

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Dec 18 2020

SC Court of Appeals

Appeal from Charleston County
R. Markley Dennis, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LEANDRA LAMONT BRIGHT,

APPELLANT

APPELLATE CASE NO. 2019-001960

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT #170 (VIDEO INTERVIEW).

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2016-GS-10-06523
	)	2016-GS-10-06524
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	ORIGINAL
	)	
Leandra L. Bright,	)	
	)	
DEFENDANT.	)	
	)	

November 12, 2019 to November 14, 2019

Charleston, South Carolina

B E F O R E:

The Honorable R. Markley Dennis, and a Jury.

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I N D E X

(SW) - DENOTES STATE'S WITNESS

(DW) - DENOTES DEFENSE WITNESS

(IC) - DENOTES IN CAMERA

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Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARK</u>	<u>ADMIT</u>
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25	Photo	6	112
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27	Photo	6	112
28	Photo	6	112
29	Photo	6	112
30	Photo	6	112
31	Photo	6	112
32	Photo	6	112
33	Photo	6	112
34	Photo	6	112
35	Photo	6	112
36	---	---	---
37	Photo	6	121
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40	Photo	6	121
41	Photo	6	121
42	Photo	6	121
43	Photo	6	121
44-45	---	---	---
46	Photo	6	121

<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARK</u>	<u>ADMIT</u>
47	Photo	6	121
48	Photo	6	121
49-54	---	---	---
55	Photo	6	121
56	Photo	6	121
57-61	---	---	---
62	Photo	6	121
63	---	---	---
64	Photo	6	131
65	Photo	6	131
66	Photo	6	131
67	Photo	6	125
68	Photo	6	125
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80	Search Warrant	6	125
81-82	---	---	---
83	Search Warrant	6	125
84	---	---	---
85	Search Warrant	6	125
86	Search Warrant	6	125
87	Search Warrant	6	125
88	Search Warrant	6	125

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARK</u>	<u>ADMIT</u>
89	Search Warrant	6	125
90	Search Warrant	6	125
91	Search Warrant	6	125
92	Search Warrant	6	125
93	Search Warrant	6	125
94	Search Warrant	6	125
95	Search Warrant	6	125
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARK</u>	<u>ADMIT</u>
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130	Photo	6	145
131	Photo	6	145
132	Photo	6	145
133	Photo	6	145
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C O U R T E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARK</u>
1	Jury Note	558

1 the evidence -- until the Court gives you instruction. And
2 that will come not before the end of the closing arguments and
3 then at the end of my charge. In fact, it's the last thing
4 I'll say to you.

5 But a very logical reason for you not to make a decision
6 is, while Mr. Bright has absolutely nothing to prove or
7 disprove, he still has the right, if he chooses to, to call
8 witnesses for your consideration. Doesn't have to. But if he
9 does, obviously you shouldn't jump to conclusions until you
10 hear all of the evidence. So that's another very just basic
11 reason to keep that open mind.

12 I look forward to trying this case with you. It's an
13 honor to serve with each one of you as a judge in this case.

14 And I thank you for your attention to my remarks. I ask
15 you to please give that same attention now to the attorneys as
16 they give their opening statements.

17 Solicitor, you may proceed.

18 MS. ELLIOTT: Thank you, Judge.

19 **OPENING STATEMENT BY MS. ELLIOTT:**

20 March 29th, 2016, it should have been an average Tuesday
21 night for Marissa Gadsden. She was a working mom. But on
22 that particular evening, she spent most of the night working
23 on her college homework and helping another one of her
24 classmates with a paper.

25 You know, a person has to work long hours to fit into the

1 day all the stuff that Marissa Gadsden gets done; but she was
2 managing. That night she put her son to bed, and her friend
3 had left a little before midnight to go back to her home. She
4 was a little restless so she spent some time cleaning up her
5 small house on Taylor Street in North Charleston.

6 At about 1:30, as she was finally trying to settle down
7 for bed, she heard loud voices outside. Now, it wasn't
8 unheard of for there to be small disputes on the street; but
9 she would describe her street as relatively safe. Everyone
10 knew everyone. Kids felt safe riding their bikes up and down
11 the street because everyone knew everyone.

12 So she was debating whether or not she should go out
13 there and tell them to stay quiet because she didn't want
14 anyone waking up her son.

15 She elected, instead, to go into her bathroom and take a
16 quick shower; maybe during that time whatever was going on
17 outside would calm down. But when she came out of the
18 bathroom a little before two o'clock, the voices hadn't
19 quieted down. The argument was still going on. She once
20 again debated, do I step outside and tell them to keep it
21 down.

22 She went to peek out her window, and just down the street
23 she saw a dark-colored SUV, not one she recognized from the
24 area, and just beyond that a champagne-colored Buick. It was
25 a Park Avenue.

1 And as she's watching, she sees a man in a red
2 sweatshirt. And he's arguing with the man that came from the
3 SUV. And they're going back and forth. But she can start to
4 hear what they're talking about. It didn't make a lot of
5 sense. It seems to be about a lighter. But she hears someone
6 say I am not arguing anymore. It sounds like it is over.

7 The men separate. The man who owns the SUV, he goes back
8 to his car and starts to get in. The man -- the man in the
9 red sweatshirt starts walking back. But he doubles back.
10 Comes to the driver's side door of the SUV. Pulls out a gun
11 and fires. He fires again and again and again. Then he turns
12 and runs back towards the Buick.

13 The man with the SUV, who is later identified as Arthur
14 Myers, who is known as Little A, even though he had been shot
15 three times he gets out of his SUV, brings his own gun and
16 tries to fire back.

17 Marissa Gadsden didn't want to witness a murder that
18 night. But that is what she saw. Now she's not going to be
19 able to come in here and say that she knows who the person in
20 the red sweatshirt was. She didn't have a good enough view of
21 his face. But what she did tell the police that night and
22 what she has said again and again and again is that the man in
23 the red sweatshirt walks up to the SUV and fired.

24 After emptying his revolver, Little A gets back in his
25 car and tries to flee for safety. He gets to Rivers Avenue

1 and turns right. Probably thinking he will head to MUSC for
2 help. But he doesn't make it. He gets about a block before he
3 loses control of his car and it crashes into a barbershop at
4 the corner of James Bell and Rivers Avenue. And it's there
5 that he succumbs to the bullet wound that severed the carotid
6 artery in his neck.

7 Police arrived on the scene at Taylor Street a short time
8 later, and they find something that you don't expect to find
9 at scenes like that. They find the killer's cell phone.

10 Because, you see, the man in the red sweatshirt was
11 running away; he slipped and he fell and he dropped his cell
12 phone. That cell phone identified the defendant, Leandra
13 Bright.

14 But who was the driver of the champagne Buick, the driver
15 that took the defendant away from the crime scene. Well, word
16 spread quickly that Little A had been shot, and people in the
17 community started gathering at a --- a repair shop at the
18 corner of James Bell and Rivers. And the police came up to
19 them and started talking to people, and they found Yolanda
20 Wilder in the crowd.

21 Now they knew they were looking for that champagne Buick.
22 Well, Yolanda Wilder-Stanley lives just off of James Bell; and
23 she'd been at her mother's house earlier in that evening and
24 she had seen a champagne Buick. She knew the driver of the
25 champagne Buick. It was Gage Frank, her neighbor.

1 She told the police about the champagne Buick and told
2 them where they could find it, in Pinecrest, which is a
3 neighborhood in the area of Rivers and McMillan Avenue.

4 So the police went to Pinecrest and they found the
5 champagne Buick and they found Gage Frank. They brought him
6 in to interview him.

7 And he did what you'd expect, he told some truths. He
8 also told some lies. And because of that, he was subsequently
9 charged with accessory after the fact.

10 But from that interview, they got some much-needed
11 information. They found out that the person in the red
12 sweatshirt was Leandra Bright, Gage Frank's roommate.

13 When detectives were searching that white Samsung phone
14 that was dropped by the shooter in the red sweatshirt while he
15 was running from the scene, they found a phone number
16 associated with it. And that phone number was associated with
17 Leandra Bright. But that wasn't all they found on that phone.
18 They also found selfies, selfies of Leandra Bright on his
19 phone.

20 Now, when the defendant was located and arrested, they
21 brought him in for an interview as well. And he also did the
22 truths thing, he told a little bit of truths and a whole lot
23 of lies.

24 But what he didn't know in that interview room was that
25 there had been an eyewitness. Because when he was asked what

1 he was wearing that night, he told those detectives: I was
2 the one out there in a red sweatshirt.

3 During this trial, you will hear from Marissa Gadsden and
4 Gage Frank and many other witnesses. And I will ask you that
5 while you are listening to their testimony, I want you to
6 listen for corroboration in what they say and how that
7 corroboration corroborates one another and how the physical
8 evidence corroborates what they tell you happened out there
9 that night.

10 Because once you've heard the testimony, seen the
11 evidence, and weighed the corroboration, I am confident that
12 you will know beyond a reasonable doubt that the man in the
13 red sweatshirt who approached Little A's SUV in the early-
14 morning hours of March 30th, 2016, was the defendant, Leandra
15 Bright, and that you will return the only just verdict in this
16 case, a verdict of guilty to murder and possession of a weapon
17 during a violent crime.

18 THE COURT: Thank you, Solicitor. Mr. Hales?

19 MR. HALES: May it please the Court?

20 THE COURT: Yes, sir.

21 **OPENING STATEMENT BY MR. HALES:**

22 Good afternoon, ladies and gentlemen. I introduced
23 myself earlier. My name is Kevin Hales, and it is my
24 privilege and honor to represent Mr. Leandra Bright who is
25 charged in this matter. And seated at the table with me, as I

1 introduced earlier, is Michael Nelson.

2 Now, the State has given you their version of what
3 happened that night. And that's exactly what it is, that is
4 their version. And to be honest, there are things in that
5 version that we don't contest. Mr. Bright was there,
6 absolutely. He was wearing a red sweatshirt, absolutely. His
7 cell phone was found there, absolutely. He's never denied any
8 of that. But through testimony and cross-examination you'll
9 start to hear our version of what happened, our version of the
10 events of that evening.

11 Now, Judge Dennis did a great job of sort of outlining
12 some of the applicable law in the case earlier. And he's
13 going to charge you again with the applicable law in the case.
14 And if I say anything different from what he's going to tell
15 you later on, obviously he is the final word as far as the
16 legal portion of the case, what the law is. But I've heard
17 Judge Dennis' charge a few times, and I've got a pretty good
18 idea of what he's going to tell you. And so there are some
19 things that I want you to keep in mind throughout this trial
20 as you listen to the testimony of the witnesses.

21 He spoke briefly about reasonable doubt. And I know
22 we've all seen legal procedures on television and movies, et
23 cetera, and we've all heard the term reasonable doubt. And as
24 he stated, it's the kind of doubt that would cause a
25 reasonable person to act.

1 Well, what exactly does that mean? Well, to me that
2 means that if you hear testimony, you see evidence, you're
3 thinking about it, and you're hesitating as to whether or not
4 to return a verdict, you can't return that verdict. To me,
5 that's what reasonable doubt means.

6 He also stated that your verdict has to be unanimous.
7 That means that when there's twelve of you left, after the
8 alternates are excused or made a part of the jury, that you're
9 all going to have to agree as to what the verdict is. The
10 verdict has to be unanimous.

11 Also, he stated we have no burden as the defense. And
12 that is one hundred percent correct. In fact, there is a --
13 there's an old image in the law where people describe the
14 defendant as sort of being cloaked in innocence. And you can
15 think about it that way, like it is actually a physical cloak
16 that he wears throughout the trial, and it is up to the State
17 to remove that cloak through their testimony and through their
18 evidence. That's their burden. And they have to meet that
19 burden. That's your duties as a jury.

20 Now, as I stated before, your verdict has to be
21 unanimous. But you each have your own vote. You each have to
22 be convinced beyond a reasonable doubt. You need to have
23 convictions in your vote. If you personally are not
24 convinced, then you cannot return a verdict of guilty.

25 And you were chosen. You came up. We heard you

1 downstairs, where you work, where your spouse works. We had
2 some information about you. You guys were chosen because we
3 trust you to make a correct decision in this case.

4 Now, you're going to hear from witnesses. And this is --
5 this is a really important thing I want you to remember, as
6 the judge was talking about the credibility of the witnesses:
7 Are they believable, what do -- what did they bring to the
8 table, what did they see, how clearly were they able to see
9 it, what did they hear, how clearly were they able to hear it,
10 what reasons do they have to be here, what -- if they're
11 testifying a certain way is there a reason why they're
12 testifying that way.

13 Keep all of that in the back of your mind as you're
14 listening to their testimony; because that's what it comes
15 down to, whether or not you believe them.

16 The last thing I want to tell you, that obviously it is a
17 tragedy that Mr. Myers was murdered. It is a tragedy any time
18 anyone is murdered. And this is certainly a tragedy.

19 But do not compound that tragedy by wrongfully convicting
20 Mr. Bright. And at the conclusion of the trial we're going to
21 ask you to return a verdict of not guilty. Thank you.

22 THE COURT: Thank you, Mr. Hales.

23 You may call your first witness, solicitor.

24 MS. ELLIOTT: The State calls Marissa Gadsden.

25 [Whereupon, Ms. Gadsden comes forward]

1 THE CLERK OF COURT: I'm going to ask that you place your
2 left hand on the Bible and raise your right hand.

3 [Whereupon, Ms. Gadsden is duly sworn by the clerk of
4 court]

5 THE CLERK OF COURT: Please be seated.

6 [Whereupon, the witness takes the witness stand]

7 THE CLERK OF COURT: Now, for the record, please state
8 your full name, spelling your last name.

9 THE WITNESS: Sharika Marissa Gadsden. The last name is
10 spelled G-A-D-S-D-E-N.

11 MS. ELLIOTT: Good afternoon, Ms. Gadsden.

12 THE WITNESS: Good afternoon.

13 MS. ELLIOTT: I'm going to have to ask you to speak up a
14 little bit louder. The mike is not quite picking you up. We
15 want to make sure that everyone can hear you. Okay?

16 THE WITNESS: Uh-huh.

17 MARISSA GADSDEN, Having Been First Duly Sworn, was Examined
18 and Testified as Follows:

19 **DIRECT EXAMINATION BY MS. ELLIOTT OF MARISSA GADSDEN:**

20 Q. Ms. Gadsden, I want to talk a little bit about your
21 background. Where are you from?

22 A. I was adopted here in South Carolina by my parents. My
23 original family is from Trinidad, Tebago. My grandfather was
24 born in Niece, France.

25 Q. And how old are you?

1 A. Thirty-five -- oh, thirty-four. Excuse me. I am sorry.
2 Thirty-four.

3 Q. Don't want to add a year to that?

4 A. No.

5 Q. And are you currently employed or going to school?

6 A. I am both.

7 Q. And what type of work do you do?

8 A. I work in a factor, and I'm also finishing my second
9 degree in college. I do an internship at Goodwill, helping
10 veterans.

11 Q. And in 2016 where were you living?

12 A. Taylor Street.

13 Q. And how long had you been living in Taylor Street?

14 A. Four or five years.

15 Q. Who all lived with you at your house on Taylor Street?

16 A. My son and her boyfriend.

17 Q. And does your son have any special needs?

18 A. Yes. He's autistic.

19 Q. And how old was he when he was diagnosed?

20 A. He was small. He was about maybe a year. He just was
21 doing little things, you know. He sat by himself. Just doing
22 things. Taking things apart and putting things back together.
23 So I took him into MUSC and I had him diagnosed to see if
24 anything was wrong with him, like if he had any learning
25 delays.

1 Q. So the house on Taylor Street is the only house that he's
2 known?

3 A. Yes.

4 Q. And were you home the evening of March 29th into the
5 early-morning hours of March 30th?

6 A. I was.

7 Q. What were you doing that night?

8 A. I was --- one of my friends was at the house with me. I
9 had just started nursing school, and I was writing a paper.

10 Q. And what was your friend doing?

11 A. She actually came over to talk to me. She was supposed
12 to be writing -- she wrote a paper on English, and I was
13 helping her correct the paper. And she really wanted to come
14 and talk to me about some stuff about her mom. Her mom was
15 going through some stuff that night, so she wanted to talk to
16 me about helping out her mom or something.

17 Q. And was your son or anyone else home with you that night?

18 A. It was just my friend; but she left, and it was just my
19 son.

20 Q. And about how old would your son have been in 2016?

21 A. Seven or eight. Or maybe six or seven around that time.
22 He was little.

23 Q. What time did your friend leave?

24 A. I want to say around maybe 11:30 or 12:00, somewhere
25 around there.

1 Q. And was your son awake or in the bed when she left?

2 A. He was -- he was already passed out. He was playing with
3 her, so he ended up passing out that night. Yeah.

4 Q. And so after she left and when your son -- I don't think
5 I asked you. What's your son's name?

6 A. Markel.

7 Q. After your friend left and Markel was in bed, what did
8 you do?

9 A. I actually dozed off. And then I got up and started
10 cleaning up the house. And I autism as well. Sometimes when
11 I can't sleep I start tearing up stuff in the house, cleaning
12 up stuff. After I dozed off, I went and took a shower.

13 Q. Before you got in the shower did you hear anything out of
14 the ordinary?

15 A. At first, no. I thought it was just the TV or the fan in
16 the house. And I just heard a lot of argument outside. I
17 figured, you know -- it was spring break, if I remember, I
18 believe. And a lot of parties and stuff going on that night,
19 so it's not unusual for there to be a lot of noise.

20 Q. So hearing that noise, did you go outside and look or
21 check for anything?

22 A. I was going to go outside. But then I just peeked
23 through the window and I saw a lot of cars outside. And then
24 I ended up just, you know, saying, you know -- you know,
25 they're probably from down the street or around the corner and

1 so they probably are probably just parking and walking.

2 Because people do that all the time.

3 And I just went to go take a shower. And then when I got
4 out it was just more noise. So I figured, you know, it was
5 neighbors. But then when I looked outside, a lot of cars had
6 left except for two or three particular cars.

7 Q. Do you know about what time it was when you got into the
8 shower?

9 A. 12:30; maybe a little bit after that, 12:35. I'm not
10 sure.

11 Q. When you went to look out the window, do you know about
12 what time that was?

13 A. Maybe closer to 1:00. I'm not sure. It was some time
14 ago.

15 Q. When you looked out the window, what did you see after
16 your shower?

17 A. Two vehicles out there.

18 Q. Can you describe the vehicles for us?

19 A. One was a SUV and one was a sedan.

20 Q. Do you know what color or type of vehicle the SUV was?

21 A. The -- all I know, it was a dark color, it could have
22 been a Buick. I just know a lot about Buicks because my
23 family had lots of Buicks growing up and you just kind of
24 learn to identify them after a while.

25 So I believe they were Buicks, but all I knew at the time

1 was that it looked like one. But all I knew was it looked
2 like a dark SUV color.

3 Q. Okay. And were there any other vehicles out there?

4 A. There was that -- the sedan that was out there.

5 Q. Okay. Can you describe the sedan for me?

6 A. That was a Buick.

7 Q. Okay. Do you know what kind of a Buick?

8 A. It was -- at the -- that time, I didn't know if it was a
9 Sable or a Park Avenue. But I'm assuming it was a Park
10 Avenue, because my dad had one. So did my son's father. I
11 owned one. My cousin was a police officer, and he had one.
12 So ---

13 Q. And that was the body style it looked like, correct?

14 A. Yes.

15 Q. Do you know what color it was?

16 A. I thought it was like a champagne, like a -- like a tan
17 color, maybe.

18 Q. Can you describe for us kind of where those cars were
19 parked in relation to your house?

20 A. They weren't parked in front of my house. More so in
21 front of the neighbor's house. So across the street from my
22 house. They were parked more onto the far right-hand side --
23 or excuse me, the left-hand side. Like going down the street,
24 going down Taylor Street. So they weren't parked in front of
25 my house.

1 Q. Okay. And where your house is on Taylor Street, is it
2 towards the Rivers Avenue side of Taylor Street?

3 A. When I was staying on Taylor ---

4 Q. Yes.

5 A. --- was it -- yeah, it was more on the Rivers -- the
6 whole thing is Rivers Avenue. Isn't it?

7 Q. And those cars, which car was in front of which car? Was
8 the SUV in front of the Buick or was the Buick in front of the
9 SUV?

10 A. The SUV was in front of the Buick.

11 Q. Could you see anyone out there by the vehicles?

12 A. At first I didn't notice because I just kind of like
13 peeked out, because I didn't know if it was just people
14 walking up and down the street that was talking loud. But
15 there were from what I saw, maybe two individuals standing
16 outside talking to each other at that time.

17 Q. As best you can -- well, you said talking. Were they
18 talking or were they arguing?

19 A. Arguing, it sounded like.

20 Q. Could you make out what they were saying?

21 A. At first I didn't, because I was going around the house
22 cleaning. But it seemed like the argument got louder. So I
23 was not certain until I just thought about it, until the
24 police came in, like what they were arguing about. I thought
25 I was mistaken at first, but it sounded like they were arguing

1 about a lighter.

2 Q. Could you tell what either of the people were wearing?

3 A. The guy in the SUV, white tee-shirt, maybe a white beard.
4 And the person from the Buick, maybe a red hoodie or an orange
5 hooded, maybe a sweatshirt.

6 Q. Aside from the two men who were arguing outside the
7 vehicles, did you see anyone else out there?

8 A. Outside the car? No. Inside the vehicle, possible I saw
9 one.

10 Q. Okay. And which vehicle did you think you saw someone
11 else there?

12 A. The Buick.

13 Q. Okay. And can you describe the person that you thought
14 you saw in the Buick?

15 A. I couldn't see his face. I didn't see anybody's face
16 that night. All I could see is that he looked like he was
17 Caucasian.

18 Q. So you see two men -- two men outside of the SUV and the
19 Buick, and they're arguing. What happens then?

20 A. I turn my attention to my son. Because the argument got
21 so loud that he told me to turn the TV down. And that was
22 just the thing. The TV wasn't even on. I ended up turning it
23 off that night before I went to bed. And that is how I knew
24 it got louder. But ---

25 Q. So the men are arguing and it's getting louder. What

1 happened after that?

2 A. It just -- it just -- it went on for about maybe twenty
3 or thirty minutes.

4 Q. Okay.

5 A. It just -- the argument went on. And I went -- because I
6 could barely see, because I had so many boxes stacked up in
7 front of my window. I was donating a bunch of clothes and
8 baby clothes and stuff to the Goodwill and Thrift Store. A
9 lot of stuff was blocking my window.

10 And I -- you know, creeping out the window trying to see
11 what's going on. And I'm like --- the next thing I know they
12 just -- the argument just kind of exploded, and it got worse.
13 And this went on for maybe about twenty, twenty-five minutes.

14 Q. Okay. What happens next?

15 A. I saw the guy from the SUV just walk away. And the only
16 thing I could hear him say is I am not going to argue with you
17 anymore.

18 So I am like, okay, fine, then this is over. And as I am
19 about to pull out of the window, someone pulls out a gun and
20 fired three or four shots.

21 Q. Well, let me ask you this. The man with the SUV, you
22 said he walked away. Where did he walk to?

23 A. To his vehicle.

24 Q. What was he doing at his vehicle?

25 A. What was he doing?

1 Q. Uh-huh.

2 A. His door was open, so I'm assuming he was getting in his
3 vehicle.

4 Q. Did you see him get in the vehicle?

5 A. I saw him lean as if he was to get into the vehicle. I'm
6 not sure if I saw him get in the vehicle. But I did saw him
7 lean into the vehicle.

8 Q. Did you ever see him seated in the driver's seat?

9 A. Yes.

10 Q. And when he's sitting in the driver's seat, what's the
11 person in the red sweatshirt doing?

12 A. He walked up to the vehicle.

13 Q. And what did you see him do?

14 A. I saw him fire three or four shots.

15 Q. In what direction?

16 A. The left side of the vehicle into the car.

17 Q. After the man in the red sweatshirt fired three or four
18 shots, what did he do?

19 A. The young man in the black SUV retaliated the shots.

20 Q. What do you mean by retaliated the shots?

21 A. He fired a shot back.

22 Q. So when the man from the SUV fired back, where was the
23 man in the red sweatshirt?

24 A. Running.

25 Q. Where was he running towards?

1 A. The SUV -- excuse me, the sedan.

2 Q. Do you know about how far these cars were from you when
3 you were seeing them?

4 A. From my -- from the house that I was staying at ---

5 Q. Yes.

6 A. --- or from each other?

7 Q. From you and the house that you were in.

8 A. Probably -- feet-wise? About the length of a street.

9 They could have been fifty, sixty feet away.

10 Q. Could you tell anything about the person in the SUV's
11 reaction when the man in the red sweatshirt walked up to him?

12 A. Like he was getting in the car. I guess he just kind of
13 turned around, and the shots were fired at him. But after the
14 shots were fired, he fired back. He got into the vehicle.
15 And his light came on in the car, and he was covered in blood.

16 Q. Could you tell in what direction the man in the SUV was
17 firing?

18 A. What direction?

19 Q. Uh-huh.

20 A. Well, he got out of the car and fired to his left. Both
21 the vehicles were parked towards Rivers. You're firing to his
22 left, so.

23 Q. When he was firing, in relation to his -- the SUV, where
24 was he standing?

25 A. When he was firing, he was standing -- when he fired, he

1 was -- he fired out of the car. He got out of the car and
2 fired back.

3 Q. So he stayed by his SUV?

4 A. Yes.

5 Q. Now, I think you've already touched on this. Well, and I
6 actually don't know that I've asked you this. You said you
7 saw three people out there. Could you tell the genders of the
8 people out there?

9 A. Well, I assume they were two males arguing. But the
10 third person I really couldn't see in the car. I assume it
11 was a male. He's Caucasian. But ---

12 Q. And were you able to see any of these men's faces?

13 A. Absolutely not. No. It was completely dark. And at
14 that time we didn't have cameras and lights on that street
15 like how we do now.

16 Q. And so you don't know who any of these men were?

17 A. Oh, no. Absolutely not. No.

18 Q. And if I asked you who killed Arthur Meyers that night,
19 you don't know who that would be?

20 A. No, ma'am. I just know that after he -- after he was
21 shot, I wanted to go outside and help him, because that's what
22 I was going to school for, to save people. Well, since that
23 night, no sympathy intended, I dropped out of nursing school
24 because I felt like I could not save one.

25 Q. Well, did the man who was shot, did he stay on the scene

1 after he was shot?

2 A. No. He was holding his neck the whole time. And all I
3 saw was the right side of his body. It was covered in blood.
4 But he must not have been left-handed, because he was holding
5 his neck the whole time as he was trying to hold the wheel as
6 he drove off.

7 Q. So he drove off. Do you know -- could you see where he
8 drove off towards?

9 A. Well, because they were parked towards Rivers Avenue,
10 they went straight out towards Rivers.

11 Q. After seeing this, what did you do?

12 A. I had to take a moment, because I ended up having an
13 asthma attack. You know, delivering babies and stitching up
14 kids who fall off a bike, you know, that's different from
15 watching someone be shot.

16 I grew up in a household of police officers, so I didn't
17 know the reaction that that would have. And I ended up having
18 a panic attack; which wasn't a panic attack, it was an asthma
19 attack.

20 And I was on the phone when I picked up the phone and
21 called the police station.

22 Q. And while you were on the phone -- did you call the
23 police station or 911?

24 A. 911.

25 Q. And while you were on the phone with 911, did you hear

1 anything else out of the ordinary?

2 A. It was real strange because when I was on the phone, it
3 sounded like a wrecking ball was going through something. I
4 thought somebody was demolitioning late at night.

5 So I'm on the phone, and I'm like what is -- like I'm
6 listening to all this noise, and it sounded like a crash. It
7 was so loud I could hear it from the house that I was staying
8 at on Taylor Street.

9 MS. ELLIOTT: Your Honor, may I -- may I approach the
10 witness?

11 THE COURT: Yes, you may.

12 Q. Ms. Gadsden, I want to show you what's been marked for
13 identification purposes as State's Exhibit 7. Do you -- do
14 you recognize the area that that map depicts?

15 A. My house, right here on this.

16 Q. Okay. And what street is that?

17 A. This is Taylor Street right here.

18 Q. And ---

19 A. Where I was staying.

20 THE COURT: Keep your voice up, ma'am. I'm sorry. I
21 couldn't hear you.

22 THE WITNESS: I'm sorry, sir?

23 THE COURT: Just keep your voice up, please.

24 THE WITNESS: Oh, I apologize.

25 THE COURT: That's okay.

1 THE WITNESS: I'm sorry.

2 A. This is Taylor Street where I was living.

3 Q. Okay. And are you familiar with that area?

4 A. I'm not familiar. I -- when I was staying on Taylor
5 Street, I really kind of just stayed to myself. I ---

6 Q. But you can say that that's a map of Taylor Street?

7 A. Yes, I could.

8 Q. And the surrounding street?

9 A. I could.

10 Q. And you can identify your house on there?

11 A. Yes.

12 MS. ELLIOTT: Your Honor, at this time the State would
13 move in State's Exhibit 7.

14 THE COURT: Any objection?

15 MR. HALES: No, Your Honor.

16 THE COURT: Without objection, State's -- seven?

17 MS. ELLIOTT: Yes, Your Honor.

18 THE COURT: Seven is admitted.

19 [Whereupon, State's Exhibit Number 7 is admitted into
20 evidence by the Court]

21 Q. All right. I am going to put this so that it shows up on
22 this screen and that one. Okay?

23 A. Okay.

24 Q. All right. Ms. Gadsden, so the screen in front of you,
25 you should be able to touch it and it'll make a mark.

1 Can you show us where Rivers Avenue is on this map?

2 A. Here [indicates]? There [indicates]? I'm sorry, it was
3 bigger last time I saw it.

4 Q. You can take as much -- if I need to zoom in on the area,
5 I can.

6 A. Okay.

7 Q. A little tighter. There is a bit of a glare too that I
8 am trying to get rid of.

9 [WHEREUPON, display adjusted]

10 Q. Can you see in general where your house on Taylor Street
11 was located?

12 A. [No response]

13 Q. Do you want me to flip it the other way so that you don't
14 have to turn your head?

15 A. Yes. But ---

16 THE COURT: You don't have a pen she could mark on the
17 picture?

18 A. I -- that's really hard to tell from this map. I'm
19 sorry.

20 Q. So if this -- this is Rivers Avenue, you said. And this
21 is Taylor Street [pointing]?

22 A. Yes.

23 Q. Okay. And so this appears to be a vacant lot. In
24 relation to that vacant lot ---

25 A. Thank you.

1 Q. --- where was your house?

2 A. Right here [pointing]. Right here [pointing]. That is
3 where I was, right there. Sorry.

4 Q. Okay. And can you mark on there where -- just in
5 general, where the cars were parked, where the SUV was parked?

6 A. Here. Right there [indicates].

7 Q. And just in general, where do you think that the Buick
8 was parked?

9 A. Right behind it. And leaving then a small gap behind it,
10 like maybe a few feet. Right there [indicates].

11 Q. And do you know, and you may not, what street that is
12 right there?

13 A. No. I'm sorry.

14 Q. Okay. Now, you mentioned calling 911; right?

15 A. Yes, ma'am.

16 Q. Can you tell us a little bit about how you were feeling
17 as you were talking to 911?

18 A. A little out of breath, frustrated, scared. I grew up
19 with, like I said, military and police officers in my family;
20 so I guess my family never brought that kind of stuff home so
21 we never really had to experience it.

22 Dad and stuff always kept military and police business
23 out of the house because it wasn't meant for our family.

24 So ---

25 Q. So then -- so it would be fair to say this was a pretty

1 traumatic experience for you?

2 A. Yeah. I have worked in ER wards.

3 Q. I am going to show you what's been marked for
4 identification as State's Exhibit 1. Have you seen this CD
5 before?

6 A. This is the first one that was -- I initialed when
7 District Attorney Ted Corvey was on, he had me initial that
8 the first time.

9 Q. So an attorney with our offices let you listen to this
10 before?

11 A. Yes, the introduction, yes, ma'am.

12 Q. And is this a copy of the 911 call that you made that
13 night?

14 A. Yes. It has my signature on it.

15 Q. And it's a fair and accurate copy of the phone call that
16 you made that night?

17 A. Yes, ma'am.

18 MS. ELLIOTT: Your Honor, at this time I would enter into
19 evidence State's Exhibit 1.

20 THE COURT: State's 1. Any objection?

21 MR. HALES: Yes, Your Honor, renew my earlier.

22 THE COURT: Other than the objection previously made, I
23 would find -- and I'll place on the -- the first break, I'll
24 place on the record additional reasons for allowing it.

25 You may -- it is introduced -- it's admitted, subject to

1 the objection of counsel.

2 MS. ELLIOTT: Thank you, Your Honor.

3 [Whereupon, State's Exhibit Number 1 is admitted into
4 evidence by the Court]

5 MS. ELLIOTT: Thank you, Your Honor. At this time, the
6 State would publish State's Exhibit 1.

7 THE COURT: Okay.

8 [Whereupon, State's Exhibit Number 1 is published for the
9 jury]

10 [Whereupon, publication is stopped]

11 Q. Now, Ms. Gadsden, the 911 call goes on a little longer,
12 right, with you helping -- trying to help give descriptions of
13 where this actually happened to 911; is that true?

14 A. That is true. Yes, ma'am.

15 MS. ELLIOTT: And remember to speak up a little bit more
16 so that everyone can hear you.

17 THE WITNESS: Yes, ma'am.

18 Q. And listening to that 911 call, you seem to be saying
19 that the man that was shot had to get out of the SUV. So he
20 was actually in the SUV when he was shot?

21 A. Yeah, he was pretty much seated in there.

22 Q. And when the -- I am worried that I may have made it a
23 little confusing. When the man in the red sweatshirt was
24 firing the gun, was he standing outside of the driver's-side
25 door or on the passenger side of the SUV?

1 A. It's the driver's side of the SUV.

2 Q. Is it fair to say that the men and their argument,
3 pretty much all of that happened on the driver's side of the
4 vehicle, ---

5 A. Yeah ---

6 Q. --- which would have been the side farthest from you?

7 A. Correct.

8 Q. You said you saw the SUV drive off. Would it have driven
9 right past your house?

10 A. Yes, it would have.

11 Q. Did you see the Buick Park Avenue drive off?

12 A. Both of them did. They both drove off.

13 Q. Did they pass -- did it pass it front of your house as
14 well?

15 A. That's correct.

16 Q. Could you see that it was a white male driving?

17 A. No. I definitely didn't see anybody driving it. I just
18 saw the car moving fast. And at that point I was ducking,
19 mostly.

20 Q. So from where you were, you couldn't get a perspective on
21 who was in what seat in the Buick Park Avenue?

22 A. No, ma'am.

23 MS. ELLIOTT: Court's indulgence.

24 THE COURT: Certainly.

25 MS. ELLIOTT: Ms. Gadsden, those are all the questions I

1 have for you at this time.

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

3 MR. HALES: Yes, Your Honor.

4 Good afternoon, Ms. Gadsden.

5 THE WITNESS: Good afternoon.

6 MR. HALES: My name is -- I'm sorry. My name is Kevin
7 Hales. I just have some questions for you.

8 THE WITNESS: Kevin Hales?

9 MR. HALES: Hales. H-A-L-E-S.

10 THE WITNESS: How are you doing, Mr. Hales?

11 MR. HALES: Doing well.

12 **CROSS-EXAMINATION BY MR. HALES OF MARISSA GADSDEN:**

13 Q. So, Ms. Gadsden, your testimony said it was really dark
14 out there?

15 A. It was in the middle of the night. It was very dark.

16 Q. Yes. And I believe you testified there were no
17 streetlights out there at that time?

18 A. There were streetlights out there, but none in that area.
19 Because when I first moved over there years ago I believe
20 there was an apartment over there; but then they destroyed
21 everything so it became a vacant, empty lot.

22 Q. Right.

23 A. So there were like a bunch of no-trespassing signs over
24 there, which is why I never parked my car over there. The
25 owner who owns that lot, I have seen him tow people's

1 vehicles. So I have never really parked over there.

2 Q. I got you.

3 So basically there was a big, open lot over there -- and
4 I believe now there's a -- there's something built over there;
5 is that correct?

6 A. Not in that lot, but next to it.

7 Q. Next door. Okay.

8 A. Yes.

9 Q. But at that point in time it was one big, huge, empty
10 space?

11 A. The whole is.

12 Q. And no streetlights over there?

13 A. There are now.

14 Q. Yes. So from your house, you were looking out of your
15 front window; correct?

16 A. It was a different window, yes.

17 Q. Did you have any blinds on your window ---

18 A. I did.

19 Q. --- or curtains? Okay. You had blinds?

20 A. Uh-huh.

21 Q. Okay. And I believe you testified you had some boxes in
22 the window as well?

23 A. They were like big containers full of like ---

24 Q. Yeah.

25 A. --- clothes. I had lost a lot of weight, so my -- and my

1 son had grew out of a whole bunch of stuff, so I had to get
2 rid of everything.

3 Q. So you are talking about like the plastic containers you
4 would buy ---

5 A. Uh-huh.

6 Q. --- and you would stack ---

7 A. Like the huge Ziploc containers with the lids on it.

8 Q. Gotcha.

9 A. Yes.

10 Q. So those were stacked up in front of the window as well?

11 A. Yes. Because when the police came, I had to remove --
12 put most of them in the kitchen so they could walk into the
13 house.

14 Q. And your lights were off, or were they on at the time?

15 A. When the ---

16 Q. When the events happened, were your lights on or off?

17 A. Huh-uh, they were off.

18 Q. They were off. Okay. So it was dark in your house as
19 well?

20 A. Absolutely.

21 Q. Okay. And this was very late?

22 A. Very late.

23 Q. And I believe you previously testified that at least in
24 the beginning you saw a bunch of cars outside?

25 A. There were. Because, like I said, it was spring break.

1 A bunch of people were having a good time. Even my friend,
2 she -- I don't know why she parked her car across the lot.
3 Even she parked her car across their lot. But she is a police
4 officer, so no one is concerned at that time.

5 Q. So there were some parties going on in the area?

6 A. Yeah. You know, ---

7 Q. People around?

8 A. --- people just getting together and they were having
9 cookouts and stuff. It was spring break.

10 Q. I gotcha. Okay. So there were people milling around?

11 A. Uh-huh.

12 Q. Okay.

13 THE COURT: Was that a yes?

14 A. Yes.

15 THE WITNESS: I'm sorry. Yes, sir. I'm sorry.

16 THE COURT: Okay.

17 Q. And you previously testified when -- you heard this noise
18 going on and then at some point in time you went to take a
19 shower?

20 A. Uh-huh. Yes, sir.

21 Q. All right. And so obviously you couldn't see what was
22 going on while you were in the shower; I am assuming you don't
23 have a window in your shower?

24 A. I do not.

25 Q. Well, that's good.

1 And your son, Markel, who's autistic, was having an
2 asthma attack as well at that time; correct?

3 A. Correct.

4 Q. Okay. So I'm assuming your attention was focused on that
5 at the same time?

6 A. Markel got his treatment before I went into the shower.
7 He -- I have a portable nebulizer, so all I have to do is if I
8 hear him breathing bad, I can just stick it on his face and
9 it'll turn off as soon as the treatment is done.

10 Q. Had you considered taking him to the doctor or the
11 hospital?

12 A. No.

13 Q. Okay. So as far as these cars were positioned, they were
14 across and down the street from you; correct?

15 A. They were -- yes. They were next door -- yes, they were
16 across and down the street.

17 Q. So when you're looking at them, you are seeing the
18 passenger side?

19 A. Correct.

20 Q. Okay. Yes, that is what I thought. And just so we are
21 on the same page. I know you don't know the exact height or
22 anything, but an SUV is generally taller than a sedan;
23 correct?

24 A. That is correct.

25 Q. Okay. And so if someone was on the other side of the

1 SUV, a large percentage of their body is going to be blocked
2 by the car?

3 A. Absolutely.

4 Q. Okay. So you -- if someone's standing on the other side
5 of the SUV, especially someone like me, maybe someone who's
6 not as tall ---

7 A. And me.

8 Q. Yes. You may be blocked almost all of their body?

9 A. Yes.

10 Q. Okay. But you did say you saw a lot of movement out
11 there?

12 A. Correct.

13 Q. Okay. And that would indicate to me multiple people were
14 out there?

15 A. Correct.

16 Q. Okay. And because it was so dark, you say you were able
17 to see some gentleman in a red sweatshirt?

18 A. That is correct.

19 Q. And that's because -- did the red sweatshirt show up
20 because it was dark, ---

21 A. It ---

22 Q. --- it is easier?

23 A. Like I said, there was -- there were really no post
24 lights out there. And -- but the one that was out there was
25 closer to the brick house, and that light shined down so you

1 can see it. And not only that, as I was getting in the
2 shower, the first time I took a look, you know, apparently
3 somebody had their doors open, so you can see that light. And
4 red or orange is -- you can pretty much try to identify those
5 colors.

6 Q. Right.

7 A. And the red ---

8 Q. That's what I'm getting at.

9 A. Yeah.

10 Q. So if ---

11 THE COURT: Hold on a second. Let her finish ---

12 MR. HALES: I'm sorry.

13 THE COURT: --- before you do -- please. And if you'll
14 let him finish asking the question. The court reporter, it's
15 very difficult for her to take down what both people ---

16 THE WITNESS: I apologize.

17 THE COURT: --- are saying simultaneously. Thank you.

18 THE WITNESS: All right.

19 Q. And you testified that the gentleman that was in the SUV
20 was wearing a white type tank-top style tee-shirt?

21 A. Yes, sir. A white-beater or a tee-shirt.

22 Q. Okay. So you were able to see that because it was light?

23 A. Yes.

24 Q. Okay.

25 A. And not only that, but after the young man was shot, when

1 he went to go close the door, the lights come on. That's
2 generally what all car lights do. That is how I was able to
3 identify it was because -- covered in blood.

4 Q. Did you go outside at all?

5 A. I went to the door to crack it open. And at that point
6 the neighbor, who used to live next door to me, it was like
7 fate that she called me and she was she just like, do you hear
8 that noise outside.

9 I told her I thought it was her or the guest that was
10 behind her. Because at that time my landlord and her landlord
11 served in the military together, and she -- he rented a house
12 behind her. So I thought it was them having the party, and I
13 thought it was them or her son.

14 She said, no, everybody over here is just packed up, in
15 the house. And I went to go to the door, and I took a peek;
16 and I was just like, to me no cars on that street.

17 Q. So you did go outside?

18 A. I did not.

19 Q. Okay. That's what I -- all right. And it was -- it was
20 so dark you were not able to identify anyone, correct?

21 A. That's correct. I couldn't see anybody.

22 Q. It was just hard to see at all?

23 A. It was dark. It was pitch-black out there.

24 Q. Got you. Now, your house -- do you still live in the
25 house?

1 A. No.

2 Q. Okay.

3 A. I go over there sometimes to help the landlord clean up
4 and stuff like that.

5 Q. Sure.

6 A. And -- but, no.

7 Q. Okay.

8 A. I don't stay on Taylor Street now.

9 Q. It's a one-story house; correct?

10 A. Yeah, it's a one -- if you want to call it a house.

11 Q. Yes, but it does have a second story?

12 A. No, that's correct.

13 Q. So you were looking out of the first-floor window?

14 A. Uh-huh.

15 Q. Okay. So you were basically at eye level with the --
16 with the SUV?

17 A. I was catty-corner, ---

18 Q. Yes.

19 A. --- because I was all the way to the corner of the
20 window; and I was practically squatting down to look.

21 Q. But I meant as far as height goes.

22 A. Correct.

23 Q. Okay. Now, you say you were catty-corner. So that means
24 you were basically trying to peer out of a little slit between
25 the boxes and the blinds with the ---

1 A. I had about this much [indicates] space.

2 Q. Gotcha. So you couldn't see what was going on over here
3 [indicating]?

4 A. [No response]

5 Q. You couldn't see what was going on over here
6 [indicating]?

7 A. Not unless -- not unless I got all the way in the corner.
8 Because there was no space over there.

9 Q. And you couldn't really see what was going on on the
10 other side of the SUV; correct?

11 A. No.

12 Q. Okay. So you had this very limited view?

13 A. Correct.

14 MR. HALES: The Court's indulgence one moment, Your
15 Honor.

16 THE COURT: Certainly.

17 Q. And in -- and in addition to not being able to see very
18 much, you also weren't able to hear very much; correct?

19 A. I would be able to hear enough.

20 Q. Maybe you heard arguing and yelling ---

21 A. Yes.

22 Q. --- and that kind of stuff? That's what I mean. But you
23 weren't able to necessarily determine ---

24 A. The only thing I could determine was that --- and I
25 thought it was trivial that late at night, it was an argument

1 about a lighter. That was it. Other than that, between the
2 shower and tending to my son and cleaning up, I did my best to
3 try to avoid listening to that conversation. But it was
4 really hard as it got louder.

5 Q. And I know that there is no -- you didn't have a tape
6 measure and you haven't measured this at all, but you said --
7 you testified today that you thought it was about sixty feet.
8 I think you had stated earlier it might have been a hundred.
9 I mean, you just ---

10 A. I'm not sure, because I wasn't about to walk across the
11 street where somebody just got shot and measure the distance
12 from where I formerly lived.

13 Q. Yes, ma'am. I understand. So you are basically
14 estimating at this point?

15 A. Uh-huh. I do apologize. I'm not a mathematician.

16 Q. Oh, no -- no apology necessary.

17 And so just to iterate, this whole time you were able to
18 see this, your testimony is you were just peeking through this
19 little ---

20 A. Uh-huh, yeah, I wouldn't call it a small. I was able to
21 pull the blinds back. I just did not want to be noticed by
22 pulling the blinds back. I was just looking out of the
23 blinds.

24 Q. I gotcha.

25 MR. HALES: No further questions, Your Honor.

1 THE COURT: Redirect?

2 **REDIRECT EXAMINATION BY MS. ELLIOTT OF MARISSA GADSDEN:**

3 Q. Ms. Gadsden, I hope this helps us kind of get a sense of
4 how far you were from where those cars were parked. Let's put
5 it in relation to this courtroom. From that wall to where you
6 are is about sixty feet. Would you agree with that?

7 A. I can agree with that, ---

8 THE COURT: Okay.

9 A. --- give or take a few feet.

10 Q. So where the SUV was parked in relation to you, was that
11 farther than the length of this room or closer?

12 A. About where he is [indicating].

13 Q. Which he? There is a lot of ---

14 A. I'm sorry. Him [indicating]. You [indicating].

15 Q. Where Mr. Osborne is, where the State's table is, ---

16 A. Yes.

17 Q. --- that is about how far you were from where they were?

18 A. Excuse me. Yes, ma'am.

19 THE WITNESS: Mr. Osborne, I apologize.

20 MR. OSBORNE: That's okay.

21 Q. And you said that this argument in total lasted about
22 twenty or thirty minutes?

23 A. Yes, ma'am.

24 Q. And you heard two voices arguing?

25 A. Yeah, because they countered each other.

1 Q. Not ---

2 A. As one was talking, the other one was talking at -- it
3 was like they were countering each other.

4 Q. Not three voices?

5 A. No, those were the only ones I heard.

6 Q. Not four voices?

7 A. No, ma'am.

8 Q. And you saw two men outside of the vehicles that were
9 parked there?

10 A. I saw two. Yes, ma'am.

11 Q. Not three?

12 A. Outside of the vehicles, I only saw two.

13 Q. And the third man you are referring to is the Caucasian
14 man that was in the Buick?

15 A. Yes, ma'am, it is the one I believed that was Caucasian.
16 Yes, ma'am.

17 Q. And did you ever see that person get out of that Buick?

18 A. No. And if I did, I would have -- my attention wasn't
19 focused on him, no.

20 Q. Are you ---

21 A. No, ma'am.

22 Q. I'm sorry.

23 A. Ma'am? I'm sorry.

24 Q. And you certainly never saw a fourth person out there?

25 A. I don't remember seeing a fourth person.

1 Q. When the S- -- you saw the SUV drive away?

2 A. Yes, I saw it drive away. Yes, ma'am.

3 Q. And you saw the Buick drive away?

4 A. Yes, ma'am.

5 Q. When those cars were gone, were there any other people
6 standing out there?

7 A. Not that I know of. And I do apologize. This was years
8 ago, so I have spent time trying to forget all of this. But a
9 lot of this is

10 Q. And you never remember telling the police that you saw
11 other people out there that night?

12 A. I just saw people walking. I just ---

13 Q. But not at the time of the shooting?

14 A. No. I don't -- no, I'm sorry, I don't.

15 MS. ELLIOTT: Nothing further, Your Honor.

16 THE COURT: Recross?

17 MR. HALES: Briefly, Your Honor.

18 **RECROSS EXAMINATION BY MR. HALES OF MARISSA GADSDEN:**

19 Q. Now, Ms. Gadsden, you weren't looking the entire time
20 while this was going on; correct?

21 A. No. Obviously I was cleaning and showering.

22 Q. Right, and sort of peeking back and forth, that kind of
23 thing. So you don't know what was going on the times when you
24 weren't looking?

25 A. No.

1 THE COURT: Very well. Okay. Thank you very much for
2 bringing that to the Court's attention. Appreciate it.

3 All right. Bring in the jury, please.

4 [Whereupon, the jury enters the courtroom 11/12/19, 3:13
5 p.m.]

6 MR. OSBORNE: Thank you, Your Honor. The State calls
7 Jackie Ong.

8 [Whereupon, Ms. Ong comes forward]

9 THE CLERK OF COURT: Raise your right hand.

10 [Whereupon, Ms. Ong is duly sworn by the clerk of court]

11 THE CLERK OF COURT: Please be seated.

12 [Whereupon, the witness takes the witness stand]

13 THE CLERK OF COURT: And for the record, please state
14 your full name, spelling your last name.

15 THE WITNESS: Jacqueline Michelle Ong. Last name is
16 spelled O-N-G.

17 MR. OSBORNE: Good afternoon, Ms. Ong.

18 Jacqueline Ong, Having Been First Duly Sworn, was Examined and
19 Testified as Follows:

20 **DIRECT EXAMINATION BY MR. OSBORNE OF JACQUELINE ONG:**

21 Q. Good afternoon, Ms. Ong. Where are you employed?

22 A. Currently, Charleston County Emergency Management.

23 Q. All right. How long have you been with Charleston County
24 Emergency Management?

25 A. A year.

1 Q. What -- well, what's your title there?

2 A. Emergency management specialist.

3 Q. All right. What are some of your duties and
4 responsibilities?

5 A. We coordinate and organize the resources that respond to
6 all hazard incidents within Charleston County, also including
7 natural disasters, to try to help minimize impact to the
8 citizens.

9 Q. Okay. And you coordinate multiple agencies in responding
10 to these natural disasters?

11 A. Yes, sir.

12 Q. All right. Now, prior to holding this position, what was
13 your -- or where did you work then?

14 A. North Charleston Police Department.

15 Q. All right. And prior to North Charleston, where did you
16 work?

17 A. Folly Beach Department of Public Safety, and Charleston
18 County EMS.

19 Q. All right. So let's talk about with the North Charleston
20 Police Department. What was your position there?

21 A. I was a police officer assigned to the forensic unit.

22 Q. Okay. And how long did you hold that position?

23 A. Five years.

24 Q. And working with the forensic unit, what were some of
25 your duties and responsibilities?

1 A. Responding to and documenting crime scenes, collecting
2 evidence, coordinating evidence being sent to other labs for
3 further processing if requested.

4 Q. Okay. And other local agencies are called CSI, crime
5 scene investigators; is that fair to say?

6 A. That's a common title, yes.

7 Q. Okay. Did you receive any specialized training as a
8 forensic investigator?

9 A. Yes.

10 Q. And just briefly tell the jury what were some of the
11 trainings.

12 A. Crime scene photography, ballistics analysis, fingerprint
13 stuff.

14 Q. All right. Now, in that capacity on March the 30th of
15 2016, did you have the occasion to respond to [REDACTED] James Bell
16 Road in North Charleston?

17 A. Yes.

18 Q. All right. Just walk the jury through. When you first
19 arrived on scene, what did you do?

20 A. When I first arrived on the scene on James Bell, I
21 started to get a report from the officers on scene about what
22 they found and what they had. And then I was -- at that
23 point, I was notified of a secondary scene and requested to
24 respond there before I started my work on the James Bell
25 scene.

1 Q. And the secondary scene, that was on Taylor, ---

2 A. Yes.

3 Q. --- right around the corner? All right. So, and we'll
4 talk about this. But just -- and we'll show photos. But just
5 tell the jury, when you got to James Bell, I mean, what did
6 you see? And we'll go through the photographs in a minute.
7 But what did you see?

8 A. I saw a vehicle crashed into a building, and a deceased
9 individual on the ground.

10 Q. Okay. And that vehicle, was it a dark-colored SUV?

11 A. Yes.

12 Q. All right. All right. In general, when you are
13 responding to scenes in that in which there is a parking lot
14 or a street is where the crime occurred or where the crime
15 scene was, what's some of the first steps that you do to
16 process that type of scene and collect evidence?

17 A. I begin with overall photographs of the scene. So
18 basically try and capture a large overview image of everything
19 together, basically what your normal eye would see. I try and
20 go all the way around three-sixty of the whole scene so you
21 can get all angles, just a full picture representation of what
22 we had.

23 Q. And after you photograph the scene, if there's any
24 evidence that you collect do you do anything with that
25 evidence prior to collecting it?

1 A. Yes. If I locate items of evidence, then I will put a
2 plastic numerical placard, a little number tent, and I will
3 put that next to the items and then re-photograph.

4 Q. And that is just a way so that later when you document
5 it, you can marry up the photographs to the placards to your
6 documentation to your reports?

7 A. Yes.

8 Q. All right. And then you would collect whatever evidence
9 that you collect after that?

10 A. Yes.

11 Q. Now, you had mentioned that you were first at James Bell,
12 then you were -- your attention -- or you were asked to
13 respond to Taylor Street right after that; is that fair to
14 say?

15 A. Yes.

16 Q. All right. Just so the jury has an idea of the
17 perspective of the two locations, I'm going to show you what's
18 been marked and admitted already as State's Exhibit 7. Are
19 you able to orientate yourself to this photograph?

20 A. Can ---

21 Q. Let me back out a little bit more?

22 A. Yeah, or just slide the paper down.

23 [Whereupon, display adjusted]

24 A. There we go. Thank you.

25 James Bell -- yes.

1 Q. All right. So this being Rivers down here [indicating]?

2 A. Yes.

3 Q. All right. So where was the barber shop and James Bell
4 when you first saw the SUV crash?

5 A. [Indicates].

6 Q. Okay. And you were directed to the area of Taylor
7 Street - and we will show you some photographs and stuff - to
8 collect evidence. Whereabouts was that?

9 A. [Indicates].

10 Q. Okay. Now, just for clarification purposes, we -- I
11 think I might have used the term two crime scenes, or at some
12 point you may have said that. Does that actually mean that
13 that's where, you know, in the case of a shooting, that there
14 were two shootings that happened at -- on James Bell and
15 Taylor?

16 A. Not necessarily, no.

17 Q. When we -- when we use that term crime scene, I mean what
18 are we referring to?

19 A. Areas where there's potential evidence.

20 Q. Okay.

21 A. Just two separate.

22 MR. OSBORNE: All right. Your Honor, may I approach?

23 THE COURT: You may.

24 Q. I'm showing you what's been marked as State's 10 through
25 35. And can you just flip through those quickly and tell me

1 if you recognize what they are.

2 A. Crime scene photographs that I took.

3 Q. And those are from Taylor?

4 A. Yes.

5 MR. OSBORNE: Okay. Your Honor, at this time, I think
6 without objection, we would seek to admit 10 through 35 in
7 evidence.

8 MR. HALES: Without objection.

9 THE COURT: Without objection, State's 10 through 35 are
10 admitted, each being a photograph.

11 [Whereupon, State's Exhibit Numbers 10 through 35 are
12 admitted into evidence by the Court]

13 Q. And you had testified to this earlier. James Bell is
14 over here [indicating]. And now we are going over here
15 [indicating] to Taylor; right?

16 A. Yes.

17 Q. All right. Now, some of these I realize are quite
18 obvious; but I still need to ask you for the record. I'm
19 starting by showing you State's 10. Can you tell me what that
20 photograph is depicting?

21 A. The street sign of the intersection that the scene is
22 closest to.

23 Q. And you had mentioned earlier the first thing you like to
24 do is take photographs. So before you're collecting any --
25 we're actually seeing you -- this is you taking pictures?

1 A. Yes.

2 Q. All right. State's 11? What are we looking at here?

3 A. A photograph looking down Taylor Street towards that
4 scene.

5 Q. Okay. So right now you have your back to Rivers, ---

6 A. Yes.

7 Q. --- or Rivers is behind you? So if you were coming up
8 Taylor, that only right-hand turn -- the only option you would
9 have had would have been to take a right ---

10 A. Yes.

11 Q. --- on Rivers; is that fair to say?

12 A. Yes.

13 Q. And that would have taken you to James Bell; is that
14 correct?

15 A. Off of Rivers. Correct.

16 Q. Okay. State's 12?

17 A. A photograph of the lot or the property that the evidence
18 was located in front of.

19 Q. Okay. 13?

20 A. Partial roadway and the side of the road in front of the
21 lot, with added placards to items.

22 Q. Okay. So I see we have a couple here that are obviously
23 five and six, is that correct, over here in the grass?

24 A. Yes.

25 Q. And then we have seven?

1 A. Yes.

2 Q. Okay. I think we'll have some closer-ups. I'll show
3 them to you. This brings us into State's 14. Five and six
4 here, when you put those placards down, what were you
5 attempting to memorialize?

