me show you what has been marked as State's
13 Exhibit 48. And what are we looking at in State's 48?

14 A A similar wound, very superficial in the back of the
15 right hand.

16 Q And is this consistent with being a defensive wound?

17 A Yes.

18 Q And does this injury appear to be fresh?

19 A Yes.

20 Q And State's 49. Where is that injury located?

21 A It's in the left chest, which you see there is the left
22 nipple, and towards the middle of the body is this red
23 linear mark like a scratch abrasion.

24 Q And can you tell what type of object would be
25 consistent in causing that injury?

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1 A Again, not specifically, but it could be something like
2 a fingernail or the edge of a sharp instrument.

3 Q And Dr. Ross, what do you mean when you say blunt force
4 trauma or blunt force injury?

5 A When we refer to blunt force injuries of a person
6 either being hit by something or falling and hitting a
7 surface. The blunt force injury will cause a laceration,
8 which is a split in the skin, as opposed -- and we can
9 identify them a little bit differently as opposed to a sharp
10 force instrument caused by a knife or a piece of glass,
11 anything that's sharp.

12 Q And I'm going to show you State's Exhibit 47. Does
13 your report note where that injury is on Mr. Jamison's body?

14 A Yes. That's a laceration on the right side -- right
15 front of the scalp.

16 Q And what is a laceration?

17 A A laceration is a split of the skin caused by blunt
18 force injury.

19 Q So that injury is consistent with being caused by a
20 blunt force instrument.

21 A Correct.

22 Q And Dr. Ross, what is a hemorrhage?

23 A Hemorrhage is just blood coming out of the tissue,
24 because blood vessels have been cut or opened up.

25 Q And what do you usually find with respect to head or

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1 face injuries? Do you usually find a lot of hemorrhaging?

2 A Well, if the blood is circulating the heart is still
3 going. There's a lot of -- blood in the soft tissue is
4 under a lot of pressure in the head especially, so it seems
5 to bleed quite a bit.

6 Q With respect to this injury on Mr. Jamison, did you
7 find a lot of blood?

8 A No.

9 Q And what does that indicate to you?

10 A That it could be right at the time of death or maybe
11 after the time of death.

12 Q And State's Exhibit 45. And where is this injury
13 located on Mr. Jamison's body?

14 A That's in the right to mid-forehead.

15 Q And I know the way we're looking at it it looks like --
16 well, how many injuries does this appear to be to you?

17 A It appears to be two continuous wounds made by something
18 that maybe has a little bit of an arch shape, a little bit
19 of a circle. But it's a blunt force injury.

20 Q And Dr. Ross, I left a pointer up there. If you can
21 point out to the jury how you're able to distinguish that it
22 may have been two injuries.

23 A There is this circle and this circle. If it's made by
24 one instrument, then the instrument would be maybe the shape
25 of an eight, or it could be two consecutive wounds made by

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1 something that's slightly circular.

2 Q So it can be two consistent wounds made by the same
3 instrument?

4 A Yes.

5 Q And did you notice a lot of hemorrhaging around this
6 injury on Mr. Jamison's body?

7 A No. And neither one of these had underlying fractures
8 or hemorrhage in the inside of the skull.

9 Q So you didn't find any fractures on Mr. Jamison?

10 A No.

11 Q And again, I think you talked about the shape of the
12 instrument that may have caused these injuries.

13 A Yes.

14 Q And what shape, again, did you say may be consistent
15 with having caused these injuries?

16 A Some edge that has a small circle or arch shape.

17 Q And would a gun be consistent -- the butt of a gun be
18 consistent with that type of object?

19 A It could be.

20 Q And can you explain what a contusion is?

21 A Contusion is just another word for a bruise.

22 Q Did you find any contusions on Mr. Jamison's body?

23 A There was a small one at the bridge of the nose right
24 sort of between the eyes, but it didn't have a specific
25 pattern to it.

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1 Q And Dr. Ross, in your expert opinion, what would be the
2 manner of -- what would be the cause of death for Mr.
3 Jamison?

4 A Exsanguination, which means to bleed out due to
5 laceration of blood vessels due to the gunshot wound of the
6 abdomen and pelvis.