6 A. Five and six were a grass -- five being a fired shell
7 casing, and six -- hold on. The formatting of the paper
8 got....

9 Q. Was it a blood spot and tire tracks?

10 A. Five and six. Yes, the tire track and blood.

11 Q. Okay. And I think I'll get in a little closer here. But
12 just in an overall photo of 15, are we now back -- looking
13 back toward five and six? It looks -- I guess we'd kind of be
14 looking out towards Rivers now?

15 A. Yes. I've changed my orientation in the scene. I'm
16 starting to kind of wrap around the other side. So this is a
17 photograph showing the fact that I am from just a different
18 point of view. So now we're looking back towards Rivers.

19 Q. Okay. Get a little closer here. And I'll zoom in a
20 little bit, but I see we have Placards 1, 2, and 4 all in the
21 roadway?

22 A. Yes. That's a midrange photograph showing those placards
23 with items.

24 Q. All right. Now we'll move in a little bit. And that's
25 16. Now we're showing 17. What are we looking at here?

1 A. A brass shell casing, like a fired bullet.

2 Q. Okay. State's 18. Showing you -- let's flip it around.
3 And this being Placard 1 on State's 18, this is just a
4 close-up?

5 A. Yes.

6 Q. All right. And now we're on to State's 19. What are we
7 looking at here?

8 A. Placard 2 is also a brass shell casing. And Placard 4 is
9 a white Samsung cell phone.

10 Q. All right. Now we're just getting up a little closer
11 with State's 20.

12 A. Yes. More of a close-up or a zoomed-in image showing the
13 item, Placard 2.

14 Q. Okay. And 21 shows the same thing?

15 A. Yes. Even closer.

16 Q. All right. Now, on State's 3. State's 3, that placard
17 is just off the roadway; is that fair to say?

18 A. Yes.

19 Q. And now on State's 23 we get a closer look on what
20 Placard 3 is. And what is that?

21 A. An additional brass shell casing.

22 Q. And 24, showing a close-up view of it?

23 A. Even more close, yes.

24 Q. All right. So by my count we have three fired shell
25 casings recovered?

1 A. Yes.

2 Q. And you mentioned Placard 4 earlier. State's 25, we've
3 got a close-up view?

4 A. Yes.

5 Q. Okay. And what is that again?

6 A. The white Samsung cell phone.

7 Q. All right. State's 26, a close-up view?

8 A. An even closer view, yes.

9 Q. We talked about this just a second ago with State's 27.
10 And these are Placards 5 and 6?

11 A. Yes.

12 Q. All right. I'm going to give you a better shot at five
13 with State's 28. What were you attempting to show there?

14 A. The blood spatter in the grass.

15 Q. And 29?

16 A. A tire track.

17 Q. And that's what six showed -- so six and five are right
18 next to each other?

19 A. Yes.

20 Q. Thirty is Placard 7 in the roadway?

21 A. Yes.

22 Q. All right. I'm going to get in a little closer. Thirty-
23 one, that is a zoomed-in shot?

24 A. Yes.

25 Q. And then I'm going to get in closer -- or you did,

1 actually -- with 32. So what are we looking at on Placard 7
2 with photo -- or State's 32?

3 A. It's a close-up image of a projectile, a deformed
4 projectile.

5 Q. And the last two, 34, Placard 8?

6 A. Blood spatter.

7 Q. Okay. And then 35?

8 A. Closer image depicting the blood spatter.

9 Q. Okay. I want to go back to 16 here for a second. All
10 right. So we -- you had testified that one and two are a
11 fired shell casing; is that ---

12 A. Yes.

13 Q. --- correct?

14 A. Yes.

15 Q. And you said you worked at -- you were a police officer
16 with North Charleston and you were a public safety officer
17 with Folly Beach. So you carried a gun then, as well?

18 A. Yes.

19 Q. And did you carry a revolver, or is it semiautomatics?

20 A. Semiautomatic.

21 Q. So is it fair to say you qualified twice a year at the
22 range during the day and then night-fire?

23 A. Yes.

24 Q. Got experience with semiautomatics?

25 A. Yes.

1 Q. When you fire a semi-automatic, or the gun that I'm aware
2 of, where -- does the fired shell casing shoot off to the
3 right or to the left?

4 MR. HALES: Objection, Your Honor.

5 THE COURT: What's the basis of your objection?

6 MR. HALES: She's not an expert in firearms.

7 THE COURT: I'll allow it, based on a 701 opinion. You
8 may -- you may answer the question.

9 A. Typically fired shell casings will move back to the
10 right.

11 Q. Okay. And you've -- if you had to estimate, how many
12 crime scenes would you say that you have processed throughout
13 your entire law-enforcement career?

14 A. A lot.

15 Q. And processing a lot of crime scenes, do you -- when the
16 shell casing kicks out, does it -- does the shell casing stop
17 a lot of times, or does it bounce?

18 A. It ---

19 Q. Or would it depend on what it hit?

20 A. It just depends on the scene, what it impacted, how close
21 it was to whatever it impacted. But typically you'd be amazed
22 where you'll find them.

23 Q. Okay. And on State's 16, one and two, that's in the
24 roadway, correct, on concrete?

25 A. Yes.

1 Q. And one second. And on State's 22, the other fired shell
2 casing, is that off the roadway?

3 A. Yes.

4 Q. All right. Now, when you collected the projectile on
5 Placard 7 and the three fired shell casings, how did you go
6 about collecting those items?

7 A. With gloved hands. After I finished my photographs I
8 took an envelope, a clean envelope, and placed one casing in
9 its own envelope, labeled it, and then secured it. And did
10 the same for the remaining casings.

11 MR. OSBORNE: Okay. Your Honor, may I approach?

12 THE COURT: You may.

13 Q. I'm showing you what's been marked as 186 through 190.
14 Can you take a look at those and tell me if you recognize
15 those?

16 A. Yes. They are items I collected and packaged.

17 Q. Okay. And you submitted those items to Officer Madrid?
18 Or I guess he's an evidence custodian. Madrid, on April ---

19 A. I submitted them to evidence, yes.

20 Q. Okay.

21 MR. OSBORNE: All right. Your Honor, at this time I
22 would seek to admit State's 186 through 190 into evidence.

23 THE COURT: Any objection?

24 MR. HALES: No objection, Your Honor.

25 THE COURT: Without objection, State's 186 through 190

1 are admitted.

2 [Whereupon, State's Exhibit Numbers 186 through 190 are
3 admitted into evidence by the Court]

4 Q. Okay. Now we're going to move on to once you finish
5 processing this scene, we're going back now. You went back to
6 the barbershop at James Bell and Rivers?

7 A. Yes.

8 Q. All right. I am going to show you now State's 37, 40
9 through 43, 46, 47, 48, 55, 56, and 62. And can you briefly
10 just tell me if you recognize what those photographs depict?

11 A. They are photographs that I took on the James Bell scene.

12 MR. OSBORNE: Okay. Your Honor, at this time I, again,
13 without objection, I believe, we'd seek to admit 37, 40, 41,
14 42, 43, 46, 47, 48, 55, 56 ---

15 THE COURT: Hold on a second. 41, 42, 43, 46 through ---

16 MR. OSBORNE: Forty-eight.

17 THE COURT: --- 48. Okay. And?

18 MR. OSBORNE: Fifty-five and fifty-six ---

19 THE COURT: All right.

20 MR. OSBORNE: --- and sixty-two.

21 THE COURT: Okay. State's -- any objection?

22 MR. HALES: No objection, Your Honor.

23 THE COURT: Without objection, States 37, 40, 41, 42, 43,
24 46 through 48, 55, 56 and 60 are admitted.

25 MR. OSBORNE: All right. We're going to ---

1 THE COURT REPORTER: I'm sorry. That last one was 62
2 versus 60.

3 THE COURT: Sixty-two?

4 THE COURT REPORTER: Right, he said 60.

5 THE COURT: Okay. I'm sorry, 62. Beg your pardon.

6 THE COURT REPORTER: Correct?

7 MR. OSBORNE: Yes.

8 THE COURT: Correct. Thank you.

9 [Whereupon, State's Exhibit Numbers 37, 40, 41, 42, 43,
10 46 through 48, 55, 56 and 62 are admitted into evidence by the
11 Court]

12 Q. All right. We're going to go through the same little
13 dance here. Starting off with State's Number 37, can you tell
14 me what we're looking at here?

15 A. An overall image showing the James Bell scene.

16 Q. All right. State's 40?

17 A. More of a mid-way image showing the vehicle in the
18 building. And you can see part of the decedent on the ground
19 behind the screen.

20 Q. Showing you State's 41. What are we looking at here?

21 A. Items from the decedent's pockets.

22 Q. Okay. Cell phone? Coolpad, cell phone?

23 A. Yes.

24 Q. All right. State's 42. Are these more items from the
25 deceased's pockets?

1 A. Yes.

2 Q. And just -- and just for clarification, this is the same
3 Coolpad phone that's --- to show the front of it?

4 A. Yes.

5 Q. Forty-three?

6 A. A driver's-side picture of the decedent's vehicle in the
7 building.

8 Q. Okay. Forty-six?

9 A. A passenger-side view of the decedent's vehicle in the
10 building.

11 Q. Forty-seven?

12 A. Inside -- or an interior photo of the driver's door.

13 Q. Forty-eight?

14 A. An image showing the inside of the driver's compartment
15 area, if you will, of the vehicle.

16 Q. Okay. And while it's in place I just want to direct your
17 attention to the bottom driver's-side doorjamb. What is that?

18 A. A revolver.

19 Q. Okay. And then real quickly, this passenger-side window,
20 was that up or down; or do you remember?

21 A. It was down.

22 Q. How about the driver's side window?

23 A. It was also down.

24 Q. All right. And State's 55. Is that the revolver?

25 A. A close-up overall image of the revolver.

1 Q. And I see you've opened up the cylinder here for State's
2 56. Were there any live rounds in the gun?

3 A. No.

4 Q. Okay. So all five had been fired?

5 A. Yes.

6 Q. And, lastly, State's 62?

7 A. A angled image from the driver's side showing the vehicle
8 once it was removed from the building.

9 Q. Okay.

10 MR. OSBORNE: Your Honor, may I approach?

11 THE COURT: You may.

12 Q. I'm showing you -- I'm showing you 194 and 195. Can you
13 take a look at those and tell if you recognize those?

14 A. Yes. They are items that I collected from the James Bell
15 scene.

16 Q. Okay. I'm sorry. I've got one other here. Well,
17 what -- what are they?

18 A. State Exhibit 195 are the five spent rounds from the
19 revolver. State Exhibit 194 is the black-and-silver Coolpad
20 cell phone. State Exhibit 196 is the revolver.

21 MR. OSBORNE: Okay. Your Honor, at this time we would
22 seek to admit 194, 195 and 196 into evidence.

23 THE COURT: Any objection?

24 MR. HALES: No objection.

25 THE COURT: Without objection, State's 194 through 196,

1 inclusive, are admitted.

2 [Whereupon, State's Exhibit Numbers 194, 195 and 196 are
3 admitted into evidence by the Court]

4 Q. All right. Is it fair to say that once it was pulled out
5 of the barbershop it was brought to the station for more
6 processing of the victim's vehicle?

7 A. Yes, once I finish photographing the remainder of the
8 vehicle. Yes.

9 Q. I just want to talk about a couple more things collected
10 from the car.

11 MR. OSBORNE: Your Honor, may I approach?

12 THE COURT: Yes, you may.

13 Q. I am showing State's Exhibit Number 217. Can you take a
14 look at that and tell me if you recognize that?

15 A. Yes. A photo I took of the center console from a bird's
16 eye view.

17 MR. OSBORNE: All right. Your Honor, at this time I'd
18 seek to admit 217 into evidence.

19 THE COURT: Any objection?

20 MR. HALES: Without objection.

21 THE COURT: Without objection, 217 is admitted.

22 [Whereupon, State's Exhibit Number 217 is admitted into
23 evidence by the Court]

24 Q. Okay. So when you brought this back, when you brought
25 the SUV back to the North Charleston crime scene to process it

1 some more -- I'm showing you 217. This is in the center
2 console?

3 A. Yes.

4 Q. And I know it's a little difficult to tell from this
5 photograph; but from your notes or from your reports, what
6 items did you collect from the center console of the victim's
7 vehicle?

8 A. A black Samsung flip phone, suspected marijuana, a
9 digital scale, and \$300 in U.S. currency.

10 Q. Okay. Three hundred dollars, a scale, and some -- or a
11 substance you thought would be marijuana?

12 A. Yes.

13 Q. Okay. All right. Now I'm showing you State's 67, 68,
14 80, 83, and 85 through 95. And I know we talked about this
15 already, but I want to cover that just briefly. Can you tell
16 me if you recognize those photographs?

17 A. Images I took at -- during search warrants.

18 MR. OSBORNE: Okay. Your Honor, at this time, again, I
19 think without objection, we'd seek to admit 67, 68, 80, 83, 85
20 through 95.

21 THE COURT: State's 67 -- any objection?

22 MR. HALES: Without objection.

23 THE COURT: Without objection, 67, 68, 80, 83, 85 through
24 95 are admitted.

25 [Whereupon, State's Exhibit Numbers 67, 68, 80, 83, 85

1 through 95 are admitted into evidence by the Court]

2 Q. All right. Almost finished. Sixty-seven, that's the SUV
3 back in your crime scene office?

4 A. Yes

5 Q. Sixty-eight?

6 A. Another image of the vehicle from the rear driver's-side
7 corner.

8 Q. Eighty?

9 A. Inside of a front passenger door.

10 Q. All right. Now, 83. I know I didn't show you a backup,
11 but is that cigarette -- was that on the driver's-side
12 floorboard?

13 A. The passenger-side floorboard.

14 Q. And that passenger-side floorboard, and that's on State's
15 83?

16 A. Yes.

17 Q. All right. Now let's get into something else you found
18 of interest. State's 85. What are we looking at here?

19 A. A trajectory rod. That [indicates]. Through a bullet
20 hole of the front passenger seat, following its path ---

21 Q. Okay.

22 A. --- or showing its path.

23 Q. So just to make sure that I'm clear here. That door
24 that's open is the passenger door, in the photograph that's
25 open?

1 A. Front passenger. Yes.

2 Q. Okay. And now 86?

3 A. The trajectory rod showing its path through the seat into
4 what is called the B-post of the vehicle.

5 Q. Okay. And 87?

6 A. Another image showing the trajectory rod path and angles.

7 Q. All right. Now I want to show you something on 88. Is
8 this -- is this one bullet hole over here with a second
9 trajectory going through here?

10 A. We found jacketing in the one hole in the seat. That
11 one. And then the projectile continued through and landed in
12 the B-post.

13 Q. All right. So 89, this is going into the B-post here?

14 A. Yes. I removed the plastic cover to the B-post. That
15 relatively blurry image is the projectile sitting at the
16 bottom of the B-post.

17 Q. And State's 90?

18 A. A close-up image showing the --- projectile.

19 Q. Okay. And 91 is showing the impact, I guess, on the B-
20 post?

21 A. Yes. The like dent it left on the metal of the car.

22 Q. Okay. Ninety-two is showing that trajectory?

23 A. Yes.

24 Q. And 93 is another photograph of the trajectory?

25 A. Another angle of it, yes.

1 Q. All right. And I just want to make sure I clarify. You
2 had mentioned the jacketing. Ninety is showing what's in the
3 B-post. And I believe -- that's the jacketing there in the
4 B-post. And 94, just for clarification, that's the seat
5 there?

6 A. Ninety-four is the seat.

7 Q. Okay.

8 A. Yes, that's ---

9 Q. And that's the bullet -- or the projectile. And I'll
10 show you a better picture in 95.

11 A. It's the jacketing.

12 Q. You have that as the jacketing in the seat?

13 A. Yes.

14 MR. OSBORNE: All right. May I approach?

15 THE COURT: Yes.

16 Q. I'm showing you 218, 219, 220, and 221. Can you take a
17 look at those?

18 A. Two items are what I collected from the center console,
19 and one item is what another crime scene tech collected.

20 Q. All right. So just for the record, because they're
21 not -- no one is going to know what you're -- so she can know
22 what you're talking about, can you go through the State's
23 Exhibits, what they are and what you collected?

24 A. State Exhibit 219 is the 300 in U.S. currency from the
25 center console. State Exhibit 221 is the marijuana from the

1 center console. And State Exhibit 220 is a black scale
2 collected by another crime scene tech.

3 Q. Okay. And what is 218?

4 A. State Exhibit 218 is a photograph of items from the
5 center console.

6 MR. OSBORNE: All right. Your Honor, at this time we'd
7 seek to admit 218, 219, and 221. And let me lay a little more
8 foundation for 220, unless there's no objection.

9 THE COURT: Any objection?

10 MR. HALES: No objection to the three.

11 THE COURT: All right.

12 MR. HALES: He wants to lay a foundation for 220.

13 THE COURT: All right, 220 -- all but 220; 218, 219 and
14 221 are admitted without objection.

15 [Whereupon, State's Exhibit Numbers 218, 219 and 221 are
16 admitted into evidence by the Court]

17 Q. All right. Before, we had talked about some items that
18 were found in the center console, that you saw yourself in the
19 photograph, from the SUV. And that would be on 217. You
20 mentioned in the center console you found money, marijuana,
21 and the black scale; is that fair to say?

22 A. Yes.

23 Q. And on 218 we see money, marijuana, and a black scale;
24 is ---

25 A. Yes.

1 Q. --- that fair to say?

2 A. Yes.

3 MR. OSBORNE: All right. Your Honor, at this time we
4 would seek to admit 220 into evidence, the black scale.

5 MR. HALES: Without objection.

6 THE COURT: Without objection, 220 is admitted.

7 [Whereupon, State's Exhibit Number 220 is admitted into
8 evidence by the Court]

9 Q. All right. We'll come back to the jacketing and the
10 projectile.

11 Okay. After you finished processing the scene and that
12 SUV, did you have the occasion on April the 1st to respond to
13 [REDACTED] Orangeburg Road, Apartment [REDACTED]?

14 A. Yes.

15 Q. And for what purpose?

16 A. To assist the detectives with a search warrant.

17 MR. OSBORNE: May I approach?

18 THE COURT: You may.

19 Q. I'm showing you State's 64 through 66. Can you take a
20 look at those and tell me if you recognize those?

21 A. Yes. Photographs I took from that search warrant.

22 Q. Okay. Your Honor, at this time I'd seek to admit 64
23 through 66.

24 THE COURT: Any objection?

25 MR. HALES: Without objection.

1 THE COURT: State's 64 through 66 are admitted, each
2 being a photograph.

3 [Whereupon, State's Exhibit Numbers 64, 65 and 66 are
4 admitted into evidence by the Court]

5 Q. Now, when you're going to go assist with the execution of
6 a search warrant with detectives, you're there photographing
7 and collecting the evidence that they're directing you to; is
8 that fair to say?

9 A. Yes.

10 Q. All right. State's 64, what are we looking at here?

11 A. From the doorway to the apartment, just showing what is
12 in front of you when you walk into the apartment.

13 Q. All right, 65?

14 A. Continuing with overall images of the apartment. This is
15 just another angle from within the living room, kind of
16 showing what else is around.

17 Q. And, lastly, 66, what is that?

18 A. A close-up image of the red sweatshirt that was draped on
19 the furniture.

20 MR. OSBORNE: Okay. Your Honor, may I approach?

21 THE COURT: You may.

22 Q. I am showing you what's been marked as State's 185. Can
23 you take a look at that and tell me if you recognize that?

24 A. The red sweatshirt that I collected.

25 MR. OSBORNE: Okay. Your Honor, at this time we'd seek

1 to admit 185 into evidence.

2 THE COURT: Any objection?

3 MR. HALES: No, Your Honor.

4 THE COURT: State's 185 is admitted.

5 [Whereupon, State's Exhibit Number 185 is admitted into
6 evidence by the Court]

7 MR. OSBORNE: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 Q. All right. I'm showing you now, I don't think this is in
10 evidence, 193. Can you take a look at that and tell me if you
11 recognize that?

12 A. Yes. Jacketing I collected from the front passenger-seat
13 back of the victim's vehicle.

14 MR. OSBORNE: Okay. Your Honor, at this time we'd seek
15 to move 193 into evidence.

16 THE COURT: Any objection?

17 MR. HALES: No, Your Honor.

18 THE COURT: One ninety-three is admitted without
19 objection.

20 [Whereupon, State's Exhibit Number 193 is admitted into
21 evidence by the Court]

22 Q. There it is. All right, 192. Can you take a look at
23 that and tell me if you recognize that?

24 A. It's the deformed projectile that I recovered from the B-
25 post of the victim's vehicle.

1 MR. OSBORNE: Okay. Your Honor, at this time we'd seek
2 to admit 192 into evidence.

3 THE COURT: Any objection?

4 MR. HALES: No, Your Honor.

5 THE COURT: Without objection, State's 192 is admitted.

6 [Whereupon, State's Exhibit Number 192 is admitted into
7 evidence by the Court]

8 MR. OSBORNE: All right. No further questions.

9 THE COURT: Cross-examine?

10 MR. HALES: Yes, Your Honor.

11 **CROSS-EXAMINATION BY MR. HALES OF JACKIE ONG:**

12 Q. It is my understand you just collect the evidence; you
13 make no determination as to its value or how it -- how it
14 connects with the case; collect?

15 A. Not generically I wouldn't say that, no.

16 Q. Okay. And with respect to some of the photographs we saw
17 earlier, they were -- they were pretty well illuminated. I
18 assume you have a very nice camera that you take out there
19 with a very nice flash on it?

20 A. Which photos were you referring to?

21 Q. The ones that were on the street, in the dark, that were
22 of the little Placards 1, 2, 3, 4?

23 A. Okay.

24 Q. Yes. It was not well illuminated out there, but I'm
25 assuming you have got a nice flash on your camera?

1 A. What the City provides.

2 Q. So just for example, that photograph, there are no street
3 lights there; but it's very well illuminated. So it's just --
4 I'm assuming it's from your camera flash; correct?

5 A. Yes.

6 Q. Okay. Now, from the victim's car you were able to
7 recover \$300 in cash, a firearm, some unspent rounds as well?

8 A. You said -- you're asking about the victim's vehicle?

9 Q. Yes.

10 A. Yes, there were live rounds.

11 Q. Okay. In addition to the spent rounds that were in the
12 revolver; correct?

13 A. Yes.

14 Q. And you had testified that the victim's vehicle had both
15 the passenger window and the driver's-side window down?

16 A. Yes.

17 Q. But you can't make a determination as to when those were
18 rolled down or rolled up?

19 A. No.

20 Q. Okay.

21 MR. HALES: Court's indulgence one moment.

22 THE COURT: Certainly.

23 Q. Now, did you personally request any testing from SLED or
24 anything on any of these items?

25 A. I don't recall.

1 Q. All right. The sweatshirt, do you know who set that up
2 for testing for gunshot residue?

3 A. It went to SLED. I'd have to refer to the chain to see
4 who sent it.

5 Q. But you would not have been the one to request that, it
6 would have been an investigating officer ---

7 A. Detectives.

8 Q. Detectives. Correct. So you personally did not request
9 anything to be tested?

10 A. I don't -- I don't recall.

11 MR. HALES: The Court's indulgence one moment.

12 THE COURT: Certainly.

13 Q. Do you know if the victim's car was processed for
14 fingerprints?

15 A. It was.

16 Q. All right. Were you -- were you involved in that
17 process?

18 A. Yes.

19 Q. Okay. What parts of the vehicle were printed?

20 A. Areas on the exterior that weren't covered in blood.

21 Q. Okay. But you didn't do the analysis on that; you
22 just ---

23 A. No.

24 Q. Okay. So you just went there to help collect it?

25 A. Yes.

1 MR. HALES: Okay. No further questions, Your Honor.

2 THE COURT: Redirect?

3 MR. OSBORNE: Just briefly.

4 **REDIRECT EXAMINATION BY MR. OSBORNE OF JACKIE ONG:**

5 Q. So the red sweatshirt, it -- I couldn't hear some of what
6 you were saying. But if it was sent to SLED to be processed
7 for gunshot residue, then the person that would be best to ask
8 that, that might know that, is that man -- is that Robert
9 Bailey, the case agent?

10 A. Yes.

11 Q. And he would also be familiar with the results of that?

12 A. Yes.

13 Q. Okay. And so you just collected a red sweatshirt -
14 showing you State's 66 - correct?

15 A. From that scene there were a few other items also
16 collected for that search warrant.

17 Q. Well, I guess what I'm asking you is you collected
18 State's 66, a red sweatshirt?

19 A. Yes, I did.

20 Q. Okay. So and you don't have any -- you don't -- is it
21 fair to say that you don't have any understanding of the
22 significance or lack of significance to that red sweatshirt,
23 that specific one?

24 A. At the time I didn't know.

25 Q. Okay. And, now, you said you tried to process State's

1 67; you tried to process this car for fingerprints?

2 A. Yes.

3 Q. And you said you tried to process it for fingerprints
4 where there wasn't blood?

5 A. Yes.

6 MR. OSBORNE: No further questions.

7 THE COURT: Recross?

8 MR. HALES: No, Your Honor.

9 THE COURT: Thank you. You may step down. Do you wish
10 this witness to be excused?

11 MR. OSBORNE: Yes, Your Honor.

12 THE COURT: Any objection?

13 MR. HALES: No, Your Honor.

14 THE COURT: You're also free to leave. Thank you.

15 THE WITNESS: Thank you.

16 [Whereupon, the witness exits the witness stand]

17 THE COURT: You may call your next witness, please.

18 MR. OSBORNE: Okay. The State calls Lisa Kubicsko.

19 THE COURT: Okay.

20 [Whereupon, Ms. Kubicsko comes forward]

21 THE CLERK OF COURT: Place your left hand on the Bible
22 and raise your right hand.

23 [Whereupon, Ms. Kubicsko is duly sworn by the clerk of
24 court]

25 THE CLERK OF COURT: Please be seated.

1 [Whereupon, the witness takes the witness stand]

2 THE CLERK OF COURT: Now, for the record please state
3 your full name, spelling your last name.

4 THE WITNESS: Lisa Kubicsko. K-U-B-I-C-S-K-O.

5 LISA KUBICSKO, Having Been First Duly Sworn, was Examined and
6 Testified as Follows:

7 **DIRECT EXAMINATION BY MR. OSBORNE OF LISA KUBICSKO:**

8 Q. All right. Ms. Kubicsko, where do you work now?

9 A. I am currently working with the Arlington County Police
10 Department in Arlington, Virginia, as a senior fingerprint
11 specialist and forensic identification unit supervisor.

12 I'm a also part-time analyst with the Annapolis Police
13 Department in Annapolis, Maryland, as a latent print examiner.

14 Q. Okay. And prior to working with Arlington and Annapolis,
15 where were you employed?

16 A. The North Charleston Police Department.

17 Q. And what was your position with North Charleston?

18 A. I was a crime scene technician and latent print examiner.

19 Q. And how long were you working with North Charleston?

20 A. Seven-and-a-half years.

21 Q. All right. Now, let's tell the jury about your formal
22 education and background, including any specialized training
23 you have in fingerprint analysis.

24 A. I have a bachelor's science in forensic and investigative
25 science from West Virginia University. I also have a master's

1 of science in criminal justice from Charleston Southern
2 University.

3 I was employed with North Charleston in 2010, where I was
4 trained by the senior lead latent prints examiner for about
5 four months before I took a competency test at the South
6 Carolina Law Enforcement Division.

7 I then began working my own cases independently. I --
8 during the time of my time at North Charleston, I attended
9 roughly over 120 hours of specialized training. That was
10 completed with outside companies such as Ron Smith and
11 Associates and Searchy. Those classes included complex latent
12 prints, palm-print comparisons, and advanced palm-print
13 comparisons.

14 After leaving North Charleston, I conduct -- I completed
15 over 120 additional hours with Ron Smith and Associates and
16 Tri-tech Forensics. Those classes include analysis and
17 distortion of latent prints, latent print search and
18 comparison techniques, and essential quality practices in
19 latent print examination.

20 I've attended the 2012, 2014, 2018, and 2019 Idemnia
21 Public Security Users Conference and the 2018 International
22 Association for Identification Educational Conference.

23 Q. Have you ever been qualified as an expert in the field of
24 latent print examinations in courts before?

25 A. Yes. Five times for -- with South Carolina General

1 Sessions courts.

2 MR. OSBORNE: Okay. Your Honor, I have a few more
3 questions; but at this time we'd seek to offer Ms. Kubicko as
4 an expert in the field of latent print examination.

5 THE COURT: Would you care to examine those
6 qualifications?

7 MR. HALES: No, Your Honor.

8 THE COURT: She'll be permitted to render opinions in
9 that area.

10 Q. All right. So just so we are on track and on the same
11 sheet of music, tell the jury what -- when we start to use
12 these terms what do you mean when we say a known fingerprint?

13 A. A known fingerprint is the deliberate recording of the
14 friction ridge skin. The friction ridge skin is the raised
15 portion of your skin located on the underside of your hands
16 and feet. This can be recorded by applying thin black ink to
17 the fingers and rolling the finger nail-to-nail on a ten-print
18 card.

19 Nowadays, most agencies are using a live-scan system,
20 which does a digital recording of the friction ridge skin and
21 is then printed onto a ten-print card.

22 Q. All right. What is meant by the term -- and you used
23 this already a couple of times. What is meant by the term of
24 latent print?

25 A. A latent print is the chance reproduction of the friction

1 ridge skin. That is, again, the friction ridge skin is the
2 raised portion on the underside of the hand and the palms.

3 When contact was made with a suitable surface, a latent
4 print may be left. The latent print left -- I'm sorry, on the
5 friction ridge skin, there's pores that are continuously
6 secreting sweat. During our normal routines, by touching
7 different objects we also come into contact with contaminants
8 such as oils and greases. So the oils and greases, along with
9 the sweat, will coat the ridges. So when you make contact
10 with a surface, the latent print may be left.

11 Latent prints are invisible to the unaided eye and will
12 require a chemical as part of the processing to make visible.

13 Q. Okay. And so just to kind of break it down when -- for a
14 layperson. When you're talking latent, it just means you
15 can't see it; and known, not only can see it but you know who
16 it belongs to?

17 A. Correct.

18 Q. All right. And in the area of print examination
19 analysis, how do you go about comparing a known to a latent?

20 A. To conduct a latent print examination we use a method
21 called ACEV. This stands for Analysis Comparison Evaluation
22 and Verification.

23 During the analysis phase I am examining the latent print
24 to determine if it has enough information to be able to
25 conduct a comparison on. I will look at the level one

1 details, which includes the orientation of the print, the
2 ridge flow, and pattern type. Also level two detail, which
3 consists of ridge characteristics that we call munisha. Those
4 ridge characteristics can include: an ending ridge, where a
5 continuous ridge will flow and then come to an abrupt stop; a
6 bifurcation, where you have a single ridge that will then
7 split into two ridges; or a dot, which is a ridge that is as
8 wide as it is long.

9 While conducting the compar- -- once I determine that the
10 print is suitable for comparison, in the comparison phase I am
11 doing a one-to-one comparison between the latent print and the
12 known print. To do this, I'm looking for those specific ridge
13 characteristics and their relative positions to one another in
14 both the latent and the known.

15 Then I'll go to the evaluation phase and where I'm making
16 my determination of the source of the print. I could
17 determine: That it is an identification, meaning the latent
18 print and the known print are of the same source; an
19 exclusion, where I determine they are not of the same source;
20 or inconclusive, where I am unable to make a determination.

21 Once I have done my complete examination, the case will
22 then go to another competent examiner who will complete their
23 own analysis, comparison, and evaluation. And we call that
24 the verification phase.

25 Q. Okay. In the U.S. is there like a national standard to

1 the number of ridges or the number of points that you need to
2 see from a latent to a known to be able to make an
3 identification?

4 A. No, there is no set standard in the United States.

5 Q. Okay. So, and I think you kind of already covered this,
6 but what are some of like the basic factors that you're
7 looking at when you are making that sort of comparison?

8 A. The basic factors that allow us to use fingerprints for
9 identification purposes, are that they are persistent and
10 their uniqueness. Fingerprints are persistent, meaning they
11 are developed before birth and they remain unchanged until
12 after death, with the exception of permanent scarring or
13 agitation. Uniqueness is due to the biological stresses and
14 strains that occur to the friction ridge skin while they're
15 being developed in utero.

16 Q. All right. Now -- all right. So we are going to kind
17 of -- I am going to work a little bit backwards in reference
18 to your -- or work in chronological order to your involvement
19 with this case.

20 A. Okay.

21 Q. Okay. So were you working on March the 30th of 2016?

22 A. Yes.

23 Q. Did you have the occasion to respond to [REDACTED] Pinecrest,
24 Apartment [REDACTED], in Summerville?

25 A. Yes. Not in Summerville, though. North Charleston.

1 Q. It was off McMillan?

2 A. Yes.

3 Q. Okay. Or near the old K-Mart?

4 A. [No response]

5 Q. Oh. You wouldn't -- okay. Never mind.

6 A. I'm not

7 Q. All right. And why were you asked to respond to that
8 location?

9 A. I was asked to respond to assist detective with a search
10 warrant.

11 Q. Okay. I'm going to show you 114 through 119, and then
12 121 to 135. Can you just briefly take a look at those and
13 tell me if you recognize what those photographs depict?

14 A. Yes. These are photographs that I took while doing the
15 search warrant at Pinecrest.

16 MR. OSBORNE: Okay. Your Honor, at this time we'd seek
17 to admit 114 through 119, and 121 through 135.

18 THE COURT: Any objection?

19 MR. HALES: Can I see -- I would like to see them.

20 THE COURT: Sure.

21 [Whereupon, Mr. Hales reviews documents]

22 MR. HALES: Without objection.

23 THE COURT: Very well. Without objection, State's 114
24 through 119, and 121 through 135, are admitted, each being a
25 photograph.

1 [Whereupon, State's Exhibit Numbers 114 through 119 and
2 121 through 135 are admitted into evidence by the Court]

3 MR. OSBORNE: And I'm sorry, Judge, just to move it
4 along.

5 Q. I am going to show you State's 204 as well.

6 THE COURT: Okay.

7 Q. Can you take a look at that and tell me if you recognize
8 that?

9 A. Yes.

10 Q. And what is that?

11 A. This is one Tulamo .9mm Luger round that was collected at
12 [REDACTED] Pinecrest.

13 Q. When you were doing these?

14 A. Correct.

15 Q. Okay.

16 MR. OSBORNE: Your Honor, at this time I'd seek to admit
17 204 into evidence.

18 THE COURT: Any objection to 204?

19 MR. HALES: No, Your Honor.

20 THE COURT: Without objection, 204 is also admitted.

21 [Whereupon, State's Exhibit Number 204 is admitted into
22 evidence by the Court]

23 Q. All right. So I'm going to go through these photographs
24 and then I'm going to say what the exhibit is. And just tell
25 us what we're looking at. Sometimes it is going to be

1 obvious.

2 All right. State's 114?

3 A. This is the front of the residence, looking through the
4 front door.

5 Q. All right. State's 115?

6 A. This is taken standing right at the front door, going up
7 the stairs.

8 Q. One sixteen?

9 A. The living room.

10 Q. And 117?

11 A. Again, the living room.

12 Q. One eighteen?

13 A. This is of a dresser drawer upstairs.

14 Q. One nineteen?

15 A. Close-up photograph of what seemed to be time receipts
16 from work.

17 Q. Okay. Can you read this name [indicating] or this name
18 [indicating] ---

19 A. Leandra ---

20 Q. --- on the envelope?

21 A. --- Bright.

22 Q. I'm sorry. Say it again. I was talking over you.

23 A. Leandra Bright.

24 Q. Okay. Are we still -- on 127, are we still on the same
25 nightstand, I guess?

1 A. Dresser, yes.

2 Q. Dresser. One twenty-eight?

3 A. This is a close-up photo of what is a W-2 statement in
4 the dresser drawer.

5 Q. Okay. And, again, the name?

6 A. Leandra Bright.

7 Q. Okay. Now, on 129 we're on top of the dresser drawer?

8 A. No, this is the table that was in the living room.

9 Q. Oh, okay. And I am going to zoom in here in a second on
10 130. What are we looking at here on 130?

11 A. This is the Tulamo .9mm round.

12 Q. Okay. One thirty-one?

13 A. This is a SIM card.

14 Q. All right. One thirty-two?

15 A. This is a receipt for the SIM card, I believe.

16 Q. Can you see where it was purchased from?

17 A. Walmart.

18 Q. And the one on Centre Point?

19 A. Correct.

20 Q. Okay. And 133 is just another photograph of the same
21 receipt?

22 A. Yes.

23 Q. I think on 134 we are flipping the same photograph; is
24 that fair to say?

25 A. Yes.

1 Q. The same on 135?

2 A. Yes.

3 Q. And you said that 204 is just the actual live round that
4 we saw in photo 130?

5 A. Yes.

6 Q. You said that was a .9mm Luger?

7 A. Correct. I'm sorry. Tulamo. Yeah, .9mm Luger.

8 Q. All right. After you were finished with here, did you
9 have the occasion to become involved in processing a gold or
10 champagne-colored Buick?

11 A. Yes.

12 MR. OSBORNE: Okay. Your Honor, may I approach?

13 THE COURT: Yes, you may.

14 Q. I am showing you State's 96, 212 and 213. Can you take a
15 look at those and tell me if you recognize those?

16 A. Yes, I do.

17 Q. And what are they?

18 A. These are photographs that I took of the Buick while
19 conducting the search warrant.

20 MR. OSBORNE: Okay. Your Honor, at this time I would
21 seek to admit 96 -- I'm sorry. Let me look at it one more
22 time.

23 THE COURT: Ninety-six, two-twelve and two-thirteen?

24 MR. OSBORNE: That's right. Yes, sir, 96, 212, and 213.

25 THE COURT: Any objection?

1 MR. HALES: No, Your Honor.

2 THE COURT: State's 96, 212 and 213 are admitted without
3 objection, each being a photograph.

4 [Whereupon, State's Exhibit Numbers 96, 212 and 213 are
5 admitted into evidence by the Court]

6 Q. All right. I'm showing you 96 first. What are we
7 looking at here?

8 A. This is the front of the gold Buick.

9 Q. All right. Two twelve?

10 A. This is the passenger side of the gold Buick.

11 Q. Okay. So the passenger side. Now, well, while we're
12 looking at it, what are -- what are we looking at here with
13 all of these different cards on the car?

14 A. I did process the vehicle for fingerprints, so what
15 you're seeing is once I process a vehicle for fingerprints I
16 apply a layer of tape over the print and then lift the tape
17 and apply a white backer card and place the tape back on the
18 card. That transfers the print onto the card.

19 I then left them in their locations so that I could take
20 a photograph to document the location that they were lifted
21 from.

22 Q. All right. I am now moving in on 213. What are we
23 looking at here?

24 A. This is a lift I took from the passenger window.

25 MR. OSBORNE: Okay. Your Honor, may I approach?

1 THE COURT: Yes.

2 Q. I am showing you 173 and 214. Can you take a look at
3 those and tell me if you recognize those?

4 A. All right. Exhibit 173 is DMV paper, a copy of it. That
5 was located inside of the glove box in the vehicle. And 214
6 is the white backer card that was on the passenger window.

7 MR. OSBORNE: Okay. Your Honor, at this time I would
8 seek to admit 173 and 214 into evidence.

9 THE COURT: Any objection?

10 MR. HALES: No, Your Honor.

11 THE COURT: Without objection, State's 173 and 214 are
12 admitted.

13 [Whereupon, State's Exhibit Numbers 173 and 214 are
14 admitted into evidence by the Court]

15 Q. All right. So we left off here showing 213 on the
16 passenger window. And now I'm showing you -- and that you
17 have labeled as Card Number 1?

18 A. Yes.

19 Q. And now I'm just of -- Card Number 1 up on the overhead.
20 Did you have the occasion to do any analysis of this print?

21 A. Yes.

22 Q. And what if any were your findings?

23 A. I was able to make an identification to the right thumb
24 of Leandra Bright.

25 Q. Okay. Did you have the occasion to swab any portions of

1 the car?

2 A. Yes.

3 Q. And what do you mean by -- well, what do I mean when I
4 say swab portions of the car; what are you trying to do?

5 A. On this vehicle I swabbed for both blood and touch DNA.
6 All of the exterior and interior door handles were swabbed for
7 touch DNA. And that just means the sweat that is left from
8 touching the surface. That's where we try to get touch DNA
9 from.

10 In addition, there were several red spots on the
11 passenger side of the vehicle that I presumptive tested for
12 blood using phenolphthalein.

13 I determined that some of the spots did not test positive
14 for blood. However, some of the spots did. The ones that
15 did, I collected a DNA swab of for further analysis.

16 MR. OSBORNE: Okay. Your Honor, may I approach?

17 THE COURT: Yes.

18 Q. I'm showing you State's 101, 102 and 176. Can you take a
19 look at those and tell me if you recognize those?

20 A. Yes, I do.

21 Q. And what are they?

22 A. One-oh-two and One-oh-one are both photographs
23 documenting where I swabbed on the passenger-side mirror.
24 That blood swab was labeled B in the photograph. And 176 is
25 the actual DNA blood swab from the passenger-side mirror.

1 Q. Okay. And you were actually the individual that swabbed
2 it and put it into evidence yourself?

3 A. Yes.

4 Q. And then just briefly, what is the process of once you
5 swab it that you put it into evidence; how do you go about
6 doing that; how do you package it?

7 A. Once I collect the evidence, initially swab the vehicle,
8 it is placed back into what you will see -- may I show this
9 [indicating]?

10 Q. Okay. Let me move them in.

11 A. Okay.

12 MR. OSBORNE: Your Honor, at this time I would seek to
13 move in 101, 102 and 176 into evidence.

14 THE COURT: Any objection?

15 MR. HALES: Without objection.

16 THE COURT: Without objection, State's 101, 102, each
17 being a photograph, are admitted; 176, an envelope containing
18 a swab, also admitted.

19 [Whereupon, State's Exhibit Numbers 101, 102 and 176 are
20 admitted into evidence by the Court]

21 Q. Okay. Go ahead.

22 A. This is the packaging that the swab comes into. So once
23 I swab the area, I would place it back into that packaging.
24 Then I would transfer the swabs back to the lab, where they
25 are then placed in this white envelope [indicating].

1 It is sealed with evidence tape. And I sign it and
2 initial it. I then complete a chain of custody that will
3 follow this piece of evidence wherever it goes.

4 All evidence collected is placed into an evidence locker
5 and where an evidence technician will intake those items and
6 sign the chain of custody.

7 Q. Okay. And I was just going to put this up on the
8 overhead real quick and ask you a couple of quick questions.
9 Again, 96. gold Buick; correct?

10 A. Correct.

11 Q. And now you had mentioned that you swabbed certain areas
12 of the car that you thought might come back positive for
13 blood. Do you have a way of testing that?

14 A. Yes.

15 Q. Okay. And this swab right here, did come back
16 positive -- presumptive positive for blood?

17 A. Correct.

18 Q. And this being the passen- -- the rearview mirror of the
19 passenger, the side?

20 A. Correct.

21 Q. And then we just have a close-up view of that on 102?

22 A. Yes.

23 Q. And then you went through the processing for the way you
24 packaged it, and that being 176?

25 A. Correct.

1 Q. Okay. And any analysis done on this would have been
2 transported to SLED and they would have done any comparisons
3 for DNA from that swab?

4 A. Correct.

5 Q. All right. And I never did show this to you, but I'm
6 showing you 173. What are we looking at here?

7 A. This is a redacted copy of the DMV paperwork that was
8 located in the glove box of the Buick.

9 Q. Okay. And what's the name on that?

10 A. Leandra Lamont Bright.

11 MR. OSBORNE: All right. No further questions.

12 THE COURT: Cross examine?

13 MR. HALES: Yes, Your Honor.

14 **CROSS-EXAMINATION BY MR. HALES OF LISA KUBICKO:**

15 Q. So correct me if I'm wrong, because I may be; but a
16 fingerprint left untouched or unsmudged, how long will it
17 last? Forever?

18 A. There is no way to determine how long it lasts.

19 Q. Right. So it could last a certain amount of time, a
20 short period of time, or it could stay there for months?

21 A. Correct, depending on the environmental factors that have
22 occurred, the weather and everything.

23 Q. Okay. So exactly what -- exactly where on the Buick were
24 you able to lift fingerprints?

25 A. I took twenty-two lifts from the vehicle, the exterior of

1 the vehicle.

2 Q. Okay. Did you -- where on the vehicle were those taken,
3 if you don't mind me asking?

4 A. May I refer to my notes?

5 Q. Absolutely.

6 A. Okay. I took seven lifts from the hood, three lifts from
7 the driver's door, two from the driver's door above the
8 window, one from the driver's door window frame, one from the
9 windshield driver's side, two from the rear driver's quarter
10 panel, one from the passenger window, one from the rear
11 passenger window, one from the rear passenger door above the
12 door handle, one from the passenger's seat post, one from the
13 interior passenger lock/window-button area, and one from the
14 interior driver lock/window-button area.

15 Q. But not one from that passenger-side rearview mirror?

16 A. No.

17 Q. Okay. Now, the solicitor asked you about processing the
18 Buick sedan. Did you process a Buick Enclave as well?

19 A. No.

20 Q. You did not process that?

21 A. No.

22 Q. Okay. You just handled the sedan, the gold sedan?

23 A. Yes.

24 Q. And you made a determination as to what that blood was;
25 it was just presumptive for blood?

1 A. Presumptive, correct.

2 Q. Okay. And you'd have to send that off to somewhere else
3 to determine if it was blood and who it belonged to, et
4 cetera?

5 A. Correct.

6 Q. Okay. As far as touch DNA, were you able to collect any
7 of that? I know you said you processed for it or ---

8 A. I did. I collected touch DNA from all exterior and
9 interior door handles.

10 Q. Okay. And once again, what would that -- what would that
11 go to show?

12 A. DNA would be able to identify a person who touched that
13 surface.

14 Q. Wouldn't say exactly when they were there, what they were
15 doing; it would just say that they had been there in the past?

16 A. Correct.

17 MR. HALES: Court's indulgence one moment.

18 THE COURT: Certainly.

19 Q. So you looked at twenty-two prints from the Buick. How
20 many people did you get that to come back to?

21 A. May I refer to my notes?

22 Q. Absolutely.

23 A. In addition to the latent prints that I collected from
24 the tan Buick, I also conducted the examination of the latent
25 prints from the tan Buick. So in total there were thirty-four

1 white backer cards containing latent prints, and I was able to
2 identify seven people.

3 Q. And who were those seven people?

4 A. Gage Frank, James Frank, Leandra Bright, Arthur Meyers,
5 Earl Holmes, Jessie Moren, and Jackie Johnson.

6 Q. And, once again, that would just show that those people
7 at some point in time touched some surface on that car or
8 inside of that car?

9 A. Correct. Some people were on the -- on the Buick, and
10 others were on the Enclave. Correct.

11 Q. You did process the Enclave?

12 A. I did not process it, but I did examine the prints that
13 were collected from the Enclave.

14 Q. Okay. Well, tell us about the Enclave. Who did you then
15 were you able to determine that matched in the Enclave?

16 A. The prints from the blue Buick Enclave came back to
17 Arthur Meyers, Earl Holmes, Jessie Moren, Jackie Johnson. And
18 that's it for the Buick Enclave. And then from the tan Buick
19 was Gage Frank, Leandra Bright and James Frank.

20 Q. I know there's a lot of names in a row, and I apologize
21 for that. But I guess what I'm getting at is that Leandra
22 Bright's prints were not located on the Buick Enclave?

23 A. No. I made no identifications from that.

24 MR. HALES: No further questions, Your Honor.

25 THE COURT: Redirect?

1 REDIRECT EXAMINATION BY MR. OSBORNE OF LISA KUBICKO:

2 Q. I'm sorry to ask you this; but since it came up, can you
3 just tell us: On the Buick, the gold Buick, the sedan, James
4 Frank, where was that print recovered from?

5 A. There were many prints that came back to Gage Frank from
6 the tan Buick. Would you like me to go through the locations?

7 Q. Not Gage. James.

8 A. Oh. I'm sorry.

9 Q. That's okay.

10 A. One from the driver's door above window.

11 Q. All right. What about Leandra Bright, again from the
12 gold Buick?

13 A. The passenger window.

14 Q. The one we talked about?

15 A. Correct.

16 Q. Okay. And then from the Enclave we have Arthur Meyers;
17 you're not familiar that's the victim in this case?

18 A. Correct.

19 Q. Oh, you are. Okay. Well, where was his prints recovered
20 from the car -- you know what? Don't worry -- don't worry
21 about it. That's a stupid question.

22 Earl Holmes, well, let's talk about his prints. Where
23 was his prints recovered from?

24 A. Earl Holmes was from above the back passenger's-side door
25 handle.

1 Q. Okay. Above the back passenger-side door handle. Okay.
2 And what about Jessie Moren?

3 A. Jessie Moren is from the back passenger-side, above-
4 handle on edge of door.

5 Q. Okay. Again, from the back passenger-side?

6 A. Correct.

7 Q. Okay. And Jackie Johnson?

8 A. Jackie Johnson is the back passenger-side door handle,
9 the driver-side back passenger exterior door below window but
10 above the handle, driver's side back passenger halfway down
11 edge near handle. And that's it.

12 Q. And Mr. Hales asked you -- there were a lot of other
13 prints recovered. These are the only ones that came back with
14 an identification?

15 A. Correct.

16 Q. And were you there when Ms. Ong was attempting to lift
17 latent prints from the Enclave?

18 A. No.

19 MR. OSBORNE: Okay. Okay. No further questions.

20 THE COURT: Recross?

21 MR. HALES: No, Your Honor.

22 THE COURT: Thank you. You may come down. Do you wish
23 this witness to be excused?

24 MR. OSBORNE: Yes, Your Honor.

25 THE COURT: Any objection, Mr. Hales?

1 MR. HALES: No, Your Honor.

2 THE COURT: You are also free to leave. Thank you.

3 THE WITNESS: Thank you.

4 [Whereupon, the witness exits the witness stand]

5 THE COURT: Call your next witness.

6 MS. ELLIOTT: May we approach briefly, Your Honor?

7 THE COURT: Sure.

8 [Whereupon, an off-the-record bench conference is held

9 11/12/19, 4:29 p.m.]

10 MS. ELLIOTT: The State calls Justin Garrison.

11 [Whereupon, Mr. Garrison comes forward]

12 THE CLERK OF COURT: Okay. I ask you to put your left
13 hand on the Bible and raise your right.

14 [Whereupon, Mr. Garrison is duly sworn by the clerk of
15 court]

16 THE CLERK OF COURT: Please be seated.

17 [Whereupon, the witness takes the witness stand]

18 THE CLERK OF COURT: And for the record, please state
19 your full name, spelling your last name.

20 THE WITNESS: Justin Kyle Garrison. Last name is
21 G-A-R-R-I-S-O-N.

22 JUSTIN GARRISON, Having Been First Duly Sworn, was Examined
23 and Testified as Follows:

24 **DIRECT EXAMINATION BY MS. ELLIOTT OF JUSTIN GARRISON:**

25 Q. Detective Garrison, where are you employed?

1 A. North Charleston Police Department.

2 Q. And how long have you been with the North Charleston
3 Police Department?

4 A. Going on about seven years now.

5 Q. And what are some various duties and roles you've held
6 with the North Charleston Police Department?

7 A. When I graduated the academy at FTO, I was placed at
8 Central Nights Bureau, Team One. After that, I went to the
9 North Charleston Speed Team. Once the Speed Team was
10 expanded, I went to North Nights, Team Two. I was there for a
11 short period of time until I became a K-9 handler and was
12 assigned to the narcotics unit. I'm also a member of the
13 North Charleston SWAT team.

14 Q. And what kind of training and experience do you have that
15 helps you do your job?

16 A. I graduated from the South Carolina Criminal Justice
17 Academy. I got my law enforcement certification from there.
18 I'm also an FTO, which is a field training officer. I am a
19 tactile medical instructor and an active shooter instructor,
20 and I am also basic SWAT certified.

21 Q. And prior to becoming a police officer, did -- what kind
22 of work did you do?

23 A. I was a civilian employee with the North Charleston
24 Police Department. Before that, I worked retail.

25 Q. What was your assignment during the late-night hours to

1 the early-morning hours of March 29th to March 30th, 2016?

2 A. I was assigned to Central Bureau, night shift. I was ---

3 Q. Can you define for us kind of what the boundaries for
4 Central Bureau are for North Charleston?

5 A. Rivers and Durant, to Rivers and Ashley Phosphate; that's
6 one side of Central Bureau. Then you go over to the
7 Dorchester Road side, and that goes to Dorchester and 526 all
8 the way to Dorchester and Mazyck -- Michaux Parkway, rather.
9 Like you're going towards the airport.

10 Q. So that night you were out patrolling in Central?

11 A. Correct.

12 Q. What went on that night that got you involved in this
13 case?

14 A. I was dealing with a mentally unstable subject in the
15 median of Rivers Avenue. While dealing with that, I heard
16 several gunshots coming from the Russeldale community.

17 Q. So this is your regular patrol area, so you're pretty
18 familiar with Rivers Avenue and all the roads that are coming
19 in and out of it?

20 A. Correct.

21 Q. And from where you were located on that traffic stop, are
22 you familiar with the corner store that's next to the Economy
23 Lodge?

24 A. Yes, I am.

25 Q. I'm going to hand you several pictures.

1 MS. ELLIOTT: May I approach, Your Honor?

2 THE COURT: You may.

3 Q. I'm showing you what's been marked for identification as
4 State's 4 and 5. Do you understand kind of the viewpoint of
5 those maps?

6 A. Let me make sure.

7 Q. That's fine. Take all the time you need.

8 A. I understand Number 4.

9 Q. What's depicted in Number 4?

10 A. And I understand Number 5, as well. Number 4 is kind of
11 like a zoomed-out map of the entire area. I can see the
12 particular streets and the area that -- or the particular
13 streets that are involved in this case, as well as the area
14 that I was located. And ---

15 Q. And what does State's 5 represent?

16 A. It's just a zoomed-in picture of Number 4. I can also
17 see where I would have been located, as well as the particular
18 street that were involved in this case.

19 Q. I'm going to show you one other. This has already been
20 admitted as State's 7. Do you recognize that as well?

21 A. Yes.

22 Q. All right. I am going to put these up on the projector.

23 THE COURT: Four and five are admitted?

24 MR. OSBORNE: I don't believe they have, Your Honor. At
25 this time, we would move to admit State's 4 and 5.

1 THE COURT: Any objection?

2 MR. HALES: No objection.

3 THE COURT: Six, four and five?

4 MS. ELLIOTT: No, Your Honor, four, five.

5 THE COURT: Four and five ---

6 MS. ELLIOTT: And I am going to be referring to 7 that
7 has already been admitted.

8 THE COURT: Seven has already been admitted.

9 MS. ELLIOTT: Yes, Your Honor.

10 THE COURT: Four and five, each being a photograph, are
11 admitted without objection.

12 [Whereupon, State's Exhibit Number 4 and 5 are admitted
13 into evidence by the Court]

14 Q. I am showing you State's 4. I am hoping you can give me
15 a little context in this. You were describing certain cross
16 streets that represent different parts of Central Bureau. Can
17 you indicate on there for us -- zoom in, if it helps.

18 A. It's a little dark.

19 Q. Did that -- I am going to use north and south. I don't
20 know if that's correct. Does that represent a particular
21 portion of Central Bureau's patrol area?

22 A. Yes, it does.

23 Q. What area is that?

24 A. That is Zone Four, Central. That is the Rivers Avenue
25 area. There's also some of Montague.

1 Q. Just for a frame of reference for people, can you
2 indicate on there where like the North Charleston Police
3 Department is?

4 A. Yes. [Indicates]

5 Q. And I see -- you know, we're all familiar with North
6 Charleston having Park Circle. Where is Park Circle Proper in
7 this photo, if it's even visible?

8 A. This is the Park Circle area [indicating].

9 Q. Okay. I want to move to State's 5. On the night -- on
10 the night of the 29th into March 30th, you said that you were
11 out with an unstable person. Can you indicate on this map for
12 us where you were interacting with that person?

13 A. Yes. It was about right here [indicates] in this general
14 location.

15 Q. Were you in the roadway or in the median?

16 A. I was in the median, the grassy median.

17 Q. Now, in that general area, you're familiar with that
18 corner store that I have talked about by the Economy Inn?

19 A. Right.

20 Q. Can you indicate where that is on that map?

21 A. Right around here [indicates].

22 Q. And do you know what the name of that store is now?

23 A. I believe it's Big T's. It's changed names quite a few
24 times in the years.

25 Q. Do you remember if that was the name back in 2016?

1 A. I can't recall. I want to say it was Mr. T's at the
2 time, but I'm not certain.

3 Q. Now, was that what you would have described as a normal
4 night for you out on patrol?

5 A. Yes.

6 Q. Did anything out of the ordinary happen while you were
7 out with the citizen who needed assistance?

8 A. Yeah. When I was out with the citizen, that's when I
9 heard the gunshots. That was out of the ordinary. Other than
10 that, it was your particular patrol night.

11 Q. And I believe you said this, but where did you think you
12 heard the shots coming from?

13 A. The Russeldale community.

14 Q. Can you mark in general where that is on the map?

15 A. Yes. That's the Russeldale community [indicates].

16 Q. What did you do when you heard those shots?

17 A. I was unable to respond to the location because I was
18 dealing with the mentally unstable subject at the time, but I
19 did radio to dispatch who advised other officers to go to that
20 location.

21 Q. Did you hear anything distinctive about the shot?

22 A. I heard a two separate volleys of shots. I believe one
23 was three shots, and then there was a slight pause and then
24 another volley of about five shots.

25 Q. Did it sound like it was one gun or two?

1 A. I can't say for certain how many guns it was. All I know
2 is it was two volleys of shots.

3 Q. Following the shots, did you hear anything else?

4 A. I heard a loud bang. Sounded like a crash, is the best
5 way to describe it. Which after further investigation that
6 sound was determined to be the victim's vehicle colliding with
7 a building.

8 MS. ELLIOTT: Your Honor, may I approach?

9 THE COURT: You may.

10 Q. I am going to show you -- show you what's been marked for
11 identification as State's 2 and 3. Do you recognize those
12 CDs?

13 A. I do.

14 Q. What's contained on those CDs?

15 A. Body-camera footage.

16 Q. Whose body-camera footage?

17 A. My body-camera footage.

18 Q. And have you reviewed those clips?

19 A. I have.

20 Q. And do they fairly and accurately represent what occurred
21 that evening?

22 A. Yes, they do.

23 MS. ELLIOTT: Your Honor, at this time I would move in
24 State's 2.

25 THE COURT: State's 2?

1 MS. ELLIOTT: Yes, Your Honor.

2 THE COURT: All right. Is there any objection?

3 MR. HALES: No objection, Your Honor.

4 THE COURT: State's 2 is admitted without objection.

5 [Whereupon, State's Exhibit Number 2 is admitted into
6 evidence by the Court]

7 MS. ELLIOTT: Your Honor, at this time we would publish
8 State's 2.

9 THE COURT: You may do so.

10 [Whereupon, State's Exhibit Number 2 is published for the
11 jury]

12 Q. So I want us to actually go step-by-step through that
13 video, now that we have an overview of it.

14 MS. ELLIOTT: Mr. Osborne, will you play that one more
15 time?

16 Q. Will you note for us after you've heard the gunshots,
17 please.

18 [Whereupon, State's Exhibit Number 2 is played for the
19 jury]

20 A. First volley.

21 That's the second volley.

22 Q. And that is the second volley.

23 [Whereupon, State's Exhibit Number 2 is paused]

24 Q. All right. And so after hearing that, how did you
25 respond?

1 A. I relayed the information to dispatch, who relayed it to
2 other officers.

3 Q. All right. And I believe you said that you --- that you
4 heard the crash. I'd like for you to note for us when you
5 hear that in the video, as well.

6 [Whereupon, State's Exhibit Number 2 is played for the
7 jury]

8 A. That's the crash.

9 [Whereupon, State's Exhibit Number 2 is paused]

10 Q. Do you know approximately what time that happened?

11 A. I believe it was around 2:00 in the morning. I can't say
12 for certain, though. I can't recall.

13 Q. And once you made that call-in, did you actually respond
14 to a scene related to those shots and that crash sound?

15 A. I did. After I -- after EMS arrives on the scene with
16 the individual I was dealing with, I then responded to James
17 Bell. Other officers were on the scene who advised there was
18 a vehicle that had collided with a building. So that's the
19 scene I was on throughout the entire night.

20 Q. I am going to go back to the map. Well, let's start with
21 vie again. I know this is a zoomed-out position. Can you
22 mark for us one more time where you were when you first heard
23 the shots?

24 A. It was about there [marking] in that grassy median.

25 Q. Can you make that a little bigger? I'm having some

1 trouble seeing it.

2 A. [Witness complies]

3 Q. Thank you. And where did you respond to the crash? You
4 could even do it with ---

5 A. [Witness circles]

6 Q. Yeah, perfect, just circle.

7 A. It was right in that area.

8 Q. Approximately how far are those two places from each
9 other?

10 A. It's about a mile.

11 Q. Now I'm going to show you what's been admitted as State's
12 Exhibit 7. Can you indicate for us where James Bell is?

13 A. Yes. James Bell is right here [indicates]. It's all the
14 way down. And this is your main road, Rivers Avenue.

15 Q. And where was the collision?

16 A. The barbershop that the vehicle collided with is right
17 there [indicating].

18 Q. Did you ever learn that there was another scene of
19 interest in that area?

20 A. I did. After being on scene at James Bell for quite some
21 time I was informed that there was another crime scene on
22 Target Street.

23 Q. On Target Street or Taylor Street?

24 A. Taylor Street. Sorry.

25 Q. Can you indicate for us where Taylor Street is?

1 A. Yes. [Indicates]

2 Q. Now, did you respond to Taylor Street?

3 A. I did not. I remained on James Bell.

4 Q. But about how far apart are Taylor and James Bell?

5 A. It's about a block. A block away.

6 Q. When you responded to James Bell, will you describe for
7 us what you saw?

8 A. Whenever I arrived, I observed a dark-in-color SUV that
9 had collided with a building. I then got out of my car in an
10 attempt to see what happened. At that point, I observed a
11 male individual slumped over in the driver's side. He was
12 suffering from multiple gunshot wounds.

13 I believe -- or it looked as if he was trying to flee the
14 scene after being shot multiple times. He collided with a
15 street sign, as well as the building on James Bell.

16 Q. What was your role at the crash scene at James Bell?

17 A. When I determined that I was unable to render aid, I then
18 secured the scene and began to interview any individuals that
19 were around the scene or came up to the scene.

20 MS. ELLIOTT: The Court's indulgence, Your Honor.

21 THE COURT: Certainly.

22 Q. Just to clarify. In that first volley, how many shots
23 did you hear?

24 A. Three.

25 Q. And in the second volley how many?

1 A. Five.

2 Q. And I apologize -- I apologize if I've asked this. From
3 the sound of the bullets, could you make any guess as to what
4 types of guns were firing those volleys?

5 MR. HALES: Objection, Your Honor.

6 THE COURT: You've already asked that and he said he
7 couldn't make the distinction. I sustain the objection.

8 MS. ELLIOTT: Yes, Your Honor.

9 Q. Do you have any -- did you have any further involvement
10 with this case?

11 A. I did not. I was advised later on, after detectives
12 reviewed my body-camera footage, that a possible suspect
13 vehicle was on my body camera while I was dealing with the
14 original scene. But that's the only other involvement that I
15 had.

16 Q. And that was the gold Buick?

17 A. Correct.

18 MS. ELLIOTT: Court's indulgence, Your Honor.

19 THE COURT: Certainly.

20 MS. ELLIOTT: At this time, we would publish the second
21 clip from State's 2.

22 THE COURT: Continuing on 2?

23 MS. ELLIOTT: Yes, Your Honor.

24 THE COURT: You may do so.

25 [Whereupon, State's Exhibit Number 2 is played for the

1 jury]

2 [Whereupon, State's Exhibit Number 2 concludes]

3 Q. So the gold Buick was the one car that passes in that
4 clip ---

5 A. Correct.

6 Q. --- at that time?

7 MS. ELLIOTT: Thank you, Detective Garrison. I have no
8 further questions for you at this time.

9 THE COURT: You may cross-examine

10 MR. HALES: No questions of this witness, Your Honor.

11 THE COURT: All right. Y'all approach, please.

12 MS. ELLIOTT: Your Honor, can we excuse ---

13 [Whereupon, an off-the-record bench conference is held]

14 THE COURT: Do you have any objection to him being
15 excused?

16 MR. HALES: None, Your Honor.

17 THE COURT: All right. You may step down. Thank you so
18 much.

19 [Whereupon, the witness exits the witness stand]

20 THE COURT: All right. Ladies and gentlemen, at this
21 point, given the hour and the deterioration of the weather --
22 I just looked and it's raining again, so I'm going to let you
23 all out a little bit early so you can get on -- get out and
24 get where you need to be.

25 Please remember that you are not at liberty to talk about

1 [Whereupon, Mr. Givens comes forward]

2 THE CLERK OF COURT: I'm going to ask you to place your
3 left hand on the Bible and raise your right hand.

4 [Whereupon, Mr. Givens is duly sworn by the clerk of
5 court]

6 THE CLERK OF COURT: Please be seated.

7 [Whereupon, the witness takes the witness stand]

8 THE CLERK OF COURT: And for the record, please state
9 your full name, spelling your last name.

10 THE WITNESS: Derrick Givens. G-I-V-E-N-S.

11 MR. OSBORNE: And, Mr. Givens, if you could -- I can tell
12 you're kind of soft-spoken. If you could just lean forward
13 and speak into the mike a little bit. Okay?

14 THE WITNESS: Yes, sir.

15 MR. OSBORNE: Thank you.

16 DERRICK GIVENS, Having Been First Duly Sworn, was Examined and
17 Testified as Follows:

18 **DIRECT EXAMINATION BY MR. OSBORNE OF DERRICK GIVENS:**

19 Q. All right. Let me just say, is it fair to say, Mr.
20 Givens, you really don't want to be here today?

21 A. No, sir.

22 Q. And the reason why you're here is because we subpoenaed
23 you; is that fair to say?

24 A. Yes, sir.

25 Q. I'm sorry. You're just going to have to speak up a

1 little bit louder.

2 A. Yes, sir.

3 Q. Didn't really give you much of a choice; right?

4 A. No, sir.

5 Q. All right. So I'm not going to belabor this, but I do
6 want to ask you just a couple of quick background questions.

7 All right?

8 A. Yes, sir.

9 Q. Where are you from?

10 A. I'm from Charleston, South Carolina. North Charleston
11 area.

12 Q. Okay. Born and raised?

13 A. Yes, sir.

14 Q. And did you go to high school?

15 A. Yes, sir.

16 Q. Did you graduate?

17 A. No, sir.

18 Q. How far did you go?

19 A. I got to I think tenth grade.

20 Q. Okay. All right. Let's get into why you're here. Is it
21 fair to say that you had -- you've been convicted before?

22 A. Yes.

23 Q. Of strong-armed robbery?

24 A. Yes, sir.

25 Q. And then you were on probation?

1 A. Uh-huh.

2 THE COURT: Is that a yes?

3 A. Yes, sir.

4 THE COURT: And let me explain to you why. I do the same
5 thing. We all do uh-huh, huh-uh. But when we're here -- that
6 lady seated between us, she's taking down everything you are
7 saying and I'm saying; and we need to make sure that they
8 understand what we're saying. So it will help her if instead
9 of saying uh-huh, if you'd say yes, or huh-uh, no. Instead of
10 huh-uh say no, please. Okay. So verbalize your responses,
11 please.

12 THE WITNESS: Okay.

13 THE COURT: Thank you. Excuse me, Solicitor.

14 MR. OSBORNE: Not at all. Thank you, Judge.

15 Q. Okay. So while you were -- while you were on probation,
16 is it fair to say that you became a confidential ---

17 MR. HALES: Objection, Your Honor. Leading.

18 THE COURT: I'll overrule that. Just rephrase your
19 question, please.

20 Q. While you were on probation did you have the occasion to
21 become involved with law enforcement?

22 A. Yes, sir.

23 Q. In what capacity?

24 A. I was working with the ATF for about close to a year.

25 Q. Alcohol, Tobacco, and Firearms; ATF?

1 A. Yes, sir.

2 Q. And when you say you were working with them, were you a
3 confidential informant?

4 A. Yes, sir.

5 Q. And did you provide information to ATF?

6 A. Yes.

7 Q. And were you paid for that information ---

8 A. Yes.

9 Q. --- from time to time?

10 A. Yes, sir.

11 Q. And how long were -- how long did you have that sort of
12 relationship with ATF, about?

13 A. Probably about a year.

14 Q. Okay. So that would have taken you into 2016?

15 A. I would believe so, yes.

16 Q. All right. Toward the end of that, is -- did Alcohol,
17 Tobacco and Firearms pay you some money so that you could
18 leave town?

19 A. Yes, sir.

20 Q. And then you went where?

21 A. Savannah.

22 Q. Georgia?

23 A. Yes, sir.

24 Q. Then you came back?

25 A. Yes, sir.

1 Q. All right. So has anyone promised you anything in
2 exchange for your testimony here today?

3 A. No, sir.

4 Q. Have I -- have I, Ms. Elliott, or anyone from the State,
5 told you that we were going to pay you any money or anything
6 in exchange for your testimony?

7 A. No, sir.

8 Q. Have we told you that we were going to -- I'm not sure
9 how, but that we were going to help you in any way at all if
10 you came in here and testified?

11 A. No, sir.

12 Q. Okay. And I know this is going to seem a little
13 peculiar, but ---

14 MR. OSBORNE: Your Honor, may I approach?

15 THE COURT: You may.

16 Q. I'm showing you what's been marked as State's 222. Can
17 you just take a look at that and tell me if you recognize
18 that?

19 A. Yes, sir.

20 Q. And what is that?

21 A. Me.

22 Q. Say it again?

23 A. It's me, a picture of me.

24 Q. It's a picture of you?

25 A. Yes, sir.

1 MR. OSBORNE: Your Honor, at this time we would seek to
2 admit State's 222 into evidence.

3 THE COURT: Is there any objection?

4 MR. HALES: Without objection.

5 THE COURT: Without objection, it is admitted.

6 [Whereupon, State's Exhibit Number 222 is admitted into
7 evidence by the Court]

8 Q. All right. Now, do a lot of your friends know you by a
9 nickname?

10 A. Yes.

11 Q. And what is that nickname?

12 A. Devil or Devlan.

13 Q. Okay. Now do they -- do they -- do you go by any other
14 nicknames?

15 A. Nef.

16 Q. Nef?

17 A. [No response]

18 Q. You said Nef?

19 A. Yes, sir.

20 Q. Okay. All right. Let's talk about the defendant in this
21 case. Do you know him by any nicknames?

22 A. Webb.

23 Q. Webb? Like a spider web? Webb?

24 A. Uh-huh.

25 Q. Okay. How did -- how did you come about meeting him?

1 A. I met him through a mutual friend of mine at the time,
2 named Keel.

3 Q. Named Keel?

4 A. Yeah.

5 Q. Okay. And in reference to the murder, how far earlier
6 was it that you first met him; was it weeks earlier, days,
7 months, a year?

8 A. It was probably about a month earlier.

9 Q. Okay. So you didn't know him all that long?

10 A. No, sir.

11 Q. But you knew Keel better?

12 A. Yes, sir.

13 Q. Now, did you know the victim in this case at all, Little
14 A?

15 A. No, sir.

16 Q. But you did hear when he had been murdered?

17 A. Yes, sir.

18 Q. Now, some time after Little A being murdered, did you
19 have the occasion to see the defendant?

20 A. How do you mean?

21 Q. Or did you -- did you run into him?

22 A. Yes, when he came to bring the gun.

23 Q. All right. So you said when he came to bring the gun?

24 A. Yes.

25 Q. All right. So let's talk about that. Do you remember

1 whether it was one day after the murder, two days after the
2 murder; or you're not sure?

3 A. I don't remember.

4 Q. All right. So, well, tell the jury, how did that come
5 about that he brought you the gun?

6 A. Well, Keel called me. He asked me if I was home. I told
7 him, yes, I'm home. He told me, I'm about to stop by. When
8 he stopped by, it was him and Webb. Keel had the gun on him.
9 He was like, I need you to hold it for me, if something
10 happened I need you to hold the gun for me.

11 And in my head I'm thinking, well, shit, I'm on
12 probation. So I told him I'm on probation, I can't do it.
13 And in the back of my mind, shit, I am still working with the
14 Feds, so I definitely can't do it.

15 So he asked me if I could find a place for him to put it
16 so I could help him. So I tell him, yeah, I can.

17 Q. And just to clarify, this is all Keel talking to you?

18 A. Yes, sir.

19 Q. But the defendant, is he there as well?

20 A. Yes, sir.

21 Q. And where -- this happens at your house?

22 A. Yes, sir.

23 Q. Where did you live at the time?

24 A. In the Macon on Grayson Street, by Reynolds and Troy.

25 Q. By Reynolds and what ---

1 A. Troy.

2 Q. I'm sorry. I keep interrupting you.

3 A. Reynolds and Troy.

4 Q. And Troy? And the Macon, is that near Reynolds and
5 Spruill?

6 A. Yes, sir.

7 Q. Okay. So you said that you couldn't hold the gun but
8 would -- would you help him get rid of it?

9 A. Yes, I told him I could help him find a spot for it.

10 Q. Okay. So what did y'all do then?

11 A. Well, he asked me if I had something to wrap it up in.
12 You know, I got him a bag and shirt, I went in the house, I
13 came back out, and I gave it to him. He is like, all right,
14 we'll meet you at the car. I locked the door. I set the
15 alarm.

16 By the time I walked out, they were already in the car.
17 I got in the car. We drove down the back of my street, went
18 by the new Chicora Elementary. Drove down that.

19 And around the loop there were some abandoned houses.
20 And one of the abandoned houses that they put it under was
21 right there. Nobody was on the street or anything.

22 Q. All right. At any point whenever y'all were in the
23 process of putting the gun into a bag, or you were helping him
24 or whatever, did you ever touch the gun?

25 A. Yes, I did.

1 MR. OSBORNE: Okay. Your Honor, may I approach?

2 THE COURT: You may.

3 Q. I'm showing you what's been marked as State's 136, 142,
4 144, 146, 148 and 149. Can you take a look at these and tell
5 me if you recognize these?

6 A. Yes, sir.

7 Q. Okay. And what are they?

8 A. These are two pictures of the gun, for 149 and 148. One
9 forty-six had it inside of a bag, which I am assuming is the
10 place -- the abandoned house. One forty-two is the abandoned
11 house, the crawl space is there. One thirty-six is basically
12 the satellite view of everything ---

13 Q. Of the Macon?

14 A. Yes. One forty-four is just a plastic bag off to the
15 side.

16 Q. Okay. I'll take those back.

17 MR. OSBORNE: All right. Your Honor, at this time we
18 would seek to admit 136, 142, 144, 146, 148, and 149.

19 THE COURT: Any objection?

20 MR. HALES: No objection, Your Honor.

21 THE COURT: State's 136, 142, 144, 148, and 149 are
22 admitted, each being a photograph, without objection.

23 [Whereupon, State's Exhibit Numbers 136, 142, 144, 148,
24 and 149 are admitted into evidence by the Court]

25 Q. Okay. Can you orient yourself at all with this map - I'm

1 showing you 136 - and point out where your house was?

2 And you -- and that's a touch-screen, so you can put a
3 big X on that so we can all see it.

4 A. [Witness complies]

5 Q. Okay. And do you -- I know it might be a little bit
6 difficult, but do you have any idea, looking at this map,
7 where the abandoned house was?

8 A. From this, no.

9 Q. I'm sorry. Say it again.

10 A. From this, no.

11 MR. OSBORNE: Okay. Your Honor, I'm not sure -- Ms.
12 Elliott told me -- I'm not sure if I introduced 146. If I
13 didn't, I'd like to.

14 THE COURT: One forty-six, no, you did not.

15 MR. OSBORNE: Any objection?

16 THE COURT: Any objection to 146? It's a map.

17 MR. HALES: No, sir.

18 THE COURT: One forty-six is admitted without objection,
19 as well.

20 [Whereupon, State's Exhibit Number 146 is admitted into
21 evidence by the Court]

22 Q. All right. Now, you said when you -- I'm showing you
23 142. You said that whenever you went to the abandoned house.
24 Walk the jury through what happened when you got there.

25 A. When we got there to the abandoned house, when we pulled

1 up we pulled up next apartments that was right there. And he
2 told me to make sure that nobody was coming, look out. And
3 they both got out. When they got out, they walked towards the
4 crawl space. I saw Keel bend down, put something under. They
5 got back in. From there after that he dropped me off home.

6 Q. Okay.

7 A. And I'm assuming they went back to Saint Charles.

8 Q. But you were the one that directed them to this location?

9 A. Yes, sir.

10 Q. That's your neighborhood?

11 A. Yes, sir.

12 MR. OSBORNE: All right. Your Honor, may I approach one
13 more time?

14 THE COURT: You may.

15 Q. I'm showing you 139. Do you recognize that?

16 A. Yes, sir.

17 MR. OSBORNE: At this time, Your Honor --

18 Q. And what is it?

19 A. The abandoned house.

20 MR. OSBORNE: Your Honor, at this time we'd seek to admit
21 139 into evidence.

22 THE COURT: Any objection?

23 MR. HALES: No objection.

24 THE COURT: Without objection, it is admitted, a
25 photograph.

1 [Whereupon, Exhibit Number 139 is admitted into evidence
2 by the Court]

3 Q. So now looking at 139, even though we couldn't find it on
4 the aerial, is that what the house looked like?

5 A. Yes, sir.

6 Q. All right. Now we're moving on to 144. We are just
7 looking at the crawlspace now; is that correct?

8 A. Yes, sir.

9 Q. Okay. Now, 146, did you provide them with this Ziploc
10 bag?

11 A. Yes, sir.

12 Q. And who actually put it in the bag? Was it you?

13 A. I don't know.

14 Q. Okay. Now I'm showing you 148. Do you recognize that?

15 A. Yes, sir.

16 Q. And what is it?

17 A. It's a Ruger.

18 Q. And this was the pistol that they brought?

19 A. Yes, sir.

20 Q. And then 149?

21 A. That's the same one.

22 Q. Just a different photo showing the clip out of it?

23 A. Yes, sir.

24 Q. Now, they -- Keel had said that the gun was hot?

25 A. Uh-huh.

1 Q. Yes or no?

2 A. Yes, sir.

3 Q. Did you have any reason, or did you know at that point
4 that that gun was involved in a crime?

5 A. No, sir.

6 Q. Other than them saying that it was hot?

7 A. Yes, sir.

8 MR. OSBORNE: All right. May I approach?

9 THE COURT: You may.

10 Q. I'm showing you 179 and 180. Can you take a look at
11 those and tell me if you recognize those?

12 A. Yes, sir.

13 Q. All right. What is 179?

14 A. One seventy-nine this is the gun that I saw Webb carry a
15 lot of times before the murder.

16 Q. Okay. You've seen the defendant with that gun before the
17 murder?

18 A. Yes, sir.

19 Q. Is this also the gun that Keel had told you to get rid
20 of?

21 A. Yes, sir.

22 Q. All right. And what -- do you recognize 180?

23 A. The plastic bag.

24 Q. Say it again?

25 A. The plastic bag.

1 Q. Okay.

2 A. Yes, sir.

3 Q. The plastic bag that the gun was put in?

4 A. Yes, sir.

5 MR. OSBORNE: Okay. Your Honor, at this time we'd seek
6 to admit 179 and 180 into evidence.

7 THE COURT: Any objection?

8 MR. HALES: No, Your Honor.

9 THE COURT: Without objection, 179 and 180 are admitted.

10 [Whereupon, Exhibit Number 179 and 180 are admitted into
11 evidence by the Court]

12 Q. Okay. And 179 is just showing what's already up there?
13 On the photograph here, 149?

14 A. Yes, sir.

15 Q. All right. So let's walk through how you -- or what
16 happened after this. After the gun was placed there, did they
17 take you back home?

18 A. Yes, sir.

19 Q. And then what happened next; did you ever notify anyone?

20 A. Yes, I notified Detective Desheers maybe two or three
21 days afterwards.

22 Q. Why did you wait two or three days?

23 A. Just to see if they was going to come back and ask me to
24 go back with them over there.

25 Q. All right. What do you mean by that?

1 A. Well, maybe they wanted to go grab the gun and move it.

2 Q. And were you thrilled about that idea about going back
3 over there?

4 A. No.

5 Q. All right. So what do you -- what do you mean? You said
6 that maybe -- okay. So you were thinking that maybe they, the
7 defendant and Keel, would want to move the gun again?

8 A. Or Keel would go back and take it.

9 Q. Okay. Now, after you notified -- so you waited two or
10 three days, then you notified law enforcement. What happened;
11 did you tell them where to find it?

12 A. Yes, I tried to; but they didn't know where to go at, so
13 I had to get in the car with one of the officers and drive
14 past and show them exactly where it was at.

15 Q. So you had to get in the car and point it out to them?

16 A. Yes, sir.

17 Q. All right. Well, let me just ask you. Do you know -- do
18 you have any personal knowledge about who murdered Little A?

19 A. No, sir.

20 Q. Were you in Liberty Park or Russeldale on the night that
21 Little A was murdered?

22 A. No, sir.

23 MR. OSBORNE: Beg the Court's indulgence.

24 THE COURT: Certainly.

25 MR. OSBORNE: No further questions.

1 THE COURT: Cross-examine?

2 MR. HALES: Yes, Your Honor.

3 **CROSS-EXAMINATION BY MR. HALES OF DERRICK GIVENS:**

4 Q. All right. Mr. Givens, when Mr. Osborne was questioning
5 you, you admitted to being convicted of strong-arm robbery;
6 correct?

7 A. Yes, sir.

8 Q. Okay. And you were on probation for that?

9 A. Yes, I was.

10 Q. Okay. And at that point in time was when you started
11 working with the ATF?

12 A. No, sir.

13 Q. While you were on probation; right?

14 A. Oh. Yes, sir. Yeah. That's true.

15 Q. Okay. And in addition to that, you got paid for this as
16 well; didn't you?

17 A. Not for this in particular. But for the things that I
18 was helping them with, yes.

19 Q. Yes. I mean, as you were -- you were a paid informant?

20 A. Yes.

21 Q. Okay. You were paid approximately five to seven thousand
22 dollars you would say?

23 A. No.

24 Q. Well, how much do you think it was?

25 A. I didn't get any money until it was time for me to leave

1 and I was done with them.

2 Q. Okay. How much ---

3 A. I'd say maybe about 3,000.

4 Q. In addition to that, you had some other charges they
5 helped you out with as well; didn't they?

6 A. Yes, sir.

7 Q. You had some possession of marijuana?

8 A. Yeah.

9 Q. Domestic violence?

10 A. Uh-huh.

11 Q. Helped your ---

12 THE COURT: Is that a yes?

13 THE WITNESS: Yes, sir.

14 Q. Helped your girlfriend out with some other smaller
15 matters as well?

16 A. That's true.

17 Q. Okay. And so you were getting something in exchange for
18 doing this?

19 A. Yes, sir.

20 Q. Now, you previously testified that you had known Mr.
21 Bright for about one month? Two months?

22 A. Yeah, roughly -- maybe three at the max.

23 Q. Three at the max. Okay. And you were asked to hide this
24 gun or help them hide this weapon?

25 A. Yes, sir.

1 Q. Okay. And you did that?

2 A. [No response]

3 Q. Okay. And you're aware that, you know, obstructing
4 justice or being accessory after the fact of some sort of
5 crime would be a crime in and of itself; correct?

6 A. Yes, sir.

7 Q. But you were never charged in this, were you?

8 A. No, sir.

9 Q. Okay. So even though you committed a crime, you were
10 never charged for doing what you did as far as helping to
11 conceal what the prosecution is saying is a murder weapon?

12 A. No, sir.

13 Q. Okay. And it's my understanding, at least through your
14 testimony, that you did not immediately call law-enforcement
15 when this happened. Two days passed?

16 A. Yes, sir.

17 Q. And you testified that at least Keel had told you that
18 the gun was hot?

19 A. Yes, sir.

20 Q. You might not have known exactly what that meant, but
21 you've got a pretty good working understanding of what that
22 means; correct?

23 A. Yes, in a way.

24 Q. Okay. And what would that be?

25 A. Probably meant shot at somebody or something -- but the

1 last I thought it would have been murder.

2 Q. Okay. It could have been stolen or something like that,
3 but you knew that concealing that would perhaps be a crime?

4 A. No, I didn't.

5 Q. You didn't think about that?

6 A. [Shakes head]

7 THE COURT: Was that a no?

8 THE WITNESS: No, sir.

9 Q. Now you testified as well, that Keel was actually the one
10 that put it under the house?

11 A. Him and Keel both went towards the house together.

12 Q. But you said that Keel is the one that bent down and put
13 it under the house?

14 A. Yes, sir.

15 Q. Okay. But you did at one point in time handle the gun,
16 you said?

17 A. Yes, sir.

18 Q. Okay. Now, was Desheers your handler, as far as the
19 person -- your contact person with the AFT; or was it someone
20 else?

21 A. It was someone else.

22 Q. Okay. But you got in contact with Desheers about this?

23 A. Yes.

24 Q. How long have you been back in the area after you -- you
25 said you went to Savannah for a little while?

1 A. Uh-huh.

2 Q. How long have you been back in this area?

3 A. I've been back for maybe almost a year.

4 Q. Almost a year. How long were you on probation for for
5 strong-arm robbery?

6 A. Five years.

7 Q. Are you still on probation?

8 A. No, sir. I was long done with that.

9 Q. You were on probation during that period of time, though;
10 correct?

11 A. Uh-huh.

12 THE COURT: Is that a yes?

13 THE WITNESS: Yes, sir.

14 Q. So you were on probation when this occurred?

15 A. Yes. Yes, sir.

16 Q. And, theoretically -- I'm sure you understand how
17 probation works. If you were to be arrested, accused of a
18 crime, or certainly convicted of a crime, you could violate
19 your probation?

20 A. That's correct.

21 Q. But once again, you were never arrested for any
22 involvement in this case?

23 A. No, sir.

24 MR. HALES: The Court's indulgence one moment.

25 THE COURT: Certainly.

1 MR. HALES: No further questions of this witness, Your
2 Honor.

3 THE COURT: Do you have recross -- or redirect?

4 MR. OSBORNE: Very briefly.

5 THE COURT: Sure.

6 **REDIRECT EXAMINATION BY MR. OSBORNE OF DERRICK GIVENS:**

7 Q. Mr. Hales had asked -- had said -- had asked you, you
8 were asked to hide the weapon, and you said yeah; is that
9 correct?

10 A. Yes, I was asked to hide it. But I didn't. I just
11 showed them the place to take it.

12 Q. No, I understand. I guess what I'm getting at, though,
13 just for clarification purposes, the defendant never asked you
14 to hide the weapon; it was Keel who asked you to hide the
15 weapon?

16 A. Yes, sir.

17 Q. And, in fact, he didn't really say much at all?

18 A. Yes, sir.

19 Q. And how well did you know Keel compared to the defendant?

20 A. I knew him probably a year.

21 Q. Okay. So you had known Keel longer?

22 A. Yes, sir.

23 Q. And then, lastly, when you called Detective Desheers and
24 notified him where the gun was located, he wasn't able to find
25 it at first; right?

1 A. No, sir.

2 Q. You needed to show him?

3 A. Yes, sir.

4 Q. Would that have been good for you, after showing them
5 where to put the gun, to have been seen showing the police
6 where to find the gun?

7 A. Well, I was in the vehicle. I never got out of the
8 vehicle.

9 Q. No, I understand. I am just wondering if that had
10 anything to do with why you waited a day or two to call him.

11 A. No, sir.

12 Q. What's that?

13 A. I said I just -- I don't know. I just waited two or
14 three days just to make sure like he wouldn't come back over
15 and be like, well, come on, let's go back over here. Just
16 that in a third. So I waited until I felt like nobody was
17 going to mess with it again or he was going to call me and ask
18 me about it.

19 MR. OSBORNE: Okay. All right. No further questions.

20 THE COURT: Recross?

21 MR. HALES: No, Your Honor.

22 THE COURT: Thank you. You may come down. Do you wish
23 the witness to be excused?

24 MR. OSBORNE: Yes, Your Honor.

25 THE COURT: Any objection?

1 MR. HALES: No objection.

2 THE COURT: You're also free to leave.

3 [Whereupon, the witness exits the witness stand]

4 THE COURT: Call your next witness, please.

5 MS. ELLIOTT: The State calls Yolanda Wilder.

6 [Whereupon, Ms. Wilder comes forward]

7 [Whereupon, Ms. Wilder is duly sworn by the clerk of
8 court]

9 THE CLERK OF COURT: Please be seated.

10 [Whereupon, the witness takes the witness stand]

11 THE CLERK OF COURT: Now, for the record, can you please
12 state your full name, spelling your last name.

13 THE WITNESS: Yolanda Renee Wilder.

14 MS. ELLIOTT: Can you spell your last name, please?

15 THE WITNESS: W-I-L-D-E-R.

16 MS. ELLIOTT: Thank you.

17 YOLANDA WILDER, Having Been First Duly Sworn, was Examined and
18 Testified as Follows:

19 **DIRECT EXAMINATION BY MS. ELLIOTT OF YOLANDA WILDER:**

20 Q. Ms. Wilder, where do you live?

21 A. In Liberty Park, off Rivers.

22 Q. And how long have you lived in the Charleston area?

23 A. Forty-two years.

24 Q. Say that a little bit louder for me.

25 A. Forty-two years.

1 MS. ELLIOTT: In fact, if you could even scoot your chair
2 a little closer so you will just be a little closer to the
3 mike.

4 Q. What type of work do you do?

5 A. I was working for the City. I do glasswork.

6 Q. You do glasswork?

7 A. I work -- I make glass.

8 Q. And where were you living in March of 2016?

9 A. Pinecrest.

10 Q. On March 29th of 2016, did you have occasion to visit the
11 area of Taylor Street?

12 A. James Bell.

13 Q. James Bell. Are James Bell and Taylor Street pretty much
14 parallel?

15 A. Yes.

16 Q. Why were you visiting out on James Bell?

17 A. My mom stays on James Bell.

18 Q. In addition to your mom, do you happen to have a lot of
19 family that lives over in that area?

20 A. Yes.

21 Q. And why were you over at your mom's house on that
22 particular night?

23 A. I was picking my kids up from my mom's house.

24 Q. Do you know about what time you were leaving your
25 mother's house?

1 A. No. It was late.

2 Q. Did you see anyone out there that you knew?

3 A. Yes.

4 Q. Who did you see?

5 A. I saw Little A, Webb, and then the white -- I don't know
6 the white boy's name, the white guy.

7 Q. The white guy? Where did you see the white guy?

8 A. He was -- as I was going down the hill, he was parking on
9 top of the hill. So I couldn't get down the hill because he
10 was parked right there.

11 Q. Okay. Well, let's get kind of a sense of where you were
12 and where you saw him. Okay. I'm going to show you what's
13 already been admitted as State's 7.

14 Just to orient you a little -- and you may know better
15 than I -- that's Rivers Avenue. And so that would be James
16 Bell [indicating]; right?

17 A. Yes.

18 Q. Okay. Do you see the area where your family kind of
19 lives?

20 A. Right there where that pool area is at.

21 Q. So if you touch this screen, you can make kind of marks.
22 So could you make kind of an X in that general area?

23 A. [Witness complies]

24 Q. So that's around the area where your family lives. Where
25 did you see the white boy?

- 1 A. Right up in that area [indicates].
- 2 Q. Was he standing, walking, in a vehicle?
- 3 A. Well, he was sitting in a car.
- 4 Q. And what did that car look like?
- 5 A. I think it was a Buick.
- 6 Q. Do you remember the color?
- 7 A. Gray or gold.
- 8 Q. Gray or gold?
- 9 A. Yes.
- 10 Q. And how did you know that that was his vehicle; how were
- 11 you familiar with him?
- 12 A. Because he lived in the same area I was living in in
- 13 Pinecrest.
- 14 Q. In Pinecrest. Was he, in fact, kind of like your
- 15 catty-corner neighbor?
- 16 A. Yes.
- 17 Q. I'm going to show you what's already been admitted as
- 18 State's 96. Does that appear to be the kind of gold Buick
- 19 that you knew the white boy to drive?
- 20 A. Yes.
- 21 Q. Did you talk to him that night?
- 22 A. No.
- 23 Q. You just saw him?
- 24 A. Uh-huh.
- 25 Q. Okay.

1 THE COURT: Is that a yes?

2 THE WITNESS: Yes.

3 Q. And so you didn't stop and ask him why he was in the
4 area?

5 A. I was talking to somebody else and I kind of was like why
6 is he parked right here.

7 Q. Okay.

8 A. Because he don't know the area. So I was like why is he
9 here.

10 Q. Had you ever seen him in that area before?

11 A. No.

12 Q. Now, I think you mentioned that you saw other people that
13 you recognized in the area. Who else was that?

14 A. Little A and Webb on top of the hill.

15 Q. Okay. I'm going to go back to State's 7. When you're
16 talking about on the hill, where is that?

17 A. That's like up in this area [indicates].

18 Q. Okay. And were they standing outside; were they sitting
19 down; what were they doing?

20 A. I think they were standing outside the car.

21 Q. Whose car?

22 A. It would be Little A's car.

23 Q. I'm going to show you State's -- what's already been
24 admitted as State's 67. Does that look like Little A's
25 car?

1 A. Yes, ma'am.

2 Q. And so just to make sure that I understand, you think
3 that they were standing by that vehicle?

4 A. Yes, ma'am.

5 Q. Do you remember what either one of them were wearing that
6 night?

7 A. I think Webb had on a red shirt. I can't remember too
8 much of what Little A had on. It was dark colors -- a dark
9 color shirt I think.

10 Q. You think it was a dark-colored shirt?

11 A. Yes, ma'am.

12 Q. All right. And you keep referring to Webb. Do you know
13 Webb's legal name?

14 A. No, ma'am.

15 Q. Do you see Webb in the courtroom?

16 A. Yes, ma'am.

17 Q. Can you point him out and describe something he's
18 wearing?

19 A. A white tee-shirt, a white button-down shirt; with a tie,
20 I think it's pink and blue.

21 Q. And they were outside of the car talking. Could you tell
22 what they were talking about?

23 A. No, ma'am.

24 Q. Did it sound like they were talking or arguing ---

25 MR. HALES: Objection.

1 THE COURT: What's the basis?

2 MR. HALES: Leading.

3 THE COURT: Rephrase your -- well, I'll allow that
4 question. I don't find that to be -- overruled.

5 Q. Were they talking, or arguing, or just standing there?

6 A. They were -- they were just talking.

7 Q. How long do you think you watched them interacting?

8 A. Well, I had to wait for the guy to come down -- go down
9 the hill before I pulled off, so I don't know how long they
10 were out there talking.

11 Q. So when you say the guy, you mean ---

12 A. The white guy.

13 Q. --- the white guy? Okay. So just as long as it took the
14 guy in the Buick to move away?

15 A. Yeah. Because he don't know the area. Because when you
16 go down the hill you have got -- it's a dead-end. So only
17 family that -- family goes down there. So when you are
18 sitting on top of the hill, he has to go down and come back up
19 to turn around. So I had to sit right there until he came
20 back up.

21 Q. Did you see anyone else in that field with Little A and
22 Webb ---

23 A. No ---

24 Q. --- while you were waiting?

25 A. No, ma'am.

1 Q. And where did you go once the Buick moved out of your
2 way?

3 A. I went in the house and got my kids, when I called on the
4 phone to tell them to come outside.

5 Q. Okay. So you were headed to your mother's house ---

6 A. Yes.

7 Q. --- when you called? When you left, did you see anybody
8 out there?

9 A. The white guy that was parked a little further on the
10 side.

11 Q. Can you mark on the map for us where he was parked?

12 A. Like -- right -- parked like right up in that [indicates]
13 area.

14 Q. Can you make that a little bigger? It's a little hard
15 for me to see.

16 A. [Witness complies]

17 Q. And did you still see Little A or Webb out there?

18 A. Yes, ma'am.

19 Q. Where were they?

20 A. They were still on top of the hill.

21 Q. In that same place that you marked before?

22 A. Yes, ma'am.

23 Q. Had any of the cars moved?

24 A. No, ma'am, other than the guy that had -- walked away.

25 Q. The white guy in the Buick?

1 A. Yes.

2 Q. When you left your mother's house where did you go?

3 A. Home.

4 Q. When you got home did you get any upsetting news?

5 A. Yes, ma'am.

6 Q. What did you find out once you got home?

7 A. As soon as I got home I got a call that Little A had
8 got ---

9 MR. HALES: Objection.

10 A. Was ---

11 THE COURT: What's the objection?

12 MR. HALES: Hearsay.

13 THE COURT: Sustained.

14 Q. You got a phone call. What was your re- -- don't tell me
15 what was said in the phone call. What was your reaction to
16 the phone call?

17 A. I was like, wow, I just left Little A ---

18 Q. Okay.

19 A. --- sitting on top of the hill.

20 Q. Okay. And what did you do after you got that phone
21 call?

22 A. Got in my vehicle and went to be nosey.

23 Q. As you were going to your vehicle did you run into anyone
24 you knew?

25 A. Yes, ma'am.

1 Q. Who did you run into?

2 A. As I was walking to the vehicle, Webb was -- we was like
3 walked right into each other, and the white guy was in the
4 car.

5 Q. Could you tell were they getting out of the car, getting
6 into the car?

7 A. Webb was getting out of the car, and I think the white
8 guy was parking.

9 Q. And what did you say to Webb when you saw him?

10 A. I say, Dag, somebody just said Little A just got shot.

11 Q. And what was his reaction to that?

12 A. Just looked.

13 Q. What do you mean looked?

14 A. Just didn't say anything.

15 Q. Would you say that he had kind of a flat reaction; would
16 that be fair?

17 MR. HALES: Objection, Your Honor.

18 THE COURT: I will overrule it.

19 Q. So would have said it was a flat reaction?

20 A. Yes.

21 Q. Have you had any contact with Webb since that night?

22 A. No, ma'am.

23 Q. Did you subsequently speak to police about what you saw?

24 A. I think once.

25 MS. ELLIOTT: Court's indulgence, Your Honor.

1 THE COURT: Certainly.

2 MS. ELLIOTT: No further questions, Your Honor.

3 THE COURT: Cross-examine?

4 MR. HALES: Briefly, Your Honor.

5 **CROSS-EXAMINATION BY MR. HALES OF YOLANDA WILDER:**

6 Q. So my understanding, based on your testimony, is you saw
7 Webb before what had happened that night and then after what
8 had happened that night?

9 A. Yes.

10 Q. Okay. So whatever happened that night as far as any kind
11 of shooting, you weren't out there for that were you?

12 A. No, sir.

13 Q. Okay. So any information you got about that came after
14 the fact, third-hand kind of thing?

15 A. No, sir.

16 Q. Okay.

17 MR. HALES: Court's indulgence one moment.

18 THE COURT: Certainly

19 Q. Now, just about how long was it from the time you saw
20 Webb at your grandmother -- your mother's house was and you
21 saw him back at I guess at around ---

22 A. About ten minutes.

23 Q. Ten minutes?

24 A. From Liberty Park to Pinecrest. About ten minutes.

25 Q. Okay.

1 JENNIFER BUTLER, Having Been First Duly Sworn, was Examined
2 and Testified as Follows:

3 **DIRECT EXAMINATION BY MS. ELLIOTT OF JENNIFER BUTLER:**

4 Q. Good morning, Detective Butler. Will you tell us where
5 you are employed?

6 A. Yes, ma'am. Good morning. I'm employed with the North
7 Charleston Police Department.

8 Q. And how long have you been with the North Charleston
9 Police Department?

10 A. I have been with the North Charleston Police Department
11 for eleven years.

12 Q. And what are some of the roles and responsibilities
13 you've held while working at North Charleston Police
14 Department?

15 A. Since I've been at North Charleston, I started out in
16 dispatch. I then worked the road as a patrol officer. And
17 now I'm in investigations.

18 Q. Do you have any prior either work experience or
19 educational background that helps you in your job?

20 A. Yes, ma'am. I have a bachelor's degree in business with
21 a focus in human resource. And I also in the military I was a
22 military police officer, and human resources in the military.

23 Q. And do you have any particularized training for your role
24 as an investigator?

25 A. Yes, ma'am. I've taken several homicide courses,

1 interview courses, and basic detective courses.

2 Q. In March and April of 2016 what was your assignment with
3 North Charleston Police Department?

4 A. I'm in the Person's Crime Unit in investigations, which
5 is any crimes against persons to include aggravated assaults,
6 armed robberies, and murders.

7 Q. And in 2016, how long had you been in that unit?

8 A. Since February of 2015. So a year-and-a-half-ish.

9 Q. And how long -- is that how long you had also been a
10 detective and in investigations as a whole?

11 A. Yes, ma'am.

12 Q. So you went straight into Person's?

13 A. Yes, ma'am.

14 Q. Did you have the opportunity to become involved in this
15 case?

16 A. Yes, ma'am.

17 Q. How did that come about?

18 A. The homicide, if I remember correctly, happened about two
19 o'clock in the morning. So I would have came in the next day
20 about 9:00, and we're briefed on what happened the night
21 before -- or morning before.

22 Q. And were you assigned as the case agent?

23 A. No, ma'am.

24 Q. So is it common for other detectives to get involved in a
25 case agent's case?

1 A. Yes, ma'am. We work collectively as a bureau on murder
2 cases.

3 THE COURT: Excuse me, solicitor. Approach, please.

4 [Whereupon, an off-the-record bench conference is held
5 11/13/19, 11:38 a.m.]

6 THE COURT: There's a matter of law that I need to take
7 up, ladies and gentlemen. I'm going to let you go to your
8 jury room for just a moment. We'll be with you in about five
9 or ten minutes.

10 Do not begin your deliberations. Thank you.

11 [Whereupon, the jury exits the courtroom 11/13/19, 11:39
12 a.m.]

13 THE COURT: Thank you, Solicitor. I'm sorry to interrupt
14 you. And we will ---

15 MS. ELLIOTT: Not a problem.

16 THE COURT: --- take about five minutes and we'll start
17 back.

18 If you need to step down, please feel free to do so. But
19 if you're comfortable sitting there, that'll be fine. If you
20 need anything, just let us know.

21 THE WITNESS: Yes, sir.

22 THE COURT: We'll be at ease for about five minutes.
23 Thank you.

24 [Whereupon, a recess is taken 11/13/19, 11:40 a.m.]

25 [Whereupon, resume 11/13/19, 11:47 a.m.]

1 THE COURT: All right. Let the record reflect Mr. Bright
2 is present.

3 Bringing in the jury. Are y'all ready for the jury to
4 come in?

5 MR. HALES: Yes, Your Honor, we are ready.

6 THE COURT: All right.

7 [Whereupon, the jury enters the courtroom 11/13/19, 11:49
8 a.m.]

9 THE BAILIFF: All jurors are present, Your Honor.

10 THE COURT: Thank you very much.

11 Thank you, ladies and gentlemen. We're ready to
12 continue.

13 Thank you, Solicitor. You may resume your examination.

14 MS. ELLIOTT: Thank you, Your Honor.

15 Q. So Detective Butler, you were saying how it's common for
16 detectives to get involved in other detective's cases, you
17 work as a bureau. So what was your assignment when you got on
18 duty that morning of the 30th?

19 A. After we briefed on essentially what occurred and
20 what was done and what needed to be done, I went out and
21 canvassed -- recanvassed the area where it happened,
22 essentially knocking on doors attempting to locate any
23 witnesses or anybody that may have heard or seen anything.

24 Q. And the area that you canvassed was where?

25 A. Taylor Street.

1 Q. Did anything of value come out of those meetings?

2 A. Nothing significant. I believe I did locate the 911
3 caller that morning and I spoke with her.

4 Q. After canvassing Taylor Street what did you do next?

5 A. I believe after that we went back to the station and
6 again got together and reevaluated what needed to be done.
7 And I was given a new task to go and -- well, let me back up
8 just a second. There was a lady that called that had
9 information; so I did call her and speak to her on the phone,
10 Miss Yolanda. And then myself and Detective Jellico went out
11 and went to Pinecrest Apartments.

12 Q. So just to be clear. You contacted Yolanda Wilder and
13 got some information from her?

14 A. Yes, ma'am.

15 Q. And as a result of that, you went to Pinecrest
16 Apartments?

17 A. Yes, ma'am.

18 Q. I'm going to show you what's been admitted as State's 4.
19 This is one I'm basically going to just call kind of the
20 Rivers Avenue corridor. Can you -- with this being Rivers
21 Avenue, can you orient yourself as to where the crime scene
22 was on this map and circle it? I can zoom in, if you need me
23 to.

24 A. Yeah. Can you zoom in, please.

25 Right here [indicates].

1 Q. I'm going to have to adjust it so that we can see the
2 other part.

3 [Whereupon, display adjusted]

4 Q. So that's -- that corner is the crime scene?

5 A. Yes, ma'am.

6 Q. And after speaking to Yolanda Wilder where did you go?

7 A. Down here [indicates].

8 Q. And what neighborhood is that?

9 A. It's Pinecrest Apartments off of McMillan.

10 Q. And what were you looking for in Pinecrest Apartments?

11 A. A gold-in-color Buick with paper tags.

12 Q. Did you meet with anyone there?

13 A. The first thing we did was stop at the office to speak
14 with the apartment manager to see if she had any information
15 on anyone that would drive a gold Buick with paper tags.

16 We spoke with her. She started -- they have cameras at
17 their gates; so she started that download for us, and she gave
18 us the information of a white male that drove a gold-in-color
19 Buick with paper tags by the name of Gage Franks, and she gave
20 us his apartment number.

21 MS. ELLIOTT: Your Honor, may I approach the witness?

22 THE COURT: You may.

23 Q. I'm going to show you what's been marked for
24 identification as State's Exhibit 201. Do you recognize that?

25 A. Yes, ma'am. This is the CD with the video from

1 Pinecrest.

2 Q. That you obtained from the manager?

3 A. Yes, I did.

4 Q. Have you reviewed that video?

5 A. Yes, ma'am.

6 Q. How do you know that you've reviewed that video?

7 A. My initials are on it.

8 Q. And it's an accurate copy of what she provided to you
9 that night?

10 A. Yes, ma'am.

11 Q. And the gold Buick can be seen in that video?

12 A. Yes, ma'am. I mean, it's dark; but yes, ma'am.

13 MS. ELLIOTT: Your Honor, at this time the State would
14 admit State's 201 into evidence.

15 THE COURT: Any objection?

16 MR. HALES: No objection, Your Honor.

17 THE COURT: Without objection, State's 201 is admitted.

18 [Whereupon, State's Exhibit Number 201 is admitted into
19 evidence by the Court]

20 Q. So after obtaining that video what did you do?

21 A. We went to the apartment that she gave us for the owner
22 of the gold Buick, knocked on the door. Mr. Franks was home.
23 We spoke with him briefly and requested him to come into the
24 station. And he agreed. Then we transported him back to the
25 station.

1 Q. And what happened back at the station?

2 A. We conducted an interview with him.

3 Q. I don't want you to go into the details of what was said,
4 but what was his demeanor like during that interview?

5 A. He was I guess scared, like not totally forthcoming in
6 the beginning.

7 Q. Would evasive be a fair description of that?

8 A. Yes, ma'am.

9 Q. Did you obtain anything from Mr. Frank's person?

10 A. Yes, ma'am. We -- excuse me. We got a buccal swab on a
11 consent, which is a swab of the inside of their mouth.

12 Q. And what's that used for?

13 A. Their DNA to compare to any DNA collected at the scene or
14 to compare to anything collected in the case.

15 Q. I'm going to show you ---

16 MS. ELLIOTT: Your Honor, may I approach?

17 THE COURT: You may.

18 Q. --- what's been marked for identification purposes as
19 State's 182. Do you recognize that?

20 A. Yes, ma'am. This is the buccal from Gage Franks.

21 Q. How do you know that that's the buccal?

22 A. It's my handwriting, every -- I mean, my sticker;
23 everything.

24 Q. Okay. And tell us a little bit about how you collect a
25 buccal swab.

1 A. So we have like an envelope like this, a little box and
2 like a long Q-tip. I explain the process to the person I'm
3 collecting it from. They open their mouth and I swab each
4 side of their cheeks several times. I put it into the paper
5 box and then into the envelope labeled with their name, date
6 of birth, and case number; and then I put it into evidence.

7 Q. And what do you do to make sure that it's sealed up
8 appropriately and properly?

9 A. I put gloves on prior to collection. And then after I --
10 I keep the gloves on until I put a seal on the back of it with
11 my initials, and then I take my gloves off and drop it.

12 Q. And you submit it to evidence?

13 A. Yes, ma'am, drop it into evidence.

14 Q. And at that time someone from evidence would take it into
15 their custody?

16 A. Yes, ma'am.

17 Q. I am now going to show you what's been marked for
18 identification purposes as State's 183. Did you obtain any
19 other buccal swabs in relation to this case?

20 A. Yes, ma'am, I obtained a buccal swab from Mr. Bright.

21 Q. How did you go about obtaining that?

22 A. This one was pursuant to a search warrant after he was in
23 at the Al Cannon Detention Center.

24 Q. Okay. And did you use the same process for collecting it
25 as you did with Mr. Frank?

1 A. Yes, ma'am. I use the same process every single time.

2 Q. And what process did you use to ensure that that is
3 Leandra Bright's buccal swab?

4 A. Um ---

5 Q. Like what kind of markings do you put on it so that you
6 know this is the ---

7 A. Oh, okay. So the prior ---

8 Q. --- swab that I took?

9 A. Like I put the name -- their name and date of birth on
10 the front of the envelope and on the box that's inside, and I
11 seal it before I even like leave. I seal it there in front of
12 them.

13 Q. And then what did you do with that package?

14 A. Dropped it into evidence.

15 Q. And evidence is a secure facility where the evidence is
16 retained?

17 A. Yes, ma'am.

18 MS. ELLIOTT: Your Honor, at this time I would move into
19 evidence State's 182 and State's 183.

20 THE COURT: Any objection?

21 MR. HALES: May we approach briefly?

22 THE COURT: Yes.

23 [Whereupon, an off-the-record bench conference is held
24 11/13/19, 11:57 a.m.]

25 MR. HALES: Without objection, Your Honor.

1 THE COURT: Okay. 182 and 182 admitted without
2 objection.

3 [Whereupon, State's Exhibit Numbers 182 and 182 are
4 admitted into evidence by the Court]

5 MS. ELLIOTT: Detective Butler, I believe that's all I
6 have for you right now.

7 THE WITNESS: All right. Thank you, ma'am.

8 THE COURT: Cross-examine?

9 MR. HALES: No questions of this witness.

10 THE COURT: Very well. Ms. Butler, you may step down.
11 Do you wish the witness to be excused?

12 MS. ELLIOTT: Yes, Your Honor.

13 THE COURT: Any objection, Mr. Hales?

14 MR. HALES: No objection, Your Honor.

15 THE COURT: You are also free to leave. Thank you.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Thank you.

18 [Whereupon, the witness exits the witness stand]

19 THE COURT: Call your next witness, please.

20 MR. OSBORNE: The State calls Detective Jerome Desheers.

21 [Whereupon, Mr. Desheers comes forward]

22 THE CLERK OF COURT: Place your left hand on the Bible
23 and raise your right.

24 [Whereupon, Mr. Desheers is duly sworn by the clerk of
25 court]

1 THE CLERK OF COURT: Please be seated.

2 [Whereupon, the witness takes the witness stand]

3 THE CLERK OF COURT: For the record, please state your
4 full name, spelling your last name.

5 THE WITNESS: Yes. It's Jerome Desheers. My last name
6 is D-E-S-H-E-E-R-S.

7 JEROME DESHEERS, Having Been First Duly Sworn, was Examined
8 and Testified as Follows:

9 **DIRECT EXAMINATION BY MR. OSBORNE OF JEROME DESHEERS:**

10 Q. All right. Detective, where do you work?

11 A. North Charleston Police Department.

12 Q. And for how long?

13 A. I've worked there for twelve years.

14 Q. All right. While with North Charleston what have been
15 some of your various assignments?

16 A. So I started on patrol. I moved to saturation Patrol
17 Unit. And then in 2011 I went to the Detective Bureau and
18 worked on property crimes. And then I moved to the Person's
19 Crime Unit. And then from the Person's Crime Unit I've been
20 assigned to the FBI Task Force. And then that was -- that
21 move was in February of 2015. And then under that task force
22 I was working Safe Streets, which is a task force geared
23 towards violent crime and gangs. Since then, I've been moved
24 to the Violent Crimes Task Force with the FBI.

25 Q. Okay. On April the 4th of 2016 you were with the FBI

1 Task Force at that time?

2 A. That's correct.

3 Q. And y'all were focusing on I mean violent criminals;
4 right?

5 A. Yes, sir.

6 Q. All right. So on that day did you have the occasion to
7 become involved in this investigation; and if so, how?

8 A. Yes. So initially I had completed a search warrant -- or
9 a type of search warrant. And then on February 4th I received
10 a call from an ATF agent who notified me about a person that
11 contacted him about hiding the gun that was involved -- that
12 he believed to be involved with this murder that was under
13 investigation.