7 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

8 THE COURT: Yes, ma'am.

9 (Break in proceedings.)

10 Q Dr. Ross, are you able to determine a time frame in
11 which if someone sustained the type of injuries that Mr.
12 Jamison sustained, the time frame in which it would have
13 taken him to die?

14 A Not specifically. But is this kind of wound, if he was
15 only bleeding out, he would be able to speak for maybe up to
16 30 seconds or 45 seconds, up to a minute. And depending on
17 what nerves were involved, he may have been able to walk,
18 but if he had nerves involved then he would probably
19 collapse.

20 Q So if this gunshot hit a nerve, he could have possibly
21 collapsed?

22 A Yeah. The major nerves going down in that area to the
23 legs allow them to make them move.

24 MS. PATTERSON: Thank you, Dr. Ross. Please answer any
25 questions that the defense may have.

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1 THE COURT: Cross examination?

2 CROSS EXAMINATION

3 BY MR. BELL:

4 Q Good morning, Dr. Ross.

5 A Good morning.

6 Q Before I forget, you said someone could collapse if a
7 nerve was hit. Was a nerve hit in Mr. Jamison?

8 A That whole area of -- the nerves run along with the
9 blood vessels, and there was tearing of all of those
10 structures, yes.

11 Q So you were actually able to observe nerves that had
12 been hit?

13 A Yes.

14 Q Was that notated in your report?

15 A No.

16 Q Is this the first time that you have talked about that?

17 A No.

18 Q When did you talk about it before this?

19 A To the prosecutor.

20 Q To the solicitor's office?

21 A Yes.

22 Q But outside of the report that you wrote and turned
23 over to the defense?

24 A Not with the defense, no.

25 Q So we've got new information today. So let's talk

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1 about some more of it. Anytime the State says it's
2 consistent with, you're not saying that's how it actually
3 happened, right?

4 A Correct.

5 Q You're saying that that is one possibility out of
6 possibly thousands of possibilities that would be consistent
7 with the body that you examined in the autopsy.

8 A I wouldn't say thousands, but --

9 Q Hundreds?

10 A Probably not.

11 Q How many different items can make a fingernail style
12 scratch on the body?

13 A Oh, you're talking specific items? Yeah, there could
14 be thousands.

15 Q Sure. At any point you were made aware that the victim
16 may have been the aggressor in this case that led to his
17 demise?

18 A The history that I got was just that he was shot.

19 Q No information that he may have been the person that
20 caused the altercation?

21 A Later going through the case with the court.

22 Q Okay. But again, that's not something reflected in
23 your report, it's not something that was made available to
24 you when you wrote your report, right?

25 A Correct.

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1 Q Now, let's talk about State's 46. Do you still have
2 that pointer, ma'am?

3 A Yes.

4 Q If you could, again, indicate what you first said were
5 scratches.

6 A These here; this, this, this. I think those are blood
7 spots. But these are superficial wounds of the skin.

8 Q Okay. And that is on the right hand or right forearm?

9 A Correct.

10 Q And you testified that that would be consistent with
11 something like defensive wounds from fingernails?

12 A That's one possibility.

13 Q And another thing it would be consistent with is if
14 that hand was choking a woman and that woman was clawing at
15 that hand to get it off of her throat, that could also cause
16 fingernail scratches like that, right?

17 A All I can say is it's consistent with a fingernail,
18 yes.

19 Q It's consistent with it. And State's 49. Again, you
20 said this appears to be some wound from possibly a
21 fingernail.

22 A Possibly.

23 Q And again, if this individual had his hand on the
24 throat of a woman and was holding a gun at her, this could
25 be a wound from the woman trying to struggle away from him?

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1 A That's one scenario.

2 Q One last one, State's 48. Again, we have another
3 scratch there on the back of the hand; is that accurate?

4 A Yes.

5 Q And this is again the right hand?

6 A Correct.

7 Q And if that hand was around the throat of a young lady
8 and she's trying to claw that hand off of her throat could
9 cause that kind of scratch consistent with it?