14 I was contacted by the ATF agent because the person that
15 called was Derrick Givens, who I had met previously and
16 actually introduced to the ATF agent. So we already had a
17 kind of a basis, already, with each other.

18 Q. Okay. And so this would have been on April the 4th. So
19 this would have been about five days after the murder?

20 A. Yes, sir.

21 Q. And so the individual that had information about this
22 weapon was named Derrick Givens, but you said you actually had
23 introduced yourself to Derrick before that?

24 A. Yes, that's correct.

25 Q. You are the one that introduced Derrick to ATF, ---

1 A. Yes.

2 Q. --- originally?

3 A. Yes, that's correct.

4 Q. Okay. I just wanted to make sure I got that right.

5 Okay. So and you are familiar -- you're not the -- so
6 you said that you had helped with a search warrant in this
7 case. And I'm not going -- we don't need to get into all of
8 that. But you did other things with this in case -- with this
9 case other than just that; is that fair to say?

10 A. Yes, sir.

11 Q. Okay. Was Derrick Givens' name ever developed or
12 mentioned in any way as being involved in the murder, like a
13 suspect or anything like that?

14 A. No, sir, his name never came up.

15 Q. Okay. Did you have the occasion to speak to Derrick?

16 A. Yes, I have spoken to him.

17 Q. I mean after ATF notified you.

18 A. Yes. So I spoke to him briefly. So information that he
19 provided to the ATF, I spoke with him on the phone about, to
20 get a little bit of a clear understanding of what was going
21 on.

22 Q. Okay. And at some point was there a search for the
23 weapon based on that information that was provided from Mr.
24 Givens?

25 A. Yes. After speaking with Mr. Givens on the phone, a

1 location was provided by himself and the ATF agent who
2 contacted me; and then we went to that location, the area of
3 that location, to try to locate this firearm.

4 Q. Okay. I'm going to start by showing you State's 136.
5 Can you orient yourself with this map at all?

6 A. Yes, sir.

7 Q. All right. So what was the area that you were initially
8 looking for the weapon? And if you need to zoom in, I can.

9 A. Yes, if you could zoom in to the Chicora Avenue address.

10 [Whereupon, complied by zooming in]

11 So this is I believe Chicora Avenue. And there is a
12 house that sits right near this -- where this dot is. And
13 there's a path that goes between Orbit Street and Chicora
14 Avenue through the front yard of that house. The house is
15 abandoned. And that was the location that was provided by ATF
16 and Derrick Givens of where this gun was.

17 Q. Okay. Were you there when he was actually driven into
18 that area to point out the physical house?

19 A. No, I was not.

20 Q. Okay. So but y'all had a -- when you went, you had a --
21 is it fair to say you had a really good idea about where to
22 look?

23 A. Yes. Derrick had gone with the ATF agents and showed --
24 and pointed out the house to them, and it was described to me.
25 I was familiar with this area because when I was on saturation

1 patrol this is one of my assigned areas that I worked. So I
2 was familiar with the description he was given. And then when
3 ATF verified the house that I was thinking of, that he was
4 talking about, we responded to that address.

5 Q. All right. Now, I just want to talk a second about your
6 experience and dealing with CIs and -- confidential informants
7 and things of that nature. Just walk the jury through your
8 process of recovering this gun. Did you go directly to that
9 house?

10 A. No, sir, we didn't go directly to the house. There is a
11 couple of reasons for that. One, when I spoke with Derrick
12 Givens his concern was for his safety. He believed that -- or
13 the way I took it ---

14 MR. HALES: Objection, Your Honor.

15 THE COURT: What's the basis?

16 MR. HALES: Hearsay.

17 THE COURT: I will sustain the objection.

18 Q. All right. So I want to get into what you did
19 specifically when you got into Chicora.

20 A. Okay. So when I went to Chicora I went with two other
21 detectives. And there's a little set of apartments here
22 [indicates], or a house that is set up as apartments. And
23 then right here neighboring [REDACTED] Chicora is a set of apartment
24 buildings.

25 We spoke with people that lived in these locations and

1 explained to them that we believe there is some evidence of a
2 crime that was stashed or stored in an area around here.
3 Speaking with these residents, once of them directed us to the
4 [REDACTED] Chicora Avenue.

5 As someone who lives in the neighborhood, they said that
6 they've seen people hanging out there ---

7 MR. HALES: Objection, Your Honor.

8 THE COURT: I'll allow that. It's not offered for the
9 truth of the matter asserted. Overruled.

10 A. So they've seen people around there, but they know that
11 the place is abandoned because it is boarded up.

12 So after receiving that information we did go over to the
13 house. And the front door was boarded up, and the back door
14 was dead-bolted. And there was no signs that anybody was
15 actually occupying the residence.

16 There is a crawl space underneath the residence that has
17 access points. So we looked through -- at those access
18 points. And on the front of the house there is a access
19 point, and inside there in the crawl space was a bag. When we
20 touched the bag there was a hard object that was immediately
21 identified as being a firearm. And that's when we called
22 Crime Scene to come and recover the firearm.

23 Q. All right. I'm showing you 139. What are we looking at
24 here?

25 A. So this is the house that we looked at where we can see

1 that the front door is boarded up, some of the windows are
2 boarded up.

3 Q. All right, 142?

4 A. And so this is the access space to the crawl space, or
5 the access area to the crawl space, that we checked.

6 Q. One forty-four?

7 A. And this would be the bag that we had seen and then
8 felt -- where I felt that hard item and identified it as a
9 firearm based on its feel.

10 Q. 146?

11 A. And then so -- and then there is the firearm that we felt
12 in that bag.

13 Q. 149?

14 A. This is the -- where the firearm was taken from the bag
15 and placed in the -- it was checked for safety, to make sure
16 that it was clear, and it was put into an evidence box for --
17 to be entered into North Charleston evidence.

18 MR. OSBORNE: Okay. Your Honor, may I approach?

19 THE COURT: You may.

20 Q. And I'm showing you 179.

21 A. Yes, this is the firearm that is recovered underneath
22 this house.

23 Q. Okay. And you've later learned that that gun was
24 involved in this murder?

25 A. Yes. After speaking with the case agent, yes.

1 Q. All right. So let me just ask you this, then. Derrick
2 Givens participated in hiding a weapon that you later learned
3 was involved in the murder. So why didn't you charge him with
4 accessory after the fact, obstruction of justice, or anything?

5 A. So when we're thinking about charging and who we charge,
6 we have to take into consideration all the facts. In this
7 case we have a person that contacted law enforcement and
8 provide the information that he was in possession of this
9 firearm, he was given directions, and he hid the firearm.

10 It wasn't a case where we located a firearm and then had
11 to question Mr. Givens about it, who, you know, could have
12 lied or provided any number of explanations. He came to law
13 enforcement. He wasn't trying to hide anything from us. And
14 that's part of what we would take into consideration when
15 charging somebody with an accessory charge. They have to
16 actually take an active role in hiding evidence or information
17 on a crime.

18 Q. Well, let me ask you this. Do you have any reason to
19 believe that you would have ever found this gun without the
20 help of Mr. Givens?

21 A. No, sir, we would not have even thought to even look over
22 there for any evidence in this crime.

23 MR. OSBORNE: No further questions.

24 THE COURT: Cross-examine?

25 MR. HALES: I have no questions for this witness, Judge.

1 THE WITNESS: Michelle Eichenmiller.

2 E-I-C-H-E-N-M-I-L-L-E-R.

3 MICHELLE EICHENMILLER, Having Been First Duly Sworn, was
4 Examined and Testified as Follows:

5 **DIRECT EXAMINATION BY MR. OSBORNE OF MICHELLE EICHENMILLER:**

6 Q. Thanks for coming in, Ms. Eichenmiller.

7 A. Hello.

8 Q. Where do you work?

9 A. I work for the South Carolina Law Enforcement Division,
10 in the forensic lab, in the Firearms Department.

11 Q. Okay. And how long have you been there?

12 A. Approximately thirteen years.

13 Q. All right. And so you said you work in the Firearms
14 Department?

15 A. Yes.

16 Q. And so what are some of the things that you do there?

17 A. In any case any agency in the state can submit evidence
18 to the lab. And I deal with the firearms part. So any
19 firearms, the guns themselves, any fired bullets, cartridge
20 cases. Also we do serial number restoration and some limited
21 toolmark examinations.

22 Q. All right. And what is your educational background?

23 A. I have a bachelor's degree in biology. I also have a
24 master of science in forensic science.

25 Q. All right. And I think this field is called -- is

1 firearms identification?

2 A. Yes, that's correct.

3 Q. And what specialized training have you had in that area?

4 A. In order to be a firearms examiner you can't go to
5 college or school anywhere for it. You have to kind of learn
6 with the people that work with your agency.

7 So I learned with all the firearms examiners that were at
8 SLED. I did a lot of reading and studying on my own. And
9 then I sat with them and saw how they examined evidence and
10 how they conducted case work.

11 I did a lot of practicals on my own. Which they gave me
12 example bullets and cartridge cases to look at. And at the
13 end of a three- to four-year training program I took a
14 competency. After that, after I passed it, they told me I
15 could do casework on my own.

16 Q. And that competency test, is that part of a SLED's
17 certification process? I mean is there a SLED certification
18 process?

19 A. It's not necessarily a certification. It's just that
20 you're competent to work casework on your own.

21 Q. Okay. How many cases have you worked, then?

22 A. Probably thousands by now.

23 Q. And are you a member of any professional organizations
24 related to firearms identification?

25 A. I'm a member of the Association for Firearm and Toolmark

1 Examiners, which is an international organization of people in
2 my profession. We talk on the internet. We have a forum that
3 we can discuss ideas and new concepts. And then we also have
4 a meeting once or twice a year.

5 Q. All right. Have you ever been qualified as an expert in
6 the field of firearms identification?

7 A. I have.

8 Q. And how many times?

9 A. Approximately eighty-five times.

10 Q. And in what courts?

11 A. South Carolina State Court.

12 MR. OSBORNE: Okay. Your Honor, at this time we'd offer
13 Ms. Eichenmiller as an expert in the field of firearms
14 examination or identification.

15 THE COURT: Do you care to examine her as to
16 qualifications?

17 MR. HALES: I do not, Your Honor.

18 THE COURT: She will be permitted to render opinions in
19 that area.

20 Q. All right. Ms. Eichenmiller, well, let's start by
21 telling the jury -- to get some -- so we're all talking about
22 the same terminology and understand what we're talking about,
23 what is the difference between a bullet or a projectile and a
24 fired shell casing?

25 A. A fired bullet is the projectile that comes out of the

1 cartridge case. So the cartridge case is what I refer to as
2 the piece that holds everything together. It has the
3 gunpowder, it has the primer, and it holds the bullet until
4 it's fired and then the bullet is gone and the cartridge case
5 is empty.

6 Q. Okay. How do you go about matching a fired bullet, then,
7 or a fired shell casing, to a particular weapon?

8 A. If I receive a weapon in a case, I will examine the
9 weapon for safety and function; and then I'll test-fire it
10 into our bullet recovery tank. That way the test -- the
11 specimens I receive, or that I have then, are going to be from
12 that firearm and I know they came from that firearm. Then
13 I'll compare those test-fires to any evidence I received.

14 Q. Okay. And in reference to bullets, how do you go about
15 matching a bullet from your test fire to a sample or evidence
16 in a case?

17 A. A firearm will mark a bullet in what we call the land
18 impressions. So there are striations on the bullet. They're
19 just scratches, basically, on the bullet, that came from the
20 barrel of a firearm. I'll examine those striations under
21 magnification with my microscope and compare them to the test-
22 fires.

23 Q. Okay. And what about fired shell casings?

24 A. Fired cartridge cases are marked on their primer,
25 primarily, from the firearm, and in their firing-pin

1 impressions. So I would examine those under microscopic
2 magnification comparing them to said specimens.

3 Q. All right. So let's talk about this case. And I think
4 you have this as Lab Number 16-08017; correct?

5 A. That's correct.

6 Q. Did you have the occasion to come into possession of some
7 evidence in this case?

8 A. I did.

9 Q. All right. I believe -- and I believe you came into
10 -- is it fair to say that you came into possession at two
11 different times?

12 A. Yes.

13 Q. Do you have those dates handy?

14 A. If I can refer to my notes.

15 I received the firearm and the cartridge cases on June
16 24th of 2016. And then later on I received the fired bullets
17 on July 29th of 2016.

18 Q. Okay. So let's talk about the cartridge case -- the
19 cartridge cases and the gun first.

20 MR. OSBORNE: Your Honor, may I approach?

21 THE COURT: You may.

22 Q. All right. I'm showing you what's already been marked
23 and admitted as State's 186 through 188, and then State's 179.
24 Can you take a look at those and tell me if you recognize
25 those?

1 A. Whenever I receive evidence in a case I mark it with the
2 lab number, the ID number, and my initials. And then when I'm
3 finished, I heat-seal it with my initials and the date.

4 So these are the three cartridge cases I examined. I
5 also mark the firearm with the item number, my initials, and
6 the case number. And this is the firearm I examined in this
7 case.

8 Q. Okay. So did you go through the same process that you
9 talked about, did you test-fire -- well, what type of firearm
10 is it, first of all?

11 A. This is a Ruger Model LC9. It's a .9mm.

12 Q. Okay. And did you test-fire it?

13 A. I did.

14 Q. Did it appear to be functioning properly ---

15 A. Yes.

16 Q. --- no problems?

17 All right. And once you -- then I suppose you had a
18 test-fired cartridge casing from that gun?

19 A. Yes.

20 Q. And then you, what, then compared that to the other
21 three?

22 A. Yes. I used my comparison microscope, which is basically
23 two separate microscopes connected by what look like
24 binoculars. I can put a cartridge case on one side and one on
25 the other, and then I can move it around to try to get the

1 light just right to see if the marks that are on there came
2 from the same firearm.

3 Q. Okay. Well, what were your findings or results when you
4 compared those fired shell casings to the test-fired cartridge
5 case of that gun?

6 A. In firearms identification we have four answers or
7 conclusions that we can reach. One is positive, it was fired
8 by that firearm. One is negative, it wasn't fired by that
9 firearm. One is unsuitable; in other words, the evidence that
10 we received was too damaged to do anything with
11 microscopically. And then there's inconclusive.

12 In this case my conclusion was inconclusive. The
13 cartridge cases were not marked well enough to match back to
14 the firearm.

15 Q. So is that a -- I mean, I don't know how to say it except
16 is that -- is that a common conclusion that you would run into
17 when you're comparing cartridge cases to guns? Or it just
18 happens?

19 A. It just happens. It's not more common than anything else
20 but.

21 Q. And, I mean, do you have any opinion as to why?

22 A. Sometimes just firearms just don't mark as well. It
23 could be based on ammunition. It could be based on how the
24 shooter was holding the firearm. There's a lot of factors
25 that go into that.

1 Q. Okay. So is it fair to say it might have, but it might
2 not; that's inconclusive?

3 A. That's what inconclusive is, yes.

4 Q. And I didn't ask you: What is the headstamps to those
5 fired shell casings? Can you take a look at that for me?

6 A. I have two Federal and one I believe it's FTMC.

7 Q. Does the Federal say FC, or is it just ---

8 A. Yeah, FC.

9 Q. FC. Okay.

10 All right. You came into possession of another item.
11 I'm not going to bother showing it to you. It's like SLED 13,
12 I think; and I think it said a projectile from a roadway?

13 A. Yes.

14 Q. Did you -- were you able to do anything with that?

15 A. No. Thirteen had no marks on it that I could use for
16 identification. So it was unsuitable for identification.

17 Q. Okay. And I think you also came into possession of a
18 jacketing - and I don't know if it said it was a jacketing
19 from a car and it was SLED 14 - were you able to do anything
20 with that?

21 A. That one was also unsuitable for identification.

22 Q. All right. Now let's move on to -- you had said earlier
23 that you came into possession of evidence on a second
24 occasion, and that being July the 29th of 2016?

25 A. Yes.

1 Q. All right. Here is -- I'm showing --

2 MR. OSBORNE: May I approach, Your Honor?

3 THE COURT: You may.

4 Q. I'm showing you 191. Can you take a look at that and
5 tell me if you recognize that? And also 192.

6 A. This is my Item 12, which was a fired bullet. And then
7 this is Item 14, which we've discussed as a fragment from the
8 passenger side of the vehicle.

9 Q. Do you have 192 up there?

10 A. Yes.

11 Q. Is that SLED 15?

12 A. It's 14.

13 Q. That's SLED 14?

14 A. [No response]

15 Q. All right. Let's talk about your Item Number 12. Did --
16 does it say on there where that was recovered from?

17 A. On the packaging it says bullet from neck.

18 Q. Bullet from the victim's neck?

19 A. Yes.

20 Q. And what can you -- well, did you analyze that; and, if
21 so, what findings did you come up with?

22 A. Item 12 was a fired bullet. When I received it, it was
23 one piece. As I was decontaminating it, it separated into
24 two; so it's two fragments now, a jacket and a core. It was
25 consistent with being the .9mm Ruger, and it was fired by a

1 firearm that is six, right, conventional rifling.

2 Q. Okay. And did that come back as being identified to the
3 Ruger that you test fired?

4 A. Yes. When I compared Item 12 to test fires from the
5 Ruger, I decided that it was a positive match. So it -- that
6 projectile was fired by that firearm.

7 Q. Okay. And just to make sure that I said it correctly,
8 SLED 12, the projectile recovered from the victim's neck, came
9 back identified to being fired by that Ruger?

10 A. Correct.

11 MR. OSBORNE: All right. Your Honor, may I approach?

12 THE COURT: Yes.

13 Q. I think I've got the right one this time. State's 193,
14 is that your SLED 15?

15 A. Yes, this is SLED Item 15.

16 Q. All right. And where was that bullet recovered from?

17 A. Front passenger seat back.

18 Q. Okay. The back of the front passenger seat.

19 All right. Did you analyze that projectile in any way
20 and compare it to the Ruger?

21 A. I did. I also compared that to the Ruger and it was also
22 found to have matching individual identifying characteristics
23 in order for me to conclude that it was fired by that firearm.

24 Q. Okay. So a projectile recovered from the seat and a
25 projectile recovered from the victim's neck, both came back as

1 being fired from that Ruger?

2 A. Correct.

3 Q. The fired shell casings are inconclusive?

4 A. Right.

5 Q. Not saying they weren't, just inconclusive?

6 A. Correct.

7 Q. Okay.

8 MR. OSBORNE: No further questions.

9 THE COURT: You may cross-examine.

10 MR. HALES: Yes, Your Honor.

11 **CROSS-EXAMINATION BY MR. HALES OF MICHELLE EICHENMILLER:**

12 Q. Ms. Eichenmiller?

13 A. Yes.

14 Q. Okay. So if I understand correctly, what you're able to
15 determine is that that bullet or projectile that was taken
16 from the deceased's neck was fired by that Ruger?

17 A. Correct.

18 Q. Okay. You cannot testify as to who fired the gun;
19 correct?

20 A. Correct.

21 Q. Okay. You can't testify as to what transpired before or
22 after, or anything else; you just know that that projectile
23 came from that gun?

24 A. Correct.

25 Q. Okay.

1 your full name, spelling your last.

2 THE WITNESS: My name is Sara Goodman. Last name is
3 G-O-O-D-M-A-N.

4 MS. ELLIOTT: Good afternoon, Ms. Goodman.

5 SARA GOODMAN, Having Been First Duly Sworn, was Examined and
6 Testified as Follows:

7 **DIRECT EXAMINATION BY MS. ELLIOTT OF SARA GOODMAN:**

8 Q. Where are you employed?

9 A. I am employed at the South Carolina Law Enforcement
10 Division, commonly referred to as SLED.

11 Q. And what's your job at SLED?

12 A. I am a forensic scientist assigned to the DNA Casework
13 Department.

14 Q. And how long have you been working for SLED?

15 A. Approximately four-and-a-half years.

16 Q. And how long have you been working in the DNA division of
17 SLED?

18 A. Four-and-a-half years. I've been certified to do
19 casework for three years.

20 Q. What are your duties as a forensic scientist in SLED?

21 A. So we receive items of evidence from law-enforcement
22 agencies throughout the state and we test those items for
23 evidence to attempt to generate DNA profiles, and then write
24 reports based on our findings.

25 Q. Will you tell us a little bit about your educational

1 background that prepares you for that type of work?

2 A. Yes. I have a bachelor of science degree in biology from
3 Erskine College, and a master of science in forensic science
4 from Arcadia University which is in Pennsylvania.

5 Q. And did you have any specialized training in DNA analysis
6 with SLED?

7 A. I did. Upon my employment at SLED I went through about a
8 year-long training program with another court-qualified
9 analyst which included a series of laboratory and practical
10 and report-writing trainings. And at the end of that training
11 I successfully completed a series of competency tests to
12 become certified to do DNA casework.

13 Q. So how many times would you say that you have tested DNA
14 samples?

15 A. Over a thousand times.

16 Q. And have you ever been qualified as an expert in the
17 field of DNA analysis?

18 A. I have.

19 MS. ELLIOTT: Your Honor, at this time we would offer Ms.
20 Goodman as an expert in DNA analysis.

21 THE COURT: Do you wish to examine as to qualifications?

22 MR. HALES: No, Your Honor.

23 THE COURT: She will be permitted to render opinions in
24 that area.

25 Q. So, Ms. Goodman, will you explain to us just in laymen's

1 terms what DNA is?

2 A. Sure. So DNA is a chemical that's present in almost
3 every cell or part of our bodies. You get half from your
4 mother and half from your father. And with the exception of
5 identical twins, your DNA profile is unique to you; meaning
6 only you have that exact DNA profile.

7 MS. ELLIOTT: May I approach the witness, Your Honor?

8 THE COURT: Yes, you may.

9 Q. I am going to show you three pieces of evidence. So I am
10 showing you what's previously been admitted as State's 182,
11 183 and 184. I think those were given SLED Numbers 8, 9 and
12 18. Do you recognize those?

13 A. Yes, I do.

14 Q. What are they?

15 A. These are the known or comparison standards that I worked
16 in this case.

17 Q. And do you know when they were received by SLED and you
18 received them?

19 A. Yes, if I may refer to my chain of custody?

20 Q. Sure.

21 A. So Item 8 was received at SLED on June 10th of 2016 at
22 11:42 a.m., and that was received by forensic technician Amy
23 Stevens Black.

24 Q. And do you have on there who transported it to SLED?

25 A. Yes. Jonathan Madrid of the North Charleston Police

1 Department.

2 Q. What about Item 9?

3 A. Item 9 was received on the same date, June 10th of 2016,
4 also received by forensic technician Amy Stevens Black and
5 submitted by Jonathan Madrid.

6 Q. And then, lastly, Item 18?

7 A. Item 18 was received at SLED on April 5th of 2018. It
8 was received by forensic technician Doris Yarborough and
9 submitted by Jeremy Ledford of the North Charleston Police
10 Department.

11 Q. And when these items, these known standards, were
12 delivered to SLED, what -- how are they packaged?

13 A. So they're typically packaged -- upon receipt at SLED
14 they are packaged in a heat-sealed pouch and sealed by whoever
15 is submitting them from the agency.

16 Q. And who gave these items to you?

17 A. For Item 8, I received this item from forensic technician
18 Charlotte Pitts. As well as Item 9 I also received from
19 Charlotte Pitts. And Item 18 I additionally received from
20 Charlotte Pitts. And all of these I received on April 30th of
21 2018.

22 Q. And when you received what's State's -- for
23 identification State's 182, 183 and 184, which are your 8, 9
24 and 18, did they appear -- the packaging appear to have been
25 tampered with in any fashion?

1 A. No, they did not.

2 Q. And if it had been tampered with in any fashion, what
3 would have happened to it?

4 A. If they have been opened or tampered with, I would not
5 have tested them. The -- typically upon receipt at SLED, if
6 they are not properly packaged we require the submitting
7 agency to return to SLED and package them properly before we
8 will accept them.

9 MS. ELLIOTT: Your Honor, at this time the State would
10 move in State's 182, 183 and 184.

11 THE COURT: Any objection?

12 MR. HALES: No objection.

13 THE COURT: Without objection, they are admitted.

14 [Whereupon, State's Exhibit Numbers 182, 183 and 184 are
15 admitted into evidence by the Court]

16 Q. I'm going to show you what I believe has already been
17 admitted as State's 177 -- I'm sorry, 176. Do you recognize
18 that?

19 A. Yes, I do.

20 Q. What is that?

21 A. This is my item -- or SLED Item 17. It was labeled as
22 swabs from passenger-side mirror of Buick.

23 Q. And do you know when this item was received by SLED and
24 who received it?

25 A. Yes. This item was submitted to SLED on April 5th of

1 2018. It was received by forensic technician Doris
2 Yarborough, and it was submitted by Jeremy Ledford of the
3 North Charleston Police Department.

4 Q. And who provided this item to you?

5 A. This item was provided to me by forensic technician
6 Charlotte Pitts.

7 Q. Was it properly packaged when you received it?

8 A. It was.

9 Q. And did the packaging appear to be damaged, tampered
10 with, or altered with in any way?

11 A. It did not.

12 Q. And if it had been, would you have accepted it?

13 A. No, not until it was properly packaged.

14 Q. All right. So now that we've gone through the formality
15 of what the chain goes through, what type of testing did you
16 perform on Item 176 -- I'm sorry, on State's 176, your Item
17 17?

18 A. I performed presumptive testing for blood on this item,
19 as well as DNA analysis.

20 Q. What were the results of the presumptive testing of the
21 blood?

22 A. Presumptive testing for blood was positive.

23 Q. After it tested presumptive for blood, what did you do?

24 A. I took it on through all of our processes to generate a
25 DNA profile.

1 Q. What conclusions, if any, were you able to draw with
2 analyzing this swab from the Buick?

3 A. The DNA profile matches the DNA profile of Arthur Meyers.
4 The probability of randomly selecting an unrelated individual
5 having a DNA profile matching this item is approximately one
6 in eighteen-octillion.

7 Q. So an octillion is a kind of abstract number. How many
8 zeros are in an octillion?

9 A. That number has twenty-seven zeros in it.

10 Q. And so that came back to Arthur Meyers?

11 A. Yes.

12 Q. Looking at your report, did you also have reason to
13 analyze swabs from a Ruger, SLED 6?

14 A. Yes, I did.

15 Q. Were you able to generate any results from that analysis?

16 A. I was.

17 Q. And what were they?

18 A. A DNA profile suitable for a comparison was developed.
19 Likelihood ratios for this profile were calculated using
20 STRMIX. So likelihood ratios are a comparison of two
21 different scenarios or ideas that can explain that DNA
22 profile.

23 So for this proposition set or this comparison, the DNA
24 profile was interpreted as a mixture originating from two
25 individuals. HP, or the first scenario, is the person of

1 interest. And an unidentified, unrelated individual
2 contributed to the mixture. Versus HD, or the other idea that
3 two unidentified, unrelated individuals contributed to the
4 mixture.

5 So for that comparison, the result is that Leandra
6 Bright, Arthur Meyers, and Gage Franks are excluded as
7 contributors to the mixture under that listed proposition.

8 And DNA types from this profile have been entered into
9 the combined DNA index system, or CODUS, as 16-08017-6 major.

10 Q. And if a profile is submitted to CODUS and a match is
11 found, how is that match communicated to law enforcement?

12 A. So if any match is found within CODUS, we -- our DNA
13 database department issues what is known as a CODUS hit
14 notification letter to the submitting agency.

15 Q. Was there a CODUS hit related to this -- that CODUS
16 submission?

17 A. There was for this item, yes.

18 Q. And who was it?

19 A. Upon a search of the South Carolina state DNA database, a
20 high stringency match occurred between the partial DNA profile
21 entered into CODUS for Item 6 major; and the DNA profile
22 contained within the South Carolina state DNA database
23 identified as belonging to Derrick Rashard Givens.

24 Q. Now, let's talk about DNA in general. What are some
25 things that can cause DNA to not be left or not detected on a

1 piece of evidence?

2 A. So there's different factors that can affect the amount
3 of DNA that's left behind. So for a touch DNA, or the DNA
4 that's left behind by your skin cells when you touch
5 something, that can be dependent on how much DNA a person
6 sheds. Some people shed more DNA than others.

7 Environmental factors can affect the amount of DNA that's
8 present on an item. So things like heat, or if an item is
9 rained on, those can degrade the DNA or wash away some of the
10 DNA.

11 So factors like that can affect how much DNA is present.

12 Q. Can multiple people handling an item also impact whether
13 or not you can detect a particular person's DNA?

14 A. Yes, that can affect it as well.

15 Q. So is it fair to say that two people could handle an item
16 at around the same time and one leave behind DNA and another
17 not?

18 A. That is possible, yes.

19 MS. ELLIOTT: Court's indulgence.

20 THE COURT: Certainly.

21 MS. ELLIOTT: Nothing further, Your Honor.

22 THE COURT: Cross-examine?

23 MR. HALES: Yes, Your Honor.

24 **CROSS-EXAMINATION BY MR. HALES OF SARA GOODMAN:**

25 Q. Good afternoon, Ms. Goodman.

1 A. Hi.

2 Q. My understanding is you just do the analysis on the
3 things that are provided to you from law-enforcement across
4 the state; correct?

5 A. Yes.

6 Q. Okay. So you don't collect evidence; you don't make any
7 determination, other than what you can prove scientifically?

8 A. Correct. Yes.

9 Q. Okay. But you don't -- if they recover blood from a car,
10 the only way you know it was recovered from a car is when
11 you're told that?

12 A. Yes. That's correct.

13 Q. Okay. And you don't make any determination as to how
14 that was left there or anything like that; it's just you get a
15 sample, you compare it to a standard, and you make a
16 conclusion?

17 A. Yes.

18 Q. Now, as far as the Ruger goes, I believe you stated that
19 you had three standards. I call them standards. I'm not sure
20 what -- is that the correct term?

21 A. That's a correct term.

22 Q. Okay. You had three standards from three individuals,
23 Leandra Bright, Gage Frank, and Arthur Meyers?

24 A. Correct.

25 Q. Okay. And my understanding is you were not able to

1 determine that any of that DNA was on the Ruger?

2 A. All three of those individuals were excluded from the
3 item.

4 Q. Okay. And only after it was entered into CODUS were you
5 able to get a hit on a Derrick Givens?

6 A. Yes.

7 Q. And CODUS is just the state database? Or is it a -- or
8 is it a national database?

9 A. It's a national database regulated by the FBI.

10 Q. Got you. Okay. And did you receive any other evidence
11 to ---

12 A. I did have other items of evidence.

13 Q. Okay. And just what were those, briefly?

14 A. So my SLED Item 5, I had a cigarette butt from the front-
15 passenger floorboard of the victim's vehicle. I also had SLED
16 Item 7, swabs of a baggie labeled as swabs from Item 3,
17 plastic bag. SLED Item 10 was swabs from the interior driver
18 door handle. SLED Item 11 was swabs from an interior
19 passenger door handle.

20 Q. And were any conclusions able to be drawn from any of
21 those?

22 A. Yes.

23 Q. And what would those be?

24 A. Sure. So for SLED Item 5, the -- which was the cigarette
25 butt, the DNA profile developed matches the DNA profile of

1 Arthur Meyers. The probability of randomly selecting an
2 unrelated individual having a DNA profile matching this item
3 is approximately one in 2.7 minmillion.

4 Would you like me to continue for the other items?

5 Q. No. And the plastic bag was inconclusive, is my
6 understanding.

7 A. I did develop a DNA profile from that item, from SLED
8 Item 7.

9 Q. And what was that?

10 A. A DNA profile suitable for a comparison was developed.
11 Likelihood ratio of CODUS profile were calculated using
12 STRMIX. So for this analysis I had two propositions that --
13 which, again, the propositions are the comparison of two
14 different scenarios to explain the DNA profile.

15 So for proposition set one, the DNA profile was
16 interpreted as a mixture originating from two individuals. So
17 HP, or the first scenario, is the person of interest. And an
18 unidentified, unrelated individual contributed to the mixture.
19 Versus HD, two unidentified, unrelated individuals contributed
20 to the mixture.

21 So for that comparison, Leandra Bright and Arthur Meyers
22 are excluded as contributors to the mixture under the listed
23 proposition.

24 And then for proposition set two, the DNA profile was
25 interpreted as a mixture originating from two individuals.

1 HP, or the first scenario, is Gage Frank. And an
2 unidentified, unrelated individual contributed to the mixture.
3 Versus HD, two unidentified, unrelatable -- unrelated
4 individuals contributed to the mixture.

5 So the result for that comparison is the DNA profile is
6 approximately ten times more likely if two unidentified,
7 unrelated individuals contributed, than if Gage Franks and an
8 unidentified, unrelated individual contributed to that
9 mixture.

10 MR. HALES: Thank you. No further questions.

11 THE COURT: Redirect?

12 **REDIRECT EXAMINATION BY MS. ELLIOTT OF SARA GOODMAN:**

13 Q. Looking at Item 7, that second proposition of Gage
14 Franks, you're not saying that Gage Frank's DNA was found on
15 there; correct?

16 A. No. That comparison is ten times more likely if two
17 unidentified, unrelated individuals contributed to the
18 mixture, than if Gage Franks and another individual
19 contributed to it.

20 Q. And STRMIX was developed because of a history of when you
21 have profiles with multiple mixtures or multiple people
22 present, to be able to kind of clear that out a little bit; is
23 that fair to say?

24 A. Somewhat. So STRMIX was developed just as a more
25 improved technology to be able to use a little bit more of the

1 data than previous methods were able to use. So it's just an
2 improvement in technology.

3 Q. But previous methods had you matching profiles, looking
4 at alleles and comparing them side by side, one by one;
5 correct?

6 A. Correct. And we still make the same comparison.

7 Q. And then STRMIX you go has using probabilities in that
8 analysis?

9 A. Correct.

10 Q. And you aren't saying that Leandra Bright never handled
11 that Ruger; you're just saying that you couldn't find his
12 profile connected with that Ruger?

13 A. Correct. So he's excluded from this particular DNA
14 profile.

15 MS. ELLIOTT: Nothing further.

16 THE COURT: Recross?

17 MR. HALES: No, Your Honor.

18 THE COURT: Thank you. You may come down. And do you
19 wish her to be excused?

20 MS. ELLIOTT: Yes, Your Honor.

21 THE COURT: Any objection, Mr. Hales?

22 MR. HALES: No. No objection, Your Honor.

23 THE COURT: You're also free to leave. Thank you.

24 THE WITNESS: Thank you.

25 [Whereupon, the witness exits the witness stand]

1 Let's bring in our jury, Faye. Thank you.

2 [Whereupon, the jury enters the courtroom 11/13/19, 2:58
3 p.m.]

4 [Whereupon, Mr. Frank comes forward]

5 THE CLERK OF COURT: I'll ask you to place your left hand
6 on the Bible and raise your right hand.

7 [Whereupon, Mr. Frank is duly sworn by the clerk of
8 court]

9 THE CLERK OF COURT: Please be seated.

10 [Whereupon, the witness takes the witness stand]

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

13 THE WITNESS: Gage Frank. F-R-A-N-K.

14 MR. OSBORNE: Mr. Frank, if you could, just scoot up a
15 little bit and then if you'll pull that mike down to you just
16 a little bit so we can all hear what you're saying.

17 GAGE FRANK, Having Been First Duly Sworn, Was Examined and
18 Testified as Follows:

19 **DIRECT EXAMINATION BY MR. OSBORNE OF GAGE FRANK:**

20 Q. All right. Mr. Frank, how old are you?

21 A. I am twenty-three.

22 Q. Twenty-three. Where were you born?

23 A. Charleston, South Carolina.

24 Q. All right. Born and raised?

25 A. Pretty much, for the most part.

- 1 Q. Okay. Did you go to high school?
- 2 A. Yes, I did.
- 3 Q. Did you graduate?
- 4 A. I did not graduate. I got my GED.
- 5 Q. All right. What high school did you go to?
- 6 A. I went to Summerville High School and Seneca High School.
- 7 Q. And Seneca, is that upstate?
- 8 A. Yeah, it's upstate.
- 9 Q. Okay. Do you have any brothers or sisters?
- 10 A. Yeah. I have two brothers. One's a marine, and one
- 11 lives at home with me.
- 12 Q. Okay. Bailey, he's the active-duty marine?
- 13 A. Yes, sir.
- 14 Q. Okay. Do you work?
- 15 A. Yes, sir. I work for Chophouse as a line cook, training
- 16 to be sus.
- 17 Q. Okay. I'm sorry. You said you're training to be a what?
- 18 A. A sus chef.
- 19 Q. A sus chef. Okay. At Hall's?
- 20 A. Yes, sir.
- 21 Q. All right. Well, let's get this out of the way. I mean,
- 22 you were charged in this case; correct?
- 23 A. Yes, sir.
- 24 Q. And what was your charge?
- 25 A. Accessory after the fact of homicide.

1 Q. Okay. And what does that carry?

2 A. Zero to fifteen.

3 Q. In April of 2017, you entered into what we in the
4 business call a proffer agreement with the State; is that
5 correct?

6 A. Yes, sir.

7 Q. And as part of that agreement has anyone with the State,
8 with my office, promised you anything in exchange for your
9 testimony?

10 A. No, sir.

11 Q. Have we made any kind of wink-wink deals; you know, if
12 you testify, you'd only get ten years or ---

13 A. No, sir.

14 Q. --- anything like that? You're looking at fifteen?

15 A. Yes, sir.

16 Q. And along those same lines, has anyone promised you
17 anything that, you know, if you'll just say this for us, you
18 know, we'll do this for you?

19 A. No. Absolutely not.

20 Q. All right. What's your understanding of what the proffer
21 agreement says?

22 A. Pretty much that I am to cooperate with the State and
23 pretty much not lie and tell any lies while I'm sitting here
24 today.

25 Q. Okay.

1 A. And the promise that I won't be promised anything for
2 giving my testimony.

3 Q. Is it fair to say it's a pretty one-sided agreement?

4 A. Yes, sir.

5 Q. All right. Let's talk about the defendant in this case.
6 Do you know him?

7 A. Yeah, I know him.

8 Q. How do you know him?

9 A. We used to work together. He used to stay at my place
10 and stuff like that. We used to be homies and stuff like
11 that.

12 Q. You said homies?

13 A. Yeah.

14 Q. What do you know him as?

15 A. What?

16 Q. Do you know his real name?

17 A. I do now. It's Leandra.

18 Q. Okay. But -- okay. Well, let me ask you this. When did
19 you first meet him, about?

20 A. Probably December or so of I would say two thousand -- I
21 can't remember. This happened in 2016; right?

22 Q. '16. Yes.

23 A. So it'd be December of 2015.

24 Q. Okay.

25 A. Give ---

1 Q. And ---

2 A. --- or take some time. I'm sorry.

3 Q. And do you remember how you came about meeting him?

4 A. Just through the neighbors. We was just all outside one
5 day. We was just hanging out. Just kind of like walked upon.
6 Like everybody was hanging out in the same area and we all
7 kind of just met like that.

8 Q. Okay. At any point did he ever move in with you and live
9 with you?

10 A. I wouldn't say he moved in, but he stayed from time to
11 time; like whenever we'd go to work, and stuff like that,
12 because we work at the same place.

13 Q. Okay. So there was a time in which y'all were coworkers,
14 too?

15 A. Yes.

16 Q. Did you help him get that job?

17 A. Yes.

18 Q. All right. And when he stayed with you from time to
19 time, what was your address then?

20 A. I believe it was [REDACTED] Pineridge Circle, Apartment [REDACTED]

21 Q. Pinecrest maybe?

22 A. Pinecrest.

23 Q. And is that now the blood plasma center on McMillan and
24 Rivers near Spruill?

25 A. Yes.

1 Q. Up in that area? By the old Naval Hospital?

2 A. Yes, right across from the old Naval Hospital.

3 Q. All right. So let's get into the day of the murder. And
4 this would have been March 29th going into the early-morning
5 hours of March the 30th of 2016.

6 A. Yes, sir.

7 Q. Okay. Did the defendant wake up at your house that
8 morning?

9 A. Yes, sir.

10 Q. And did you or him go to work that day; do you remember?

11 A. I believe we both went to work that day.

12 Q. And did you work -- did you both work the morning shift
13 or the night shift?

14 A. It was the morning shift.

15 Q. Okay. And what was the morning shift then?

16 A. It was 9:00 to 4:00 most days.

17 Q. Okay. And how did you pronounce that restaurant; is it
18 Basico or Basico?

19 A. It's Bosaco.

20 Q. Bosaco? It's closed now, right?

21 A. Yeah. I believe it's a sushi place now. It's not the
22 Mixon Flats anymore.

23 Q. Okay. And that's not very far from your house?

24 A. No, it's probably like a ten-minute drive, at most.

25 Q. And after you got off work that day, that would have

1 probably been around 4:00 or five o'clock or so in the
2 afternoon?

3 A. Yes, sir.

4 Q. And do you remember what you did that day?

5 A. I just came to the house, got off work, probably
6 showered, hung out a little bit, probably played a little bit
7 of Xbox and stuff like that. And then later on in the evening
8 I got asked to take him to the bar.

9 Q. Okay. The defendant asked you to take him to a bar?

10 A. Yes, sir.

11 MR. OSBORNE: All right. Your Honor, may I approach?

12 THE COURT: You may.

13 Q. I'm showing you what's been marked as State's 223. Do
14 you recognize that?

15 A. Yes, sir.

16 Q. And what is that?

17 A. That's the bar that I dropped Webb off at.

18 MR. OSBORNE: Okay. Your Honor, at this time I'd seek to
19 admit State's 223 into evidence.

20 THE COURT: Any objection?

21 MR. HALES: Without objection.

22 THE COURT: Without objection, State's 223 is admitted, a
23 photograph.

24 [Whereupon, State's Exhibit Number 223 is admitted into
25 evidence by the Court]

1 Q. And just for the jury's edification, is this off
2 Aviation?

3 A. Yes. It's a bar that's hooked to the Budget Inn Hotel.

4 Q. Okay. And that's that frontage road ---

5 A. Yes, sir.

6 Q. --- right by I-26 and Aviation?

7 A. Yes, sir.

8 Q. Okay. Were you -- did you go into the bar with him?

9 A. No. At the time, I wasn't old enough to go into a bar.

10 Q. You weren't twenty-one?

11 A. No, sir.

12 Q. All right. So you drove him there. And what time do
13 you -- do you guess that you would have dropped him off there;
14 was it at night?

15 A. Yeah, it was at nighttime. I'd say anywhere from like
16 9:00 to 10:00.

17 Q. All right. And once you dropped him off, what did you
18 do?

19 A. I went back home and played XBox some more.

20 Q. Okay. And it's not like it's that far from your house;
21 right?

22 A. No, it's not that far.

23 Q. Okay. And did you have the occasion to see the defendant
24 later that night after you dropped him off?

25 A. I didn't know I was; but, yes, I did ---

1 Q. And how did that --

2 A. --- so ---

3 Q. I'm sorry. How did that come about?

4 A. I got a call later on in the evening asking him (sic) if
5 he could pick me up because either I was too drunk to make it
6 all the way back to the house. So I got ready and left and
7 just pretty much playing phone tag with him trying to figure
8 out which store it was that I needed to drive to.

9 Q. Okay. And did -- and then you ended up driving to go
10 pick him up?

11 A. Yes, sir.

12 Q. And whereabouts did you pick him up from?

13 A. It was one of the corner stores on Rivers Avenue across
14 from Mall Drive.

15 Q. Okay. On Rivers Avenue across from Mall Drive?

16 A. Yeah.

17 Q. And 843-568-2421, does that sound like that was the
18 defendant's number back then?

19 A. I think so. I'm not a hundred percent sure, though.

20 Q. Do you remember your number?

21 A. It's been a while. I can't say exactly for sure, but I
22 think it was 640-6575.

23 Q. Or maybe 7565?

24 A. Yeah. That sounds right.

25 Q. Okay. And was this -- I mean, just to try to get an

1 understanding. Was this necessarily uncommon for you to give
2 him rides to certain places and pick him up whenever he called
3 and things like that?

4 A. No, not at all.

5 Q. Okay. All right. So I know you said y'all were playing
6 phone tag back and forth a little bit, but were you able to
7 find the corner store that he was at ---

8 A. Yes.

9 Q. -- on Rivers?

10 A. Yes, I did.

11 Q. All right. And, well, what happened when you got to the
12 corner store?

13 A. I pulled into the corner store, and there's people
14 outside. Like there was a group of people. And everybody was
15 going back and forth, dapping each other up, talking like they
16 were getting ready to split ways.

17 And I found Webb. So he walked up to my car. He was --
18 he dapped me up and said -- I forget exactly what we said.
19 But he went to go dap somebody else up, and he got in the car,
20 and we went to pull off to leave and he pointed me towards the
21 direction he wanted me to go in.

22 Q. All right. Before I get to where y'all headed, did he --
23 did he appear sober or intoxicated?

24 A. Yeah, he'd been drinking. I mean, I dropped him off at
25 the bar; so, yes, sir.

1 Q. And how else would you describe his demeanor; did he seem
2 calm, normal, upset?

3 A. I would say a mix between upset and normal.

4 Q. And you said there were other people out there as well?

5 A. Yes, sir.

6 Q. Did other people come up to you and have anything to say
7 about Webb?

8 A. Yeah, they asked me to give him ---

9 MR. HALES: Objection, Your Honor.

10 THE COURT: Sustained. Hearsay.

11 Q. All right. So let's show -- I'm going to show you
12 State's 5. Can you orient yourself at all with this map to
13 show about where the corner store was?

14 A. Which side would be the Mall Drive?

15 Q. Okay. See right there where it says Mall Drive
16 [indicating]?

17 A. Yeah.

18 Q. And then you follow this all the way around [indicating].

19 A. So it would probably be one of the stores in between 52
20 and the long white building that's in there on the end on the
21 second street.

22 Q. Okay. Do me a favor and put a big X. Well, you know,
23 big enough for us to see.

24 A. [Witness complied]

25 Q. Okay.

1 A. Be one of the corner stores on this strip over here
2 [indicating].

3 Q. Okay. Now, you said that you were going to pick him up.
4 When you picked him up what was your understanding as to where
5 y'all were -- where y'all were going to be headed once he got
6 in the car?

7 A. We were ---

8 Q. Let me say -- let me phrase it differently. Before he
9 got in the car, when you drove to pick him up at the corner
10 store, where did you think you were taking him?

11 A. We were supposed to go back to the house.

12 Q. Okay. Now put an X on the direction where your house
13 would be from there.

14 A. [Witness complies]

15 Q. Okay. Did you head that way?

16 A. No, sir.

17 Q. And why is that?

18 A. I got directed to go a different direction.

19 Q. Who directed you?

20 A. Webb directed me.

21 Q. All right. When you pulled out from the corner store,
22 which way did y'all go?

23 A. This way [indicating].

24 Q. Okay.

25 A. Up Rivers.

1 Q. Now, while we're sitting here looking at this map, let's
2 go ahead and talk about something. Around this time period,
3 did you know someone that lived on Van Buren?

4 A. Yes. My father and my little brother lived on Van Buren.

5 Q. Your father and your little brother?

6 A. Yes. Gavin.

7 Q. Okay. Now, if you were heading from Mall Drive up Rivers
8 the way that you were headed, and you wanted to go to your
9 father's house, what would have been your, you know, normal
10 route?

11 A. I would have -- the normal route, I probably would have
12 pulled in right here where this X is [indicating], right next
13 to the blue line, I mean; and take it up and around
14 [indicating].

15 Q. Okay. Because that road right there, I think is Twilly
16 or Twitty, that goes under the interstate?

17 A. Yes, sir.

18 Q. So that would have been the route?

19 A. Yes, sir.

20 Q. Okay. But you weren't headed to your dad's house that
21 night?

22 A. No, sir.

23 Q. All right. So as you're heading down Rivers, what
24 happens next?

25 A. I got directed to turn into one of the turns up here

1 [indicates] to get into the neighborhood that was back here

2 [indicates]. Or, I'm sorry, back this way [indicates].

3 Q. Okay. And you said that you got directed. It was only
4 you and Webb, and the ---

5 A. Yes.

6 Q. --- defendant in the car; right?

7 A. Yes, sir.

8 Q. And he's the one that directed you?

9 A. Yes, sir.

10 Q. Okay. Now, did he make any comments to you as y'all were
11 headed that way to, you know, enlighten you as to why y'all
12 were going there?

13 A. We were just going to grab something. I didn't know
14 exactly what. You know, I wasn't really that, like,
15 determined to find out exactly, either.

16 Q. Okay. Did he say that he was going there to grab
17 something?

18 A. Yeah, he said we were going to go there and pick
19 something up and then we were going to go home.

20 Q. Okay.

21 A. Or to my house.

22 Q. After you picked it up -- or ---

23 A. Yes, sir.

24 Q. --- he picked it up?

25 MR. OSBORNE: All right. Your Honor, may I approach?

1 THE COURT: Yes.

2 Q. I'm showing you 224 and 225. Can you take a look at
3 those and tell me if you recognize those?

4 A. Yes, sir.

5 Q. All right. What are they?

6 A. These are pictures of the field where everything happened
7 at.

8 MR. OSBORNE: Okay. Your Honor, at this time I'd seek to
9 admit 224 and 225 in evidence.

10 THE COURT: Any objection?

11 MR. HALES: No objection.

12 THE COURT: Without objection, 224 and 225 admitted as
13 being a photograph.

14 [Whereupon, State's Exhibit Numbers 224 and 225 are
15 admitted into evidence by the Court]

16 Q. All right. Once you ended up pulling into the
17 neighborhood, did you end up parking or ---

18 A. Yes, sir.

19 Q. --- stopping? Okay. I'm showing you -- we'll start with
20 224. On here can you estimate as to where you would have
21 parked your vehicle?

22 A. Yes. I probably would have been parked a little bit like
23 farther this way in the picture, if the picture had gone down
24 a little bit more, in front of these mailboxes [indicating].

25 Q. Okay. And then facing toward the tree?

1 A. Yeah, facing towards the tree this way [indicating].

2 Q. So Rivers Avenue would be back behind us or back -- you
3 know, if you were to follow the picture on going back?

4 A. I'm sorry. Explain one more time.

5 Q. Rivers Avenue would have been back here [indicating] if
6 you keep following this road on back?

7 A. This would have been going towards Rivers [indicating].

8 Q. All right. So after you parked, what happened?

9 A. I let Webb out of the car -- or I stopped and Webb got
10 out of the car to talk to the guy that was like waving at us
11 in the field up here around this corner [indicating].

12 And I sat in the car and pretty much waited for him to
13 get done. And then they dragged on for some time and I ended
14 up getting flagged to move up forward and bring my car around
15 the bluff.

16 Q. You said you ended up getting flagged. Who flagged you
17 to move your car?

18 A. Webb told me to move my car forward.

19 Q. Okay. So the circle is where the other guy was standing
20 when Webb went to go meet him and talk to him?

21 A. Yes.

22 Q. Did you know the other individual?

23 A. No, sir.

24 Q. Did you see an SUV that was parked out there at that
25 time?

1 A. Yes, sir.

2 Q. And whereabouts was the SUV parked?

3 A. I believe the SUV was parked over here [indicating].

4 Q. Okay. Was it a dark-color SUV or a light-color SUV?

5 A. It was a dark color.

6 Q. What was the defendant wearing that night?

7 A. I believe it was a red hoodie and a white shirt.

8 Q. Okay. Now, do you remember if he was on the phone at any
9 time prior to getting out of the car?

10 A. I believe he let the other person use his phone, in the
11 middle. Like them talking and like walking around up here in
12 the corner [indicating].

13 Q. Okay. Why do you say that?

14 A. Because he asked -- I think I heard him ask for the
15 phone. But I seen him hand him his phone.

16 Q. You saw the defendant hand the other individual his
17 phone?

18 A. Yeah, I saw like the light of the phone being passed
19 between.

20 Q. Okay. Now, prior to you moving your car, did this
21 individual ever approach your car?

22 A. Yeah, they both -- they both approached the car and asked
23 me for a lighter, and I had asked them for a cigarette in
24 return.

25 Q. Okay. And did you end up giving them your lighter?

1 A. Yes, I gave him the lighter.

2 Q. Did you get a cigarette in return?

3 A. Yes, sir.

4 Q. Okay. Do you remember what kind of lighter you had?

5 A. It was a red Frenchie. It's a gas-station lighter you
6 buy for a dollar.

7 Q. All right. I'm showing you what's already been marked
8 and admitted as State's 42. Do you recognize that?

9 A. Yes. That is the lighter.

10 Q. That's your lighter that you gave to the other
11 individual?

12 A. Yes, sir.

13 Q. Okay. Now, back to 224. Before -- again, before you
14 moved your car, did you see anyone else come up and talk to
15 the individual and the defendant?

16 A. Yes. There was two people that were like approaching
17 the -- not Webb, but the other dude, before we got like --
18 they were approaching him as he was approaching them. And
19 they went back and forth about something. And he sent the --
20 not Webb, but the other guy sent them like away, pretty much.

21 Q. Okay. Did you see what direction these two individuals
22 were coming -- came from?

23 A. I'm pretty sure they was coming from the left from up
24 like around this street [indicating].

25 Q. Okay. So the defendant and those two individuals kind of

1 approached this individual at the same time; is that what
2 you're saying?

3 A. THE two individuals were like they were a little bit
4 before Webb was.

5 Q. Okay. And I think you said something like they were kind
6 of getting into it?

7 A. Yeah. They were going back and forth about something.
8 Like I couldn't exactly tell what it was. It was a distance.
9 But I could tell like he was pretty much shunning him away
10 like getting him to get out of there.

11 Q. Okay. And how would you describe these two individuals?
12 Were they young kids or ---

13 A. They weren't kids. They were like older. Probably
14 -- like they were older than me, for sure. I mean, they're --
15 they probably seemed like junkies or something. Excuse my
16 language.

17 Q. Okay. And you said that the other individual kind of
18 shooed them away?

19 A. Yes, sir.

20 Q. How long was -- how long was that encounter with those
21 two individuals and the other person that you didn't know who
22 he was in the field, how long would you estimate that whole
23 encounter was?

24 A. Probably like five to ten minutes, thereabouts.

25 Q. Okay. And did you say it seemed like they wanted

1 something from him?

2 A. Yes.

3 Q. Okay. Now we're going to get to the part you had said
4 that the defendant had directed you to move your car.

5 A. Yes, sir.

6 Q. All right. Now I'm going to go to showing you 225.
7 We're looking at Taylor Street here?

8 A. Yes, sir.

9 Q. All right. Did the other individual who was in the field
10 in the SUV, did he move his car?

11 A. Yes, sir.

12 Q. Did he move his car before or after the defendant
13 directed you to move your car?

14 A. He moved his car before I moved mine.

15 Q. Okay. So he moved his car first. Do you know did the
16 defendant tell him to move his car, or do you have any idea?

17 A. No. I believe that he moved his car on his own.

18 Q. All right.

19 A. He just kind of hopped in his car and pulled around. And
20 then I got directed to move my car around.

21 Q. And just so -- I'm sorry, I'm going to go back to 224 for
22 one second. This what we're looking at in 225, is this road
23 over here; is that fair to say what I'm pointing out?

24 A. Yes, sir.

25 Q. All right. Now we're back to 225. Can you mark on this

1 map where the SUV parked?

2 A. The first time the SUV parked, it was right here
3 [indicates]. And I parked right here [indicates] ---

4 Q. Okay.

5 A. --- on the side of the road.

6 Q. So y'all are both on the left-hand side of the road
7 facing Rivers?

8 A. Yes, sir.

9 Q. And you parked in front of the SUV?

10 A. Yes, sir.

11 Q. Did you choose to park in front of the SUV at the
12 defendant's direction, or was that just ---

13 A. No. That's just where I parked the car.

14 Q. Okay. One last question I forgot to ask you. Prior to
15 moving your car, did you see somebody by the name of Yolanda
16 Wilder?

17 A. Yes, I did.

18 Q. And you know Yolanda?

19 A. Yes. She was one of my neighbors in Pinecrest.

20 Q. Okay. Now, once you parked your car and you were -- I
21 don't know if I asked you. You were driving your Buick at the
22 time, ---

23 A. Yes, sir.

24 Q. --- the gold car? Once you parked your car in front of
25 the SUV, what did the driver of the SUV do?

1 A. The SUV brought his car around and parked his a little
2 bit further up, like around here [indicates].

3 Q. A little further up?

4 A. Like not -- like it parked in front of me, ---

5 Q. Yeah.

6 A. --- but like at least two or three car-lengths in front
7 of me.

8 Q. Okay.

9 A. Maybe four.

10 Q. Maybe four. Okay.

11 All right. Once you -- once he pulled up in front of you
12 and he stopped his car, did you see any interaction between
13 the driver of the SUV and the defendant?

14 A. Yes. They were talking pretty much the whole time, like
15 while everything was happening.

16 Q. Well, were they talking or were they arguing?

17 A. Well, they were talking at first and then like sort of
18 move into more arguing more than talking.

19 Q. Could you hear what they were arguing about?

20 A. Not everything, because I had my windows up and I was
21 paying attention to my phone. But it was -- it was something
22 about being played or something. I couldn't hear exactly what
23 they were arguing about. But I'm pretty sure it was along the
24 lines of his phone.