10 A That scratch has a right angle to it, so I wouldn't --
11 I don't think that represents a fingernail.

12 Q Okay. So what did you tell the State that you thought
13 that represented?

14 A Just a superficial wound.

15 Q Is that a defensive wound?

16 A It could be, yes, consistent with.

17 Q And it could also be someone clawing at his hand,
18 right?

19 A Well, like I say, it doesn't like look a fingernail
20 scratch to me.

21 Q You talked about, I think the State's word was these
22 injuries were fresh. Is that the word that was used?

23 A Yes. As opposed to having been -- having occurred like
24 a day before or something.

25 Q And you knew exactly where I was going there. So when

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1 you say fresh, you're not trying to say that these were
2 maybe right contemporaneous with his fatal injuries, right?

3 A Correct.

4 Q These could have possibly happened an hour before; is
5 that right?

6 A Sure.

7 Q Could have even happened two hours before?

8 A Well, could be, yes.

9 Q You just said they could be out to a day, right?

10 A I didn't say it could be out to a day. I said it --
11 for instance, it's not a day -- it did not occur a day ahead
12 of time. It could have been within minutes or hours, yeah.

13 Q I apologize, ma'am. But to be clear, you do believe it
14 could be even out to two hours before his death?

15 A Could be.

16 Q You also identified some bruising to the right hand or
17 wrist; is that accurate?

18 A The bruise was on the nose.

19 Q On the nose?

20 A Yes.

21 Q Do you have your report in front of you, Doctor?

22 A Yes, sir.

23 Q Under external examination of your report, do you
24 recall noting that there were a few abrasions over the right
25 interior wrist and posterior right hand?

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1 A Yes.

2 Q And are those the injuries that you've just reflected
3 to us?

4 A Yes.

5 Q But you didn't note any bruising yourself.

6 A No.

7 Q Okay. Is your testimony there was no bruising or you
8 just didn't observe any?

9 A I did not see any bruising of the hands or wrists.

10 Q I apologize.

11 A Or wrists.

12 Q Okay. And you indicated there is also a very, I guess,
13 faint bruise around the nose?

14 A Yes.

15 Q Did you make any determination what that was consistent
16 with?

17 A There was no pattern to it, so it could have been many
18 things.

19 Q And again, is that something that was fresh as you put
20 it, or the State put it?

21 A You can't age a bruise, so that one I don't know.

22 Q Okay. When you examined the body, was the nose broken?

23 A No.

24 Q And you've testified there were no fractures that you
25 could see, right?

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1 A Correct.

2 Q Does that include the skull around where the blunt
3 force trauma occurred?

4 A Correct.

5 Q And on the crown where the blunt force trauma occurred?

6 A Yes.

7 Q Any fractures to the cheek bones, any facial
8 structures?

9 A No.

10 Q Did you note any -- aside from where the gunshot wound
11 was located, did you note any internal hemorrhaging or organ
12 damage?

13 A No. Just the fresh free blood inside the abdomen, and
14 blood -- what we call retroperitoneum. The peritoneum is
15 like a Saran Wrap membrane that covers the inside wall, and
16 there was bleeding underneath that, meaning retro. So that
17 blood you can't measure because it's in tissue, but there
18 was 1400 CC's of free blood in the abdomen.

19 Q Any ribs broken?

20 A No.

21 Q No other blunt force trauma to the abdomen? Chest?
22 Just the items that you located on the head?

23 A Correct.

24 Q One of the first things that you said is bullets fly
25 straight; is that right?

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1 A Yes.

2 Q And that's always true, correct?

3 A Yes.

4 Q And you identified the gunshot wounds in this case as
5 being located in the groin and then exiting slightly at a
6 downward angle out of the buttocks; is that accurate?

7 A Yes.

8 Q So that would not be consistent with someone holding
9 their arms up in the air and being shot dead on?

10 A It's hard to position. You can position two people in
11 multiple ways to get that kind of angle of the shot.

12 Q Exactly. There's hundreds of possibilities, right,
13 could possibly lead to that trajectory?

14 A Yes.

15 Q And that would include someone ducking away from
16 someone holding a gun on them and firing?

17 A If that's position applicable, yes.

18 Q Now, aside from just doing physical examinations of the
19 body, we talked about in voir dire that you also pull
20 samples for toxicology, right?