25 Q. Why do you say it was about his phone -- and when you say

1 his phone, do you mean the defendant's phone?

2 A. Yes.

3 Q. Why do you think it was about a phone?

4 A. I don't believe -- like I -- I don't -- I didn't pay
5 attention enough, but I don't think I saw him ever got his
6 phone back from whenever he handed the other guy his phone.

7 Q. Okay. And you said something about play. Well, I mean,
8 can you remember what was said?

9 A. Like, you ain't about to play me or something like that;
10 something along the lines of that.

11 Q. You ain't about to play me?

12 A. Yeah.

13 Q. And do -- well, I mean, you're familiar with the
14 defendant's voice. Was it him or was it an unknown voice that
15 made that comment?

16 A. It was him.

17 Q. The defendant said that?

18 A. Yes, sir.

19 Q. All right. So and where does this what you described as
20 progressing into an argument, where does that occur; is that
21 in between you and the SUV, or where?

22 A. Yeah, it's at the back of the SUV and like on the side of
23 the SUV. Like about right here [indicating]. If the SUV is
24 parked next -- where the arrow is, it is probably right here
25 [indicates] in between my car and the edge of the SUV.

1 Q. Okay. And how long does the argument last?

2 A. I'd say in the upwards of like thirty minutes.

3 Q. That long; thirty minutes?

4 A. Yes, sir.

5 Q. How does it end?

6 A. Well, whenever I noticed it really end, it looked like to
7 me that Webb had reached in the car. And then he had snatched
8 out of the car. And as he was running back to the car towards
9 me, the guy opened his door or something and stood out of the
10 car and started shooting.

11 And as I saw the first like actual like for sure gunshots
12 flashing, I ducked my head down and threw my car in reverse.
13 And as I was throwing my car in reverse, Webb was running
14 towards my car. And he slide like from the gravel -- or the
15 grass or dirt or whatever, through the gravel in front of my
16 car. And he stood back up and then jumped in my car. And I
17 threw it in reverse.

18 And if I'm not -- I bumped into something. And I'm not
19 sure if I hit this fence right here [indicating] or not. But
20 I bumped into something. And I threw my car into drive. And
21 I went to go back to this way [indicating], the opposite way
22 of where the SUV pulled off of. And you can't get out going
23 this way [indicating] so I had to turn around.

24 Q. Okay.

25 A. So I had to bust a U-turn to go back out this way

1 [indicating].

2 Q. All right. Let me break that down a little bit. Where
3 we left off was you seeing the other individual arguing with
4 Webb for about thirty minutes. And they were standing in
5 between your car and the SUV. And then you picked up your
6 story saying that he was in the car. So I assume then the guy
7 walked to his SUV?

8 A. Yeah, so like they were going back and forth from like
9 the driver's side door. Like the door was open while they was
10 going back and forth, from like behind the SUV to the side.
11 And I guess during the argument he had sat in the car and
12 closed the door.

13 Q. Okay. Now, when he sat inside the car and you said they
14 were going back and forth, when he went back to the car and
15 sat inside the car was -- the defendant was where; was he back
16 in between your two cars?

17 A. He was by the back passenger door, going towards the
18 front driver's-side door.

19 Q. And when the guy entered the SUV, did you hear him close
20 the door?

21 A. I didn't hear it. I kind of saw it out of like my
22 peripheral vision. Because I was still looking down at my
23 phone at the time, like looking up and down at the same time.

24 Q. Okay. So is it -- when they -- is it fair to say that
25 when the guy got into the SUV, that he turned his back on the

1 defendant, walked to the car ---

2 MR. HALES: Objection, Your Honor.

3 THE COURT: What's -- let me -- don't answer the
4 question.

5 Finish the question.

6 Q. When the guy, the driver of the SUV, is it fair to say
7 that he walked to the car normally and then entered the car
8 and then closed the door; or did he face the defendant and
9 back up as he was walking to the car?

10 A. I'd say ---

11 THE COURT: I overrule the objection. As to leading, I
12 assume that's what ---

13 MR. HALES: Yes, sir.

14 THE COURT: Excuse me. Go ahead and answer the question.

15 A. I believe he like turned his back and like hurried to the
16 car out of like frustration.

17 Q. He turned his back to the defendant?

18 A. Yes.

19 Q. And hurried to the car?

20 A. I mean, I wouldn't say he ran; but it wasn't like he was
21 just nonchalantly walking to the car.

22 Q. Okay. And then you said that the defendant was then at
23 the driver-side door. So then I am assuming he then followed
24 him to the driver-side door; is that fair to say?

25 A. Yes, sir.

1 Q. And what was the defendant's pace as he went to the
2 driver's-side door; was he walking nonchalantly or ---

3 A. No, it was -- it was hurried, as much as the other person
4 was.

5 Q. Okay. Now, you kind of -- I just want to slow this down
6 a little bit. So the driver is inside the SUV, the door is
7 closed, and we left off with the defendant standing by the
8 driver's-side door. What did you hear and see then?

9 A. I saw him reach into the window like he was going to grab
10 something, and I saw some flashes and I heard a shot. And
11 then when he snatched out of the car and was running towards
12 my car, the door opened and the guy stood out. And either he
13 came off his lap like he stood up out of the car within his
14 hand or he pulled it out, and he pointed a gun at Webb while
15 he was running towards my car and started shooting at him.

16 And then Webb fell and slid across the gravel. And I
17 guess that's where he cut his hand on the side. And then got
18 into my side of my car. And that's when I told you I back
19 out ---

20 Q. Okay.

21 A. --- and might have hit the fence, and pulled off.

22 Q. You said when -- when the defendant reached into the car
23 you heard a gunshot, or multiple gunshots, or you're not sure?

24 A. I'm not exactly sure. Like I said, my windows were up
25 and I was paying attention to my phone. But I saw flashes.

1 And I didn't really distinctively hear gunshots until he was
2 running back towards my car. Then I saw the first couple of
3 flashes.

4 Q. Okay. So you saw flashes inside the SUV?

5 A. Yes, sir.

6 Q. Is it fair to say then there was a pause and then more
7 shots, or was it ---

8 A. Yes.

9 Q. You said that he fell. When the defendant got in the car
10 did he appear like he was injured at all?

11 A. Yeah, his hand was scraped and bleeding. And I didn't
12 know if he got shot. I asked him if he was alright, and he
13 said he was alright.

14 Q. And so you don't -- you never have any reason to believe
15 he was shot; you think that was from the fall?

16 A. I didn't know if he was shot or if it was from when he
17 fell or not. I just asked him when he got in the car if he
18 was alright, and he said he was.

19 Q. Okay. And just for clarification purposes, and I know
20 you've already testified to this, but when the SUV and your
21 Buick was parked here on Taylor Street, the two, you know,
22 older junkies, they had already walked away?

23 A. Yes.

24 Q. And do you remember what they were wearing?

25 A. I believe one had like a gray jacket on, and I think one

1 had a black like hoodie of some sort.

2 Q. Did you see anyone else out there that night wearing a
3 red sweatshirt or a red hoodie?

4 A. No, sir.

5 MR. OSBORNE: Your Honor, may I approach?

6 THE COURT: You may.

7 Q. All right. I'm going to show you what has been marked as
8 State's 185. Does this look like the red hoodie that he was
9 wearing that night?

10 A. No, sir.

11 Q. It's not?

12 A. It's definitely not the jacket.

13 Q. Definitely not?

14 A. Yes, sir.

15 Q. Okay. All right. Now, you had mentioned that -- going
16 back to State's 5. So we were kind of -- where we left off,
17 we were right here at Taylor and Elder by that park; is that
18 correct?

19 A. Yes, sir.

20 Q. And on State's 5. So you had said that if you had gone
21 up Taylor, you would have -- under the overpass, you would
22 have been in a dead-end back there?

23 A. Yes, sir.

24 Q. So instead, you kind of cut a U-turn and then came back
25 up Taylor?

1 A. Yes, sir.

2 Q. And then once you got to Rivers, which way did you go?

3 A. I turned going this way [indicates] on Rivers, back
4 towards my house.

5 Q. Okay. Did you see the SUV again as you turned down
6 Rivers?

7 A. No, sir, I didn't.

8 Q. You were driving?

9 A. Yeah. I was driving in like a hurry.

10 Q. At some point did the defendant ask you to call his phone
11 after he got into the car and after you were driving away?

12 A. Yes, I believe so. We called, trying to figure out where
13 his phone was.

14 Q. Trying to find his phone?

15 A. Yeah. See if it was in the car or not.

16 Q. Okay. What was the defendant saying on the ride back?

17 A. It's been a while. I can't remember exactly. But it was
18 along the lines of like pretty much like I had asked him what
19 just happened. And he was like, man, that shit was crazy,
20 we've got to get out of here. Along the lines of that. To
21 make sure I was okay.

22 Q. All right. And did you drive back to your house?

23 A. Yes, sir.

24 Q. Did you see Yolanda again ---

25 A. When we -- when we pulled up into the parking lot for my

1 apartment building, I pulled up to my neighbor's parking lot
2 because it's an easier access than -- and we saw Yolanda
3 coming out of the house and asked us if we heard what
4 happened ---

5 MR. HALES: Objection, Your Honor.

6 THE COURT: Overruled under 801(d)(1).

7 You can answer the question.

8 A. She asked us if we heard what had happened to
9 Little A. And I didn't answer her. And I kept going on like
10 sort of going towards my house. And Webb was with me. And
11 then he changed his mind and said he wanted to go back home to
12 Summerville. So we got in the car and I took him home to
13 Summerville.

14 Q. Okay. Do you know about where in Summerville you dropped
15 him off?

16 A. Yeah. It was in a neighborhood off Glenn Hill Road, I
17 believe. It was -- it's like on the corner by the Flowertown
18 Villas, like the suburban part of Flowertown Villas, over on
19 the apartments to the left on Old Orangeburg Road.

20 Q. Orangeburg Road. Okay. All right. So now that brings
21 us into the next day, into the morning. And, what, you went
22 back home then, I assume?

23 A. Yeah. I went -- well, actually, I asked him for gas
24 money. And he gave me \$10, and I went to the gas station and
25 bought a pack of cigarettes and put the rest of the ten in my

1 tank and drove home.

2 Q. So you got \$10 for all of this?

3 A. Yeah.

4 Q. All right. When you got back home did you see the
5 defendant the next day?

6 A. Yeah, I did. He was at my house in the morning whenever
7 I had pretty much like woken up all the way.

8 Q. Okay. So he was already there?

9 A. Yes.

10 Q. And was he with anyone else?

11 A. Yeah. Philly and one of our other friends, Keels, was
12 there as well in the morning.

13 Q. Keels?

14 A. Yes.

15 Q. And Philly?

16 A. Yes, sir.

17 Q. All right. And where did you go then?

18 A. Philly asked me for a ride to court, so I pulled up to
19 the courthouse in North Charleston and dropped him off. And
20 then we went to Wal-Mart.

21 MR. OSBORNE: Okay. Your Honor, may I approach?

22 THE COURT: You may.

23 Q. I'm showing you State's 202. Can you take a look at that
24 and tell me if you recognize that?

25 A. I do.

1 Q. And what is that?

2 A. That's of the footage of us pulling up to the courthouse.

3 Q. Okay. And you've seen this before?

4 A. Yes, sir.

5 Q. And you watched it in my office; those are your initials
6 on it?

7 A. Yes, sir.

8 MR. OSBORNE: Your Honor, at this time I'd seek to admit
9 202 into evidence.

10 THE COURT: Any objection?

11 MR. HALES: Without objection.

12 THE COURT: Without objection, 202 is admitted.

13 [Whereupon, State's Exhibit Number 202 is admitted into
14 evidence by the Court]

15 Q. Do you see your car?

16 A. Yeah. My car is this one right here [indicating]
17 leaving.

18 Q. Okay. Now, you said that once you -- did you drop Philly
19 off then?

20 A. Yes. I dropped Philly off for court.

21 Q. Okay. And then so the defendant is still in the car with
22 you. Where did y'all go then?

23 A. We went to Wal-Mart.

24 Q. And what happened at Wal-Mart?

25 A. I believe he went inside to go buy a new phone card for

1 his phone.

2 Q. Okay. A new SIM card?

3 A. Yes.

4 Q. I just want to -- I don't know if I did this. I'm going
5 to show you State's 67. You mentioned that it was a dark-
6 colored SUV out there. Does that look like the SUV?

7 A. Yes, sir.

8 Q. And then 212; is that your car?

9 A. Yes, sir.

10 Q. All right. So now we're into the next day. Did the
11 police come by and pay you a visit?

12 A. Yes, sir. They came and knocked on my door and took me
13 in for questioning.

14 Q. I think you actually got arrested, maybe for a small
15 amount of marijuana?

16 A. Yes.

17 Q. Okay. Is it fair to say that, you know, you weren't
18 exactly completely truthful with them?

19 A. Yes, sir.

20 Q. And was the lies that you told basically that two junkies
21 shot Little A, or the victim who you didn't know, on Taylor
22 Street that night?

23 A. Yes.

24 Q. Now, was that your idea to relay that to the police, that
25 story?

1 A. I'd say half and half.

2 Q. Okay. And who was the other half?

3 A. Be Webb.

4 Q. The defendant?

5 A. Yes, sir.

6 Q. And so, well, walk us through that. How did that come
7 about and when did that come about?

8 A. I want to say it was along like the day we were talking
9 about, the next day, and going to get the phone card. It
10 wasn't really like -- it just came out. It was just more so
11 like what we were going to say. Kind of like formed it
12 together, I guess, as a pair.

13 Q. If y'all were questioned, that was going to be the story?

14 A. Yes, sir.

15 Q. Okay. So you were released on the marijuana charge on
16 the afternoon of April the 1st; does that sound about right?

17 A. Yes, sir.

18 Q. Okay. We're going to change gears here a little bit.
19 You said that the defendant lived with you. So it's fair to
20 say that you knew him?

21 A. Yes, sir.

22 Q. And you spoke to him?

23 A. Yes, sir.

24 MR. OSBORNE: Okay. Your Honor, may I approach?

25 THE COURT: You may.

1 Q. I'm going to show you what's already been marked for
2 identification purposes as State's 207, this being a jail
3 call. Did you listen to this jail call?

4 A. Yes.

5 Q. In my office?

6 A. Yes, sir.

7 Q. And that -- those are your initials on it?

8 A. Yes, sir.

9 Q. And whose voice is that who is making a call from the
10 Detention Center?

11 A. Be Webb's.

12 Q. The defendant?

13 A. Yes, sir.

14 MR. OSBORNE: Your Honor, at this time we'd seek to admit
15 State's 207 into evidence.

16 THE COURT: Any objection?

17 MR. HALES: No objection.

18 THE COURT: Without objection, it's admitted.

19 [Whereupon, State's Exhibit Number 207 is admitted into
20 evidence by the Court]

21 [Whereupon, State's Exhibit Number 207 is played for the
22 jury]

23 [Whereupon, State's Exhibit Number 207 concludes]

24 Q. Do you know who -- do you recognize the other voice?

25 A. Yes, sir.

1 Q. And who is the other voice?

2 A. Twan.

3 Q. Did you ever receive a phone call - and I don't need to
4 hear what he said - but did you ever receive a phone call from
5 Akeel to get your story right?

6 A. Yes, sir.

7 Q. All right. The police ended up talking to you again
8 later that day; is that fair to say?

9 A. Yes, sir.

10 Q. And it was at that time that you were charged with
11 accessory after the fact; correct?

12 A. Yes, sir.

13 Q. Mr. Frank, I want to ask you did you at ever -- any point
14 that night, see the defendant with a pistol?

15 A. Not at all.

16 Q. Let me just show you this, 222. Do you know who that guy
17 is?

18 A. Yes, sir.

19 Q. And who is that?

20 A. That is Nef.

21 Q. That's Nef?

22 A. Yeah.

23 Q. Do you know Nef?

24 A. Yeah, I know Nef.

25 Q. Do you -- did you and the defendant ever hang out with

1 Nef?

2 A. Yeah. Nef was a part of like the group of people we hung
3 out with.

4 Q. Okay. And now I'm showing you 148. Is it your testimony
5 in front of this jury you never saw the defendant with that
6 gun that night?

7 A. I did not see him with this gun that night, no, sir.

8 Q. Have you ever seen him with the gun before?

9 A. I have.

10 Q. When?

11 A. It was days beforehand. Like, I've seen the gun before.

12 Q. Okay. Whose gun is it?

13 A. I believe it's Webb's gun.

14 Q. Do you see the individual in the courtroom here today
15 that was on Taylor Street that approached the individual who
16 was in the SUV?

17 A. Yes, sir.

18 Q. Okay. Can you point him out and describe what he's
19 wearing?

20 A. That's Webb right there [indicates]. What was the rest
21 of it?

22 Q. Say it again?

23 A. What did you say after that? I'm sorry.

24 Q. Oh. What's he wearing?

25 A. He's wearing a white, button-down shirt with a tie, black

1 slacks.

2 MR. OSBORNE: No further questions.

3 THE COURT: Cross-examine?

4 MR. HALES: Yes, Your Honor.

5 **CROSS-EXAMINATION BY MR. HALES OF GAGE FRANK:**

6 Q. Good afternoon, Mr. Bright.

7 A. How you doing?

8 Q. My name is Kevin Hales. I'm going to ask you some
9 questions.

10 A. Yes, sir.

11 Q. Now, the night of the incident it was dark out there;
12 wasn't it?

13 A. Yes, sir.

14 Q. It was very dark?

15 A. Yes, sir.

16 Q. And I believe when you pulled up -- because you -- just
17 to clarify, you've given two interviews with the police?

18 A. Yes, sir.

19 Q. You've given a written statement ---

20 A. Yes, sir.

21 Q. --- at the conclusion of the second interview, and you've
22 also had a proffer agreement with the State?

23 A. Yes, sir.

24 Q. And you are testifying here today?

25 A. Yes, sir.

1 Q. So you basically told five different things -- well, not
2 different things. But five times you've told a story or a
3 version of what happened out there that night?

4 A. Yes, sir.

5 Q. Okay. But in all those versions, it's been dark out?

6 A. Yes, sir.

7 Q. Okay. And I believe when you pulled your car up, you
8 turned your headlights off?

9 A. Yes, sir.

10 Q. And you have testified that your windows were up?

11 A. Yes, sir.

12 Q. So I mean you could hear sounds, but you couldn't hear
13 the conversation that was going on; correct?

14 A. No, sir.

15 Q. And you testified that you were looking at your phone?

16 A. Yes, sir.

17 Q. And I completely understand that. If I had to sit in a
18 car for thirty minutes, I'm sure I would look at my phone.
19 What exactly were you doing; were you on a particular app or
20 something like that?

21 A. Probably Facebook, Snapchat. I make sure I have a few.

22 Q. Sure. Just something to divert your attention?

23 A. Yes, sir.

24 Q. So it's safe to say your attention was pretty much on
25 your phone?

1 A. Yes, sir, for the most part.

2 Q. Okay. Now, you testified that you saw two individuals
3 out there, one in a gray hoodie and one that was in other dark
4 clothing; correct?

5 A. Yes, sir.

6 Q. Okay. And I could be mistaken, but that did remain
7 constant in all of your statements; correct?

8 A. Yes, sir.

9 Q. Okay. So you -- that part hasn't changed at all?

10 A. It has in my prior statements. But it was to more so on
11 the lines of what actually happened.

12 Q. Yeah, but they were -- they were there in all of your
13 statements; correct?

14 A. Yes, sir.

15 Q. Okay. All right. And your testimony here today is that
16 those two individuals, Leandra - or as you know him, Webb -
17 and the Arthur Lee Meyers all were together at some point in
18 time?

19 A. Yes, sir. When we first pulled over.

20 Q. Okay. All right. And just to be clear, you guys were
21 going somewhere when Arthur Meyers flagged you guys down;
22 correct?

23 A. No, sir. We were -- I was being directed by Webb to pull
24 in, ---

25 Q. But did ---

1 A. --- and we got pulled up.

2 Q. Did he wave you down?

3 A. Yeah, that guy waved us down.

4 Q. That's what I'm saying, he waved you down. I mean Webb
5 was telling you where to go, but Arthur Meyers waved you in
6 and waved you down; correct?

7 A. Yes.

8 Q. Okay. Yeah, that's -- just to clear that up.

9 Now, you couldn't hear a lot and you couldn't see a lot,
10 but you did testify that you saw Leandra - or Webb - reach in
11 the car?

12 A. Yes, sir.

13 Q. Don't know what he was doing in there?

14 A. No, sir.

15 Q. Okay. You were seated in your car?

16 A. Yes, sir.

17 Q. Were you directly behind the SUV or ---

18 A. Yes, sir.

19 Q. Okay. So if he reaches in, you can see he's reaching in;
20 but you don't know what's going on with his arms in the car,
21 correct?

22 A. No, sir.

23 Q. Okay. And then I think I understand that after that is
24 when you heard gunshots or you think you heard gunshots?

25 A. It was a mixture of like during and after. It was -- it

1 was pretty intense when everything happened off -- like off
2 the rip. So I didn't know exactly what I heard at first.

3 Q. Yeah. And you were looking at your phone and you had the
4 windows up, so ---

5 A. Yes, sir.

6 Q. Now, in these previous interactions with the officers
7 that interview you, they interviewed you at North Charleston
8 Police Department?

9 A. Yes, sir.

10 Q. Okay. Now, you testified that you lied to them?

11 A. Yes, sir.

12 Q. You lied to them in both those interviews, didn't you?

13 A. Yes, sir.

14 Q. And you lied to them some in your written statement that
15 you wrote that night, too?

16 A. I don't believe I lied in my written statement, sir.

17 Q. All right. That's fine. But you lied in your two
18 interviews?

19 A. Yes, sir.

20 Q. Okay. But you're here today and you're telling us you're
21 telling the truth today?

22 A. Yes, sir.

23 Q. And you're asking us to believe you today?

24 A. Yes, sir.

25 Q. Even though you lied before?

1 A. I was scared before. I was a ---

2 Q. Sure.

3 A. --- kid. I was ---

4 Q. Absolutely.

5 A. --- I was nineteen. Or I just turned twenty. I'd barely
6 been twenty years old.

7 Q. I understand. I understand.

8 But, I mean, that is what occurred; correct?

9 A. Yes, sir.

10 Q. Now, you testified that Webb stayed with you sometimes?

11 A. Yes, sir.

12 Q. So he had actually lived with you; right?

13 A. I mean, you could call it what -- pretty much what you
14 wanted to. He lived there whenever he was there. And that
15 was like three to four, maybe five days out of the week. We
16 both worked at the same place. So pretty much whenever he
17 worked, he stayed at the house.

18 Q. I gotcha. Other people had access to that house;
19 keys ---

20 A. Yes.

21 Q. Okay. So other people could come and go as well?

22 A. Yes.

23 Q. Did you -- did you rent that place out every once in a
24 while?

25 A. I rented out the room to a couple of people from time to

1 time whenever I was short on cash.

2 Q. Yeah, just to pick up a little extra cash?

3 A. Yes, sir.

4 Q. Okay. So it's fair to say there are other people in and
5 out of that ---

6 A. Yes, sir.

7 Q. Okay. Now, I know you -- now you know this was Arthur
8 Lee Meyers, Little A; but did you know him at the time?

9 A. No, sir.

10 Q. Okay. And you testified that Webb voluntarily let him
11 use his phone ---

12 A. Yes, sir.

13 Q. --- or borrow his phone?

14 A. Yes, sir.

15 Q. You voluntarily let him borrow your lighter?

16 A. Yes, sir.

17 Q. Okay. And these two other individuals out there, you
18 say -- you characterized them as junkies?

19 A. Yes, sir.

20 Q. And I don't mean to use that derogatory. I know what you
21 mean by that. But that is the way you characterized them?

22 A. Yes, sir.

23 Q. Okay. Just for clarification, you say it was about four
24 car lengths that the SUV was in front of you?

25 A. Give or take. From anywhere two to four, solidly.

1 Q. From me to you?

2 A. Maybe a little bit further back. If you were where the
3 other gentleman is behind the desk, it is probably the
4 same ---

5 Q. Here [indicating]?

6 A. --- distance.

7 Q. Okay. And this interaction went on for a while?

8 A. Yes, sir.

9 Q. Thirty minutes, give or take?

10 A. Yes, sir.

11 Q. Okay. Now, you went and picked Webb up. It was pretty
12 common for him to ask for rides from you, wasn't it?

13 A. Yes.

14 Q. You drove him around, gave him rides?

15 A. Yes, sir.

16 Q. Okay. And was it common for him to give you gas money
17 and that kind of thing?

18 A. No.

19 Q. Okay.

20 A. No, sir.

21 Q. Now, the solicitor showed you that sweatshirt. So your
22 testimony is he was wearing a red sweatshirt that night?

23 A. Yes, sir.

24 Q. But you don't think it was that sweatshirt?

25 A. No, sir.

1 Q. Okay. Do you remember -- do you remember what Little A
2 was wearing?

3 A. I believe he was wearing a black hoodie at first; and
4 then he ended up taking his hoodie off throughout it, and I'm
5 pretty sure he had like a darker-colored shirt on.

6 Q. But it was a dark -- it was dark-colored clothing the
7 whole time?

8 A. Yes.

9 Q. Okay. It wasn't a white -- nothing white on him; it was
10 a dark tee-shirt underneath it?

11 A. I'm pretty positive. It's been a while, so I can't
12 remember now.

13 Q. I understand. But that's what you remember?

14 A. Yes, sir.

15 Q. Okay. But that interviews -- or those interviews, sorry,
16 at North Charleston, they got kind of intense; didn't they?

17 A. Yes, sir.

18 Q. A lot of yelling?

19 A. Yes, sir.

20 Q. A lot of threats?

21 A. [No response]

22 Q. I mean, not physical threats, but threats of arrests,
23 etcetera?

24 A. Yes, sir.

25 Q. Yeah. I don't mean to say that the police threatened

1 you. I am just saying they were -- they were telling you you
2 may be implicated in this?

3 A. Yes, sir.

4 Q. Okay. And at the end of the second interview, that's
5 when you were charged with accessory; correct?

6 A. Yes, sir.

7 MR. HALES: Okay. Court's indulgence one moment, Judge.

8 THE COURT: Certainly.

9 MR. HALES: Just a few more things, Mr. Frank.

10 Q. That interaction that Mr. Meyers and Mr. Bright had with
11 the two individuals that you sort of characterized as junkies,
12 you testified that was about ten minutes you think?

13 A. Give or take. Yes, sir.

14 Q. And I understand you don't have the exact time, you don't
15 know what time it was; you were on your phone and that kind of
16 thing. But about ten minutes?

17 A. Yes, sir.

18 Q. Okay. And Mr. Osborne asked you if you saw Webb with a
19 gun that night?

20 A. Yes, sir.

21 Q. And you say you didn't?

22 A. No, sir, I did not.

23 Q. Okay. Even when he was running back to the car?

24 A. No, sir, did not see him with a gun that night.

25 Q. Even when he got in the car?

1 A. No, sir.

2 MR. HALES: Court's indulgence one moment.

3 THE COURT: Okay.

4 MR. HALES: One final question.

5 Q. So since you didn't see Webb shooting, you said the only
6 person you saw shooting a gun that night was Arthur Meyers?

7 A. For a hundred percent with certainty, yes, the only
8 person I saw that was shooting, for a hundred percent, was the
9 man that stepped out of the SUV and shot at Webb as he was
10 running to my vehicle.

11 MR. HALES: No further questions, Your Honor.

12 THE COURT: Redirect?

13 **REDIRECT EXAMINATION BY MR. OSBORNE OF GAGE FRANK:**

14 Q. All right. But you did see Webb, or the defendant, reach
15 into the SUV, and then flashes, and the sound of gunfire?

16 A. Yes, sir.

17 Q. Okay. Did the defendant make any comments to you, while
18 y'all were driving from the scene -- I know you said you
19 didn't see a gun; but did he make any comments to you while
20 you were driving from the scene that made you think there
21 might be a gun somewhere in here?

22 A. Yeah, he said this shit's hot, we've got to get rid of it
23 and get it out of here.

24 Q. Mr. Hales was asking about the two individuals. And we
25 hate to keep calling them junkies, but to keep them separate

1 so we know who we're talking about, going back to 224, did
2 they -- when they walked off, what direction did they head?

3 A. I believe they headed like this -- like in the -- like
4 coming this way [indicating]. Because like I said, they were
5 standing right around here [indicating]. And they went off
6 this way [indicating] or they went off towards that
7 [indicating].

8 I couldn't tell. I didn't pay attention to which exact
9 direction. But they walked to the left ---

10 Q. Okay.

11 A. --- out of the frame of the picture.

12 Q. Okay. And then when y'all relocated the cars, y'all were
13 way over here on Taylor?

14 A. Yes, sir.

15 Q. Okay. And so -- and then after y'all relocated the cars,
16 a good thirty minutes had passed?

17 A. Yes, sir.

18 Q. Before the shooting?

19 A. Yes, sir. Probably like forty-five minutes before the
20 shooting happened.

21 Q. Okay. When you -- when you describe as the defendant is
22 running from the SUV and he's running back towards your car,
23 does the individual who shoots back at you, does he get out of
24 the car pretty quickly when Webb starts to run back?

25 A. Yes.

1 Q. And when he's fired at -- when he's shooting -- or I
2 guess he's shooting in your direction?

3 A. Yes, sir.

4 Q. Are you more focused on what the defendant is doing or
5 are you more focused on this guy who's shooting at you?

6 A. I was more focused on the guy that was shooting at me
7 more so than anything.

8 Q. And he never hit you; your car was never hit that you ---

9 A. Whatever miracle that happened, no, sir.

10 MR. OSBORNE: All right. Your Honor, may I approach?

11 THE COURT: Yes.

12 Q. I'm just showing you, for ID purposes only. Do you
13 recognize this?

14 A. Yes, sir.

15 Q. And what is this?

16 A. It's the statement I wrote down during the second
17 interview.

18 Q. Okay. And Mr. Hales -- well, here, just take a look at
19 it. And Mr. Hales asked you ---

20 THE COURT: What's the number on that?

21 MR. OSBORNE: 230, Your Honor.

22 THE COURT: Thank you. Excuse me.

23 [Whereupon, State's Exhibit Number 230, notepad - truth
24 statement, marked for identification]

25 Q. And Mr. Hales asked you at a certain point it got kind of

1 heated with the police?

2 A. Yes, sir.

3 Q. And do you remember them just giving you a notepad and
4 said, well, you just write your own story then?

5 A. Yes, I do remember that. But they didn't ask me to write
6 my own story. They asked me to write down the truth.

7 Q. Okay. And is what you wrote down on that statement
8 basically what you testified here to today?

9 A. Yes, sir.

10 MR. OSBORNE: All right. No further questions.

11 THE COURT: Recross?

12 MR. HALES: Very briefly, Your Honor.

13 THE COURT: Sure.

14 **RECROSS-EXAMINATION BY MR. HALES OF GAGE FRANK:**

15 Q. And I -- and I hate to keep calling these individuals
16 junkies, but I'm doing that just so ---

17 A. Absolutely.

18 Q. --- that's what you characterized them as. I just want
19 you to know which individuals we're talking about. You could
20 not hear the interaction between Mr. Meyers, Mr. Bright, and
21 the two individuals?

22 A. No, sir.

23 Q. Okay. So you don't know anything about what was said
24 between the four of them?

25 A. No -- no, not based of their conversations, no, sir.

1 is coming off from the tower.

2 I placed this slide on here because I don't want you to
3 think that the tower or that the phone is within this green
4 area here [indicating]. It could be anywhere between the arms
5 of this tower. The green just represents what side of the
6 energy is flowing out on that particular sector.

7 This slide [displaying slide] shows the general -- the
8 network for T-Mobile in the Charleston, South Carolina area
9 back in 2016, March, 2016. And the two areas of interest that
10 was provided to me by the Solicitor's Office, the crime scene
11 of being at 2116 Taylor Street in North Charleston and a
12 business of 6155 Fain Boulevard, also up in North Charleston.

13 Q. And what's the abbreviation Budget Bar, BB?

14 A. That's what it's for. It's for Budget Bar.

15 So this slide right here [displaying slide] shows the
16 activity for 843-568-2421 on March 29th from 9:03 in the
17 evening to March 30th at 2:54 a.m.

18 So the phone originally starts off at 9:03 using this
19 tower and this sector [indicating], which provides service to
20 the bar that was mentioned previously on the -- on the
21 previous slide.

22 Up here [indicating] with these CIDs you see several
23 different numbers in there. What that means, those are all
24 the different identification numbers for that -- for that cell
25 tower.

DIRECT EXAMINATION BY MR. OSBORNE OF ROBERT CLAYTON
SIMMONDS

1 So in a cell network, when they start getting full or
2 they start seeing that capacity is about to be reached and
3 they want to have more customers on that area, to provide
4 service to that area, they do it kind of like a parking deck.
5 Floor one gets filled, so you want to have more people park in
6 your parking deck, we build another floor to it. So all
7 they're doing is just putting more antennas on top of -- on
8 top of that same tower at that same location. And this phone
9 used one set of those antennas between 9:03 and 10:58 in the
10 evening, which covers service to the bar there.

11 Eventually the phone moves down southward towards the
12 crime scene. Beginning at 11:21 it uses this particular tower
13 here [indicating], which is 513449344 and 624662841, uses this
14 tower on March 29th at 11:21. Appears to move southbound
15 towards this tower [indicating], which is 51244 and 9244,
16 beginning at 11:52 and then seems to bounce back and forth
17 between the crime scene -- tower that covers the crime scene
18 and tower 51244 and 9244.

19 Q. And just one second, right here, Agent Simmonds. I don't
20 know if you're real familiar with this at all. Are you
21 familiar with this road right here [indicating] being Mall
22 Drive?

23 A. Yes, I'm aware that's generally the area where Mall Drive
24 is to relation to 26 and 526.

25 Q. Okay.

1 A. The next slide is just another depiction of the phone
2 activity on March 30th from 9:23 in the morning until 11:44
3 a.m. The phone starts down here [indicating] at tower
4 917451744 here [indicating], which is this tower here
5 [indicates]; and then at 9:28, uses this tower 8448449 at
6 9:28.

7 The phone eventually leaves that particular area, drives
8 over to the West Ashley area -- over to the West Ashley area,
9 using this tower [indicating] at 10:12, this one [indicating]
10 at 10:15, this one [indicating] at 10:17, and then returning
11 back kind of northbound on 526 using this tower [indicating]
12 50134 at 10:25. And then returning back up to the North
13 Charleston area using these two towers of 9245 and 46814
14 between 10:44, 10:45 and 11:45 -- 11:44.

15 Q. All right. On this -- on this slide right here, slide
16 seven, can you tell me the physical location for the call-out
17 box with 8449?

18 A. So that -- the physical address is the 1800 block, I
19 forget the exact address, 1840, 1850 Reynolds Avenue up there.
20 But the actual -- we use the -- when we're placing towers on a
21 map, we use the latitude lines to area for it because it could
22 be a hundred yards, two-hundred yards, from the physical
23 address or it's just where the lease agreement goes or the
24 rental check goes to for leasing space on that land. But the
25 tower is more -- better located at Spruill Avenue and Reynolds

1 Avenue.

2 Q. Okay. And you may not. Are you familiar with the Macon
3 Subdivision, Rivers -- or Spruill and Rivers?

4 A. I'm not that familiar with it.

5 Q. Okay. What about the other tower, the other call-out box
6 from 979174 and 51174?

7 A. Again, that's on Dorchester Road, the 34 or 3500 block of
8 Dorchester Road. But when you zoom in and get a little bit
9 closer to it, the tower is closer to I-26 and Dorchester Road.
10 It's a few hundred yards away from the actual physical
11 address.

12 Q. Okay.

13 A. Again, this is just the phone activity for 843-568-2421
14 for March -- on March 30th, 2016, from approximately 12:17
15 p.m. to 3:28 in the afternoon.

16 Again, it seems fairly logical that the phone starts off
17 down here at tower 46814 in the south and moves up to the
18 north end, going in this general direction [indicating].
19 Finally using this last tower 51365 at 3:28 in the afternoon.

20 You know, during that time the phone continues to use
21 some more of these southerly towers down here [indicating]
22 starting around 3:11 in the afternoon, 3:10, 3:11, in the
23 afternoon.

24 And then again on March 30th from approximately 3:32 p.m.
25 to 3:42 p.m., the phone is using tower 46754 located near

1 Charleston Southern University and then kind of goes into a
2 northwesterly direction, ending up using tower 50304 and
3 50305, which is this tower located here [indicates].

4 From that point, beginning at approximately 3:50 to 7:41
5 in the afternoon, it's using the towers that are depicted
6 here, with tower 504848489 and 50489 being used most
7 frequent -- most frequently.

8 And then the other towers just to the right of those were
9 used at 3:51 in the afternoon until approximately 4:07 in the
10 afternoon.

11 Q. All right. Let me just go back and ask just a couple of
12 quick questions.

13 On -- okay. Going from slide six, I see the last
14 activity we have on this phone here, like, you know, 2:09,
15 2:54, and then we pick up again at 10:55. So there is a gap
16 there; ---

17 A. Yes.

18 Q. --- is that fair to say?

19 A. Yes, sir.

20 Q. We talk about tracking the phone. Now, if you had
21 damaged your phone and then you got a new SIM card with that
22 same number, would we then be tracking that number?

23 A. So, yes. So when you sit up there, if you damage your
24 phone -- there's a thing called IMSI, the International Mobile
25 Subscriber Identifier. And that's kind of like -- to put it

1 in reference, you have a driver's license to drive in South
2 Carolina. And it gives you all your permissions that are on
3 there that this is a valid license within South Carolina, and
4 this is the number, and it's registered to this person, and
5 they're valid to drive here.

6 The IMSI, or the International Mobile Subscriber
7 Identifier, is kind of the same thing like your driver's
8 license. It gives you the information that this is an active
9 account, it's a T-Mobile account, it's paid, it's either
10 prepaid or it's in good standing as a post-paid account, and
11 this is the cell phone number associated with it.

12 The records would then show if a new phone was obtained
13 with the same number, then the IMEI would change, which is the
14 International Mobile Equipment Identifier. That is kind of
15 like the serial number for that particular phone. Or to go
16 back to the driving reference, that's kind of like your
17 vehicle. That is -- you switch cars, your driver's license
18 doesn't change. It's the kind of car that you use has
19 switched. The same thing here. The IMSI is the same, but the
20 phone switched. So if there was a new phone that was
21 obtained, it would have a different IMEI listed in there.

22 Q. Okay. And I know you covered this, but just to drive
23 home the point. We have some activity in this area right
24 here, Reynolds and Spruill, around 9:30 or so. And I
25 understand that's Dorchester over there [indicating].

1 MR. OSBORNE: And then move to the next slide.

2 Q. And then all the other slides depict the phone or the
3 number being in the Summerville area on the road?

4 A. That's from what I recall, yes, sir.

5 MR. OSBORNE: Okay. Thank you. No further questions.

6 THE COURT: You may cross-examine.

7 **CROSS-EXAMINATION BY MR. HALES OF ROBERT CLAYTON SIMMONDS:**

8 Q. The phone activity just means what, like ---

9 A. Somebody -- whoever was using the cell phone placed a
10 call or a text message, because that's -- T-Mobile provides
11 tower data for calls and text messages that take place over
12 the network.

13 Q. Okay. So just someone was using that phone?

14 A. That -- yeah. That phone would utilize those towers at
15 those times using both sides of the towers at the times that
16 were depicted.

17 Q. And you make no conclusion as to who was using the phone,
18 just that that phone with that number was being used at those
19 locations?

20 A. I don't have any way to make that determination.

21 MR. HALES: No further questions, Judge.

22 THE COURT: Redirect?

23 MR. OSBORNE: None, Your Honor.

24 THE COURT: Thank you very much. You may step down. Do
25 you wish this witness to be excused?

1 And thank you, ladies and gentlemen. We're getting a
2 little better. We're getting closer to being right on the
3 dot. But thank you so much. I hope you had a good evening.
4 And I ask you now to give your attention to the next witness.
5 Solicitor, good morning. You may call your next witness.
6 MS. ELLIOTT: Thank you, Your Honor. The State calls
7 Sergeant Robert Bailey.
8 [Whereupon, Mr. Bailey comes forward]
9 THE CLERK OF COURT: Put your left hand on the Bible and
10 raise your right.
11 [Whereupon, Mr. Bailey is duly sworn by the clerk of
12 court]
13 THE CLERK OF COURT: Please be seated.
14 [Whereupon, the witness takes the witness stand]
15 THE CLERK OF COURT: Now, for the record, please state
16 your full name, spelling your last name.
17 THE WITNESS: It's Robert Bailey. B-A-I-L-E-Y.
18 ROBERT BAILEY, Having Been First Duly Sworn, was Examined and
19 Testified as Follows:
20 **DIRECT EXAMINATION BY MS. ELLIOTT OF ROBERT BAILEY:**
21 Q. Good morning, Sergeant Bailey. Will you tell us where
22 you are employed currently?
23 A. I work for the North Charleston Police Department.
24 Q. And how long have you been employed with the North
25 Charleston Police Department?

1 A. Fourteen years.

2 Q. Any law-enforcement experience prior to that?

3 A. I had one year with Dorchester County Sheriff's Office.

4 Q. And can you tell us about some of the various assignments
5 that you've held while you've worked with the North Charleston
6 Police Department?

7 A. I've been a member of uniform patrol, special operations
8 divisions to include the bike team, the base team, a portion
9 of my time with the speed team. I've also been in
10 investigations where the majority of my career has been where
11 I was assigned to the Persons Crimes Unit where we dealt with
12 all violent crimes within the city of North Charleston's
13 jurisdiction. Got promoted. Went back to uniform patrol as a
14 supervisor. I came back to investigations as a supervisor.
15 And I am currently with the Office of Professional Standards,
16 which is like the internal affairs unit for the City of North
17 Charleston.

18 Q. And, Sergeant Bailey, will you tell us a little bit about
19 your educational and training background that helps you do
20 your job?

21 A. I have a bachelor's degree from the Southern Methodist
22 College. I have attended the South Carolina Criminal Justice
23 Academy, where I successfully graduated from there. I have
24 numerous trainings within homicide investigation, interview
25 interrogation, to include FBI courses, two-week courses

1 through LEEDA, to include for homicide investigations.

2 Q. So in March of 2016 what was your assigned role with
3 North Charleston?

4 A. I was currently a master patrol officer and a detective
5 in the Persons Crimes Unit.

6 Q. And how long had -- how much experience in investigations
7 had you had at that point?

8 A. Over three years.

9 Q. What are the duties and responsibilities of someone
10 assigned to being a detective in the investigative unit?

11 A. We respond to current or active crime scenes to begin to
12 investigate that incident. We are provided with cases through
13 our supervisor at that time to work on those cases, to
14 identify witnesses, to identify suspects, and to get in
15 contact with the victims.

16 Q. And what was your role in relation to the Leandra Bright
17 case?

18 A. I was currently working what we call the graveyard shift
19 as an investigator. I was on call that week. We work from
20 8:00 p.m. to 4:00 a.m. in the morning. The morning of that
21 incident I was at work and I responded to the scene on James
22 Bell Avenue.

23 Q. And were you assigned as the case agent?

24 A. I was.

25 Q. What does that mean, being a case agent?

1 A. To be a case agent in a homicide investigation pretty
2 much means I am responsible for gathering up all the
3 information to ensure that all detectives that are involved in
4 the case have their notes put in, that they're -- we're
5 working one -- on the same page.

6 Pretty much I am responsible for -- if a suspect is
7 located or identified, I am responsible for securing the
8 warrants on that suspect. I am responsible for securing all
9 the witness statements, all the audio statements, all the
10 video statements that we have, all the video recordings that
11 we have.

12 Anything that we do involving this case through the
13 investigation point of responding to the scene, to the point
14 of handling of evidence, to the point of handling -- or
15 interrogating or investiga- -- or speaking with a witness, a
16 victim, and/or a suspect, to the point of search warrants. I
17 am responsible for everything that comes in. It goes
18 through -- it comes back to me and it goes into a file to be
19 put together for a later date.

20 Q. So is it fair to say that you're kind of the clearing
21 house for all the information during and after the
22 investigation?

23 A. That is fair to say.

24 Q. And I know you said that you responded to the scene at
25 James Bell. Do you remember approximately what time you

1 responded?

2 A. It was about two o'clock in the morning.

3 Q. And will you describe the scene for us at James Bell as
4 you saw it when you arrived?

5 A. When I arrived on scene, obviously I couldn't park near
6 the area; so I had to walk up. And there was already a large
7 crowd forming at the corner of James Bell and Rivers Avenue.
8 Used to be a small tire shop, repair style shop, that's right
9 there on the automotive center.

10 There was a crowd forming, there was crime scene tape
11 already placed up. Upon me crossing into the crime scene I
12 noticed a bluish or dark-in-color sed- -- or SUV crashed into
13 a block -- cinderblock wall.

14 At that time, as I approached, I noticed a subject in the
15 driver's seat of that vehicle that was actively trying to be
16 removed from the vehicle so that EMS and fire personnel could
17 begin to work on him.

18 Q. And now you weren't the first person who responded on the
19 scene?

20 A. No, I was not.

21 Q. So there were other -- already other officers who had
22 established a perimeter to protect the evidence present?

23 A. That is correct.

24 Q. And what was the first task you undertook once you got on
25 scene?

1 A. The first thing I did was I tried to understand from the
2 officers what exactly we had, where exactly it started. I
3 kind of viewed the evidence that I could see right there at me
4 at the time, which would be the car, the victim, and where it
5 came -- possibly came from.

6 Also, I tried to locate people in a crowd -- in the crowd
7 that was already forming that would at least try to talk to
8 me, or to see if they saw anything or heard anything during
9 the time of the crash or any -- or why they were there, or how
10 they -- how they got the information to come to that location.

11 Q. And was Yolanda Wilder one of the people in that crowd?

12 A. She was there.

13 Q. And she was identified as a witness at that time?

14 A. She was identified as a person who had information but at
15 that time would not talk to us.

16 Q. And but it's fair to say that you all were able to follow
17 up with her?

18 A. That is fair to say, yes.

19 Q. At the scene at James Bell were you able to identify who
20 the victim was?

21 A. We were. We had a possible understanding of who he was;
22 but due to the condition of the way he was, we couldn't be
23 positive. We had to wait on the deputy coroner to arrive.
24 She has -- she carries a mobile fingerprint scanning device.
25 And it was after that she was able to scan his fingerprints we

1 identified him as Arthur Lee Meyers.

2 Q. And it was subsequently the coroner that transported the
3 victim to MUSC, or was it EMS? Do you remember?

4 A. Yeah, the victim remained on scene until the coroner was
5 done. He was eventually taken by the deputy coroner to MUSC
6 pending an autopsy.

7 Q. And what happened to the Buick SUV?

8 A. After what we could do with the vehicle on scene with
9 photographs, we had our North Charleston Fire Department hook
10 up to the vehicle and to -- for safety purposes remove the
11 vehicle from the brick wall.

12 We usually have our vehicles towed by a tow truck to the
13 warehouse. Which this vehicle was eventually towed by a tow
14 truck to the warehouse, but it had to be removed from the
15 brick wall because it was not safe for a tow truck to actively
16 get into the vehicle.

17 North Charleston Fire Department assisted us with that.
18 I, along with a couple of North Charleston Fire Department
19 officials began removing bricks from the vehicle. Because I
20 wanted to make sure that no portion of evidence that could be
21 or possibly is left behind on the vehicle was tampered with
22 before it could be photographed. So I personally helped
23 remove the bricks from the top of the vehicle before it was
24 transported back to the truck.

25 Q. And where was it secured after that?

1 A. It was secured at our warehouse off of Casper Padgett
2 Way.

3 Q. At any time while you were at James Bell did you learn
4 about where the primary crime scene was?

5 A. I did.

6 Q. And where was that?

7 A. It was located on Taylor Street.

8 Q. And is that in the county of Charleston?

9 A. It is.

10 Q. And just also, for clarification purposes, James Bell
11 Drive is also in the county of Charleston, as well?

12 A. Yeah. Both locations are in the county of Charleston
13 with the jurisdiction of North Charleston Police Department.

14 Q. What did you do after the car was secured and Mr. Lee's
15 body -- or Mr. Meyers' body was secured, what did you do next?

16 A. At that time I responded by to the station, or City Hall,
17 where we began going through everything that we had. I
18 instructed some of the detectives that were working with us to
19 go ahead and secure search warrants for the vehicle. I
20 started going through what I could find. Part ---

21 Q. I'm sorry -- I'm sorry to interrupt you. When you say
22 the vehicle, you mean the victim's vehicle?

23 A. Yeah, the victim's vehicle. My apologies. We began a
24 search warrant on the victim's vehicle. A portion of our
25 investigation is to try to learn everything we can about the

1 victim.

2 It's called a victimology. Basically what that means is
3 if he's ever had prior law enforcement contact, if he's ever
4 had prior incidents with anyone, with the Charleston County
5 courthouse or anything. We try to get as much as we can and
6 try to know as much as we can about the victim, to inform
7 where he is currently living and to where his family is so we
8 can pass not only that information along to the coroner's
9 office, but also we have an understanding of who Arthur Lee
10 Meyers was.

11 Q. Other than trying to learn more about Mr. Meyers, was
12 there a vehicle that was of interest to you during that early
13 part of your investigation?

14 A. We had information that a tan Buick or a champagne-in-
15 color Buick was a possible vehicle of interest, due to the
16 caller of 911 calling in.

17 One of our detectives did actually make contact with her
18 that night. Not knowingly that she was the caller, but we
19 found out later that she was the caller due to our canvass of
20 the area of Taylor Street where the incident occurred. And
21 she provided information that the only two vehicles that she
22 saw was a champagne-in-color Buick sedan and the dark SUV.

23 Q. What steps did you take to locate that champagne-colored
24 Buick?

25 A. It was later on in the day, after I secured for the

1 morning. And we passed information along to our dayshift
2 detectives that were coming in to relieve us that I called in
3 around 1700 hours, which is approximately five o'clock in the
4 afternoon, which is three hours prior to me coming back to my
5 shift that night, to see exactly where the investigation was.

6 I had learned at that time that one of the witnesses, Ms.
7 Yolanda Wilder, had come in and secured a statement from her
8 that, in fact, that the vehicle was possibly that of one of
9 her neighbors.

10 I immediately started getting ready because I knew that
11 detectives were on their way to that location to try to locate
12 this vehicle and to possibly make contact with him.

13 Q. And some surveillance video was located from that area?

14 A. Yes. Detectives were able to secure surveillance video
15 from the gate. If you're -- if you're not familiar with
16 Pinecrest Apartments, Pinecrest Apartments is completely
17 enclosed by a fence, whether that be a wooden portion of the
18 fence or a -- some portions of wrought-iron steel.

19 It has a one -- it's one in -- one way in and one way
20 out, and there's a security camera that faces for every car
21 that comes in and for every car that goes out. They were able
22 to secure that video for the timeframe in which we were
23 possibly looking for after the homicide. And that video was
24 turned over to me, which was turned in to evidence.

25 Q. And you're familiar with that video?

1 A. I am.

2 MS. ELLIOTT: Your Honor, at this time I would publish
3 State's Exhibit 201 that's previously been introduced.

4 THE COURT: You may do so.

5 [Whereupon, State's Exhibit Number 201 is played for the
6 jury]

7 Q. So that was the gold Buick of interest?

8 A. That was the gold Buick of interest. And it's time
9 stamped March 30th, 2016, at approximately 2:13:28 seconds in
10 the morning.

11 Q. And it's fair to say that from this car, that led you to
12 investigate Gage Frank?

13 A. It did.

14 Q. While there were efforts being made to locate this
15 champagne Buick, what other pieces of evidence of interest
16 were being processed?

17 A. During the course of our original investigation where Mr.
18 Meyers was located, we were able to locate his cell phone in
19 his pocket. That cell phone was taken by our crime scene on
20 the scene at that night.

21 But also, too, when we were -- we also located another
22 cell phone on Taylor Street, which was also collected by our
23 crime scene off scene that night.

24 During the course of our investigation and our search
25 warrant of the victim's vehicle, I had those two cell phones

1 turned over to another detective via chain of custody from our
2 crime scene to that detective so he could go back and start
3 working on search warrants for those phones so that we could
4 try to access those phones via what is called a Cellebrite
5 dump.

6 MS. ELLIOTT: Your Honor, may I approach the witness?

7 THE COURT: Yes, You may.

8 Q. I'm going to show you what's been marked for
9 identification purposes as State's 199. Are you familiar with
10 that?

11 A. I am.

12 Q. What is that?

13 A. It is the forensic download of Mr. Bright's phone, a
14 Samsung phone.

15 Q. And does that also contain the forensic dump of the
16 Coolpad that was recovered from the victim?

17 A. Yes, it does.

18 Q. And you're familiar with that download and what's
19 contained on that CD?

20 A. I am.

21 Q. You've had an opportunity to review it?

22 A. I did.

23 Q. Now, when you were reviewing the download of the phone
24 that was found on Taylor Street, were you able to identify a
25 phone number?

1 A. We were.

2 Q. And what was that phone number that was found on that
3 phone?

4 A. May I refer to my notes?

5 Q. Sure.

6 A. I believe it was 843-568-2421.

7 Q. Other than recovering that phone number, did you find any
8 pictures on that phone?

9 A. We were able to.

10 MS. ELLIOTT: May I approach?

11 A. Yes.

12 MS. ELLIOTT: That's for the judge, but I'm glad that you
13 agree as well.

14 Q. I'm showing you State's 168 ---

15 THE WITNESS: My apologies, Your Honor.

16 THE COURT: No apology necessary. I know it's -- I know
17 it's routine. One of these times, for the jury's benefit, I'm
18 going to say no.

19 Q. So showing you 168. Are you familiar with that
20 photograph?

21 A. I am familiar with it.

22 Q. Where was that -- where was that received from?

23 A. This was retrieved off the SIM card of the phone found on
24 Taylor Street.

25 MS. ELLIOTT: Your Honor, at this time we would move into

1 evidence State's 168.

2 THE COURT: Any objection?

3 MR. HALES: Without objection.

4 THE COURT: 168 is admitted.

5 [Whereupon, State's Exhibit Number 168 is admitted into
6 evidence by the Court]

7 MS. ELLIOTT: And publish it for the jury, as well.

8 THE COURT: You may publish it, a photograph.

9 Q. Were you able to identify who the person in that
10 photograph was?

11 A. We eventually were, yes.

12 Q. And who did you find that to be?

13 A. Leandra Bright.

14 Q. Now, I know you said that you found a phone number on
15 that dump of 843-568-2421. Were you able to identify who that
16 phone number belonged to?

17 A. We were.

18 Q. And who was that?

19 A. Leandra Bright.

20 Q. And how were you able to obtain that that was his phone
21 number?

22 A. It was off of his -- the SIM card with that same photo.
23 So we just assumed at the time that it was his phone number,
24 and that's what we went off of.

25 Q. Did you subsequently learn from him that that was his

1 phone number as well?

2 A. We did.

3 MS. ELLIOTT: Your Honor, may I approach one more time?

4 THE COURT: Yes.

5 [Whereupon, State's Exhibit Number 231, CD - phone, marked for
6 identification]

7 Q. I am going to show you for identification purposes what's
8 been marked as 231. Are you familiar with that CD?

9 A. I am.

10 Q. Is that a video retrieved from the phone as well?

11 A. It is. From Mr. Bright's phone.

12 Q. And that was pulled from the forensic dump as well?

13 A. It was.

14 Q. Now, you said in addition to downloading the white
15 Samsung that was found at the crime scene you also did a
16 download of the victim's phone. I am going to show you --
17 were contacts for the victim's phone found in that forensic
18 download?

19 A. They were.

20 Q. I'm going to show you what's been marked for
21 identification as State's 228. Do you recognize that?

22 A. I do.

23 Q. What is that?

24 A. It's Leandra Bright's phone number.

25 Q. And is that a contact pulled from the victim's phone?

1 A. It is.

2 Q. I'm also going to show you what's been marked for
3 identification as State's 229. Do you recognize that?

4 A. It's a section of the call log from ---

5 Q. From?

6 A. --- Mr. -- I believe this is going to be the victim's
7 phone.

8 Q. And those are all -- that's all the information that you
9 received from the forensic dump?

10 A. Yes.

11 MS. ELLIOTT: Your Honor, at this time we would move in
12 State's 228 and 229.

13 THE COURT: Any objection?

14 MR. HALES: No objection.

15 THE COURT: Without objection, they are admitted.

16 [Whereupon, State's Exhibit Numbers 228 and 229 are
17 admitted into evidence by the Court]

18 Q. Showing you what's now been admitted as State's 228.
19 What's the name of the contact?

20 A. Lee.

21 Q. And the phone number associated with it?

22 A. 843-568-2421.

23 Q. And through your investigation you connected that phone
24 number once again to whom?

25 A. Leandra Bright, the defendant.

1 Q. I'm now showing you State's 229. Can you give us the
2 dates and times of those phone calls?

3 A. The first one, number thirty-two, is an outgoing call to
4 Lee, who we later identified as the defendant, at three --
5 on 3/29/2016, at 9:54 p.m. And it lasted one minute and
6 forty-eight seconds.

7 Line thirty-four is an incoming call from the defendant's
8 phone. It's time stamped 9:48 p.m., with a date of March
9 29th, 2016, that lasted a minute and thirty-one seconds.

10 Q. So it's fair to say from that -- the phone call came in,
11 that Mr. Bright called the victim at about 9:48 and they spoke
12 for a minute-and-a-half, and then the victim called the
13 defendant that same night?

14 A. That is fair to say. But it's unable to determine off of
15 this if they actually spoke with each other.

16 Q. And I'm sorry, I left out a question for you on that
17 video. The video that was taken from Mr. Bright's phone, was
18 that date and timestamp March 29th, 2016, at 10:15 p.m.?

19 A. Yes.

20 Q. Now, I know you said that you all were able to identify
21 the Buick and connect it to Gage Frank. Was he ever brought
22 in for an interview?

23 A. He was.

24 Q. Were you a part of that interview?

25 A. No, I was not.

1 Q. Were you made aware of the discussions within that
2 interview from the detective that conducted it?

3 A. I was.

4 Q. As a result -- subsequent to that interview, and in light
5 of all the information you gathered at that point, what did
6 you do in the investigation after interviewing Gage Frank the
7 first time?

8 A. After the interview with Gage Frank the first time, we
9 were able to -- which all our videos and interviews are
10 recorded. I was able to watch some of the video. With the
11 information that I had, with the cell phone on scene, with
12 Gage Frank's testimony and his personal eyewitness of the
13 incident, I was able to secure warrants on Leandra Bright for
14 murder and for possession of a firearm during the commission
15 of a violent crime.

16 Q. While Mr. -- well, now that you had an arrest warrant did
17 your investigation just stop at that point?

18 A. No, it did not.

19 Q. What was the next step in your investigation?

20 A. The next step was actually attempting to locate Mr.
21 Bright.

22 Q. Well, before you did that, did you execute a search
23 warrant on Gage Frank's car?

24 A. Yes, a search warrant was executed on Mr. Frank's car.

25 Q. Did -- was anything found in the processing of Mr.

1 Frank's car that also connected Leandra Bright to that
2 vehicle?

3 A. Several fingerprints were located, DNA swabs were
4 located, and there was a Department of Motor Vehicles
5 reinstatement receipt or sheet that had Leandra Bright's name
6 on it located in the center console I believe of the vehicle.

7 Q. So some DMV paperwork was found?

8 A. Correct.

9 Q. When was Leandra Bright located?

10 A. May I refer to my notes?

11 Q. Sure.

12 A. We got information on March 31st, 2016, that they
13 possibly had a sighting on him in Summerville. We were
14 actually able to make contact with him at approximately
15 zero -- or 12:10 hours or -- in the morning of April 1st,
16 2016.

17 Q. And where was he located?

18 A. He was located in an apartment complex off of Berlin G.
19 Meyers Parkway.

20 Q. Were you there when he was taken into custody?

21 A. I was.

22 Q. And where was he taken to?

23 A. He was placed in the back seat of a North Charleston
24 officer's vehicle and immediately taken to 2500 City Hall
25 Lane, which is our headquarters where our detective division

1 is at.

2 Q. And did you have occasion to sit down and speak with the
3 defendant?

4 A. I did.

5 Q. Who else participated in that interview?

6 A. Lieutenant Candy Johnson.

7 Q. Do you know about what time that would have started?

8 A. I believe it would have started around 12:50 in the
9 morning.

10 MS. ELLIOTT: Your Honor, may I approach?

11 THE COURT: You may.

12 Q. I'm going to show you what's been marked for
13 identification as State's 170 and State's 171. Can you
14 explain for us what State's 170 is?

15 A. 170 is a clip of Mr. Bright's interview with myself and
16 retired Lieutenant Candy Johnson.

17 Q. And you've reviewed that CD and those portions of the
18 interview?

19 A. I have.

20 Q. And do your initials appear on that CD, as well?

21 A. No, they do not.

22 Q. But you've reviewed that CD?

23 A. I have reviewed it.

24 Q. What is --

25 MS. ELLIOTT: At this time, the State would move in

1 State's 170 into evidence.

2 THE COURT: Any objection? That's the video of the
3 interview.

4 MR. HALES: Yes, that is without objection.

5 THE COURT: Without objection? Without objection,
6 State's 170 is admitted.

7 MS. ELLIOTT: Thank you, Your Honor.

8 [Whereupon, State's Exhibit Number 170 is admitted into
9 evidence by the Court]

10 Q. And looking at what's been marked for identification as
11 State's 171, what is that?

12 A. This is the original advice of constitutional rights to
13 Mr. Leandra Lamont Bright.

14 Q. How do you know that that's the original and the one that
15 was given to Mr. Bright?

16 A. It's the original because I started writing the
17 information down and I always use a blue pen on original
18 documents when it comes to this type of magnitude.

19 Q. And do you recognize the handwriting?

20 A. I do.

21 Q. Is your -- does your signature appear on it?

22 A. It does.

23 Q. Who else signed that document?

24 A. It was also witnessed by retired Lieutenant Candy Johnson
25 and that of the defendant, Mr. Leandra Bright.

1 MS. ELLIOTT: Your Honor, at this time we would move
2 State's 171 into evidence.

3 MR. HALES: May I approach, Your Honor?

4 THE COURT: Well, this -- this is a video we've
5 argued ---

6 MR. HALES: Yes.

7 THE COURT: --- and we've had previous arguments on the
8 record. You have no additional objections ---

9 MR. HALES: No ---

10 THE COURT: --- other than those previously argued?

11 MR. HALES: My earlier objections ---

12 THE COURT: That's fine. And subject to those previous
13 objections, and the Court's rulings are stated on the record,
14 State's 170 (sic) is admitted. Okay.

15 MS. ELLIOTT: Thank you, Your Honor. Well, I'm sorry,
16 Your Honor. I was moving in State's 171.

17 THE COURT: It is 171 -- is that -- but that is a video?

18 MS. ELLIOTT: No, that is the advisement of rights form.

19 THE COURT: Oh, that is the advisement of rights form.

20 Subject to the previous objections ---

21 MR. HALES: Correct.

22 THE COURT: --- it's admitted.

23 MS. ELLIOTT: Thank you, Judge.

24 THE COURT: All right.

25 [Whereupon, State's Exhibit Number 171 is admitted into

1 evidence by the Court]

2 Q. Detective Bailey, can you please explain for us ---

3 THE COURT: Let's go back. 171, with objection; but we
4 need to -- we need to -- 170 was the video?

5 MS. ELLIOTT: Yes, Your Honor.

6 THE COURT: And there was no objection, but that would --
7 that did not mean that it meant no additional objection?

8 MR. HALES: That's correct, Your Honor. I had objected
9 to ---

10 THE COURT: So 170 is admitted subject to the previous
11 objections, which we've fully argued on the record.

12 MR. HALES: Yes, sir.

13 THE COURT: Excuse me for interrupting you, Solicitor.

14 MS. ELLIOTT: Not a problem.

15 THE COURT: I just wanted to clarify it.

16 Q. You and Lieutenant Johnson reviewed those Miranda rights
17 with Mr. Bright prior to interviewing him; correct?

18 A. Yes. I was in the room with him.

19 Q. And that's actually captured on audio and video?

20 A. It is.

21 Q. During your interview with the defendant did he appear to
22 be intoxicated or under the influence of drugs?

23 A. No, he did not.

24 Q. Did he admit to consuming any alcohol that evening?

25 A. He did.

1 Q. And do you remember how much?

2 A. Two to three beers, I believe is what he said.

3 Q. And did he -- did he appear to have any physical or
4 mental disability that would have impaired his ability to
5 understand what was being said to him?

6 A. No, he did not.

7 Q. Can you describe for us briefly what the interview room
8 looked like?

9 A. Our interview rooms at the City of North Charleston are
10 approximately ten-foot-by-ten-foot square, with carpeted
11 floors, a table and three chairs inside.

12 Q. Prior to or during the interview did the defendant -- was
13 he offered any breaks, bathroom or otherwise?

14 A. Yes, he was.

15 Q. Was he ever denied access to the bathroom?

16 A. No, he was not.

17 Q. Was the defendant denied access to telephone, food or
18 drink?

19 A. No, he was not.

20 Q. Were there any threats or promises made in exchange for
21 him giving a statement that day?

22 A. No, there was not.

23 Q. And to your knowledge did the defendant understand the
24 nature of the investigation?

25 A. Absolutely he did.

1 MS. ELLIOTT: Your Honor, at this time the State would
2 publish State's 170.

3 THE COURT: You may publish it. Subject to the
4 objections, of course.

5 [Whereupon, State's Exhibit Number 170 is played for the
6 jury, with questions from Ms. Elliott]

7 Q. Is that when Mr. Bright was first brought into the
8 interview room?

9 A. It was. That was Mr. Bright and Detective Serrudo.

10 [Whereupon, State's Exhibit Number 170 continues]

11 [Whereupon, State's Exhibit Number 170 is paused]

12 MS. ELLIOTT: Sergeant Bailey, I'd like to take State's
13 171 from you.

14 [Whereupon, Detective Bailey proffers exhibit to Ms.
15 Elliott]

16 MS. ELLIOTT: Your Honor, at this time I'd publish
17 State's 171.

18 THE COURT: You may do so.

19 Q. This is the advisement of rights that you and Lieutenant
20 Johnson covered with Mr. Bright?

21 A. It is.

22 Q. And he initialed after each one of them?

23 A. Yes.

24 Q. And he was actually reading them to you and Lieutenant
25 Johnson?

1 A. Yes, he was.

2 Q. And then explaining them to you and what he thought they
3 meant?

4 A. Yes, he was.

5 Q. If he was confused on any of them, did you-all offer
6 clarification?

7 A. Yes, we did.

8 Q. Did he appear to fully understand his rights?

9 A. Yes, he did.

10 Q. Did he sign saying that he fully understood his rights?

11 A. He did.

12 Q. And did he sign saying that he wished to waive his rights
13 and give a statement to you and Lieutenant Johnson?

14 A. Yes, he did.

15 Q. Now, during that clip that we just saw, he seemed to be
16 upset that you-all didn't just call him. Is it the practice
17 of the North Charleston Police Department to call murder
18 suspects and tell them they have a warrant out for their
19 arrest?

20 A. No, it is not.

21 Q. Have you ever done that in your career?

22 A. No, I have not.

23 Q. Is it typical protocol to locate them and arrest them?

24 A. It is.

25 [Whereupon, State's Exhibit Number 170 continues for the

1 jury]

2 THE COURT: Can you pause it for just a second, please?

3 [Whereupon, State's Exhibit Number 170 is paused]

4 THE COURT: Y'all approach for just a second.

5 [Whereupon, an off-the-record bench conference is held]

6 THE COURT: Let me tell you, ladies and gentlemen. I was
7 asking -- I've seen -- I've had trials where you can reduce --
8 you can slow the speech down. And but then we don't have that
9 capability.

10 But you will have this -- anything that's admitted into
11 evidence will accompany you to your jury room. So if you need
12 to listen to it again, you will have that capability. I just
13 want you to be aware of that. So there may be concern, well,
14 did I catch that; and you'll have a chance to listen to it and
15 replay it if necessary. Okay? Thank you.

16 [Whereupon, State's Exhibit Number 170 continues, with
17 questions from Ms. Elliott]

18 Q. Now, Sergeant Bailey, at this point, who is he describing
19 to you as getting wild when they drink?

20 A. Him and the victim, Arthur Meyers.

21 [Whereupon, State's Exhibit Number 170 continues, with
22 questions from Ms. Elliott]

23 Q. So just so we can be clear, where did he say he first
24 encountered Little A in the community?

25 A. A vacant field near Elder and Taylor Street.

1 Q. And where did he say that Little A was parked?

2 A. I believe he was parked on Taylor, I think is what he
3 said.

4 Q. And who did he -- who did Leandra Bright say he gave his
5 phone to?

6 A. Say that again.

7 Q. Who did Leandra Bright say he gave his phone to?

8 A. The victim.

9 [Whereupon, State's Exhibit Number 170 continues, with
10 questions from Ms. Elliott]

11 Q. So what is Leandra Bright saying that the victim is
12 doing?

13 A. Driving his vehicle off of Elder Street. Elder Street
14 joins James Bell and Taylor Street. It's like an adjoining
15 street. So he's driving his vehicle towards Taylor Street.
16 And in his -- in the interview with us, he is saying that he
17 is walking beside the vehicle, talking to the victim. And
18 he's also saying that the other two gentlemen are still there,
19 as well.

20 [Whereupon, State's Exhibit Number 170 continues, with
21 questions from Ms. Elliott]

22 Q. Who does Leandra say that he pushed during that process?

23 A. One of the other subjects that was outside. He stated
24 that he was trying to play pretty much a hero during this
25 whole incident, that he was trying to stop these two guys

1 arguing with the victim and that while they were on Taylor
2 Street one of the guys pulls a gun and he pushes them and
3 that's when he begins to run back and he hears shots and he
4 falls down to the ground.

5 [Whereupon, State's Exhibit Number 170 continues, with
6 questions from Ms. Elliott]

7 Q. Where did he say that Gage Frank took him the next
8 morning?

9 A. The next morning?

10 Q. Yes.

11 A. To Wal-Mart to get a SIMS card.

12 Q. And did you catch why he said he had to get a new SIM
13 card?

14 A. Because he lost his phone.

15 [Whereupon, State's Exhibit Number 170 continues, with
16 questions from Ms. Elliott]

17 Q. Now, Sergeant Bailey, we just saw Lieutenant Johnson
18 taking some photographs.

19 A. That's correct.

20 MS. ELLIOTT: May I approach, Your Honor?

21 THE COURT: You may.

22 Q. I'm going to show you State's -- what's been marked for
23 identification as State's 162 and 163. Are you familiar with
24 those photographs?

25 A. I am.

1 Q. Are those the photographs that Candy Johnson took in that
2 interrogation room at that ---

3 A. They are.

4 Q. --- time?

5 MS. ELLIOTT: Your Honor, at this time I would publish --
6 or I would move to admit State's 162 and 163.

7 THE COURT: Any objection?

8 MR. HALES: Without objection.

9 THE COURT: Without objection ---

10 MS. ELLIOTT: And I would publish them at this time, as
11 well.

12 THE COURT: --- 162 and 163 are admitted. You may
13 publish.

14 [Whereupon, State's Exhibit Numbers 162 and 163 are
15 admitted into evidence by the Court]

16 Q. So what injuries did he show you guys?

17 A. He showed injuries on his left elbow, his right elbow,
18 and his -- I believe it was his right hand.

19 Q. And so that would be ---

20 A. That's the injury to his ---

21 Q. --- left elbow?

22 A. --- his left elbow.

23 Q. And then that ---

24 A. His right elbow ---

25 Q. Okay.

1 A. --- from ---

2 Q. I'm showing you State's -- I'm sorry, was there more to
3 that?

4 A. No.

5 Q. And then showing you State's 163.

6 A. And to this portion of his hand.

7 Q. And to clarify, he told you-all that he got that sliding
8 underneath Gage Frank's car?

9 A. He said he was attempting to slide underneath the car
10 when the shots were being fired.

11 Q. Have you seen Gage Frank's car in person?

12 A. I have.

13 Q. Is it high enough for someone to slide underneath it?

14 A. Not me.

15 Q. Any lifts or is it jacked up in any way?

16 A. No.

17 Q. Also, while you were questioning him about going straight
18 to Summerville -- or you and Lieutenant Johnson, was that in
19 relation to the information that you had from Yolanda Wilder
20 about an encounter that happened that night at Pinecrest?

21 A. That is.

22 Q. Also, the defendant, he begins to describe the shooter in
23 that portion that we just watched; correct?

24 A. That is correct.

25 Q. He described him as being similarly aged to the

1 defendant?

2 A. I think he said he was between thirty and thirty-five.

3 Q. Which was about his age?

4 A. Yes.

5 Q. And also having a goatee like the defendant?

6 MR. HALES: Objection, Your Honor.

7 THE COURT: What's the objection?

8 MR. HALES: It's leading.

9 THE COURT: Sustained. Rephrase your question.

10 Q. Did he indicate that the shooter had any facial hair?

11 A. He did. He said he had a goatee.

12 Q. And did the defendant have a goatee?

13 A. He did.

14 [Whereupon, State's Exhibit Number 170 continues, with
15 questions from Ms. Elliott]

16 Q. Sergeant Bailey, why did he say he didn't come to tell
17 you that he had information on Little A's death?

18 A. I don't quite remember. I couldn't really catch it in
19 there. But it was something to the effect that he didn't find
20 out about it until the next morning. And I really didn't
21 catch exactly -- I would have to -- if you could probably play
22 it again, I might be able to catch it.

23 [Whereupon, State's Exhibit Number 170 continues, with
24 questions from Ms. Elliott]

25 A. I believe it's to the point of he wasn't a snitch.

1 [Whereupon, State's Exhibit Number 170 continues, with
2 questions from Ms. Elliott]

3 Q. What was he wearing that night?

4 A. He said that he was wearing a red hoodie.

5 Q. In the process of your investigation and through this
6 interview, he identified his girlfriend?

7 A. Yes, he identified his girlfriend, Ms. Simmons, that
8 lived in Summerville.

9 Q. And did -- as part of the investigation did you have
10 someone serve a search warrant on that house?

11 A. I did. You see me in there asking him questions about
12 his girlfriend and children that may live there at his
13 residence. Because we didn't want to go in there -- I knew at
14 that time that I was going to conduct a search warrant at that
15 residence, because he stated that he went to that residence;
16 and I didn't want to alarm the children that was inside the
17 house.

18 MS. ELLIOTT: May I approach, Your Honor?

19 THE COURT: Yes, you may.

20 Q. I'm going to show you what's previously been admitted as
21 State's 183. Are you familiar with this item of evidence?

22 A. I am. That is the red sweatshirt that detectives on the
23 scene in Summerville secured during the search warrant.

24 Q. Does it have a hoodie?

25 A. No, it does not.

1 Q. Was that sweatshirt ever sent up for SLED for any kind of
2 processing?

3 A. Yes. It was sent to SLED for a GSR, gunshot residue
4 analysis.

5 Q. And do you -- do you know the results of that GSR?

6 A. There was nothing found on the sweater.

7 Q. What is gunshot residue?

8 A. Gunshot residue is the residue that is left behind if
9 someone has fired a gun or is in close proximity of someone
10 who has fired a gun. It is a mixture of metals, gunpowder,
11 copper. It's just a conglomeratory of mixtures of metals and
12 gunpowder that comes out of a fired gun and projectile.

13 Q. Did it surprise you that you didn't find gunshot residue
14 on that sweatshirt?

15 A. No, it did not.

16 [Whereupon, State's Exhibit Number 170 continues, with
17 questions from Ms. Elliott]

18 Q. What did he say in reference to Little A having a gun?

19 A. He said that he didn't see him hanging out with one or
20 didn't see him that night with a gun and he doesn't -- he
21 rarely sees him with a gun at all.

22 MR. HALES: Objection, Your Honor.

23 THE COURT: What's the basis?

24 MR. HALES: That is not what was said on the ---

25 THE COURT: Well, let's -- thank you, sir. You can --

1 you will have cross-examination.

2 MR. HALES: Yes, sir.

3 THE COURT: Thank you. Overruled.

4 [Whereupon, State's Exhibit Number 170 continues, with
5 questions from Ms. Elliott]

6 Q. Where did he say that the red -- that the red shirt that
7 he was wearing that night could be found?

8 A. At Ms. Simmon's house.

9 Q. How did he start describing it now in the interview?

10 A. He starts describing it as a sweater instead of a hoodie.

11 [Whereupon, State's Exhibit Number 170 continues]

12 [Whereupon, State's Exhibit Number 170 concludes]

13 Q. During the course of his interview did the defendant ever
14 admit to having a gun that night?

15 A. No, he did not.

16 Q. During the course of the interview did the defendant ever
17 say that the victim had a gun that night?

18 A. No, he did not.

19 MS. ELLIOTT: No further questions, Your Honor.

20 THE COURT: All right. Let's take a recess at this
21 point, ladies and gentlemen, and let you go to your jury room.
22 Do not begin your deliberations. We'll be with you in about
23 fifteen minutes. Thank you.

24 [Whereupon, the jury exits the courtroom]

25 THE COURT: Anything from the State before we recess?

1 **CROSS-EXAMINATION BY MR. HALES OF ROBERT BAILEY:**

2 Q. Sergeant Bailey, you testified that when you conducted
3 the interview of Mr. Bright that he had admitted to drinking
4 earlier that evening?

5 A. That is correct.

6 Q. Okay. And do you remember how much he said he had had?

7 A. I want to say two to three beers.

8 Q. Okay. And over the course of time I assume it's in your
9 experience that that would sort of -- the effects of alcohol
10 would dissipate over the course of time?

11 A. That's correct.

12 Q. Okay. And in your opinion, at that point in time, he was
13 okay, you testified?

14 A. To be interviewed?

15 Q. Yes. I'm sorry ---

16 A. I do not believe ---

17 Q. I'm sorry. To be interviewed, yes.

18 A. I do not believe he was intoxicated.

19 Q. Okay. Now, before you interviewed Mr. Bright, you had
20 already -- you had already got a warrant for his arrest;
21 correct?

22 A. That is correct.

23 Q. Okay. And that was based on the interview you had done
24 with Gage Frank in a subsequent investigation?

25 A. That was based on the witness statements, the interview

1 with Gage Frank, and the evidence left on the scene. There
2 was enough probable cause to -- for an arrest.

3 Q. Okay. Now, we have seen published from the solicitor,
4 advisement of rights?

5 A. That's correct.

6 Q. And if I recall correctly, that advisement of rights was
7 not completely filled out; correct?

8 A. No, it was not. I had started filling it out prior to
9 going into the room with him and didn't have a chance to
10 finish ---

11 Q. Because ---

12 A. --- because ---

13 Q. I'm sorry. I'm sorry.

14 A. No. Because of the way he started speaking and we had to
15 get it to him as quick as we could.

16 Q. But there's a section on there, educational level and
17 that kind of thing; and that part was not filled out, correct?

18 A. That's correct. We didn't have a chance to ask him.

19 Q. Okay. But you would agree that someone's education level
20 would be something you would want to know before you
21 interviewed them?

22 A. Not necessarily.

23 Q. Not necessarily. But it would be a factor that would go
24 to whether or not there was a voluntariness of the -- of the
25 interrogation or the statement?

1 A. Can you ask that again?

2 Q. Someone's intelligent level -- intelligence level would
3 go to whether or not ---

4 THE COURT: Mr. Hales, you're getting into an area now
5 that's a matter of law.

6 MR. HALES: Okay.

7 THE COURT: I'll be charging the jury concerning that. I
8 don't think it's proper. Under 611(a) I don't think it would
9 be proper for this witness to render an opinion on that.

10 MR. HALES: Okay, Your Honor.

11 Q. Now, as far as what Mr. Bright told you in the interview
12 room about these two individuals that were out there ---

13 A. Correct.

14 Q. --- did you do any follow-up investigation about those
15 two individuals?

16 A. No, I did not.

17 Q. Okay. Is that because you didn't believe him?

18 A. That's correct.

19 Q. This interview, to my knowledge, is the only time you
20 spoke to Mr. Bright; correct?

21 A. That is correct.

22 Q. Okay. Were you present for the Gage Frank interviews?

23 A. No, I was not.

24 Q. But you just will relay that information from other
25 investigators?

1 A. Relayed, and did watch some of the video.

2 Q. Okay. Now, when the -- when the video was being played,
3 you heard my objection to an answer you had given about Little
4 A and his propensity to carry a gun?

5 A. Yes, I did.

6 Q. Okay. I believe that the video stated that he does not
7 usually carry a gun. Is that -- is that the way you remember
8 it?

9 A. I remember what the video played. I don't remember how I
10 said it. I can't -- you know, if you remember how I said it
11 and you can advise me; I'd ---

12 Q. Okay.

13 A. --- listen to it, but I don't remember how I said it.

14 Q. Sure.

15 A. I just remember what the video says, that while at the
16 bar he did not see him armed with a gun.

17 Q. Correct.

18 A. And that he is not used to seeing Little A carry a
19 firearm.

20 Q. Okay. So the inverse of that would be that sometimes he
21 does carry a firearm?

22 A. Could be.

23 MR. HALES: Okay. Court's indulgence for a moment.

24 THE COURT: Certainly.

25 Q. So in addition to Mr. Bright stating there were other

1 people out there, I believe Mr. Frank said there were other
2 people out there as well?

3 A. Prior to the shooting?

4 Q. Yes, sir.

5 A. Way prior to the shooting, yes.

6 Q. Okay. And throughout the course of your investigation
7 you had a chance to speak with Yolanda Wilder; she also stated
8 there were other people out there as well?

9 A. Yes. I believe it was on James Bell at the top of the
10 hill, is what she was saying.

11 Q. Sure. And I understand she wasn't there during the
12 incident, but she was there and there were some other people
13 out there at some point in time?

14 A. Correct.

15 MR. HALES: Okay. The Court's indulgence one moment.

16 THE COURT: Certainly.

17 MR. HALES: No further questions of this witness, Your
18 Honor.

19 THE COURT: Redirect, Solicitor?

20 **REDIRECT EXAMINATION BY MS. ELLIOTT OF ROBERT BAILEY:**

21 Q. Sergeant Bailey, in all fairness, with the descriptions
22 the defendant gave you and the little information you had
23 about the two other gentlemen being out there earlier,
24 what ---

25 MR. HALES: Objection, Your Honor.

1 THE COURT: What's the basis of the objection?

2 MR. HALES: Leading.

3 THE COURT: I haven't heard the question yet. Can you
4 finish the question? Don't answer it until I hear the
5 question. Restate your question, please.

6 Q. So in all fairness, with the information that you were
7 provided to -- that the defendant provided to you with the
8 description of the two individuals, what Ms. Wilder said, what
9 Gage Frank said, what possible follow-up could you have done
10 on those two individuals?

11 THE COURT: The objection is overruled. You may answer
12 the question.

13 A. There was not much that we could have done. A lot of the
14 people that were at the scene that night matched that
15 description that were -- that when I responded to the scene,
16 they matched that description. So it's kind of hard to follow
17 up about which person I was looking for and what person I was
18 not looking for.

19 Q. Would you have -- would you have couched the description
20 as vague or specific enough to follow up on?

21 A. They were vague. It was just enough that we knew we were
22 looking for thirty- and forty-something-year-old black males.

23 MS. ELLIOTT: Thank you, Sergeant Bailey.

24 THE COURT: Recross, Mr. Hales?

25 MR. HALES: No, Your Honor.

1 THE COURT: Okay. You may step down, Sergeant.

2 THE WITNESS: Thank you.

3 THE COURT: Do you wish the witness -- well, he's --
4 excuse me. You may step down.

5 THE WITNESS: Thank you, Your Honor.

6 [Whereupon, the witness exits the witness stand]

7 THE COURT: You may call your next witness.

8 MS. ELLIOTT: The State calls Dr. Erin Presnell.

9 [Whereupon, Dr. Presnell comes forward]

10 [Whereupon, Dr. Presnell is duly sworn by the clerk of
11 court]

12 THE CLERK OF COURT: Please be seated.

13 [Whereupon, the witness takes the witness stand]

14 THE CLERK OF COURT: For the record, please state your
15 full name, spelling your last name.

16 THE WITNESS: My name is Susan Erin Presnell. It's P-R-
17 E-S-N-E-L-L.

18 MS. ELLIOTT: Good afternoon, Dr. Presnell.

19 SUSAN ERIN PRESNELL, M.D., Having Been First Duly Sworn,
20 was Examined and Testified as Follows:

21 **DIRECT EXAMINATION BY MS. ELLIOTT OF DR. ERIN PRESNELL:**

22 Q. Will you tell us where you work?

23 A. I'm a forensic pathologist at Medical University of South
24 Carolina, MUSC, just right up the street.

25 Q. And how long have you been a forensic pathologist?

1 A. I have been a board certified forensic pathologist since
2 1999.

3 Q. And to be a forensic pathologist do you also have to be a
4 licensed physician in the state of South Carolina?

5 A. Yes.

6 Q. And how long have you been practicing medicine?

7 A. Well, during -- I went to Clemson. And then after
8 Clemson I went to -- I came here to Charleston, where I've
9 stayed ever since, 1989. And I did medical school. After
10 medical school I chose pathology as my field of medicine that
11 I wanted to go into. I associated not training, that I chose
12 to sub-specialize in forensic pathology. And after doing that
13 training then I sat for the Boards. And that was 1999. So
14 really I've been practicing medicine since 1999.

15 Q. Can you tell us a little bit about what pathology
16 consists of?

17 A. So most pathologists -- pathology is the study of
18 disease. So most pathologists would look at tissues or
19 samples or organs or parts of organs removed by clinicians or
20 surgeons. They'll look at it to come up with a diagnosis.
21 Like somebody has cancer or they don't. Infection or it's
22 not. So they are looking at tissues from live persons.

23 Forensic pathology is a subspecialty of that where
24 obviously we're looking at someone that has passed away
25 already. We're not just looking at a single piece of tissue,

1 we're looking at the entire body. We are looking for disease
2 but we also look and evaluate trauma. That process, of
3 course, is called the autopsy; and the goal is to come up with
4 the cause and manner of death.

5 Q. And so -- and I know that you said you got your training
6 at MUSC. And I think I missed when did you actually become
7 employed by MUSC.

8 A. 1999.

9 Q. And in that capacity have you had the opportunity to
10 perform autopsies?

11 A. Yes. I've done them since 1999.

12 Q. And how many autopsies would you estimate you've
13 performed?

14 A. As an estimate, maybe around 3,000.

15 Q. Are you -- and you're board certified in forensic
16 pathology?

17 A. I am. I'm board certified in general pathology and then
18 the forensic pathology.

19 Q. And what are the requirements for that certification?

20 A. It's a national board examination that -- mine, back in
21 the day, it was three days long; and now the youngsters only
22 do one day exam on a computer, so it goes faster. But it's a
23 national exam.

24 Q. And do you hold any teaching positions in the area of
25 pathology and forensic pathology at MUSC?

1 A. Yes. We are -- because we're at a university and we have
2 a medical school there, and so we're all involved in teaching
3 the medical students.

4 Q. And are you a member of any specialized groups or
5 associations related to forensic pathology?

6 A. Yes, the major ones like The National Association of
7 Medical Examiners and The American Academy of Forensic
8 Sciences.

9 Q. Have you ever testified in a criminal trial before?

10 A. Yes, approximately 150 times.

11 Q. And in those 150 times have you been -- ever been
12 qualified as an expert?

13 A. Yes, an expert in forensic pathology.

14 Q. Do you know how many times you've been -- you've been
15 qualified as an expert; all 150?

16 A. About -- yeah, about 150.

17 Q. And in what courts?

18 A. Here. And some of the other counties that we do cases
19 for, like Florence and Colleton and Beaufort. A lot of the
20 Lowcountry area. Dorchester, Berkeley.

21 MS. ELLIOTT: Your Honor, at this time I would offer Dr.
22 Presnell as an expert in forensic pathology.

23 THE COURT: Do you care to examine her as to
24 qualifications?

25 MR. HALES: I do not, Your Honor.

1 THE COURT: She will be permitted to render opinions in
2 that area.

3 Q. All right. Dr. Presnell, did you have occasion to
4 perform the autopsy on Arthur Meyers?

5 A. I did. I did the autopsy on Mr. Meyers on March 30th,
6 2016.

7 Q. And how old was Mr. Meyers as of that time?

8 A. At that time he was twenty-seven years old.

9 Q. And what was his height and weight?

10 A. He weighed one hundred seventy-three pounds, and he was
11 six feet and a half inch.

12 Q. And before we go into Mr. Meyers' injuries, was a
13 toxicology performed on him?

14 A. It was. And it showed that he had an alcohol level of
15 .058. So almost .06. .08 is the -- just for reference, is
16 the limit for driving while intoxicated.

17 Q. Dr. Presnell ---

18 MS. ELLIOTT: May I approach, Your Honor?

19 THE COURT: You may.

20 Q. I am going to show you State's 150 through 160 or at
21 least what has been identified for those purposes. Do you
22 recognize those?

23 A. Yes, I do.

24 Q. What are those?

25 A. These are copies of photographs that I took at the time

1 of autopsy.

2 Q. And do they fairly and accurately represent Mr. Meyers as
3 you were examining him and going through that process?

4 A. They do.

5 MS. ELLIOTT: Your Honor, at this time the State would
6 move into evidence State's 150 through 160.

7 THE COURT: Any objection?

8 MR. HALES: No, Your Honor.

9 THE COURT: Without objection, State's 150 through 160
10 are admitted, each being a photograph.

11 [Whereupon, State's Exhibit Numbers 150 through 160 are
12 admitted into evidence by the Court]

13 Q. And then, Dr. Presnell, I'm also going to show you what's
14 been marked for identification purposes as State's 226 and
15 227. What are those?

16 A. These are copies of the diagram that I did at the time of
17 autopsy.

18 Q. And what's the purpose of the diagram?

19 A. Well, so when we're doing the examination, when someone
20 comes to autopsy, we make notes so that we can then take our
21 notes, and we have our photographs as well, to put together
22 the report.

23 Q. And these are copies of the original that you yourself
24 have?

25 A. Well, they're copies of the original that I then made

1 copies of and colored and then copied back. So I added some
2 color to the diagram when I was going back through it.

3 MS. ELLIOTT: Your Honor, at this time the State would
4 move into evidence State's 226 and 227.

5 THE COURT: Any objection?

6 MR. HALES: What ---

7 THE COURT: I think the diagrams.

8 MR. HALES: Oh, yes, sir, the diagram. No objection.

9 THE COURT: 226 and 27 are admitted without objection.

10 [Whereupon, State's Exhibit Numbers 226 and 227 are
11 admitted into evidence by the Court]

12 MS. ELLIOTT: Your Honor, at this time I would publish
13 the exhibits to the jury.

14 THE COURT: You may do so.

15 Q. So Dr. Presnell, let's walk through the injuries. Would
16 you prefer to start with the photographs or the diagram?

17 A. Well, so it might be easier if we showed the diagram and
18 then so we'll go over briefly the three major injuries and the
19 minor ones.

20 Q. Okay.

21 A. And then we can go over the photographs.

22 Q. So showing ---

23 A. All right, so is there a way to enlarge that?

24 [Whereupon, display of document adjusted]

25 A. Yeah. So we don't need to see his knees and below.

1 Q. Okay.

2 [Whereupon, display of document adjusted]

3 A. Okay. So just in general, and then I'll show you on the
4 diagram; Mr. Meyers has three gunshot wounds. He also has a
5 fair number of abrasions or scrapes on the face. He has a
6 couple on the chest and a bruise on the abdomen and a couple
7 on the upper extremities.

8 So those three major injuries are the three gunshot
9 wounds. And I've labeled them. I labeled them by alphabet
10 letter. So when I go through, it doesn't imply the order that
11 the gunshots were received.

12 All right. So the first one we're going to -- and I
13 don't necessarily mean that this is where he was shot first.
14 But he has one to the right -- excuse me, the left armpit
15 area. This gunshot wound is going upward and towards his
16 right to this exit wound right here [indicating]. In that
17 exit wound, that's actually a partial exit wound. The bullet
18 was still embedded there. So that we recovered the bullet
19 from right there. And we'll see this later.

20 This gunshot wound [indicating] is just going through the
21 soft tissues, through his muscle, his chest muscles, and again
22 stopping at the collarbone area.

23 Another gunshot wound is a graze wound and it is across
24 the nose. So this goes right across the nose, like that
25 [indicates], and it just hits the soft tissue of the nose and

1 nothing else potentially fatal.

2 The third gunshot wound is actually to the left side of
3 the head, which we'll see on a side diagram, and the exit is
4 on the right side of the neck. And so that gunshot wound
5 pathway is going to be down this way [drawing]. Oops, I kind
6 of made it a little curved. But it is going from inside the
7 left side of the face to out the right side of the neck.

8 And this gunshot wound [indicating] is going through the
9 jaw. So we've got a fracture of the jaw, through the soft
10 tissues of the neck; but also through the carotid artery,
11 before it exits. And it is the carotid artery that is the
12 fatal injury in this particular case.

13 Q. And I think you've indicated on some. Can you determine
14 some of the directionality based on entrance and exit wounds?

15 A. So when we do direction, it's direction of a bullet
16 through the body. When we do that, the person we're assuming
17 is -- or when we're giving that direction the person is in an
18 anatomic position, which is standing straight up with their
19 palms faced forward. Not everyone stands like this. In
20 particular if you are sitting. And things move. So keep that
21 in mind.

22 Again, the one to the armpit area is from here to here
23 [indicating]. So it's going up and towards his right in this
24 direction [indicating].

25 The one to the nose is coming -- it's a graze, but it

1 comes from his left side to his right side and goes right
2 across the nose.

3 And then this one [indicating] is from the left side of
4 the face down to the right side of the neck. So, again, from
5 his right -- excuse me, from his left to his right and going
6 downward.

7 Q. And, Dr. Presnell, I'd like to draw your attention to
8 something that you referred to earlier. This is State's 227.
9 So this is that side view?

10 A. Right. So this is an entrance gunshot to the side of
11 the -- left side of the face [indicating]. And this is the
12 exit wound to the -- on the right side of the neck.

13 Q. Now I'd like to draw your attention to State's 53.

14 A. So this is Mr. Meyers on -- he's on the autopsy table.
15 And I'm standing at the -- so he's laying down. And I'm
16 standing at the -- so in back of his head. And we can see the
17 gunshot wound to the nose, which is the graze wound going
18 across his nose.

19 Q. Can you determine any form of directionality from that?

20 A. Yes. So the arrow is going through -- it's going --
21 actually going downward a little bit. If his head is directly
22 straight forward and, again, in an anatomic position, it's
23 going downward and to his right. It doesn't mean that his
24 head wasn't in some other position, which would take that
25 trajectory with it.

1 Q. Now I'm going to show you State's 157. Is that the right
2 orientation for you?

3 A. No. This -- it's upside down. If you could turn it
4 around.

5 (WHEREUPON, display adjusted)

6 The tag, this autopsy tag that we put on, will -- it --
7 the top of the tag points to the top of his head. So this
8 [indicating] is the gunshot wound to the armpit area, the left
9 armpit area. Here is his shoulder up here [indicating]. And
10 his head would be up -- right here is the top of the autopsy
11 table [indicating]. So up here [indicating] is where his head
12 would be. So, again, the entrance gunshot wound to the
13 right -- excuse me. Sorry. The left armpit area.

14 Q. So showing you State's 158.

15 A. This is really close up. But of the left collarbone.
16 You can kind of -- sorry. You can kind of see the collarbone
17 right here [indicating]. And this is the -- that partial exit
18 gunshot wound coming from the left armpit area where there was
19 actually still a bullet there when we -- when he first came to
20 autopsy. We've already taken it out. So it didn't fall out
21 during the manipulating him around.

22 Q. I'm showing you State's 155.

23 A. This is a picture of that bullet that we removed from the
24 exit wound at -- which is labeled B on his left collarbone.

25 Q. State's 159?

1 A. Can you -- does it back up at all? Okay.

2 [Whereupon, display adjusted]

3 So this -- you can -- this is the left side of his head
4 [indicating]. You can see his ear. And this [indicating] is
5 the entrance gunshot wound to the left side of his face. So
6 his jaw would be here [indicating], and the top of his head up
7 here [indicating].

8 Q. And then State's 160?

9 A. So the right side of his neck, it's labeled Gunshot Wound
10 D. Here [indicating] is the exit gunshot wound that came from
11 the left side of his face.

12 Q. So -- and I don't know that I am going to use the correct
13 phrase. So C connects to D in this particular case?

14 A. Correct. A connects to B. C connects to D. And then we
15 have the graze wound.

16 Q. And now State's 151.

17 A. This is -- so at the time of autopsy, with gunshot wound
18 victims we will do x-rays to try to pinpoint where a bullet
19 is. In this case we had -- I told you had already taken the
20 bullet out of his left collarbone area because we didn't want
21 to lose it when moving him around. So that doesn't show up on
22 the x-ray. And there's no additional bullets in him.

23 And this is his chest x-ray [indicating]. So there's
24 heart [indicating], and then lungs are on either side. And
25 then you can see the collarbone is right there [indicating].

1 Q. And now looking at State's 150. What are we seeing
2 there?

3 A. So this is an x-ray of his head and neck. His head is
4 kind of looking up a little bit, unfortunately. So this is
5 his right side [indicating], and this is his left side
6 [indicating]. So this is like we're looking directly at him.
7 And we can see a couple of these white spots, these little
8 guys here [indicating]. They're pieces of bullets that have
9 kind of sheared off the bullet. But it's following along the
10 path of the bullet, coming from his left side to exit the
11 right neck.

12 Q. Now, Dr. Presnell, other than the actual bullet holes
13 that we saw, that you indicated A, B, C, and D, were there any
14 other injuries suffered from the shooting?

15 A. The graze wound to the nose.

16 Q. Are you familiar with the term called stippling?

17 A. Yes.

18 Q. What's that?

19 A. Well, if you want -- if you put back up -- I don't know
20 the number of it, but the picture on the left side of the
21 face. So one -- so ---

22 Q. This is ---

23 A. Yeah.

24 Q. --- State's 159?

25 A. Yes. So one of the things that we are doing besides just

1 evaluating what hole hooks up with what hole, that these are
2 gunshot wounds, is to assess the gunshot wound for potential
3 range of fire, meaning how far away is the gun from the person
4 at the time it was fired.

5 So as a forensic pathologist we have three broad
6 categories. One is contact, meaning the gun is right up
7 against the skin. One is close range, meaning the gun is
8 still close. And one is significant. So those three
9 categories.

10 And the way that we tell that is to consider what comes
11 out the end of the gun when it's fired. So not only does the
12 bullet come out, but we also have a poof of black, sooty
13 material. And so when the gun is up against the skin, then we
14 will see soot deposited around an entrance wound.

15 As the gun moves farther away, that soot may or may
16 not -- it's like a -- like a cloud -- you know, may or may not
17 actually reach the skin. But what can reach the skin are
18 little pieces of gunpowder particles. They almost look like
19 little sand particles.

20 So the gunpowder is coming from the bullet -- well, so
21 just backing up. The bullet, when it's fired, when the
22 trigger is pulled, it strikes the bottom of the casing that
23 holds the bullet. Inside that casing is the gunpowder, which
24 goes off and projects -- it propels the bullet down the
25 chamber of the gun.

1 So those little pieces of gunpowder particles can
2 actually come out the end of the gun, as well. If the gun is
3 close enough to the person, those particles can strike the
4 skin and cause little scrapes. So you can't wipe these
5 scrapes off. If the person had lived, then they would heal.

6 And then -- and so if you see these marks -- and these
7 are what we would call stippling. They are little stipple
8 marks. Then we would consider this a close-range gunshot. If
9 you then take the gun even farther away, then the soot doesn't
10 reach, the gunpowder particles don't reach, and you just have
11 a hole. And that's considered a distant-range gunshot wound
12 for us.

13 In this case the gunshot wound to the left side of his
14 face shows stippling. It's relatively sparse, but I'll try to
15 just circle some of these little round spots [indicating by
16 drawing].

17 So all these little punctate scratches are consistent
18 with stippling, indicating that this gunshot wound is a
19 close-range gunshot wound.

20 Q. And when you're saying close range, is there an actual
21 length?

22 A. Well, so the best way to estimate how close the gun would
23 be is to test-fire the suspected weapon with the suspected
24 ammunition, because it can vary depending on the type of
25 gunpowder, et cetera.

1 But if you want to include most all hand -- most all --
2 like ninety-some percent of handguns in the estimate, by the
3 time ninety-plus percent of handguns get out to thirty-six
4 inches away -- well, thirty-six to forty-two, so thirty-six is
5 a yard, so a yard or a little bit more than a yard away, then
6 that soot is not going to reach the skin, nor are any of the
7 gunpowder particles hard enough to scratch the skin.

8 And so anything -- so thirty-six inches would -- is kind
9 of like the maximum that we think of the gun as being away.
10 So with close range for us, it would be within thirty-six
11 inches.

12 Q. Now, when you are thinking about stippling and when
13 stippling can appear can anything interfere with stippling
14 appearing on the skin?

15 A. Well, so if there is something between the skin and the
16 gun that -- of that material, based like perhaps clothing or a
17 door or a window, anything that's between the skin and the gun
18 could -- can prevent the either soot and/or the particles to
19 reach the skin.

20 Q. Now, Mr. Meyers was in a car accident, too. Did you
21 observe any injuries that would have been consistent with
22 injuries from a car accident?

23 A. He had abrasions across his face. He had a couple on his
24 upper extremities, and a bruise and an abrasion on his -- on
25 his torso.

1 Q. When talking about the directionality of bullets, it
2 appears that the one to the left side of the face and that
3 grazed the nose, those tended to be in a downward ---

4 A. Direction.

5 Q. --- direction. Thank you. I knew you didn't want me to
6 use the word trajectory.

7 For Bullet Wound A or B. What are some ways that a
8 bullet could be traveling upwards without -- or appear to be
9 traveling upwards without the gun actually being positioned
10 underneath the person?

11 A. Well, so again, this goes back to the movement of the
12 body. Nobody just stands or sits with their palms facing
13 forward. So if you put the trajec- -- you know, you put the
14 approximate trajectory in right here [indicating], out right
15 here [indicating], and you move the body, then this part --
16 this part where it's coming from is going -- would be pointing
17 to where the gun could be.

18 So if, you know, somebody's has got their hand up like
19 this [indicating] or moving like this [indicating], it just --
20 it depends completely on how the body is positioned.

21 And then the same thing, too, for the face to the neck
22 and across the nose. I mean, if the person is standing or
23 sitting like this [indicating], then, yes, it is in a downward
24 direction. If the person, you know, is somehow changing that,
25 it could actually -- it could be on a slightly different

1 orientation.

2 So anyhow, but back to the axilla, with this trajectory
3 [indicating], certainly moving the hand up would put this out
4 at a more straight-on type of shot.

5 Q. So reaching or leaning could cause that?

6 A. Yes. Any kind of move- -- changing the position of the
7 body.

8 Q. So, Dr. Presnell, after your evaluation of Mr. Meyers'
9 body and the autopsy, what's your expert opinion as to the
10 manner and cause of Mr. Meyers' death?

11 A. He died from the gunshot wound to the face. I -- because
12 of the carotid artery. And I made the other two gunshot
13 wounds contributory. I'm sure I did. Yes. And the manner of
14 death would be homicide.

15 MS. ELLIOTT: Thank you, Dr. Presnell. That's all the
16 questions I have for you.

17 THE COURT: You may cross-examine, Mr. Hales.

18 **CROSS-EXAMINATION BY MR. HALES OF DR. ERIN PRESNELL:**

19 Q. Dr. Presnell, ---

20 A. Yes.

21 Q. --- you testified that the toxicology report came back
22 and Mr. Meyers tested positive for alcohol in his system?

23 A. He did.

24 Q. Was there anything else in his system?

25 A. So there is -- there was a urine drug screen done as

1 well, and those were positive for cocaine/cocaine metabolites.
2 But because it's a urine drug screen they don't do
3 confirmatory testing, so it's not something I would normally
4 advocate as positively being there.

5 I can say though that the blood did not screen positive
6 for cocaine. So at the time of his death he was not under the
7 influence of cocaine. At perhaps in the prior times though,
8 he did have cocaine exposure with processing and that's why it
9 would be in the urine.

10 Q. Now, when Mr. Meyers came to you did you have an
11 opportunity to examine his clothing?

12 A. Yes.

13 Q. What was he wearing?

14 A. He had on a black tee-shirt -- let's see. A black
15 tee-shirt, a black sleeveless tank top, black-and-white-
16 patterned jeans, a black-and-white belt, two black sneakers,
17 two white socks, and two -- excuse me, not two -- one boxer
18 brief underwear.

19 Q. So he had on two tee-shirts, both of which were black?

20 A. Yes.

21 Q. Okay. And just -- and just so I'm clear on this with
22 this path of the bullet through the body, it can be achieved
23 one of two ways: either the position of the firearm that is
24 expelling the projectile, or the actual position of the body,
25 or a combination of both?

1 A. Right. It's both. It would be the position of the body
2 and where the bullet -- the gun's located.

3 Q. Gotcha.

4 MR. HALES: The Court's indulgence one moment.

5 THE COURT: Certainly.

6 MR. NELSON: No further questions, Your Honor.

7 THE COURT: Recross? I mean, excuse me. Redirect?

8 MS. ELLIOTT: None, Your Honor.

9 THE COURT: Okay. Dr. Presnell, you may step down. Do
10 you wish the witness to be excused?

11 MS. ELLIOTT: Yes.

12 THE COURT: Any objection?

13 MR. HALES: No objection.

14 THE COURT: You're also free to leave. Thank you very
15 much.

16 THE WITNESS: Thank you.

17 [Whereupon, the witness exits the witness stand]

18 THE COURT: You may call your next witness, Solicitor.

19 MS. ELLIOTT: Your Honor, at this time the State rests.

20 THE COURT: All right. Ladies and gentlemen, good
21 timing. We -- at this point there are some matters of law
22 that I need to take up out of your presence, so we'll go ahead
23 and take our recess also at this time for lunch.

24 Please remember you're not at liberty to discuss this
25 case among yourselves and certainly not permit anyone to talk

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

3 [Whereupon, Mr. Bright is duly sworn by the clerk of
4 court]

5 THE CLERK OF COURT: Please be seated.

6 [Whereupon, the witness takes the witness stand]

7 THE CLERK OF COURT: And for the record, please state
8 your full name, spelling your last name.

9 THE WITNESS: Leandra Bright. B-R-I-G-H-T.

10 LEANDRA BRIGHT, Having Been First Duly Sworn, was Examined and
11 Testified as Follows:

12 **DIRECT EXAMINATION BY MR. HALES OF LEANDRA BRIGHT:**

13 Q. All right. Mr. Bright, how old are you?

14 A. Thirty-three.

15 Q. Okay. Where were you born?

16 A. North Charleston.

17 Q. Okay.

18 A. Charleston.

19 Q. And where do you live?

20 A. North Charleston.

21 Q. You've lived there your whole life?

22 A. Yes, sir.

23 Q. Okay. Is that pretty much where your family lives?

24 A. Yes, sir.

25 Q. Is that where you went to school?

1 A. Yes, sir.

2 Q. That's your home?

3 A. Yes, sir.

4 Q. Okay. And obviously you're here today. You're on trial.

5 A. Yes, sir.

6 Q. And just to get this out of the way, you do have a slight
7 little criminal record. You've got three convictions for I
8 believe filing false reports?

9 A. Yes, sir.

10 Q. Okay. And those were misdemeanor offenses in North
11 Charleston?

12 A. Yes, sir. From my understanding.

13 Q. So I want to talk about this case and your involvement in
14 it. Did you know Arthur Lee Meyers?

15 A. Yes, sir.

16 Q. How would you characterize your relationship with him?

17 A. We were cool. We had mutual friends.

18 Q. Okay. Did you have each others phone numbers?

19 A. Yes, sir.

20 Q. So you were friendly, would you say?

21 A. Yeah.

22 Q. Not best friends or anything but ---

23 A. Yeah, we were friendly.

24 Q. Now, did you have a chance to see Mr. Meyers on March
25 30th, 2016?

1 A. Yes, sir.

2 Q. Okay. Well, tell me about the first time you saw him

3 that night.

4 A. I was at the Budget Inn bar.

5 Q. Speak up just a little bit.

6 A. I was at the Budget Inn bar.

7 Q. Okay. The Budget Inn bar. Where is that?

8 A. Off of Dain Avenue I think. Fain -- Dain or Fain Drive.

9 Q. Okay. You don't have to ---

10 A. On by Aviation.

11 Q. Okay. Up in North Charleston?

12 A. Yes, sir.

13 Q. Okay. And what were you doing there?

14 A. Shooting pool, drinking a little beer. Probably had a

15 shot or two.

16 Q. Okay. Were you with him?

17 A. No, not at the time. Not promptly when I got there. But

18 I called him there.

19 Q. Oh, you called him there?

20 A. Yes, sir.

21 Q. Okay. And he came?

22 A. Yeah.

23 Q. What did y'all do when y'all got there?

24 A. I was shooting pool. Try -- bought him a beer. You know

25 what I'm saying. He didn't drink it but.

1 Q. He didn't drink it?

2 A. No. He took a shot, but then that's it. He stayed there
3 for like an hour.

4 Q. Okay. And what did you do when you left the Budget bar?

5 A. He gave -- I rode -- me and him rode together. I rode
6 down -- we rode down Rivers and went to a corner store.

7 Q. Okay. So you left the Budget bar with Mr. Meyers?

8 A. Yes, sir.

9 Q. And you went to the corner store?

10 A. Yes, sir.

11 Q. Do you remember exactly what corner store it was?

12 A. It's the corner on -- across from the Value place on
13 Rivers.

14 Q. Okay. All right. Is that nearby?

15 A. It's a little distance up Rivers Avenue ---

16 Q. Okay.

17 A. --- from the Aviation.

18 Q. Sort of the same area then, would you say?

19 A. It's North Charleston.

20 Q. Okay. Now, were there -- were there people at the corner
21 store?

22 A. Yeah. There was multiple people out there. Got a
23 handful of people.

24 Q. What were they doing?

25 A. Congregating.

1 Q. Hanging out?

2 A. Yeah.

3 Q. Okay. So what did y'all do when y'all got to the corner
4 store?

5 A. We were going there to purchase some things. But he was
6 inside. I stayed outside once I bought a little juice and
7 came back outside.

8 Q. Okay. So you went inside, bought a little juice, came
9 back outside. Were you standing outside? Were you in the
10 car? What were you doing?

11 A. I was standing outside up against the building, talking
12 to some guy.

13 Q. So you were just like leaning against the building and
14 talking to some guys?

15 A. Yeah.

16 Q. Okay. And what did you do then?

17 A. Some guys approached and I -- came down the street and
18 approached me.

19 Q. Okay.

20 A. And I had a little business deal. I served them some
21 crack outside that building.

22 Q. Okay. So you said two guys came up, or some guys, or ---

23 A. It's -- it was two of them came up. Guys were already
24 out there, but two -- two guys walked up.

25 Q. Okay. Two guys walked up to you. And you say you did a

1 little business with them?

2 A. Yeah.

3 Q. What's that?

4 A. Served them some crack cocaine.

5 Q. Okay. So you sold them some crack?

6 A. Yeah.

7 Q. Okay. Was Mr. Meyers around then?

8 A. No. He was inside the store.

9 Q. Okay. What did he do when he came out?

10 A. Just walked up. But he walked up in the process of me
11 giving those guys my number.

12 Q. Okay. So he walks up and sees you giving those guys your
13 number?

14 A. Yes, sir.

15 Q. Okay. What was the purpose of you giving those guys your
16 number?

17 A. To keep contact with them for future business.

18 Q. Okay. So you had made sort of a business contact; even
19 though it's illegal narcotics, you made a business contact?

20 A. Yes, sir.

21 Q. Okay. And what did you -- what did Mr. Meyers, if
22 anything, do then?

23 A. Got a little agitated. Because the guys who I was
24 talking to, he had like a personal beef with them.

25 Q. Okay. So he had a beef with those two individuals?

1 A. Yeah.

2 Q. And you're testifying that he was angry with you because
3 you were doing business with them?

4 A. Yeah. He got angry after that.

5 Q. Okay. What happened then?

6 A. I called my ride. I wasn't going to ride with him. We
7 exchanged a couple of words and I wasn't going to ride. I
8 called a ride. I called Gage Frank.

9 Q. Okay. And so then Gage Frank -- what did he do when you
10 talked to him?

11 A. Said he was coming.

12 Q. Okay. Coming to pick you up?

13 A. Yeah.

14 Q. Okay. Where did y'all go?

15 A. On -- in the Liberty Park area.

16 Q. Why did you go up there?

17 A. That's where I hang out at.

18 Q. Okay. So you hang out up there?

19 A. Yeah.

20 Q. Okay. You've got friends up there?

21 A. Yeah.

22 Q. Were you go anywhere in particular?

23 A. Yeah, my -- I've got a friend's house off of Elder,
24 Delbert. Named Delbert.

25 Q. Did you get there?

1 A. No.

2 Q. Why didn't you get there?

3 A. In route to going there, when we turned down James Bell,
4 Little A was on the side of the road like in the field. He
5 held his hand up, like [indicating]. And I told Gage to pull
6 to the side and let me holler at him right quick.

7 Q. Okay. So when you say Little A, just for
8 clarification -- I know that there's been, you know, other
9 people who've testified. Little A is Arthur Lee Meyers;
10 correct?

11 A. Yes, sir.

12 Q. Okay. But you knew him as Little A?

13 A. Yes, sir.

14 Q. And you saw him and he -- describe exactly what he did.

15 A. He just held his hand up like [indicates].

16 Q. And what did you take that to mean?

17 A. Like, what's up.

18 Q. Like, what's up?

19 A. Yeah.

20 Q. Okay. So you say you told Gage Frank to pull up?

21 A. Yes, sir.

22 Q. What did you do then?

23 A. Got out of the car.

24 Q. Okay. Did you approach Mr. Meyers, did you ---

25 A. Yes, sir, ---

1 Q. --- stand there?

2 A. --- walked to the field and approached him.

3 Q. Okay. When you say the field, and I -- you've been in
4 here during the testimony. So you -- I think everybody has a
5 good working understanding of exactly where this all happened.