21 A Yes.

22 Q And those samples are things you take into account with
23 trying to determine manner of death?

24 MS. PATTERSON: Objection, Your Honor.

25 THE COURT: Hold on just a moment.

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1 MS. PATTERSON: May we approach.

2 THE COURT: Yes.

3 (A bench conference was held.)

4 THE COURT: Ladies and gentlemen, there's a matter of
5 law I have to address, I need to ask you to step out to the
6 jury room. Don't discuss the case. Leave your notes here,
7 please.

8 (The jury left the courtroom.)

9 THE COURT: What did you want to ask Dr. Ross, Mr.
10 Bell?

11 MR. BELL: Thank you, Your Honor.

12 BY MR. BELL:

13 Q And, Dr. Ross, one of the reasons you send off for
14 toxicology is because you need to know if the substances in
15 the body may have been related to an overdose that could
16 have caused the victim to be deceased; is that right?

17 A If you have no other cause of death. But if you have a
18 blatant cause of death like in this case then we go ahead
19 and send the toxicology, but it doesn't necessarily reflect
20 the cause of death.

21 Q It doesn't necessarily reflect, but very often someone
22 can die from a primary contributing injury but you still
23 document other contributing factors, right?

24 A Yes.

25 Q And again, the reason you look at toxicology is to see

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1 are the levels in their system over what the threshold
2 amounts are that could potentially have led to overdose or
3 other irrational behavior?

4 A Well, an overdose in this case doesn't cause this much
5 hemorrhage, so -- besides whatever drug was in him, and I
6 don't have the toxicology with me. The cause of death
7 remains the same.

8 Q Were you made aware of the toxicology results?

9 A I don't have it in front of me.

10 Q But you were made aware of it?

11 A I may have been, I don't know.

12 Q Okay. Were you aware that he had THC in his system?

13 A I don't recall.

14 Q Were you aware that he had 30 times the threshold
15 amount for THC metabolite 11 hydroxy THC?

16 A I don't know.

17 Q Were you aware that he had 25 times THC levels over the
18 threshold in his body?

19 A I don't recall.

20 Q Were you aware that he had two and a half times the THC
21 metabolite for 11 hydroxy THC in his body?

22 A I don't recall.

23 Q And THC is something that can alter the mind based on
24 your training and experience?

25 A Yes. But the amount is -- I rely on toxicologists.

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1 Because basically THC is complicated with the metabolism and
2 tolerance of the patient, so I cannot identify the
3 symptomatology around that amount of THC.

4 Q So your position is the toxicologist would be the one
5 that talk about his altered state of mind from THC?

6 A Correct, yes.

7 MR. BELL: Okay. Thank you, Your Honor. Your Honor,
8 we'll withdraw the questioning from this witness.

9 THE COURT: All right. All right. If they're ready,
10 bring them back up.

11 (The jury returned to the courtroom.

12 THE COURT: You may continue.

13 MR. BELL: Thank you, Your Honor.

14 BY MR. BELL:

15 Q Dr. Ross, I want to make sure we're all on the same
16 page here. From your examination during the autopsy, how
17 many gunshot wounds did you locate?

18 A One.

19 Q And that is related to both the entrance wound on the
20 groin and then an exit wound on the buttocks?

21 A Correct.

22 Q So those two holes were connected from the same
23 projectile entering and then leaving the body?

24 A Correct.

25 MR. BELL: Thank you, Dr. Ross.

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1 THE COURT: Redirect?

2 MS. PATTERSON: No, sir, Your Honor.

3 THE COURT: Thank you, Doctor, you may step down.

4 MS. PATTERSON: Your Honor, we ask that this witness be
5 excused.

6 THE COURT: Any objection?

7 MR. BELL: None, Your Honor.

8 THE COURT: You are free to go, Doctor. How long is
9 your next witness?

10 MS. PATTERSON: Your Honor, actually the State is
11 resting.

12 THE COURT: All right. Ladies and gentlemen, in my
13 opening remarks to you I told you that when the State rests
14 I had to discuss legal issues with the attorneys outside of
15 your presence, this typically takes at least 20 minutes. So
16 what I need you to do is to leave your notes here, don't
17 discuss the case, we're going to send you back down to the
18 jury room and I'll get you back up here as quickly as I can
19 and we'll tell you how we go from here. Follow the bailiff,
20 please.