6 A. Yeah.

7 Q. When you say the field, what exactly are you talking
8 about?

9 A. The field off of James Bell, across from where me and
10 Gage was parked at on -- when we -- when he pulled up.

11 Q. Okay. So there -- is it ---

12 A. At the corner of Elder and James Bell there's a field
13 where the church used to be at.

14 Q. So it's basically an empty lot at this point in time?

15 A. Yes, sir.

16 Q. Okay. How would you describe the lighting over there?

17 A. It's pretty busy. Like it has a little light in that
18 area by the field at the corner of Elder and James Bell.

19 Q. So that part's got a little bit of light?

20 A. Yeah.

21 Q. Okay. So you get out. You approach Mr. Meyers. What do
22 y'all do?

23 A. We conversate about the -- he -- we -- he actually
24 brought up the incident by the store. So I just was breaking
25 down I mean, you know, you can't mix business with personal

1 things because you can't dictate who I'm going to deal with
2 because you have got a personal beef, but I'm not going to get
3 involved in that.

4 Q. Okay. So basically what you're saying is that you don't
5 mix business with pleasure?

6 A. Yeah.

7 Q. Okay. How did he take that?

8 A. At the time, you know what I'm saying, we consulted about
9 it. But he didn't -- we didn't argue about it. We talked.
10 We was just out there talking.

11 Q. Okay. There's been some testimony that you let Mr.
12 Meyers borrow a phone, a lighter, that kind of thing.

13 A. Yeah.

14 Q. Did that happen?

15 A. Yeah. After.

16 Q. After. Okay. So you guys were sitting there talking ---

17 A. Uh-huh.

18 Q. --- just the two of you?

19 A. Yeah.

20 Q. Where is Gage at this point in time?

21 A. Sitting inside of his car, on the opposite side of the
22 street in front of the driveway.

23 Q. Okay. In front of the driveway. Who's driveway is that?

24 A. As now testimony it's Yolanda Wilder's parents' house.

25 Q. Okay. Did you see Yolanda Wilder?

1 A. No.

2 Q. Okay. What did you do then? You're out there talking to
3 Mr. Meyers. Did you leave then? What happened?

4 A. No, we were out there talking; and he actually had to
5 move first for her to get in. I guess we find that out now.
6 He had to move for her to get in. So when I flagged him
7 around to the field, Little A to get a lighter.

8 Q. Okay. So just to back up. Who had to move?

9 A. Gage had to move.

10 Q. Okay. Because why?

11 A. Because someone had to get inside the driveway.

12 Q. Okay. So he had to move his car. And when he pulled his
13 car down, you say you did what?

14 A. I told him to swing around to the field so we could get a
15 lighter from him.

16 Q. Okay. All right. So that's when you borrowed the
17 lighter from him?

18 A. Yeah.

19 Q. Okay. Do you smoke?

20 A. Yeah.

21 Q. Okay. Does Arthur -- did Arthur smoke?

22 A. Yeah.

23 Q. Okay. And so you borrowed a lighter from Gage?

24 A. Uh-huh.

25 Q. What happened then?

1 A. Then he -- Arthur -- Little A gave Gage a cigarette. And
2 we basically continued to talk. Gage backed back up to Elder
3 and James Bell at the stop sign and was just parked right
4 there while we was talking.

5 Q. Okay. Gage still in the car?

6 A. Yeah.

7 Q. Okay. Windows up?

8 A. Yeah.

9 Q. Okay. So you're still continuing to talk with Arthur?

10 A. Yeah.

11 Q. How would you characterize that? Was it heated? Was it
12 -- were you getting along okay?

13 A. No, it was a cordial conversation at that time.

14 Q. At that time?

15 A. Yeah.

16 Q. Okay. So tell me what happened after that.

17 A. We started -- we like walked towards like Taylor area.
18 His car was parked like in the middle of Elder, going towards
19 Taylor, on the side of the road.

20 Q. Okay.

21 A. He walked going towards Taylor.

22 Q. So if I understand, you and Arthur are hanging out and
23 talking but y'all are not nearby his car at that point in
24 time?

25 A. No.

1 Q. Okay. So you then walk back over to his car?

2 A. No, we walked down the sidewalk going towards Taylor.

3 His car was in route to -- the direction we were walking.

4 Q. Okay. So you're walking towards his car?

5 A. Yeah.

6 Q. Okay. Did you get to his car?

7 A. No, we walked past the car to go like towards the stop
8 sign from at Elder and Taylor.

9 Q. What are y'all doing?

10 A. Talking.

11 Q. Just talking?

12 A. Yeah.

13 Q. Okay. What happens after that?

14 A. By the time we get to the stop sign, two guys had walked
15 out. A guy in a gray hoody and one in a black shirt.

16 Q. Did you know them?

17 A. No. One was a smoker and one was a potential smoker.

18 Q. How did you know that?

19 A. Because I know one -- I know the smoker's face. But the
20 other guy, I didn't know him.

21 Q. Okay. So I guess I should have rephrased that. You had
22 seen them before?

23 A. Yeah, I seen them before.

24 Q. But you did not know them by name?

25 A. Yeah, not personally.

1 Q. Okay. And what did you do then?

2 A. We was just talked. The guys came out really actually to
3 get something from Little A, some -- purchase something from
4 him.

5 Q. What did they -- what did they come to purchase?

6 A. They come to purchase crack.

7 Q. Okay. What happened?

8 A. He had to go. He was patting himself down like looking,
9 but he couldn't find it. Checking his boxers. He -- patting
10 himself down. So he had to go to his vehicle. He went to his
11 truck, got inside his truck. And he's -- that's when he swung
12 his truck around to Taylor on the side of the road.

13 Q. So he went back to his car and brought his car?

14 A. Yeah.

15 Q. Okay. Where did he park?

16 A. On the side of Taylor facing towards Rivers Avenue in
17 front of like the Candy lady house.

18 Q. Okay. So this is a different place than y'all were
19 initially when you said y'all were in the beef?

20 A. Yeah.

21 Q. This is a different part of the neighborhood?

22 A. Yeah.

23 Q. How would you characterize the lighting over there?

24 A. At the stop sign of Elder and Taylor is decent lighting.

25 But like in the area on the side of the road that's like under

1 the trees, there's no streetlights right there.

2 Q. And where were y'all?

3 A. We are at the -- I'm at the stop sign, but he just pulled
4 his car over to the side. And me and the two guys are still
5 standing right there at the stop sign.

6 Q. So he is underneath -- his car is underneath the tree
7 where it's shaded?

8 A. Not at this point. He is just on the side of the
9 road, ---

10 Q. Okay.

11 A. --- like going toward that direction.

12 Q. Okay. So those two guys, what -- how -- what did they
13 do?

14 A. Nothing. Actually, they got what they was trying to get
15 from me; because they would -- they didn't want to wait. And
16 they were like, you got something, man. And I was like, yeah.
17 And like, well, just -- get this and we have got to go.

18 Q. Okay. So let me clarify that. They came to purchase
19 crack cocaine?

20 A. Yeah.

21 Q. They tried to buy it from Little A?

22 A. Yeah.

23 Q. He didn't have it on him?

24 A. Yeah.

25 Q. He goes back to his car?

1 A. Pulled the car around.

2 Q. And at that point in time, you see an opportunity?

3 A. Yeah.

4 Q. What did you do?

5 A. I served them.

6 Q. When you say you served them, what does that mean?

7 A. I sold them some crack.

8 Q. You sold them some crack?

9 A. Yeah.

10 Q. Okay. So then what happens then?

11 A. Nothing more. He came walking from his car, but they
12 were in route. They were like about to walk off. He was
13 flagging them, like where y'all going, you know.

14 Q. Okay. So at that point in time he had parked under the
15 tree?

16 A. No.

17 Q. Okay. Where was the car then?

18 A. In the same spot.

19 Q. Okay. Where was that?

20 A. On the side of the road where he first initially parked
21 at when he got on Taylor.

22 Q. Okay. So what did you do then?

23 A. Nothing. I was just standing there. He got into a
24 confrontation with them about buying the crack from me and not
25 from him.

1 Q. Was he getting angry?

2 A. Yeah.

3 Q. Okay. What did those two individuals do?

4 A. They contested him. They went back and forth with him.

5 But they eventually left after like five or ten minutes of
6 going back and forth with him about first come, first served.

7 Q. What if anything did Little A say to you?

8 A. Basically getting into basically I am short-stopping, I'm
9 in the way. And I said I ain't really from around here,
10 you're doing too much.

11 Q. Okay. You say you were short-stopping. What does that
12 mean?

13 A. Cutting in on his money. Like money he could have made,
14 I made it. So that's me being in the way.

15 Q. So you're talking money out of his pocket?

16 A. Yes, sir.

17 Q. Okay. He probably wasn't too happy about that?

18 A. No.

19 Q. And what did he do then?

20 A. Nothing. The guys walked off, and we walked back over on
21 Taylor to the side where his car was at.

22 Q. Okay.

23 A. I flagged Gage down at the time when the guys were about
24 to walk off.

25 Q. You flagged Gage down. What did Gage do?

1 A. He came up to the stop sign, pulled over on Taylor
2 too, ---

3 Q. Where ---

4 A. --- in front of Little Gage -- I mean, Little A's car.

5 Q. Okay. So at that point in time, what are you doing with
6 Little A?

7 A. We are out there talking. We are at the store at the
8 corner in the process of with the dudes when I flagged him
9 down.

10 Q. Okay. Then what happened?

11 A. And as my guys walked off and Gage parked in front of
12 Little A's car and we came on the side of the road where the
13 cars were parked at.

14 Q. Okay. How long -- how long did you talk with Little A?

15 A. I'd say like twenty, twenty-five minutes.

16 Q. Okay. How would you describe that conversation?

17 A. It was a little back-and-forth talking over each other
18 about the situation, what just happened at the stop sign with
19 the two dudes about the crack at first.

20 Q. Getting a little loud?

21 A. Yeah.

22 Q. Getting a little angry?

23 A. Yeah.

24 Q. And what happened after that?

25 A. Man, we just went -- it basically was a back-and-forth,

1 talking over each other for like twenty, twenty-five minutes.
2 But then the incident with the -- at the store, the corner
3 store, with the beef, the guys he had a beef with came back
4 up.

5 Q. So he brought back up the beef you had with him at the
6 corner store about the two guys?

7 A. Yeah.

8 Q. What happened then?

9 A. He was basically just explaining so much as you -- you
10 are subject to the same consequences as somebody I have got a
11 beef with if you are dealing with them.

12 Q. I'm sorry, what was that?

13 A. You are basically subject to the same consequences as
14 somebody I'm beefing with if you are dealing with them and
15 you -- and you deal with me.

16 Q. Gotcha. Okay. So basically he was saying if he had a
17 problem with those guys, you should have a problem with them
18 too?

19 A. In so many words. Basically, he was saying since he has
20 a problem with them, if I'm cool with them he has a problem
21 with me.

22 Q. Okay. All right. So what happened then?

23 A. Man, we just went back and forth. But then I tried to
24 let him know you can't dictate who I deal with on a personal
25 level and put it personal -- I mean, on a business level and

1 put it personal.

2 Q. Okay. Tell me what happened next after that. You guys
3 were going back and forth, ---

4 A. Yeah, back and forth.

5 Q. --- it's getting heated, it's getting a little loud?

6 A. I'm really trying to give him an understanding of what
7 he -- where he is in the wrong at; you know what I'm saying?
8 But he's so -- even wilder -- even in lower -- even height,
9 you know. But I didn't take offense to it at the time.

10 Q. Okay. What was the next thing that happened?

11 A. We just kept going back and forth. And I told him like,
12 you ain't understanding where I'm coming from. At that point,
13 he told me there ain't no understanding.

14 Q. Ain't no understanding?

15 A. He ain't talking no fucking more.

16 Q. Okay. What did he do then?

17 A. He said, I'm going to show you.

18 Q. Okay. What did you do?

19 A. I stood there. He walked off at that point. That's when
20 the -- that's when he walked off.

21 Q. Where did he go?

22 A. Walking towards his car.

23 Q. Okay. And his car is in front of Gage's car; right, Gage
24 is behind him?

25 A. Yeah, he had done moved in front of Gage.

1 Q. Okay, but his car's in front; Gage is back ---

2 A. Gage is in the back.

3 Q. Okay. He's walking to his car. Where do you walk to?

4 A. I started like in the back of his car. And I never
5 move -- I look. I hesitated, like to rather I should walk to
6 Gage's car or just see what the hell he is going -- where
7 he -- got to show about what he's going to get.

8 Q. Now, how close are the cars at this point in time?

9 A. The cars are like two car distance. They a little
10 distance apart.

11 Q. Like this [indicating]?

12 A. I would say further back.

13 Q. Okay.

14 A. They were like two or three car length distance.

15 Q. Two or three car lengths?

16 A. Yeah.

17 Q. Okay. And so you're at the rear of Little A's car?

18 A. Yeah.

19 Q. Okay. He's walking to basically the front of his car?

20 A. Yeah, he walked to the driver door.

21 Q. Driver door?

22 A. Yes, sir.

23 Q. What do you do?

24 A. I hesitate for a second. I look over at him. Then I
25 followed him to the car.

1 Q. Okay. Why did you follow him to the car?

2 A. To see what he was going to grab.

3 Q. Okay. When you got to the car what did you see?

4 A. He go -- he got inside the car and closed the door, but
5 it wasn't closed shut. I walk ---

6 Q. So I mean when you -- I was going to stop you there.

7 When you say he closed the door but it wasn't closed shut,
8 what do you mean?

9 A. The door was actually still open. Because you could have
10 pushed it and then it open.

11 Q. So ---

12 A. It wasn't closed shut.

13 Q. Sort of pushed shut but not latched?

14 A. Yeah.

15 Q. Okay. What did you see?

16 A. I looked in the window. And in the process of asking him
17 what he was going to show me, I saw him grabbing a weapon on
18 between the driver's seat and the armrest.

19 Q. Okay. Between the driver's seat and the armrest. So
20 he's sitting ---

21 A. He's is sitting ---

22 Q. --- in the driver's ---

23 A. He's sitting in his car -- he -- like this [indicating].

24 Q. So he bends over?

25 A. Yes, sir.

1 Q. Between the seat ---

2 A. Yes, sir.

3 Q. --- and the console to grab something?

4 A. Yes, sir. Between the seat like on the side -- under --
5 it could be under -- under the seat. But it was on the --
6 between the armrest and ---

7 Q. But he bending over?

8 A. Yeah.

9 Q. What did you see?

10 A. I seen a revolver gun. I didn't know what it was, a -- I
11 know now it's a .38. But I didn't know what kind of gun. I
12 saw the revolver.

13 Q. You saw the gun?

14 A. Yeah.

15 Q. How do you feel?

16 A. I get nervous.

17 Q. Scared?

18 A. Yeah.

19 Q. What did you do?

20 A. I grab it. I reach in and grab it.

21 Q. Grab what?

22 A. Grab his -- the gun.

23 Q. The gun, or his arm?

24 A. His hand and the gun.

25 Q. So basically if he's holding the gun, you grab his --

1 like just ---

2 A. Yeah, I grab it. Yeah.

3 Q. What did you do?

4 A. Grab it and hold it. Try to -- I really tried to take it
5 out of his hand.

6 Q. Okay. So you're reaching in?

7 A. Yes, sir.

8 Q. You grab it?

9 A. Yeah.

10 Q. What else do you do?

11 A. I reach in and grab. And when he yanks back and pushes
12 for the door to get out, that's when I draw my weapon and I
13 shot and ran off. The car door hit my arm and I ran off.

14 Q. How many times did you shoot?

15 A. A few times, just backing up. Like backed. But I
16 reached in. When I yanked back I shot. And the car door hit
17 my arm and I had ran off.

18 Q. Were you shooting while you were running?

19 A. No, I shot in the process of get -- in -- in route to
20 running. Backing out of the vehicle. Once I -- once he
21 yanked back and drew back with the weapon and pushed the door
22 coming towards me, I drew and I shot a few times when I ran
23 off.

24 Q. Did you know him to carry a gun at any point in time?

25 A. Yes.

1 Q. Had you seen him with a gun earlier that night, though?

2 A. No.

3 Q. Okay. So that was the first time you saw a firearm?

4 A. Yeah.

5 Q. Okay. So, now, you've shot and you're running away.

6 What happens?

7 A. He's shooting around. I'm ducking my head. I can hear
8 him shooting at me. And I run -- turned, get behind the car.
9 And I turn off behind just because just to get behind the
10 vehicle. And that's when I slipped and fell to the ground.

11 Q. So you slipped and fell to the ground?

12 A. Yes, sir.

13 Q. Did you hurt yourself?

14 A. Yeah. I scraped my arm up and everything.

15 Q. Okay. What did you do?

16 A. Got right up. Tried to get up like instantly and
17 continue to run to Gage's car.

18 Q. Did you -- did you make it to Gage's car?

19 A. Yeah.

20 Q. Okay. You got in Gage's car?

21 A. Yeah.

22 Q. What did you do when you got in Gage's car?

23 A. I just got in the car and tell him like he tried to shoot
24 me. He's like, are you shot? I'm like, no. Are you all
25 right? I'm like, yeah. I'm like man, just go, go ahead and

1 get out of here.

2 Q. So y'all left?

3 A. Yes, sir. He was in the process of backing up trying to
4 go towards Mall Drive. Where I told him go out that way, just
5 go toward Rivers.

6 Q. Go out that way? You mean y'all were facing Rivers
7 Avenue?

8 A. Yeah.

9 Q. And you said just go?

10 A. No, he backed up to go towards Mall Drive towards the
11 back way and that would probably take you to Mall Drive. I
12 told him don't turn around, go that way, the same way he went
13 out.

14 Q. You were ready to get out of there?

15 A. Yeah.

16 Q. Okay. Did you guys talk about anything?

17 A. Not at that point. We just -- when we got to Rivers, we
18 headed straight out Rivers. I told him, this shit hot, we've
19 got to get the hell out of here.

20 Q. When you say it's hot, you mean that ---

21 A. Like the area. Basically, gunshots are fired, the police
22 are going to be coming.

23 Q. So y'all get out of there?

24 A. Yeah. We were headed straight up Rivers.

25 Q. Where do y'all go?

1 A. In Gage's neighborhood. It's Pinecrest.

2 Q. You get out of the car?

3 A. Yeah.

4 Q. Where do you -- where do you go when you get out of the
5 car?

6 A. We parked like in the apartment building where Yolanda
7 Wilder lives. And Akeel is her neighbor, like straight
8 across. We parked right there in front of their door. I got
9 out of the car. When I got out of the car walking toward
10 Akeel's door, Yolanda came walking out of her house door.

11 Q. Did she say anything?

12 A. Yeah.

13 Q. What did she say?

14 A. She was like, I just get a call, I hear Little A get
15 shot, I about to go around there and see what's going on.

16 Q. Did you say anything?

17 A. No. She turned around and walked back in the house. And
18 I didn't say nothing to her.

19 Q. Did you go in Akeel's house?

20 A. I went to knock on the door. When he opened the door I
21 just handed my sweatshirt I had with the gun wrapped inside.

22 Q. Okay. So you handed him your sweatshirt and the gun that
23 was wrapped inside?

24 A. Yeah. You know, I didn't tell him what had happened.

25 Just -- he knocked on the door. He opened it up. And like,

1 hey, you know, what to do with that. Just keep it.

2 Q. Okay. So you've been in here during the trial. You've
3 seen this red sweatshirt that's been entered into evidence.
4 Is that the sweatshirt you were wearing that night?

5 A. No, sir.

6 Q. What happened to that sweatshirt you were wearing that
7 night?

8 A. I left it with Akeel, with the weapon.

9 Q. Okay. What did you do at that point in time?

10 A. Walked back to the car. And Gage was about to get out of
11 the car. I'm like, just take me home, take me to Summerville.

12 Q. When you say take me home, what does that mean?

13 A. That's up in Summerville.

14 Q. Okay. Is that what he did?

15 A. Yeah.

16 Q. So you spent the night in Summerville?

17 A. Yeah.

18 Q. What did you do the next day?

19 A. Got my baby mother to drop me off that -- early that
20 morning. Like 7:30, eight o'clock, for work.

21 Q. Where did she drop you off?

22 A. At Gage's -- Gage's house.

23 Q. So you went to work?

24 A. Yeah.

25 Q. Did you do anything else that morning?

- 1 A. No, I -- after I got to Gage house, I -- I was there for
2 like ten minutes on -- fully heard Yolanda's boyfriend came
3 over wanting a ride from Gage to go to ticket court.
- 4 Q. Ticket court? Where is that?
- 5 A. Off of Mall Drive.
- 6 Q. Is that North Charleston ---
- 7 A. That's North Charleston.
- 8 Q. --- Municipal Court?
- 9 A. Yeah.
- 10 Q. Okay. Did you ride with them?
- 11 A. Yeah.
- 12 Q. Okay. Did you go anywhere else?
- 13 A. Yes.
- 14 Q. Where did you go?
- 15 A. To Wal-Mart to get me a cell phone chip.
- 16 Q. Just the chip?
- 17 A. Yeah.
- 18 Q. Why did you just need a chip?
- 19 A. I had an old phone like sitting at Gage's house, an
20 I-Phone that I could have put the chip in. And I had lost --
21 I -- lost my phone last night with that incident.
- 22 Q. Okay. So you had lost your phone when all that other
23 stuff went down?
- 24 A. Yeah, after we dropped -- actually dropped.
- 25 Q. Okay. So you get the phone chip. You put it in -- you

1 activate your phone?

2 A. Yeah, through Gage's phone. Once we had got back to his
3 residence I opened the case and everything.

4 Q. What did you do that evening?

5 A. I went to work after that. After I left from getting
6 the chip and activating the phone, I went to Akeel's house
7 and carpooled with them to work. He drop his roommate off to
8 work in West Ashley, Chic-fil-A, and he dropped me off at
9 Bosco.

10 Q. Were you nervous?

11 A. Sir?

12 Q. Were you nervous?

13 A. Yeah.

14 Q. About what had happened?

15 A. Yeah. I went to work, though.

16 Q. And what did you do that evening?

17 A. I stayed at work. Once I got out of work, my kid's
18 mother came and picked me up like 3:00 or four o'clock. I
19 went straight up the road. I had to -- I had to call because
20 Gage was supposed to be in at work. He didn't come to work;
21 so I called him, and he didn't answer. I called Akeel and he
22 told me like the cops was at Gage's house. But I was already
23 in route and going for Summerville.

24 Q. Okay. Now, at this point in time had you and Gage talked
25 at all?

1 A. No, not yet.

2 Q. Okay. What did you do after that? You go back up to
3 Summerville after work. Did you ---

4 A. Yeah.

5 Q. --- stay there all night?

6 A. Yeah, I stayed up there.

7 Q. Okay. The next day. Tell us about the next day.

8 A. The next day I came -- I didn't work the next day. I
9 just came out -- come down the road. There was a few riding
10 around. I got with Gage's brother Berry, and he rode me
11 around a few places. I went and grabbed some weed, talked
12 to -- then I talked to Gage and Akeel that day, too.

13 Q. What did y'all talk about?

14 A. He just told me he was in questioning and they had him in
15 there for a few hours asking him the same questions over and
16 over.

17 Q. Did y'all sort of corrob- -- did y'all sort of get
18 together and sort of get your stories?

19 A. Yeah, we did. We mentioned something. I guided them
20 telling him like shit, those guys, the two junky -- I am going
21 to just tell them mother fuckers two guys in the hoodie and
22 the black shirt I was scared they might shoot me too. I feel.

23 And that's the most of the conversation we had just
24 saying about the shit in the field and the two guys, linking
25 them; but pretty much putting them there. But I didn't want

1 to, you know ---

2 Q. So basically, if I understand, you told exactly what
3 happened; the only difference was instead of you saying you
4 shot Little A, you said the two junkies did it?

5 A. Yeah.

6 Q. Okay. Did you get arrested that night?

7 A. Later that night, after I -- like at my other coworker's
8 house up in Summerville.

9 Q. Okay. What happened when you got arrested?

10 A. Nothing. I went in for questioning.

11 Q. Okay. What did you tell them?

12 A. The type of shit, just -- excuse me. All type of stuff.

13 Q. Like specifically what did you tell them?

14 A. I just got in there and let them know like the two guys,
15 when we pulled up there was two guys on the scene and I tried
16 to get in the middle of Little A arguing with somebody and I
17 was out there defusing the situation and everything.

18 Just a bunch of lies. Really trying to keep myself out
19 of the situation, not put myself in the situation. Just
20 saying I was out there, I got to the car, I came to the car
21 and the guy pulled out a gun or he pulled out something and I
22 just break away from the car and everything.

23 Q. So you lied to them?

24 A. Yes, sir.

25 Q. Why did you lie to them?

1 A. I didn't want to admit to having to shoot my friend, you
2 know, somebody I used to know.

3 Q. I understand.

4 MR. HALES: May I approach, Your Honor?

5 THE COURT: Yes, sir.

6 Q. I am showing you what's been marked as State's Exhibit
7 179. Do you recognize that?

8 A. Yes, sir.

9 Q. What is that?

10 A. A .9mm.

11 Q. Have you seen that firearm before?

12 A. Yes, sir.

13 Q. Where have you seen that firearm before?

14 A. I've had that gun before.

15 Q. Did you have that gun that night?

16 A. Yes, sir.

17 Q. Did you use that gun that night?

18 A. Yes, sir.

19 Q. Did you use that gun in self-defense that night?

20 A. Yes, sir.

21 Q. I'm going to show you what's been previously marked as
22 State's Exhibit 196. Do you recognize that?

23 A. Yes, sir.

24 Q. What is that?

25 A. A revolver .30 weapon.

1 Q. Have you ever seen that before?

2 A. Yes, sir.

3 Q. When did you see that?

4 A. That's the gun Little A had.

5 Q. That was the gun he was pulling up from between his
6 seat ---

7 A. Yes, sir.

8 Q. --- and his console?

9 A. Yes, sir.

10 Q. That was the gun you thought was going to shoot you,
11 didn't you?

12 A. Yes, sir.

13 MR. HALES: The Court's indulgence one moment.

14 THE COURT: Certainly.

15 Q. I want to ask you just a few more questions. Tell me
16 exactly how it is you felt when you saw that gun.

17 A. I basically was nervous because he ain't never pulled a
18 gun on me before.

19 Q. Scared?

20 A. Yeah, you can say scared.

21 Q. Did you think he was going to use it?

22 A. Yeah, I thought he was going to shoot. That's why I
23 grabbed for it.

24 Q. And you say you've never seen him do anything like that
25 before. You guys have had arguments before?

1 A. Yeah.

2 Q. Ever get physical like that?

3 A. No.

4 Q. Just verbal?

5 A. Yeah. We ain't never had no argument about no major beef
6 like -- I guess that beef he had with those guys was pretty
7 personal so he took it off.

8 Q. And just to be clear, you don't know what that beef was?

9 A. No, I don't know what the beef was.

10 Q. But you had to believe it was something very important?

11 A. Yeah, because he was intense about it.

12 Q. Well, why -- if y'all got that heated and he's going back
13 to his car, why did you follow him back to the car?

14 A. I'm further away from Gage's car than his car, so I would
15 rather go and see what the hell he's going to grab than trying
16 to turn my back on him.

17 MR. HALES: Okay. Court's indulgence one moment.

18 Q. Now, you had testified that that day you went to work
19 after this happened, you rode with Gage and Philly to
20 municipal court?

21 A. Yes, sir.

22 Q. Do you know the police station is right there?

23 A. Yes, sir.

24 Q. Why didn't you go in the police station?

25 A. I didn't want to admit to having -- you know, shoot, I

1 wouldn't want -- I really didn't want no part in it. I was
2 scared, you know. You know, and I didn't want to say nothing
3 about it.

4 Q. You were scared that night and you were scared the next
5 day as well?

6 A. Yeah. Just paranoid. You know, paranoid.

7 Q. And just for clarification, you were friendly with Mr.
8 Meyers before all this happened?

9 A. Yeah. We had some cool times. But we had some off times
10 too.

11 MR. HALES: Please answer any questions the solicitor may
12 have.

13 THE COURT: You may cross-examine.

14 MR. OSBORNE: How are you, Mr. Bright?

15 THE WITNESS: How you doing?

16 MR. OSBORNE: I'm doing pretty good. How about yourself?

17 THE WITNESS: Fine, sir.

18 **CROSS-EXAMINATION BY MR. OSBORNE OF LEANDRA BRIGHT:**

19 Q. I want to ask you a couple more questions about your
20 background with Mr. Meyers. You've known him -- and I'm going
21 to ask you some questions now based on what you told the
22 detectives. Okay? So if anything I say in here is wrong, you
23 correct me. Okay?

24 A. That's cool.

25 Q. Because this is quite a different story than what you

1 told that man right there [indicating], isn't it?

2 A. I understand.

3 Q. Okay. So you've known Mr. Meyers, the victim in this
4 case, for about ten years prior to killing him; right?

5 A. Yeah.

6 THE COURT: Well, Mr. Bright, if you'd pull closer to the
7 mike so that you can -- so the mike will pick it up.

8 [Whereupon, witness complied]

9 THE COURT: Thank you.

10 Excuse me, Solicitor.

11 Q. And you knew him by the nickname of Little A?

12 A. Yes, sir.

13 Q. And I think we all saw that you demonstrated in the video
14 that y'all were tight?

15 A. Yeah, I said that in the video.

16 Q. Is that not true?

17 A. I hadn't seen him in a while. We're off and on.

18 Q. I'm -- the only thing I'm going to ask you to do is if I
19 say something that's not true, correct me. Because I'm
20 getting a little confused. Okay?

21 A. All right.

22 Q. And I think you described him to detectives as saying:
23 You know, you and Little A were cool but there ain't no love
24 on the streets is there.

25 A. Yes, I said that in the video.

1 Q. And that's true; right?

2 A. Yeah, that's true.

3 Q. And prior to this murder you would hang out -- you hung
4 out with him before and y'all had drank before; right?

5 A. Yeah.

6 Q. Now, I know, you know, you were talking pretty fast and
7 you were talking pretty loud during the interview so it was
8 kind of hard to hear some of it. But is it fair to say that
9 the bulk of what you were trying to relay to the detectives is
10 that Little A on the night that you killed him was out of
11 control drunk and wild?

12 A. Yeah, he was wild in that.

13 Q. He was wild?

14 A. Yes.

15 Q. Drunk, out of control, that's what you told Detective
16 Bailey ---

17 A. Yes.

18 Q. --- for a long time? And we only played a clip of that,
19 or two; right?

20 A. Yes.

21 Q. And in trying to convince him that Little A brought this
22 on himself, you said things like: When he gets drunk and high
23 he doesn't know how to carry himself.

24 A. Yeah.

25 Q. Right?

1 A. Yes.

2 Q. But you said that you're the bigger man, that you know
3 how to leave?

4 A. Yes.

5 Q. But sometimes you have to handle him; right? That's what
6 you told Detective Bailey; ---

7 A. Yes.

8 Q. --- isn't that right? Sometimes you have to straighten
9 him out and sit his ass down; right?

10 A. Yes. Can I explain?

11 THE COURT: Yes, sir.

12 Q. Is that what you said?

13 THE COURT: You can explain your answer, if necessary ---

14 A. All right. Straighten him out meaning like sometimes I
15 can -- I can talk -- pull him to the side and talk to him in
16 certain situations. Not like straighten him out and do, you
17 know, nothing harmful.

18 Q. I understand.

19 A. All right.

20 Q. And I think you even told Detective Bailey that Little A
21 is the type of guy that was really thankful when you did that
22 to him?

23 A. Yes, sir.

24 Q. Thank you for straightening me out, I'm glad you --
25 because you're a big bro to me; right?

1 A. Yeah, he's all right.

2 Q. He's all right? At any time that you had had to
3 straighten him out in the past, or any time that you had had
4 disagreements with him in the past, it never reached a level
5 of gun fighting; is that correct?

6 A. Yes, sir.

7 Q. Okay. Now, I think I heard him correctly. Mr. Hales
8 asked you -- and I might have heard him wrong, but did he say
9 that you told exactly the same story to the police except you
10 left out the part that you killed him?

11 A. Yes, sir.

12 Q. Okay. So you left out that part. All right. Well,
13 let's go through some of this. You do agree now that you did
14 go to Budget Inn that night?

15 A. Yes, sir.

16 Q. Okay. Now, you had told detectives that you were
17 drinking pretty heavily that night. You said that you had a
18 six-pack and that you had a pint of Hennessy, I think, and
19 that you had had another shot while you were at the Budget
20 bar. Is that all correct?

21 A. That's incorrect, sir. I ---

22 Q. Oh, you were lying when you told that to Detective
23 Bailey?

24 A. When I told that to Detective Bailey I was speaking on
25 the day after the day I got arrested.

1 Q. Oh, okay. So when Lieutenant Johnson said, well, there's
2 another lie that you just lied about, she was mistaken?

3 A. Yeah.

4 Q. Okay.

5 A. I was speaking on everything, what happened that day of,
6 in regards to me drinking those two beers at my coworker's
7 house. I was relating to earlier that day I was drinking more
8 than just those two beers.

9 Q. You were drinking pretty heavily after this; is that what
10 you're saying?

11 A. Yeah, you would say that.

12 Q. Okay. All right. So -- and I missed this. Did you say
13 that you happened to run into Little A there, or was it the
14 plan that you two would meet each other there?

15 A. No. I didn't hang out in that area. So I was going in
16 the Liberty Park area off of Elder.

17 Q. I'm still at the Budget bar.

18 A. Oh. Oh, yeah. Well, can you repeat that, please?

19 Q. Yes. Was it the plan for you and Little A to meet at the
20 Budget bar, or did you just happen to run into him there?

21 A. No, it wasn't planned. I was hang -- I didn't hang out
22 there, you know.

23 Q. Okay. And I mean at the Budget bar everything was going
24 fine; right?

25 A. Yeah.

1 Q. You, Little A, and y'all were drinking with two other
2 guys?

3 A. Yeah. I called him -- I was there by myself initially,
4 but I called him and then he came over.

5 Q. Okay. And we saw those phone calls. That's you calling
6 him and asking him to come over?

7 A. Yeah.

8 Q. And y'all started drinking, hanging out, everything was
9 fine at the Budget bar?

10 A. Yes.

11 Q. Okay. And then y'all leave from there to go to the
12 corner store and he drives you there?

13 A. Yes, sir.

14 Q. Okay. So the part where you had told detectives that
15 y'all were bickering because Little A was plastered and drunk
16 and all of that, that wasn't true?

17 A. Sir? Repeat that?

18 Q. I sure can. The part where you told detectives that you
19 and Little A were bickering on the way -- or that night, okay,
20 at the corner store and on the way to the corner store, that
21 y'all were bickering because he was high like he always is and
22 while -- that was not true?

23 A. I never said we was bickering on the way to the corner
24 store.

25 Q. So you never told them that you were bickering with

1 Little A that night?

2 A. Not on the way to the corner store.

3 Q. Okay. Well, how about at the corner store, were y'all
4 bickering there?

5 A. Yes, after he -- he saw me with those dudes he had a beef
6 with.

7 Q. Okay. And that's because you served them?

8 A. Yes, sir.

9 Q. Okay. Well, I mean since you brought it up, do you
10 normally -- I mean, is that kind of what you did; you sold
11 crack on the side?

12 A. Yeah, I sell crack.

13 Q. Okay. Where do you sell?

14 A. Sir?

15 Q. Where did you sell?

16 A. How do you mean? Like that night?

17 Q. Well, I mean, come on, Mr. Bright, everyone knows that
18 when you're selling crack you're selling crack in a certain
19 area. I'm asking what was your area.

20 A. I didn't -- I didn't have a specific area. I was a drug
21 dealer before.

22 Q. You were all over North Charleston, huh?

23 A. You could say that, yeah.

24 Q. Where ever. But you are aware that other people don't
25 look at it like that, do they; they have territories, don't

1 they?

2 A. Yeah.

3 Q. And it's not looked kindly when someone comes into
4 another person's territory and decides to poach there and
5 start selling; right?

6 A. Yes.

7 Q. You knew that?

8 A. Yes, I know that.

9 Q. You know that and knew that?

10 A. Yes.

11 Q. Okay. And that's the kind of stuff that can get you
12 killed; right?

13 A. Yes.

14 Q. Okay. So you're at the corner store and you're serving,
15 right, these two guys?

16 A. Initially we came to the corner store just to go to the
17 store. We went in the store to purchased items.

18 Q. Oh, I understand. And while you are at the corner store
19 you do serve these two guys. How much do you sell them?

20 A. Probably a gram or so.

21 Q. How much -- well, how much did you make of that?

22 A. Probably like a hundred bucks.

23 Q. A hundred bucks? Okay. And you were armed at that time;
24 you had your pistol with you?

25 A. Yes, sir.

- 1 Q. Because selling drugs is dangerous?
- 2 A. Yes, sir.
- 3 Q. So you need protection; is that fair to say?
- 4 A. Yes, sir.
- 5 Q. Especially for a Summerville guy selling in North
- 6 Charleston that can be particularly dangerous; is that fair to
- 7 say?
- 8 A. I'm from North Charleston, sir.
- 9 Q. You didn't live in Summerville at this time?
- 10 A. Yeah, I lived in North Charleston.
- 11 Q. You didn't live in Summer- ---
- 12 A. I lived in Summerville.
- 13 Q. I'm sorry?
- 14 A. I lived in -- I stayed in a residence in Summerville.
- 15 Q. Okay. You were staying with Gage, I think?
- 16 A. No, I was staying with Shaquilla Simmons.
- 17 Q. Chicora Simmons?
- 18 A. Shaquilla Simmons, my kid's mother.
- 19 Q. And where did she live?
- 20 A. In Summerville.
- 21 Q. Okay. You get in the car with Gage and you tell Gage
- 22 that you need to pick up something; correct?
- 23 A. No, I tell Gage just take me to across the track.
- 24 Q. Okay. And you were just going to go hang out?
- 25 A. No, we were going to pick up something.

1 Q. Oh, okay. But you didn't tell that to Gage, but yet you
2 were going to go pick up something. Was it more crack?

3 A. I told him to ride across the track, we were going to
4 pick up something. Yeah, you

5 Q. Well, what were you going to go pick up?

6 A. Probably some weed or something.

7 Q. A weed?

8 A. Yeah.

9 Q. Okay. Not crack?

10 A. No.

11 Q. Okay. All right. And then you are the one who directed
12 Gage how to get into this neighborhood; correct, Liberty Park,
13 Russelldale?

14 A. He took me there before, so he knew how to get there.
15 But I still showed him what street to turn on.

16 Q. Okay. So you directed him what street to turn on and ---

17 A. Yes.

18 Q. --- how to get to Liberty Park and Russelldale; correct?

19 A. Yes.

20 Q. And you knew Little A sold crack?

21 A. Yeah.

22 Q. And you knew that that was Little A's area, that was his
23 neighborhood?

24 A. Yeah.

25 Q. Okay. And so this man that you had just got into a

1 dispute with, you happened to go back through this same
2 neighborhood in which he lives, to get to somebody else;
3 correct?

4 A. Yeah.

5 Q. Okay. And when you do, he does this number to you
6 [indicating]; right?

7 A. Yeah.

8 Q. He puts both his hands out; right?

9 A. Yeah.

10 Q. I mean, this [indicating] is basically a what are you
11 doing; right?

12 A. No.

13 Q. No? Did you take that as a challenge, like why are you
14 in my neighborhood?

15 A. No, sir.

16 Q. Well, what did you take that as?

17 A. Like, what's up, bro. Like ---

18 Q. What's up. Y'all just got into it and now you're going
19 through his neighborhood and he does one of these [indicates]?

20 A. Yeah.

21 Q. And you decide, you know what, pull over, Gage, I'm going
22 to talk to him?

23 A. Yeah.

24 Q. While you're armed?

25 A. Yeah.

1 Q. You don't leave that in the car?

2 A. No.

3 Q. You just got into an argument with him, so you're
4 bringing it with you?

5 A. Yeah.

6 Q. Okay. So all this stuff that -- you know, wish we had
7 known. Had to play all of that. But all this stuff about you
8 saying that you were a peacemaker and all -- all that's not
9 true, that you got out of the car and told, you know, the
10 addicts, ---

11 A. No, that's not true.

12 Q. --- all that's a lie? Okay. But at some point, he did
13 come into possession of your phone?

14 A. Yeah. I let him use the phone.

15 Q. Okay. His battery -- his battery was dead?

16 A. I would assume so.

17 Q. Say it again.

18 A. I would assume so. He wouldn't have used my phone if he
19 could have used his own.

20 Q. Okay. Didn't give it back to you though, did he?

21 A. Yeah.

22 Q. He did give it back to you?

23 A. Yes, sir.

24 Q. Okay. So when you told detectives that the last time you
25 saw the phone was in Little A's hand, that was a lie too?

1 A. Yes, sir.

2 Q. All right. And just to make sure that we're all
3 abundantly clear on this, the two individuals, they completely
4 walked away and that left you and Little A together?

5 A. Yes.

6 Q. And then Little A then left you and then moved his car
7 over to Taylor Street; correct?

8 A. No. Can I correct you?

9 Q. Yeah, please do.

10 A. No, the two individuals was still right there when he
11 parked his car on Taylor Street.

12 Q. Oh, they walked over there too?

13 A. No, we were at the corner at the stop sign. Just posted
14 on the corner.

15 Q. Okay. So they never went over to Taylor where he was
16 parked?

17 A. No.

18 Q. Okay. So, again, he, being Little A, moved his car over
19 to Taylor Street and those two individuals never came over to
20 his car?

21 A. No, they ain't never come to his car.

22 Q. Okay. And then I just want to make sure that Mr. Gage
23 was correct about all of this. And I think you kind of
24 alluded to it too. I'm showing you State's 225. When Little
25 A first parked his car -- okay, I know he moved it.

1 A. Yeah.

2 Q. But when he first parked his car -- why don't you go
3 ahead and mark it. Where did he first park his car?

4 A. Right in this area right here [indicates].

5 Q. Okay. And then you then directed Gage to pull the car
6 around; right?

7 A. Yeah.

8 Q. Okay. And then Gage pulled his car [indicating]; ---

9 A. Yeah. Like up ---

10 Q. --- is that fair?

11 A. Yeah.

12 Q. Right in front of Little A?

13 A. Yeah.

14 Q. And then Little A didn't get out of his car or anything,
15 did he?

16 A. Yeah, he was already out of his car by the time Gage
17 parked. He back -- we back at the corner. We right here
18 [indicates].

19 Q. Little A then moved his car over here [indicating],
20 didn't he?

21 A. Yes, sir.

22 Q. Okay. And where he positioned his car then, there would
23 have been nothing obstructing his way to get out to Rivers;
24 right?

25 A. No, sir.

1 Q. Okay. All right. So let's slow this down a little bit.
2 And let's keep in mind this whole time while you're arguing
3 for twenty or thirty minutes and you've got that pistol on
4 you, where are you carrying that gun?

5 A. On my waistband.

6 Q. On your waistband. Did you tell Little A ---

7 A. No, I didn't.

8 Q. --- you were strapped?

9 A. No, sir.

10 Q. He didn't know you were armed?

11 A. No, sir.

12 Q. Okay. Now, I know I've zoomed in a little bit; so let's
13 go ahead and -- let's put them back. Can you put where Little
14 A's car was?

15 A. Like right up in there [indicates].

16 Q. Okay. And then we said it was about two car lengths. So
17 we are putting -- maybe up in that area somewhere
18 [indicating], Little A's SUV?

19 A. You said where he was first parked, that's right here
20 [indicating] where I ---

21 Q. Second -- I'm sorry. After -- after Little A had
22 leapfrogged Gage's car and got in front, is that X about where
23 Little A's car was?

24 A. Yeah, somewhere up -- like where this tree at
25 [indicating].

1 Q. Okay. Is that pretty good as to where Gage was, or do
2 you want to move it?

3 A. Gage -- yeah, Gage was probably right up in there
4 [indicating].

5 Q. Okay. And so we've already got a lot of testimony. You
6 said two to three; Gage said three to four car lengths
7 separating the two.

8 A. It was a little distance.

9 Q. Okay.

10 A. A couple of cars.

11 Q. Now, when you are having -- and so now we've already
12 had -- the second drug transaction has already occurred,
13 right; and that was at the stop sign?

14 A. Yeah. Right here [indicates].

15 Q. Okay. So let's talk about that for a second. The
16 initial disagreement between you and Little A involved you
17 selling crack to two people; correct?

18 A. Yes.

19 Q. Then you, while armed with a pistol, went into Little A's
20 neighborhood where he had already been posted up and then sold
21 more crack to people who were trying to buy from him; is that
22 correct?

23 A. Yes, sir.

24 Q. While armed with a gun; correct?

25 A. Yes.

1 Q. And he wasn't happy about that, was he?

2 A. No.

3 Q. And it's not -- and he didn't just run to the car and get
4 the gun, did he; I mean y'all talked about it for a while;
5 right?

6 A. Yes.

7 Q. And you said it seemed like it was about twenty or thirty
8 minutes; correct?

9 A. Yes. Twenty or twenty-five minutes.

10 Q. And while y'all were having that conversation, Little A
11 is not armed; you are, ---

12 A. Yes.

13 Q. --- right? So, I mean, it is fair to say - am I wrong -
14 at any point you could have simply just walked back and got
15 into Gage's car and left?

16 A. Yes.

17 Q. But you chose not to?

18 A. We were still talking. It never -- it didn't get
19 to feud -- well, we were still back -- just talking over each
20 other.

21 Q. Talking over each other. And so I'm going to ask the
22 question again. While y'all were talking over each other and
23 you are armed with a pistol, there is nothing stopping you
24 from walking back and getting into Gage's car and leaving;
25 correct?

1 A. Correct.

2 Q. Okay. But you chose not to?

3 A. Correct.

4 Q. And you continued talking to him until the conversation
5 got more heated and more heated; correct?

6 A. Correct.

7 Q. And then Little A then goes towards his car; right?

8 A. Right.

9 Q. Now, at that moment I understand you didn't want to turn
10 your back on him; but you had no reason to believe that -- he
11 didn't -- he didn't say, hey, look, I am going to go get my
12 gun; he didn't say that, did he?

13 A. No, he said he was going to show me.

14 Q. He was going to show you. Okay. But he never said I am
15 going to go get my gun, did he?

16 A. No.

17 Q. Okay. So at that point you still could have got into
18 your car and then left?

19 A. Yes.

20 Q. And you chose not to?

21 A. I didn't want to turn my back. I didn't move at all.

22 Q. I understand that you didn't want to, but you still could
23 have?

24 A. Yeah, could have.

25 Q. And you chose not to?

1 A. Correct.

2 Q. Okay. At that moment when Little A went toward his car
3 and he's walking towards his car, there was no way that Little
4 A could -- was -- in any way could he approach you while he
5 was walking toward the car; correct?

6 A. Correct.

7 Q. And you followed him; you went to him, correct?

8 A. Correct.

9 Q. While armed with a gun; correct?

10 A. Correct.

11 Q. Little A could have been -- could have said I am going to
12 show you, and that could have meant I am going to get in my
13 car and I am going to leave; correct?

14 A. Correct.

15 Q. But when Little A got to his car, he saw you had followed
16 him to the car; didn't he?

17 A. Correct.

18 Q. And then he reached for his gun; didn't he?

19 A. Correct.

20 Q. While you were armed; correct?

21 A. Correct.

22 Q. Well, let's walk through that. So you're armed, and you
23 claim that Little A reached for his gun and then turned back
24 at you; correct?

25 A. Incorrect.

1 Q. Okay. Tell me. Correct me.

2 A. I walk up to the car and ask him what he was going to
3 show me. He reached down in the car with his right hand
4 between the driver's seat and the armrest.

5 Q. Okay. And then what happened?

6 A. And then I reach in the car and I grabbed the gun.

7 Q. You reached in the car and grabbed the gun. All right.
8 Well, tell me how you did that. So he's reaching in and he's
9 trying to pull a gun out between the driver's seat and the
10 middle console; correct? Correct?

11 A. He pulled it.

12 Q. He pulled it. So did he pull it and then he pointed it
13 at you?

14 A. He wasn't able to point it at me because I grabbed it.

15 Q. Okay. When did you grab it? You held it out here so he
16 couldn't ---

17 A. I grabbed it ---

18 Q. --- couldn't shoot it?

19 A. I held it down, but it was -- our hands were between the
20 driver's seat and the armrest. I held it.

21 Q. Okay. So with your left hand -- let's talk about this.
22 So with your left hand, you were able to grab that gun that
23 was about to be pointed at you and then with your right hand
24 you pulled out your gun and started wasting him; right?

25 A. No, sir.

1 Q. All right. Well, tell us what happened.

2 A. I grabbed the gun with my left hand, and he yanked back.
3 When he drew back he pushed the door to open the car door; and
4 then I drew, and I shot. And -- the car door hit my arm; and,
5 well, as I was run- -- I ran off.

6 Q. Over -- you shot over and over and over again?

7 A. I shot a few times.

8 Q. A few times?

9 A. Yes, sir.

10 Q. You were close?

11 A. Yes, sir.

12 Q. You were in that doorjamb?

13 A. No, I wasn't in the -- I was out the window.

14 Q. Oh ---

15 A. The door -- the door was -- he could have opened the door
16 because the door was never closed. So when he pushed the door
17 open and drew back with the pistol, I draw. Once he drew
18 back, I draw and I shot a few times and I ran off.

19 Q. You brought the gun to him and you beat him to the draw;
20 fair to say?

21 A. Yes, sir.

22 Q. You do know him [indicating]?

23 A. Yes, sir.

24 Q. Derrick Givens. And you know Keel?

25 A. Yes, sir.

1 Q. Okay. So were you with Keel when Derrick testified that
2 they came to his house, you and him came to his house, and
3 said I have got to get rid of this gun, was all of that true?

4 A. No, sir.

5 Q. Okay. So you never went to his house?

6 A. No, sir.

7 Q. So on the morning after the murder you weren't in the
8 Macon?

9 A. No, sir.

10 Q. Okay.

11 A. I was in Spruill Avenue area. McMillan is right there so
12 all that ---

13 Q. Spruill and Reynolds?

14 A. No, McMillan. That's where Pinecrest is.

15 Q. Okay. So you were in the Spruill-McMillan area, but you
16 didn't make it a few blocks down into the Macon area?

17 A. No.

18 Q. Oh, okay. So you -- I think I did hear this testimony:
19 You do admit that you and Gage concocted a story, let's blame
20 it on the addicts?

21 A. Yeah, we did.

22 Q. Okay. And when you concocted that story -- well, let me
23 say it like this: When you concocted the story and when you
24 met with Detective Bailey and gave him that story that you
25 gave him, which now you admit was a lie, you didn't have

1 discovery then; did you?

2 A. Can you repeat that, please?

3 Q. Yep. When you met with Detective Bailey ---

4 A. Yes.

5 Q. --- and you gave that lie ---

6 A. Yes.

7 Q. --- and when you were concocting that lie with Gage
8 Frank, you didn't have discovery for your case then; did you?

9 A. As far as knowing what was going on with the case?

10 Q. Right.

11 A. No.

12 Q. Okay. But today, November the 14th of 2019, three years
13 later, you know a lot more now than you did back then; isn't
14 that fair to say?

15 A. Yes.

16 Q. You know what Gage said, correct; and you knew that
17 before this trial started, right?

18 A. Yes.

19 Q. And that's what I meant by discovery. Discovery, you
20 know we get information, we give it to the defense, share it
21 with you; ---

22 A. Uh-huh.

23 Q. --- correct? So now ---

24 THE COURT: Is that a yes?

25 THE WITNESS: Oh, sorry, sir.

1 A. Yes.

2 Q. So now you know what Gage said; correct?

3 A. Yes, sir.

4 Q. Now you know what Marissa said, Marissa Gadsden, the guy
5 in the red shirt shot; correct?

6 A. Yes, sir.

7 Q. And now you know what Nef said, Derrick Givens; correct?

8 A. Yes, sir.

9 Q. And now you know what Yolanda Wilder said; correct?

10 A. Yes, sir.

11 Q. And now we're hearing this story?

12 A. Yes, sir.

13 MR. OSBORNE: No further questions.

14 THE COURT: Redirect?

15 MR. HALES: Yes, Your Honor.

16 **REDIRECT EXAMINATION BY MR. HALES OF LEANDRA BRIGHT:**

17 Q. Mr. Osborne testified you shot a bunch of times at Little

18 A. But Little A still got out of his car and shot back at
19 you?

20 A. Yes, sir.

21 Q. And he questioned you about Mr. Givens, or Nef, if you
22 want to call him that. You're not -- you're not contesting
23 the fact that you gave the gun to Keel to hide, are you?

24 A. No.

25 Q. Okay. You're admitting to that?

1 A. Yes.

2 Q. Okay. And you're admitting you gave him the red
3 sweatshirt to hide?

4 A. Yes.

5 Q. Okay. So that's not -- that's not what you're -- you're
6 not trying to hide that fact; correct?

7 A. No, sir.

8 Q. Okay. Just that maybe -- maybe it's just a slight
9 difference there in his version and your version, but the fact
10 remains that you gave him the gun and the sweatshirt to hide?

11 A. Akeel.

12 Q. Yes.

13 A. Yes, sir.

14 Q. And why did you do that?

15 A. Because I didn't want to have it.

16 Q. You were scared?

17 A. Yeah.

18 Q. Now, Mr. Osborne at the very end of his questioning said
19 this is the first time we're hearing this story. This is only
20 the second time you've told anything; correct?

21 A. Yes, sir.

22 Q. The first was the first interview, that we played in the
23 courtroom, a couple of days after the incident?

24 A. With the cops, yeah.

25 Q. And then today?

1 A. Yes, sir.

2 Q. So it's not like you have told several different stories
3 or versions of this story?

4 A. No. No.

5 Q. But this is what happened that night?

6 A. Exactly what happened.

7 MR. HALES: Court's indulgence one moment.

8 THE COURT: Sure.

9 MR. HALES: No further questions, Your Honor.

10 THE COURT: Recross?

11 MR. OSBORNE: Just one.

12 **RECROSS-EXAMINATION BY MR. OSBORNE OF LEANDRA BRIGHT:**

13 Q. So Mr. Hales was asking you about Keel. So that was true
14 about you giving the gun to Keel to try to get rid of it?

15 A. Yes, sir.

16 Q. So Keel helped you; correct -- like if you need -- Keel's
17 a friend. If you need help, Akeel will help you?

18 A. I gave Keel the red sweatshirt and the gun to put away.

19 Q. Right. So Keel is a friend. So if you needed help from
20 Keel, Keel would help you?

21 A. Yeah.

22 Q. Okay. And when you -- and did Keel help you by telling
23 Gage to change his story on from he had told the cops?

24 A. No, sir.

25 Q. Okay. But you tried; right?

1 A. No, sir.

2 Q. That's not your voice talking to Twan on the phone saying
3 get Keel to tell Gage to change his story, the police got him
4 all mixed up?

5 A. That video doesn't say change the story. It said to get
6 things straight with my lawyer.

7 Q. Oh, not get it straight with Gage?

8 A. Tell Gage -- get Akeel and get with Gage to get things
9 straight with my lawyer, I'm fucked up.

10 Q. Oh.

11 A. Excuse my language.

12 Q. We agree on that.

13 MR. OSBORNE: No further questions.

14 THE COURT: All right, sir. You may come down. You may
15 step down, Mr. Bright.

16 [Whereupon, the witness exits the witness stand]

17 THE COURT: Call your next witness.

18 MR. HALES: Defense rests, Your Honor.

19 THE COURT: Very well. Any reply testimony?

20 MS. ELLIOTT: No, Your Honor.

21 THE COURT: Okay. All right, ladies and gentlemen, I
22 need for you -- there's a matter of law that I need to take up
23 out of your presence. Need for you to go to your jury room.
24 But do not begin your deliberations.

25 When you come back you will not hear any additional

1 those. All right. And insofar as obviously it's a jury issue
2 concerning the issue of self-defense now, which I will charge.

3 MR. HALES: Absolutely.

4 THE COURT: Okay? I don't think there's anything -- I
5 don't think there's any lesser included offense to be charged
6 is -- in this case. Be happy ---

7 MR. HALES: Well, there was ---

8 THE COURT: --- to hear from you.

9 MR. HALES: There was -- there has been ample testimony
10 that there was a forty-five minute argument that was preceding
11 his actions.