21 (The jury left the courtroom.)

22 THE COURT: We can go ahead and take a break, ten
23 minute break and then we'll hear your motions.

24 (A recess was taken.)

25 THE COURT: Okay. What are your motions?

1 MR. MYERS: Your Honor, our first motion we would want
2 to address is from the initial date regarding flight and
3 whether or not they should be entitled to argue evidence of
4 flight. Judge, we would renew our motion on the grounds
5 stated before. First of all, we do not believe that any
6 evidence of flight was ever suggested. What you heard
7 during in-camera testimony and also during the trial, that
8 Mr. Coburn was located the following date on August 25th of
9 2018, initially by Master Deputy Sharpe, and then Master
10 Deputy Sharpe put him in investigative detention in his car.
11 Investigator Burrell then came and questioned him. At no
12 time did they ever place him under arrest, at no time did
13 they tell him he was free to go, at no time did they tell
14 him to stick around. While they might have told him what
15 they are investigating, the case law is clear, I think that
16 was State versus Walker, that said that what distinguished
17 this case from Walker, the investigator there specifically
18 told Mr. Walker, "Do not leave, stick around," but yet he
19 left. Here you have none of that evidence. So there's no
20 nexus as suggested in Pagan, no nexus whatsoever between
21 him -- what happened on the 24th and him being located in
22 Arizona. All they said is that he was arrested in Arizona.
23 Investigator Burrell specifically did not know what went
24 down in Arizona, the marshals actually were the ones who
25 arrested him. All he can say is he was arrested without

1 incident and brought back to South Carolina. So we believe
2 that there's no evidence of guilt -- first, that there was
3 no flight. Secondly, if the Court finds that there was
4 flight, there's absolutely no nexus between the incident on
5 August 24th and him being in Arizona. So again, Your Honor,
6 we believe that the case law is pretty clear and strong on
7 that, and the testimony will reflect that the State should
8 not be allowed to discuss any sort of evidence of flight.
9 Thank you.

10 THE COURT: Solicitor, do you have anything?

11 MS. PATTERSON: Your Honor, it's the State's position
12 that Your Honor made the proper ruling in the case. The
13 nexus connection, Your Honor, he was repeatedly told that he
14 was a possible suspect in the shooting that had occurred on
15 August 24th, which was the previous night. He was
16 repeatedly told that he and his car had been identified as
17 possibly involved in a shooting. There is -- it's not a
18 high burden, Your Honor, for the State to have to prove this
19 nexus, Your Honor. Shortly thereafter the arrest warrants
20 were sought, Your Honor, they were put in the system. They
21 were unable to be served, Your Honor, even though these
22 types of warrants are immediately served due to the nature
23 of the crime. It is reasonable to believe that, Your Honor,
24 his location in Glendale, Arizona was related to the
25 information that he received from those officers that night

1 on August 25th multiple times, Your Honor. He was also told
2 that he could leave, because at that time we didn't have the
3 warrants, Your Honor. But we feel like there is a nexus to
4 him being located in Glendale, Arizona to the information
5 that he received at Rolling Meadows, Your Honor. There was
6 nothing to indicate, Your Honor, that he was in Arizona for
7 any other charges other than the one that he is currently on
8 trial for. And the State believes that Your Honor made the
9 proper ruling, and we would just ask that we be allowed to
10 argue flight. It's not like we're trying to get an
11 instruction, we know that would be improper and that is not
12 our intent at all to ask Your Honor to do so, but we ask
13 that we do be allowed to argue flight.

14 MR. MYERS: Your Honor, very briefly. If Your Honor
15 goes back to that in-camera hearing, the Court's ruling at
16 that time was based on more evidence than what was presented
17 at trial. Just because that evidence was presented during a
18 pretrial hearing does not relieve the State from having to
19 introduce that testimony at the trial. So we went through
20 two witness' testimony, we also went through the cell phone
21 dumps and all that during the in-camera testimony. But here
22 during its case in chief you didn't have any of that. All
23 you had was Investigator Burrell said he was arrested in
24 Arizona and that was the extent of it.

25 MS. PATTERSON: And, Your Honor, we also have testimony

1 from Master Deputy Sharpe indicating that he had repeatedly
2 told Jamal Coburn the reason that he was being detained and
3 his vehicle was being seized. He was told this multiple
4 times and that was presented in our case in chief. Also,
5 Your Honor, in the pretrial we also were able to get into
6 the fact that Mr. Coburn actually made a search on his phone
7 regarding the shooting incident at Riverbend right before he
8 encountered Master Deputy Sharpe.

9 MR. MYERS: Your Honor, two things. One, Master Deputy
10 Sharpe, what Ms. Patterson is arguing, is not the law.
11 Walker specifically said what distinguished that case from
12 this one is that the investigator told him to stick around,
13 stay around. And as far as what she argued regarding what
14 they got into, none of that was brought in in the case in
15 chief. So again, just because they talk about what he
16 searched, the WLT search and all that stuff in-camera, they
17 brought none of that up during the case in chief.

18 MS. PATTERSON: And, Your Honor, perhaps we will get
19 into that if his client testifies, we will be able to cross
20 him on that.

21 MR. MYERS: Judge, that's improper burden shifting.
22 They are trying to shift that burden to us because they
23 failed to meet that burden. The burden isn't on us, the
24 burden is on them.

25 THE COURT: What is your next motion?

1 MR. MYERS: Judge, our next motion is a directed
2 verdict motion in favor of Mr. Coburn. Judge, the Court
3 very well knows the law better than I can cite, but just for
4 the record, the defendant is entitled to a directed verdict
5 if the State fails to produce evidence of the offense
6 charged. Elements of murder, the intentional killing with
7 malice aforethought. There's been no evidence of either
8 express or implied malice. There's been no evidence of any
9 sort of aforethought. If you listen to the State's case and
10 you try and follow their theory, they want their cake and
11 eat it too. They first said that, "Oh, this was some type
12 of a plan necessarily for Mikhelle to have Jamal Coburn come
13 over." But repeated witnesses basically said that there was
14 no plan in that regard. Investigator Burrell even said that
15 he never felt there was a plan. The purpose of the car
16 dealer testifying and testifying about the GPS was simply to
17 show that when Jamal Coburn came over the car was still
18 running, almost suggesting that, "Hey, this was supposed to
19 be an in and out situation." He was going to come in, I
20 guess, and murder this man and move. But again, there was
21 no evidence of any sort of plan. There's no evidence
22 whatsoever of malice aforethought. Also as the Court has
23 heard we've asserted self-defense. There are four elements
24 of self-defense. The first, Mr. Coburn was not at fault for
25 bringing about the difficulty. Secondly, that he was in

1 immediate danger of his life or serious bodily injury. If
2 he believed, then a reasonable person with a like firmness
3 and courage would also believe the same. And third, there
4 was no other probable means for him to avoid the difficulty.
5 It is not on us to prove self-defense, it's on the State to
6 disprove self-defense. So even if he does not take the
7 stand, what evidence have they put forth to disprove the
8 elements of self-defense? I would respectfully suggest to
9 the Court that they've not done anything to disprove any of
10 the elements. They've not said anything about what did he
11 do to not bring on the difficulty. They did not try to show
12 anything that he would not have believed he was in imminent
13 fear, because each witness has testified that if they had a
14 gun pulled on them they certainly would have acted the same
15 way that Mr. Coburn would have reacted in that situation.
16 So at some point, Judge, they're even trying to put Mikhelle
17 and the victim on trial in this case. They're trying to
18 suggest, well if she brought this iron, or whatever, he
19 pulled a gun in self-defense for himself. But that might be
20 him, but they've not done anything to disprove the elements
21 of self-defense in regards to Jamal Coburn. So we believe
22 that the proper remedy at this point is a directed verdict
23 in favor of the defendant.

24 THE COURT: You don't need to respond to that unless
25 you want to?