12 THE COURT: Where is -- his reaction was to -- because of
13 the argument?

14 MR. HALES: I'm sorry?

15 THE COURT: Where was his reaction was because of the
16 argument?

17 MR. HALES: Well, based on his testimony he's testifying
18 to self-defense. I believe some of the State's witnesses'
19 versions of what happened ---

20 THE COURT: Justify a lesser-included offense?

21 MR. HALES: Yes, Your Honor.

22 THE COURT: What's the State's position on that?

23 MS. ELLIOTT: Your Honor, it's not a lesser-included
24 offense, I don't think. I mean, they're a separate elements.

25 THE COURT: Well, voluntary manslaughter you've got to

1 have sufficient provocation. It's got to be heat of passion.
2 I would agree that there may have been, if he had pulled a gun
3 in the middle of an argument and fired it; but there was
4 nothing in here, other than the fact that they had -- they had
5 had some -- and he really didn't even describe it as an
6 argument. He described it as we were just talking above each
7 other, there wasn't anybody out of control.

8 So, I mean, I don't -- I don't -- you know -- yes?

9 MR. OSBORNE: The only other thing I would say to that,
10 too, is on the sufficient legal provocation, I mean, he said
11 he went back -- he followed the victim back to the car.

12 THE COURT: Well, I -- there's no ---

13 MR. OSBORNE: Yeah.

14 THE COURT: There's no -- that gets into avoiding the
15 confrontation.

16 MR. OSBORNE: Yes.

17 THE COURT: But that doesn't have anything for me to
18 do -- there -- there have been some cases with voluntary
19 manslaughter where there's been an altercation and then a
20 sudden shooting. But in this case I don't have anything that
21 he said, because he said he wasn't angry. That's what he
22 said.

23 MR. HALES: Yes, sir.

24 THE COURT: That he didn't have any fight with him, it
25 was all the victim that was upset. So it's got to be him

1 that's upset and fires. His is either self-defense or it's
2 murder, one or the other. So I'm not going to charge
3 voluntary manslaughter.

4 MS. ELLIOTT: Judge, I would like to be heard on the
5 self-defense.

6 THE COURT: You can be heard, Solicitor; but I ain't
7 about to not charge self-defense. Save you -- saving you,
8 okay?

9 MS. ELLIOTT: But I'd really like to ---

10 THE COURT: I love it. I tell you what, you argue that
11 up the road. That will be fine.

12 MS. ELLIOTT: Yes, Your Honor.

13 THE COURT: Because if I don't charge self-defense with
14 this -- I would love -- listen, nothing would be better for us
15 to be able to direct a verdict -- the only time that we can
16 direct a verdict, I've seen, is in stand-your-ground issue --
17 and Jim Johnson was reversed because it was clearly stand your
18 ground when the guy walked out of Cornell Arms. I remember
19 that part of it. And he let it go to the jury. And he said,
20 no, this is no stand-your-ground issue here, no way. Had it
21 been -- so I beg you -- I respect you, but I'm going to differ
22 with you there. Note your strong objection to my charging
23 self-defense.

24 MR. OSBORNE: It's a good argument though.

25 THE COURT: Well, it seems to be -- we don't have to put

1 this on the record.

2 [Off the record momentarily]

3 [Whereupon, resume 11/14/19 at 3:16 p.m.]

4 THE COURT: And I assure you -- let me -- let me say this
5 to you. It also comes -- this part can be on the record. My
6 reluctance to do that: While I think there are some serious
7 element issues concerning the self-defense argument, the one
8 that stands to mind, Bill Nettles who later went back on the -
9 I don't know whether you call it the good side or the dark
10 side - went back as a federal prosecutor. But he was second
11 chair in a death penalty case where I tried in Horry County.
12 And the facts were that this guy, they were on the way to kill
13 somebody, burn down their house; and he walked into a Dunkin
14 Donuts with a .44 in his waistband and his friend was
15 loaded -- was also. And the officer was there to talk to his
16 friend who had been -- had just stopped the car and he wanted
17 to go in and get some coffee because he was going to ask him
18 to be his best friend -- not best friend -- best man at his
19 wedding. And he noticed the guy. And he knew him because he
20 had written him a ticket. And he said -- he said, I'm not
21 sure I saw him in court today. So when he started out, he
22 tapped him on the shoulder and said did you pay that ticket
23 today. And he said, yeah. He said, could you wait just a
24 minute. And so he had a mike. He said any wants and warrants
25 on Catrell. Forty-five seconds later his buddy called officer

1 down, send force.

2 After that, apparently, my thought is, that he turned and
3 the officer saw the weapon in his -- and he said -- because he
4 said raise your hands, show me your hands. And the guy turned
5 and shot him pointblank in the face with a .44 and killed him.

6 And they wanted voluntary manslaughter, and I said for
7 what? He said, because he restrained him. Supreme -- and I -
8 - we tried the penalty part. We tried three separate murders
9 that he was involved in after this one. That was what I
10 worried about, being reversed on the penalty phase.

11 Reversed it. Said, no, you should have charged voluntary
12 manslaughter. And I thought about it, why didn't you. All I
13 had to do was charge voluntary manslaughter. I didn't believe
14 it existed; but if I had, the jury wouldn't haven't taken five
15 seconds to say that's a bunch of bunk.

16 Out of an abundance of caution, he wants it, he gets it.
17 Okay? Thank you. That's just -- that's just one of those
18 teaching tools. And now we're off the record.

19 [Off the record momentarily 11/14/19, 3:18 p.m.]

20 [Whereupon, resume 11/14/19, 3:21 p.m.]

21 MR. HALES: Your Honor, just for clarification, what all
22 are you charging at this point?

23 THE COURT: I'm going to charge murder and I'm going to
24 charge self-defense.

25 MR. HALES: Okay.

1 [Whereupon, video clip plays]

2 MS. ELLIOTT: I just been being a hero; and it ain't turn
3 out like that, you know.

4 So first, the defendant was just trying to be a hero.
5 But today he wants to be a victim. But Leandra Bright is no
6 hero. He's no victim. He is simply a liar and a killer.

7 There's a common expression that not all heros wear
8 capes. You hear it everywhere. In that interrogation room on
9 April 1st, 2016, the defendant tried to paint himself out to
10 be a hero. But he's the farthest thing from a hero that there
11 can be.

12 Heroes don't lie. Heroes don't mislead. Heroes don't
13 try to hide their misdeeds. In this case there is one hero,
14 one person who was trying to tell the truth the whole way
15 through; and that was Marissa Gadsden. She was the one who
16 had the courage to look outside that window and see what was
17 going on. She was the one with the courage to call 911 and
18 try and get help for Arthur Meyers. And she was the one with
19 the courage to sit on that stand facing the man that gunned
20 down Arthur Meyers, Little A.

21 Before I get into the evidence in the case that proves
22 that all of that is true, I want to talk to you about
23 something that's very important in criminal cases and is
24 especially in a case like this. Credibility.

25 As jurors -- as jurors and members of this panel, part of

1 your job is going to be to assess the credibility of every
2 witness that took that stand, to evaluate the evidence that
3 has been presented.

4 You have gathered a lifetime of experience that makes you
5 experts at judging someone's credibility. You will hear the
6 judge say something along the lines of you can believe some,
7 none, or all of what a witness tells you. You're going to
8 look at what fits between one witness' testimony and another
9 witness' testimony, and what the physical evidence shows you.
10 That's simply corroboration.

11 And when there's a difference, what should you rely on?
12 The most important skill you brought with you to jury service,
13 your common sense. Use your common sense. You are not
14 required or expected to check your common sense at the jury
15 deliberation room door. You were selected as jurors because
16 we trust that you are going to use that common sense in all of
17 your decision-making.

18 On the night of his arrest the defendant told the
19 detective he was friends with Little A. So let's look at
20 that -- what happened that night and what led to him
21 eventually shooting Little A.

22 There's no dispute, the victim and the defendant met up
23 at the Budget Inn bar. Now, I know that during the trial we
24 played the defendant's interview and it was difficult to hear.
25 And throughout this closing we're going to play some other

1 clips highlighting some of the things that he said, some of
2 the things he said that were corroborated by physical evidence
3 and by other witnesses' testimony, but also to show you where
4 some of his lies at that point existed and how he lied to you
5 on the stand as well.

6 [Whereupon, video clip is played for the jury]

7 MS. ELLIOTT: The defendant and the victim were on
8 perfectly good terms when they first got to the Budget Inn.
9 We know that they were at the Budget Inn, not just from his
10 statements alone. Because with every witness, you want to see
11 as much corroboration as possible. You heard from Agent
12 Simmons that his cell phone was pinged off of towers near the
13 Budget Inn. Everything was good there. Something changed.
14 Something changed on the way to that corner store.

15 [Whereupon, video clip is played for the jury]

16 MS. ELLIOTT: So now on the stand, and in this interview,
17 the defendant tried to paint the victim as being wild. When
18 he drinks he starts acting up, hard to control, that that's
19 when bickering starts. Although he doesn't want to admit that
20 there was any bickering before they got to the corner store.

21 But you heard from Dr. Presnell about what was found in
22 the victim's bloodstream. His blood alcohol level was .058,
23 below the legal limit for driving. But he had no active drugs
24 in his system. Nothing impacting him or impairing him.

25 And, in fact, the defendant even testified on the stand

1 that Little A wasn't drinking that night. So if Little A acts
2 up and bickers and fights when he's drinking, that shouldn't
3 have been happening that night by the defendant's own
4 admission.

5 But somebody else was drinking that night, the defendant.
6 How he -- he talks about how he had beer and shots. There was
7 someone drinking, but it wasn't the victim.

8 Now, when Gage Frank thought he was going to the corner
9 store to pick up the defendant, he thought he'd be taking him
10 home. That's what he testified to.

11 But the defendant had another idea. When they left the
12 corner store, instead of going to Pinecrest which is where
13 that second X is, the defendant had Gage Frank head towards
14 the Russelldale neighborhood.

15 Why did he go to Russelldale? He had unfinished
16 business. He had unfinished business with the victim, Mr.
17 Meyers. And now, from the defendant's testimony, it seems
18 pretty clear what that unfinished business was. They were
19 having a turf war about who was going to be able to sell drugs
20 where.

21 This defendant directed Gage Frank to exactly where he
22 knew where Little A would be. How do we know that?

23 [Whereupon, video clip plays for the jury]

24 MS. ELLIOTT: Now, another one of the defendant's lies.
25 When the police asked him why are you going in Russelldale,

1 what's your point in there, oh, we're going to Gage's father's
2 house. But he catches himself. Because they ask if he
3 actually went, he had to come back and say, oh, we didn't get
4 there, we didn't get there. Because he knew if they checked
5 up with Gage's father, he'd find out he didn't go that night.
6 He went to Russelldale to find Little A.

7 [Whereupon, video clip plays for the jury]

8 MS. ELLIOTT: The defendant went to where Little A lived,
9 literally his home turf and where he was set up to sell drugs.
10 James Bell Drive, where the defendant first met up with the
11 victim and Taylor Street, where this coincidental meeting
12 ended in gunfire, run parallel to each other. The defendant
13 knew exactly where to find Little A. He said it himself, he
14 knew him for ten years, they had been tight. Once he found
15 him, what did the defendant say had happened?

16 [Whereupon, video clip is played for the jury]

17 MS. ELLIOTT: The defendant likes to describe himself in
18 positive terms: I was going to be a hero, I was trying to a
19 be a hero that night. I'm the peacemaker. I can talk Little
20 A down. When he gets riled up, you know, he's like the little
21 brother, I'm able to talk to him.

22 That's what he wants to describe him. That's how he's
23 trying to paint himself when he's pointing the finger at two
24 men who weren't anywhere near the scene as being the people
25 that murdered the defendant. Nothing but lies. We know, now

1 from the defendant's own mouth, that those two men never even
2 made it to Taylor Street.

3 Let's look at the positioning of the cars. The first set
4 where Gage, Yolanda Wilder, and the defendant now all say Gage
5 started. That's where Little A was first parked [indicating].
6 That's where the meeting with the two junkies was, right on
7 that corner [indicating].

8 Little A goes to his car and the defendant then waves
9 Gage Frank to move his car to where Little A has now moved his
10 car. Gage Frank moved -- parks in front of Little A's car.

11 But what does he relay next? He knows that he's started
12 having this discussion with the defendant about him selling
13 drugs to one of his clients. He doesn't feel safe like that,
14 so he moves his car one more time to put himself in a safer
15 position. Because by the defendant's own admission, at that
16 point he's the only one carrying a gun. He didn't see one on
17 the victim at that point.

18 [Whereupon, video clip is played for the jury]

19 MS. ELLIOTT: More lies. Making it sound like it's about
20 the phone, that he's trying to help his friend, that he even
21 tried to save his friend, when all along he knew he was the
22 man that pulled the trigger.

23 We know now what actually happened. The junkies were
24 nowhere in sight. The victim, he is going to walk away from
25 the argument. He is heading to his car. He trusted the

1 defendant enough to turn his back to him, to get in his car.

2 The defendant's not done. He could have stayed right
3 where he was. He could have stayed in between the cars. Or,
4 even better, he could have hopped in Gage's car and like,
5 let's get out of here, made him mad, I stepped on his turf, I
6 sold to his people.

7 No. He stood there. He didn't want to back down. He
8 wanted to see what Little A had for him, so much so that he
9 followed him right to his car window.

10 The defendant, he had a little something for Little A,
11 too. And then he shot him. Not once, not twice. He fired
12 that gun three times. What was his reaction to the aftermath?
13 What did he tell police?

14 [Whereupon, video clip is played for the jury]

15 MS. ELLIOTT: He good. He was good. Little A had driven
16 away from the scene, fleeing for his life, hoping to get help,
17 and crashed into a barbershop.

18 The defendant tells Gage Frank take the same route.
19 That's what he saw. That's what was good. I imagine it did
20 look good to the defendant. It wouldn't look good to any
21 normal passerby who had concern for the driver of Little A's
22 safety. But this would look real good to someone who wants
23 Little A dead, who got so angry at him, who hated him so much
24 that he was within three feet when he pulled the trigger again
25 and again and again. Up close and personal.

1 Let's talk about how the real hero, Marissa Gadsden, how
2 her story tells us what really happened out there, that this
3 wasn't self-defense, that this was simply a senseless murder.

4 I expect that Mr. Hales is going to talk about how
5 Marissa Gadsden didn't have a great view of what was going on
6 that night, it was too far, too dark, that she was worried
7 about her son, and so her testimony is not reliable. But
8 let's see how the physical evidence corroborates Marissa
9 Gadsden's testimony and not what the defendant testified to.

10 She picks up where the two cars are on Taylor Street,
11 where they had moved to. She hears an argument. She looks
12 out the window. She sees a dark-color SUV, Little A's
13 vehicle. It's catty-corner to her house. Then she sees that
14 champagne Buick, Gage Frank's car.

15 Now, it's not just that she can tell us, I see a
16 champagne Buick. She can tell us that that's a Buick Park
17 Avenue. That shows how well she could see that vehicle.
18 Because there are plenty of people that in broad daylight
19 wouldn't know what car that is. But she was right. She says
20 it in the 911 call. She can see everything that's happening
21 over there.

22 She's able to see the white man inside that Buick. And
23 the two men arguing. Not two, not three, not four. Two men.
24 And she's even able to tell the difference between their
25 voices, so much so that she was able to tell us that the man

1 in the SUV was the one saying, I'm not arguing with you
2 anymore.

3 Little A was going to let it go and walk away, just like
4 he did at the corner store earlier that night. But Leandra
5 Bright wasn't done with the situation. It wasn't settled for
6 him. So instead of staying back where he was, he hurries, to
7 the driver's-side window, just like Marissa saw him.

8 And it was easy to see him, because he was the man in the
9 red sweatshirt, a sweatshirt that he did a good job of hiding
10 and misleading the police as to where it was. He admitted on
11 the stand.

12 The man with the red sweatshirt went to the window and he
13 shot the man sitting in the SUV. Now, think about this for a
14 minute. If Little A's plan and goal had been to draw down
15 first on the defendant, why would he get into the car and sit
16 down? Why would he put himself in such a vulnerable position?
17 Why not just reach in and grab the gun and get out?

18 That's what he -- he wasn't there for that. He didn't
19 reach for that gun until the defendant showed up at the
20 window. The defendant, that we've heard testimony was known
21 to carry a gun. And it's only after he is shot that Little A
22 returns fire.

23 That is the importance of Officer Garrison's body-worn
24 camera that you heard early in the trial. There's a clear
25 pause between the weapons fired. What you're hearing first is

1 the defendant and what you hear next is Little A trying to
2 fight back for his life before he flees the scene.

3 Corroboration. When you look at what someone is telling
4 you about a murder, the first thing you want to look for is to
5 see if any of the physical evidence corroborates their version
6 of events.

7 Remember, from this image we know that Little A was
8 parked off the road and into the grass, facing Rivers Avenue.
9 Gage said he was about three car lengths in front of him. Ms.
10 Gadsden's house is off to the right.

11 Now, crime scene tech Jackie Ong testified that she
12 recovered three fired shell casings from that scene. And you
13 heard her testify that a semiautomatic weapon, when it's fired
14 those shell casings are thrown out to the right and that they
15 can go distances depending on what they're bouncing off of.

16 We know from all the testimony that at no point was a
17 shooter in the road. You'd expect that first shell casing to
18 be closest to the car. Exactly what you have. And we know
19 that that's close to where the car's parked because that's
20 where those tire marks are.

21 And then as the defendant backed off, the shell casings
22 traveled farther and also bounced onto the concrete as he
23 fired again and again and again.

24 But this is what's also important about that middle one.
25 What do we find there? Cell phone. No one said that any of

1 the shooters ever made it into the roadway, that they were
2 firing from the street. They were always firing from the
3 driver's side of the vehicle, by all accounts.

4 So shell casings are bouncing around and flying around.
5 Defendant's running. He slips. He drops his phone, the phone
6 that is matched to him. And it couldn't have been the
7 victim's. One, well, now we know the defendant said he got
8 his phone back. But also notice there's no blood on that
9 phone or around that phone.

10 Now, if the man in the red sweatshirt shot the victim
11 while he sat in the SUV, you'd expect to see some evidence of
12 that in the car, and we have just that. And now, after what
13 the defendant has testified to, this evidence becomes even
14 more important.

15 These are the trajectory rods that we heard about
16 earlier. They show the line of travel for a bullet went
17 straight through the car. The bullet traveled from the
18 driver's side towards the passenger side, consistent with the
19 shooter standing at the driver's-side window, not at an angle.

20 If this -- if this is the window and he's facing into it,
21 it's going straight this way [indicating]. He didn't get
22 knocked back. He's not firing in the car like this
23 [indicates]. There are no bullets in the driver's seat or
24 behind the driver's seat. It's straight across. Because he
25 surprised Little A when he showed up. Little A is just

1 sitting in his car. They found a bullet in the seat. And
2 that's an important bullet.

3 Now, in addition to expecting to find corroborating
4 evidence in the car you would also expect to see corroborating
5 evidence in the victim's injuries. The shooter standing at
6 the window would have been in a higher position than the
7 victim.

8 One shot went straight across the victim's nose in a
9 slightly downward fashion. You remember that picture. It's
10 as if the victim was staring straight ahead when that first
11 shot was fired.

12 The next shot entered through his left jaw and exited
13 through his neck. That was the shot that killed him. And Dr.
14 Presnell testified that there was stippling on Little A's
15 face. Stippling means the gun would have had to have been
16 within thirty-six inches when it was fired. With one or both
17 of these shots, the gun was up close and personal and could
18 have left that stippling.

19 But they also show us that with the trajectory of that
20 extra bullet in the car, there was no struggle going on. They
21 weren't fighting for a gun. No. Stood back and he took a
22 shot.

23 And then the last shot, the shot into the armpit, lodging
24 around the collar bone in the neck, this is the bullet that
25 was found and the bullet that we will once again be able to

1 connect to this defendant.

2 These injuries are consistent with both Marissa and
3 Gage's accounts of Little A being gunned down while he was
4 seated in his car. Not reaching in, not trying to find some
5 weapon to fire back at the defendant.

6 But let's take another look at that armpit shot. It
7 seems like an odd angle until you think about what must have
8 been going on for Little A at that time. His friend, his
9 buddy, has walked up to the car and has started firing.

10 The last shot, he's reaching for his gun. That gun. The
11 gun that we know was there. The gun that for a long time the
12 defendant tried to deny that the victim ever had, when he was
13 trying to tell his fairytale of the two junkies who killed the
14 defendant.

15 He returned fire and he emptied the gun trying to protect
16 himself, not trying to be the aggressor. Remember, this is a
17 revolver. Jackie Ong told us that in revolvers the shell
18 casings don't come out. That's why you still see all five
19 fired shell casings in the car.

20 There's more evidence to support Marissa's account that
21 Little A was shot first and was not the primary aggressor.
22 The only way for that arterial blood to splatter all over the
23 car like that would be if he had already been shot before he
24 got out to return fire. It's the only plausible explanation
25 for that evidence.

1 [Whereupon, video clip is played for the jury]

2 MS. ELLIOTT: Two different volleys of gunshots, a clear
3 pause in between, consistent with two guns being fired, one in
4 response to the aggressions of the defendant, Leandra Bright.

5 The blood spot on the car, we know how it got there.
6 Because the defendant was so close to the victim when he was
7 shooting him, they he got some blood on him. And when he ran
8 back to get in Gage Frank's car, he would have transferred
9 some. And if we had ever known where that red sweatshirt was
10 that he hid, we probably would have found evidence of the
11 blood on that as well.

12 The getaway car. We now know from the defendant's own
13 confession that that's how he left the scene. But the
14 fingerprints put him there, too.

15 And that brings us to Derrick Givens, the C.I. Now, we
16 told you that corroboration is important. It's especially
17 important when you have someone who's a snitch or a
18 confidential informant. He told you that Keel and the
19 defendant showed up at his house saying that they had a hot
20 gun and that Derrick held the gun while Keel put it into the
21 plastic bag and that Derrick waited a couple of days before he
22 told the police where it was and handed it over to them.

23 This is how they found it [indicating]. And this isn't
24 just any gun. It is, in fact, the gun that fired those
25 bullets, the bullet that was found in the victim's neck and

1 the bullet that was found in the victim's car.

2 Now, Derrick can't remember when the gun was dropped off.
3 And the defendant wants you to believe that he had nothing to
4 do with the hiding of the gun, said he was nowhere near that
5 area. That's not what his cell phone says. The next morning
6 he's in the area of Spruill and Reynolds. He says he's at
7 McMillan. McMillan is up a ways. But he's not there. He's
8 in the area of Spruill and Reynolds and they were hiding the
9 gun.

10 You know, a lot changed this afternoon. It's probably
11 apparent that that Power Point presentation was created before
12 we knew what the defendant was going to get up and testify to.
13 I was prepared to guess as to what the defense was going to
14 say. But we now know what that is.

15 Let's talk about what we know this defendant did and what
16 he's guilty of in light of what he said on that stand. The
17 defendant has been charged with murder. What does the State
18 have to prove to prove murder?

19 Well, the first one is the easiest. Unfortunately, we
20 know that Arthur Lee Millers -- that Arthur Lee Meyers died.
21 So let's move to malice, malice aforethought.

22 The judge is going to instruct you on malice
23 aforethought, but this is basically what it means: How do you
24 know that the defendant had hostility towards Arthur Lee
25 Meyers? What have his actions told you that there could have

1 been hatred or ill will against him?

2 Well, you heard from Marissa Gadsden how this was a
3 heated argument, how they were going back and forth and it
4 went on for over thirty minutes and was so loud she could hear
5 it from inside her house.

6 That there was an intentional doing, with an intent to
7 inflict harm. Well, the defendant shot the victim three
8 times. He can't say that he wasn't intending to harm him and
9 he can't say it wasn't unintentional. He was up close and it
10 was personal. He knew what he was doing.

11 There is no time required -- requirement for malice
12 aforethought. The defendant didn't have to wake up that
13 morning saying, you know what, today I'm going to kill Little
14 A; nor do we have to prove that he directed Gage to
15 Russelldale planning on murdering Little A.

16 Even though the murder law requires malice aforethought,
17 the intent, that aforethought, can happen in an instant in the
18 time it takes to pull a trigger. We only have to prove that
19 the defendant had malice at the time he pulled the trigger.
20 And we know he had malice, based on his firing again and again
21 and again.

22 He didn't just shoot Little A from a distance. He very
23 nearly pressed the gun to his face and pulled the trigger
24 multiple times. That's more evidence to prove malice.

25 And lastly, without any just cause or excuse. There is

1 no just cause for what happened to Little A.

2 Now, you may be asking what about a motive, do we need
3 that in order to convict the defendant. The State doesn't
4 have to prove a motive. You'll hear the judge tell you that
5 that is not an element of murder. Unfortunately, people
6 sometimes kill people for senseless reasons: giving someone a
7 wrong look, saying the wrong thing to someone, someone trying
8 to prove that they're the top dog in the area. Senseless
9 reasons for a senseless murder it's just too common. But
10 that's what this is.

11 By proving those elements, we have proven murder. We've
12 also proven possession of a weapon during the commission of a
13 violent crime. It simply means he had a gun when he committed
14 murder; which murder is a violent crime, both statutorily and
15 in fact.

16 Now, the defense has raised the issue of self-defense in
17 this case. And self-defense is a little different. You may
18 think that if the defendant is claiming self-defense, he has
19 to prove it. That's not the case.

20 Under the law, the State has the burden of disproving at
21 least one element to negate self-defense. Now, we don't have
22 to disprove all three elements; just one. And if we have done
23 that, then he is not entitled to claim self-defense.

24 Think of it like this: If you go to the Department of
25 Motor Vehicles and you want to get a driver's license, there

1 are three reasons that they can deny you. Maybe you failed
2 the written test, maybe you failed the driving test, or maybe
3 your eyes just aren't good enough anymore. They don't have to
4 say -- have to prove that all three of those apply to you.
5 Just one. If one of them apply, then you don't get your
6 driver's license. If we are able to disprove one element of
7 self-defense, the defendant does not get to claim self-
8 defense.

9 So what are the elements of self-defense? Without fault.
10 The defendant's conduct was the type which reasonably
11 calculated to and did provoke a deadly assault would be a
12 fault in bringing on the difficulty and not entitle him to
13 self-defense. A lot of fancy lawyer talk for saying he can't
14 be the reason this problem happened.

15 The defendant is one-hundred percent the reason this
16 problem happened. He followed Little A into Russelldale.
17 They had had a problem. They had had a beef. He didn't have
18 to go there. He knew him well. He knew his area. He knew
19 his turf. He went to his turf looking for someone. I will
20 submit to you what he was looking for was Little A.

21 But even though at times they were talking very
22 cordially, they had calmed down. The fight was ending.
23 Marissa said she heard the victim say I'm not going to argue
24 with you anymore and they separated.

25 The victim turns his back on the defendant. But he

1 decides to follow him. He re-engaged. And it was the
2 defendant who went to the victim's car. He's not without
3 fault. In fact, he's exclusively at fault for this situation.

4 Imminent danger. The defendant has to be in danger of
5 death or serious bodily injury, and it's the type of danger
6 that would warn a person of ordinary firmness and courage to
7 strike a fatal blow.

8 I don't want to belabor this too much, but he wasn't in
9 imminent danger. He was away from the defendant -- the
10 victim. The victim was walking away. The victim was leaving.
11 There was no threat to him.

12 And he had no idea that the victim was armed. He said
13 that. He didn't think he was armed all day. He didn't know
14 if he had a gun in that car. He didn't know he was in danger.

15 And, also, if he was really in imminent threat, if he was
16 so scared for his life, why did he wait over three years to
17 tell anyone that? Why not go to the police? Why not, when
18 the police finally bring you in, you say, listen, I know what
19 it looks like, but he was going to shoot me, he was going to
20 kill me.

21 No. He kept that -- he came up with some crazy story and
22 kept this a secret for three years? The only imminent danger
23 out there on March 30th, 2013, was the defendant.

24 No other way to avoid the danger. The defendant had a
25 duty to retreat. If there was a safe avenue to get out of

1 this situation, he had to take it. What did he say on the
2 stand: I could have gone to Gage's car. I could have walked
3 away. I could have left the area.

4 But he chose not to. In fact, he said he wanted to see
5 what the victim had for him. He didn't want to back down. He
6 wanted to pursue. He wanted to engage. He wanted to kill
7 Little A. And that's exactly what he did.

8 Ladies and gentlemen, I submit to you we have disproved
9 every element of self-defense. But if you believe we've only
10 disproven one, then we have disproven self-defense as a whole
11 and he is not entitled to that.

12 This defendant's actions that night were senseless and
13 unreasonable. He murdered Little A in cold blood; and he
14 tried to cover it up, not once, but twice. First with
15 the story of the junkies and today with this lie about
16 self-defense. We know that beyond a reasonable doubt.

17 The last area of the law I am going to talk to you about
18 is reasonable doubt. To believe something beyond a reasonable
19 doubt simply means that you have to be firmly convinced of the
20 defendant's guilt.

21 The law does not require that you prove it beyond all
22 possible doubt; because as we all know, there are few things
23 in life that you can know beyond all doubt. That's not the
24 requirement.

25 The judge will instruct you that beyond a reasonable

1 doubt, a reasonable doubt is a doubt that would cause a
2 reasonably and prudent person to hesitate and act.

3 Now, when you get in that deliberation room you are going
4 to deliberate. But I don't want you for one second thinking
5 that deliberation is the same as hesitation, because it's not.

6 There was only one victim on Taylor Street on March 30th,
7 2016; and it was Arthur Meyers, Little A. There was only one
8 hero involved in this case, and that was Marissa Gadsden who
9 stood up to do the right thing.

10 All that the defendant did through this whole process was
11 try to spin everyone into a web of deceit and lies. Don't let
12 him do it. This defendant's lies convict him. This
13 defendant's behavior after the shooting convict him. The
14 physical evidence in this case convicts him. And, ladies and
15 gentlemen, it is now time for you to convict him; because the
16 defendant is guilty.

17 The victim, Little A, didn't deserve to die the way he
18 did. And the defendant, he doesn't deserve to get away with
19 it.

20 THE COURT: All right. Mr. Hales.

21 MR. HALES: Opposing counsel.

22 **CLOSING BY MR. HALES:**

23 Good afternoon, ladies and gentlemen. It's been a long
24 week. I appreciate you listening to us and listening to the
25 evidence and hearing the testimony. And now it's my turn to

1 talk to you again. I was able to speak to you first thing on
2 Tuesday morning and now it's my pleasure to speak to you
3 again.

4 During the State's case you may have noticed I didn't do
5 a lot of questioning a lot of the witnesses. I didn't object
6 to a lot of the evidence coming in.

7 I think probably if you read the transcript, the most
8 used phrase I had is "without objection". And there's a
9 reason for that, and that's because the State was building our
10 case. They were building our case for us. They were building
11 our case for self-defense.

12 All of this stuff over here, all of it, it shows that
13 Leandra Bright shot Arthur Meyers. We do not contest that.
14 All of the maps that the State put up on the screen about
15 where this happened, we don't contest it happened over there
16 in Russelldale, Taylor Street, John [sic] Bell. We don't
17 contest any of that.

18 That's what -- we don't contest that Mr. Bright was
19 wearing a red sweatshirt. We don't contest that he had a .9mm
20 Luger. We also don't contest that Mr. Meyers had a revolver.
21 In all of the testimony in the State's case it also states he
22 shot his weapon. But all of that stuff points to Leandra
23 Bright shooting Arthur Lee Meyers. But he shot him in
24 self-defense.

25 Now, my opening, I wanted you to remember some things and

1 I asked you to think about some things. And just to sort of
2 replay that, I'm going to go back over a couple of the things
3 I talked about, the first being reasonable doubt. And the
4 judge is going to give you a charge on reasonable doubt, so
5 I'm not going to go too much into that. And to be honest,
6 what the solicitor put up is probably pretty close to what
7 Judge Dennis' charge of reasonable doubt is.

8 The only thing I remind you of is that they have to
9 convince each and every one of you beyond a reasonable doubt.
10 You each have a vote. You each have to be convinced beyond a
11 reasonable doubt.

12 Judge Dennis also asked you to keep an open mind. And I
13 hope you did. Because at the conclusion of the State's case
14 it was uncontroverted that Leandra Bright shot Arthur Lee
15 Meyers. Uncontroverted. Did not object to it. The reason
16 why is because it was in self-defense. And I -- we waited,
17 and I wanted you to hear from Mr. Bright. I wanted you to get
18 his version.

19 Now, in the State's opening Ms. Elliott talked about
20 credibility. And one of the things she talked about with
21 credibility is corroboration, whose stories corroborate each
22 other. Meaning if this person said this and this person said
23 this, you can find credibility through corroboration. But
24 whose stories are corroborated? Mr. Bright's story is
25 completely corroborated by all of the State's evidence, by all

1 of their witnesses. We don't contest that.

2 Also in my opening I asked you to remember why someone
3 testified and what they had to gain or lose by getting on the
4 stand. Mr. Bright got on that stand and he had to admit to
5 shooting his friend. I can't even imagine how hard that must
6 be. But he did it.

7 He admitted that this red sweatshirt that they put into
8 evidence, that they sent up to SLED that did not have GSR on
9 it, we could have just let that lie. We could have just let
10 it stay there and say, they didn't find GSR on the sweatshirt,
11 look at that. But, no, he wanted to tell you the truth. He
12 wanted to tell you that's actually not the sweatshirt I wore
13 that night, I gave that sweatshirt to Akeel to hide. He
14 wanted to let you know.

15 He wanted to let you know also he gave that Ruger to
16 Akeel to hide. Now whether he went with him or not, honestly
17 he is telling you he tried to hide that because he was scared.
18 He was scared out of his mind. He had just been shot at and
19 also had to shoot his friend so he wouldn't be dead.

20 He also got on the stand and -- while Ms. Gadsden said
21 she saw flashes from inside the car, I don't remember her
22 testimony - and if you remember it differently, obviously go
23 with your own memory - I don't remember her putting a gun in
24 Leandra Bright's hand. Gage Frank certainly didn't. The only
25 person I can remember definitively put a gun in Leandra

1 Bright's hand is Leandra Bright when he took the stand and he
2 admitted to this.

3 Now Ms. Elliott told you that I was going to talk about
4 Marissa Gadsden. And I am. And I pretty much believe what
5 Ms. Gadsden said. She's got no reason to lie. But she did
6 have some discrepancies in her testimony.

7 Ms. Elliott painted her out as a hero. I think she's a
8 witness. And sometimes witnesses can be wrong. Ms. Gadsden
9 stated that she did remember the red sweatshirt. But she also
10 remembered the victim, Arthur Meyers, wearing a white tank-top
11 style tee-shirt. That's not what he was wearing. He had two
12 tee-shirts on, both black. You heard Dr. Presnell get on the
13 stand and testify to that.

14 It's not a huge deal, I understand that, but it is a
15 discrepancy. It is something that her memory is not quite
16 sure about, not quite right.

17 She also testified that the way she was having to look
18 out of her window, that she had to sort of get to the side.
19 She had blinds. She had boxes stacked up. I think she called
20 them those kind of containers, those rubber stackable
21 containers. She had a lot of clothes in them, sort of
22 blocking part of the blinds.

23 She had a little small alleyway that she could see. And
24 she did see Mr. Bright. Once again, we don't contest that.
25 He was there. She saw it. We agree.

1 But she also said it was really dark out there. I wrote
2 it down. She said pitch-black, there are no lights out there.
3 Gage Frank testified his headlights were off. There was no
4 other light out there. It was dark.

5 Her son was having an asthma attack. She did take a
6 shower. She said she was peeking back and forth. She wasn't
7 sitting there at the window watching all of this thing happen.

8 Once again, I believe she saw what she saw. She
9 certainly couldn't see inside the car. You've heard her
10 testify. She had a one-story house with a window. She was
11 looking out of her window and she could see the SUV. It's
12 not -- she's not looking down. She can't see into the car.
13 She can't see that Mr. Meyers is reaching for something. But
14 you know who could? Leandra Bright.

15 The State called Yolanda Wilder. What did she testify
16 to? She testified that she saw Leandra Bright and Gage Frank
17 out in that area before Mr. Meyers died. She saw him back at
18 her apartment after he was dead, as well. We don't deny that.
19 He was on the scene. He testified he went back there. She
20 said he had a flat affect. I'm sure he did have a flat
21 affect. His friend almost pulled a gun and tried to kill him.
22 He was shot at, and he had to act in self-defense.

23 Gage Frank. Mr. Frank -- Mr. Frank had a few different
24 versions of his story. And this is the State's witness they
25 called. And he changed his story that many times. But they

1 want you to believe him. But Mr. Bright, no, he's a liar.
2 Gage Frank, got to believe Gage. Come on, now.

3 And even if you do believe Gage, what did he actually
4 say? He said he took him over there. Sure, he took him over
5 there. He said he was sitting in his car on his phone, on
6 Snap Chat, on Facebook. He's not even paying attention. In
7 fact, he said he can't even put a gun in his hand. In fact,
8 the only person he said that he can say shot for sure is
9 Arthur Lee Meyers. That's his testimony. That's their
10 witness.

11 Mr. Givens, the paid snitch, comes in and testifies. He
12 testified that he helped Leandra hide the gun. That happened,
13 no doubt about it. No doubt about it. He was scared. He was
14 terrified. And Gage Frank gets the benefit of the doubt for
15 changing his story, not Mr. Bright. And by the way, Gage
16 Frank is charged in this murder just like Mr. Bright. He's
17 got pending charges as well. He was actually charged --
18 before -- right after Mr. Bright.

19 Dr. Presnell from MUSC came and testified. And the
20 solicitor was talking about the first shot, second shot and
21 third shot. I don't think anybody can determine which shot
22 was first, second, or third. I assume she was just putting
23 them in order just for reference sake. Because there's
24 absolutely no way anyone can determine which was the first,
25 second, or third shot. At least that was my version of what I

1 heard her testify to.

2 But let's talk about -- let's talk about that bullet path
3 that enters under the armpit and exits right above the
4 shoulder. Now, she testified that there's two ways that path
5 could have occurred. Either someone is below, shooting up,
6 which seems unlikely. Or that the body was in a position
7 where it could enter here [indicating] and come out here
8 [indicating].

9 Maybe someone was reaching for a gun and pulling it up.
10 Maybe Mr. Bright sees it, maybe he reaches in, just like Gage
11 Frank said he saw him reaching in. Gage testified, I saw him
12 reach into the car before any shots were fired. That was
13 their witness. That was his testimony, that he reached in the
14 car. And if he's reaching for a gun and going to come up here
15 like to shoot [indicating], that bullet goes in here
16 [indicating] and comes out right there [indicating]. You'll
17 have the diagram. Just twist it on its axis about forty-five
18 degrees and you'll see.

19 So the only difference really in our cases is what
20 happened at that car, what happened at Mr. Meyers' car. They
21 have no witness that can tell you that. Nobody.

22 He can [indicating]. He can. He can tell you. And you
23 know Mr. Meyers had a gun; because everybody's testified to
24 that. And you know he used every round he had in there.

25 Now Judge Dennis has told you that we, as the defense,

1 don't have to prove anything, we didn't have to put up any
2 evidence. But we did. And we did prove something. We proved
3 that this man acted to save his life.

4 And you don't have to wait until someone shoots first.
5 That's not self-defense. If you're in fear for your life, you
6 can act. And they're talking about a duty to retreat. And
7 we're talking about two cars lengths. I don't know -- I know
8 how bullets work. I can shoot somebody from here. If they
9 get in the car to leave, I can still shoot them in the car. A
10 bullet can go through a car. It can certainly go through a
11 car window. Are you kidding?

12 Let's talk a little bit about that self-defense. The
13 State said you have to be without fault. It doesn't mean that
14 there can't be an argument later on.

15 Everybody I think agrees that Arthur Lee Meyers and
16 Leandra Bright were friends. In fact, when Leandra got to the
17 Budget bar, he was there alone and so he called his friend,
18 Arthur Lee Meyers, to come and hang out with him.

19 Things got heated. And I will tell you right now, I've
20 had friends. I've gotten in arguments with my friends. I'm
21 sure you guys have, too. One of the things I try to do,
22 though, is I try to smooth it up so we don't ruin a
23 friendship, so we don't ruin a relationship. Over something
24 trivial like a hundred dollars? Come on, now.

25 Imminent danger. Once again, if it was a knife, okay,

1 maybe he wasn't in imminent danger. But a bullet? A bullet
2 from here [indicating]? Or, Hell, a bullet from here
3 [indicating], that's not imminent danger with a firearm?

4 No other way. A duty to retreat. Yeah, I guess he could
5 have to in that car. I'm going to show you, I'm going to show
6 you what I've got. If I pull a pistol out and you're driving
7 by, I can't shoot your car? I can't shoot through the window?

8 Okay. Ms. Bright talked -- I mean Ms. Elliott talked
9 about a turf war. There's been no evidence of a turf war.
10 There's been a disagreement between two friends.

11 In fact, if it was a turf war, do you think he would have
12 stopped and talked to the guy for forty-five minutes? What
13 exactly has -- what exactly has the State proven? They've
14 proven that Leandra Bright shot Arthur Lee Meyers on Taylor
15 Street. Yep, that happened. He shot him in self-defense.

16 Said he went over there for unfinished business. What, a
17 forty-five-minute conversation, that's unfinished business?
18 That doesn't sound like unfinished business to me.

19 The State is asking you to fill a lot of gaps here. But
20 you don't have to. He's told you what happened. He's told
21 you exactly what happened. He got on the stand. He admitted
22 to selling crack. That's terrible. I'm sure he didn't want
23 to do that. And I can promise you this, he didn't want to do
24 that that night when he was talking to the officers.

25 Okay. Ladies and gentlemen, I'm going to wrap it up.

1 But I do want to leave you with what I said in my opening, and
2 that is this: Do not compound the tragedy of the death of
3 Arthur Lee Meyers with the wrongful conviction of Leandra
4 Bright. This was self-defense. Return a not guilty verdict.

5 Thank you.

6 THE COURT: Solicitor.

7 **REPLY CLOSING BY MS. ELLIOTT:**

8 The best lies are built on just enough truth. Just
9 enough. The defense said that we were building their case for
10 them. Well, when faced with this overwhelming evidence of
11 guilt of murder, the defendant had to pivot. He thought he
12 had come up with a great story. It was the junkies. They did
13 it. And he was going to stick to that story until he found
14 out about Ms. Gadsden.

15 He thought he'd gotten Gage on the right page before Gage
16 talked to the police. When people are telling the truth, they
17 don't have to line up their stories. The stories are just
18 going to line up.

19 No. No, after reading his discovery and learning about
20 all of the evidence in the case, that's when it's time to
21 change his story. And the defendant was a pro at lying.
22 Well, maybe not so much of a pro since he has three prior
23 convictions for lying to police.

24 And Mr. Hales keeps talking about how Marissa couldn't
25 see into the car. It is an SUV. But it's not on stilts. And

1 there's also a windshield that's facing her house. She can
2 see into the car and through the car. Also, muzzle flashes
3 make for a pretty good lighting source. Muzzle flashes that
4 even Gage Frank says he saw inside of the victim's vehicle,
5 that those were the first shots, first shots by the defendant.

6 And the defendant was scared? He was so scared? What
7 was he scared of? He killed the only person he had a beef
8 with. He had gotten rid of him. He had nothing to fear,
9 except for his lies. That's what tripped him up in this case,
10 his lies.

11 The defense brought up a turf war. Well, I called it a
12 turf war because that's exactly what it was. All of this
13 disagreement was about who could sell crack where. That's the
14 very definition of a turf war.

15 And Leandra Bright has already told you he's really good
16 at usually smoothing things over with Little A. He might have
17 tried to use his words first, but he decided to end it with a
18 gun. Wouldn't have to worry about convincing Little A that
19 what he was doing was okay after that.

20 The only person in imminent danger in this case was
21 Little A. And he knew it. He actually tried to get away from
22 this situation and put himself in a safer position. Remember
23 when he moved his car, he didn't feel safe pinned in behind
24 Gage Frank so he pulled in front of him.

25 He didn't come to that conversation with his good buddy

1 Leandra Bright armed. Leandra Bright did that. He could have
2 left that gun in the car. Leandra Bright knew what he was
3 headed into. Little A didn't.

4 And let's talk about those gunshot wounds. The doctor
5 can't use her medical and science to tell you the orders of
6 the shots, but we certainly can use common sense.

7 Let's think about -- Mr. Hales is right, if that first
8 shot was under the arm what he would have you believe is that
9 he's shot under the arm while he's reaching for the gun. And
10 I agree that shot actually happened while he was reaching for
11 the gun. Reached for the gun. And so after being shot under
12 the arm, his reaction is to sit perfectly straight up so that
13 he can then be shot to the chin and across the nose. That
14 makes absolutely no sense. No one is going to sit there
15 straight up and down and let shooting them in the face after
16 they've shot him under the arm.

17 Now, I don't know whether the nose shot or the neck shot
18 happened first. No idea. But those shots show us that the
19 victim was seated in his seat, looking forward, when he was
20 surprised by the defendant who fired first in the car.

21 That's what Gage said he saw, the muzzle flashes. He's
22 reaching in because the gun's inside the car, within thirty-
23 six inches, leaving that stippling.

24 And after being shot twice, that's when Arthur Meyers
25 reaches over to grab his gun so that he can fight back.

1 That's when that wound happened. Use your common sense. It
2 is the only explanation that makes sense in this case.

3 We have no witnesses from inside the car on March 30th,
4 and there is a very simple reason why: Because the defendant
5 made sure no one was going to walk away.

6 When he took his gun and he fired it again and again and
7 again and with malice aforethought, he murdered Arthur Meyers.
8 And that is why when you go to your jury deliberation and you
9 really can consider this case, use your common sense, you will
10 know beyond a reasonable doubt that the defendant is guilty
11 and return the only just verdict, the verdict of guilty to
12 murder and possession of a weapon during the commission of a
13 violent crime.

14 THE COURT: Thank you, Solicitor.

15 Would you pull that please back a little bit. Thank you
16 very much.

17 [Podium in front of jury moved]

18 THE COURT: I appreciate it.

19 **CHARGE OF THE COURT:**

20 THE COURT: All right. Ladies and gentlemen, that
21 concludes the closing arguments. Now we move into the final
22 phase of this process where it becomes my responsibility to
23 give you the law which, of course, it's your duty to accept
24 and apply fairly and impartially to the facts that you'll
25 determine in just a few moments.

CHARGE OF THE COURT

1 And in fact, it is your exclusive duty to determine the
2 effect, the value and the weight and the truth of the
3 evidence. And both the State and Mr. Bright have a right to
4 expect that you will conscientiously consider and evaluate the
5 evidence, then apply the law fairly and impartially through
6 that. And when you've done that, they both will have received
7 a fair and impartial determination in this case.

8 Now, as I mentioned to you when we started, I told you
9 the term of art, defendant, is a term that we use to reference
10 Mr. Bright. It's simply a way of identifying him rather than
11 using his name. It means nothing else. It means simply the
12 party against whom some claim is made.

13 And as I told you, the State has claimed that he
14 committed two criminal offenses, which we will talk about,
15 that he committed the offense of murder and being in the
16 possession of a firearm during the commission of a violent
17 offense.

18 And to that -- to those indictments, which I showed you
19 at the start, they're not -- they will not accompany you to
20 your jury room because they're not in evidence. It merely
21 contains the allegations. And to those allegations, the
22 defendant has rendered a plea of not guilty, which places upon
23 the State the burden of proving guilt beyond a reasonable
24 doubt.

25 I mentioned when we were qualifying it is the law in this

CHARGE OF THE COURT

1 state and in this country that persons who are accused of the
2 commission of a criminal offense are never required to come in
3 and prove himself or herself innocent. They're not required
4 to prove anything at all. They're not required to explain
5 anything.

6 Because there's a principle of law we call the
7 presumption of innocence. And each of you is required under
8 that law and by your oath to actively presume that Mr. Bright
9 is not guilty. And this presumption of innocence is
10 maintained at all times throughout the trial of this case and
11 is only removed when and if the State presents enough evidence
12 to persuade you beyond a reasonable doubt that he is guilty of
13 either or both of these offenses.

14 What is a reasonable doubt? A reasonable doubt, as I
15 mentioned when we started, is a doubt that would make an
16 honest, sincere, conscientious juror who's searching for the
17 true facts in a case to hesitate to act or take some action.
18 Proof beyond a reasonable doubt is proof that leaves you
19 firmly convinced of the defendant's guilt.

20 Now, I will tell you that there are few things in this
21 life and in this world that we know with absolute certainty,
22 and in a criminal dispute such as this the law does not
23 require proof that overcomes every possible doubt. If based
24 upon your consideration of the evidence you are firmly
25 convinced that the defendant is guilty of one or more of these

CHARGE OF THE COURT

1 crimes, then you must return a verdict of guilty.

2 If on the other hand you think there is a real
3 possibility that he's not guilty, then you must give him the
4 benefit of that doubt and return a verdict of not guilty.

5 A reasonable doubt, ladies and gentlemen, may arise from
6 the evidence which is in the case or the lack or absence of
7 evidence in the case; and it's up to you to determine whether
8 or not a reasonable doubt exists in this particular matter.

9 I charge you that Mr. Bright is entitled to every
10 reasonable doubt arising in the whole case. What do I mean by
11 that? Simply upon any issue of fact, which would be essential
12 for your determining the State has met its burden and
13 established it beyond a reasonable doubt you should have a
14 doubt as to how that fact can be resolved, you are instructed
15 to resolve that doubt in his favor.

16 Now, ladies and gentlemen, when the State has the burden
17 of proof, they present evidence. And there are two types of
18 evidence that you may consider. One is direct evidence and
19 the other indirect, but the more popular common name is
20 circumstantial evidence.

21 Direct evidence, as the name would imply, deals with
22 generally a sensory perception: I saw something, I heard
23 something, I felt something, or the like.

24 And if you are firmly convinced as to the credibility or
25 believability of that evidence, that would establish that

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1 particular fact or circumstance.

2 Circumstantial evidence, though, is when you -- the State
3 proves a number of circumstances or facts and when you link
4 them either through inductive or deductive reasoning it leads
5 you to a logical conclusion about which you are firmly
6 convinced, then it would establish that particular fact by
7 through circumstantial evidence.

8 I will tell you that the law makes absolutely no
9 distinction between the weight or the value to be given either
10 to direct or circumstantial evidence, nor is any greater
11 degree of certainty required of circumstantial evidence than
12 direct evidence. You're instructed to weigh all of the
13 evidence and decide what you find -- what you find the State
14 has proven or failed to prove.

15 The law says, however, that to the extent that the State
16 relies on circumstantial evidence it has to meet a certain
17 test. First, as to each one of those events or circumstances
18 or facts upon which the State is relying, the State has to
19 prove each of those beyond a reasonable doubt. Secondly,
20 these facts must point conclusively to the guilt of Mr. Bright
21 and they must be wholly, perfectly consistent with each other
22 in every particular respect.

23 I would charge you, however, that the mere fact that the
24 circumstances brought out in a case are strongly suspicious of
25 guilt, or that the guilt or circumstances are such that the

1 defendant's guilt is probable, that would not be sufficient.
2 As I told you, that's that standard probability, preponderance
3 of the evidence. It has to be more than that. It has to be
4 proof -- to obtain a conviction it has to be proof that
5 convinces you beyond a reasonable doubt.

6 Now how do you decide what you find to be credible and
7 believable? That's one of the reasons I told you that you
8 were imminently qualified to perform the task, because you've
9 been doing that all your life. We do it every day. Most of
10 the time it's a subconscious process.

11 But you and I and everyone in this room has considered
12 things. We've heard something, and we decide for ourselves
13 whether we believe it or not. And whatever you've used and
14 found reliable and to assist you in making those types of
15 determinations, when you're instructed to begin your
16 deliberations please use it and apply it; because it's, again,
17 it's your common sense, your sense of logic and reason. It's
18 your life's experiences that you've utilized to help you.

19 Now there are a number of factors that we may consider.
20 And I am going to discuss some of them with you now. But if I
21 don't mention a factor that you've found helpful, again,
22 please use it when you begin the process.

23 But some of the factors you may want to consider would be
24 the appearance of the witness, how did they appear to you,
25 straightforward or hesitant in answering a question. Was the

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1 testimony of the witness consistent or was it inconsistent.
2 Was it strengthened or weakened by other evidence in the case.
3 How did the witness come to know the facts that he or she
4 testified to. And what was the ability of that witness to
5 know those particular facts or circumstances. Is there a
6 reason for a witness to give testimony which may be helpful or
7 detrimental to one side or the other. In other words, was the
8 witness biased or prejudiced in any fashion.

9 There's also been testimony in this case about prior
10 convictions of witnesses who have taken the stand and
11 testified. I would instruct you that the only basis and only
12 consideration to be given is that's a factor that you may
13 consider in evaluating the credibility and believability of
14 that particular witness. It doesn't make that testimony
15 credible or in-credible. That's for you to decide, and you
16 use that with all -- considering all other factors.

17 Now in determining the credibility or believability of
18 witnesses, you are given very broad discretions, wide
19 latitude. You have the right to believe many witnesses
20 against one, one witness against many. You have the right to
21 believe all of a witness' testimony, parts of a witness'
22 testimony, or none of a witness' testimony.

23 Now you don't make those decisions arbitrarily. But if
24 you come to that conclusion, you have that prerogative;
25 because your objective since you took your oath has been to

1 consider the evidence and determine what you find to be
2 credible and believable in these -- in this case.

3 Now while you enjoy very broad discretion and wide
4 latitude when determining the facts, please remember that
5 you're not -- you're not at liberty to do that with the law.

6 As I mentioned to you, the law is something that we --
7 you may do some research after this case. And that's your
8 right to do that. And we all have a right to read the law.
9 And we have a right as persons in this country to disagree
10 with the law. And we can say, well, I think the law ought to
11 be something else. And that's fine. And you have a right to
12 feel that way. And if you hear a principle of law that I give
13 to you which differs from your recollection of what you
14 thought the law was or what you think it should be, you must
15 set that aside because you promised to do that. You promised
16 to take the law as I give it to you and apply it fairly and
17 impartially.

18 You're not at liberty to make any new law, so to speak,
19 here. You can do that through the legislature, but not today.
20 Your responsibility is to take the law as I give it to you.

21 Also, the fact that I instruct you on a particular issue
22 is not to be considered by you to be a suggestion of how
23 you're to resolve that issue. Because I have nothing to do
24 with the facts. It's my decision has been to give you the
25 law, and that's solely my responsibility.

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1 Probably the greatest example that I can give a jury of
2 how we work together, me deciding the law, you deciding the
3 facts, it's been mentioned. During the trial you've heard the
4 attorneys raise an objection, and sometimes I excused you from
5 the courtroom; sometimes we decided that with a bench
6 conference. The fact that they raised the objection shouldn't
7 be considered by you. My ruling shouldn't be considered by
8 you. Because I had to make a ruling, and typically it dealt
9 with the rules of evidence and whether I would allow that
10 evidence for your consideration.

11 If I sustained the objection, you didn't hear it. If you
12 engaged in a process during deliberation of saying, well, I
13 wonder why the judge did that, I wonder what the person would
14 have said, then you've kind of stepped over into my area of
15 responsibility. That's not for your consideration and you
16 shouldn't consider it at all.

17 But on the other hand, if I overruled the objection I
18 allowed the testimony. If in your -- if in your deliberations
19 you say, well, you know, the judge allowed that, I guess I
20 have to accept that as a fact. No, you don't. If you think
21 that way, then you've let me step into your area of
22 responsibility.

23 Quite frankly, the moment I sustained or overruled the
24 objection or overruled it, it shifted to you. You have to
25 decide what you believe and whether or not you believe that

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1 particular testimony and how strongly you believe in it.

2 Also, please understand the order of my instruction means
3 nothing. I have to put it in some order. You consider the
4 charge as a whole when you seek to apply it to the law -- I
5 mean, to the facts.

6 Let's look at the two charges. As I mentioned, he's
7 charged with two different offenses, one murder and the other
8 possession of a weapon during the commission of a violent
9 crime.

10 Section 16-3-10 of our South Carolina Code of Laws
11 defines murder as the killing of any person with malice
12 aforethought, either expressed or implied.

13 The State therefore must prove beyond a reasonable doubt
14 that Mr. Bright killed another person with malice
15 aforethought. Malice, ladies and gentlemen, is hatred, ill
16 will, or hostility towards another person. It is the
17 intentional doing of a wrongful act without just cause or
18 excuse and with the intent to inflict an injury, or under
19 circumstances that a law will allow you to infer an evil
20 intent.

21 Malice indicates a formed purpose and design to do a
22 wrongful act under the circumstances that exclude any legal
23 right to do it. Malice may be inferred from conduct showing a
24 total disregard for human life, but it does not require you to
25 infer malice.

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1 If the facts are proven beyond a reasonable doubt
2 sufficient to raise an inference of malice to your
3 satisfaction, this inference would be simply an evidentiary
4 fact to be taken into consideration by you along with all the
5 other evidence in the case and give it the weight that you
6 deem it entitled.

7 Further, in addition to proving malice they must prove
8 malice aforethought, which means that the malice must have
9 been conceived in the mind of the defendant prior to the act
10 producing the fatal result.

11 The word aforethought is usually understood to refer to
12 the time when the evil is conceived. The law, however, does
13 not require that the malice must exist for any appreciable
14 length of time before the commission of the act. It may be
15 conceived at the very moment the action is taken which results
16 in the death of another. If malice is present in the mind of
17 the one accused of the killing, any length of time before the
18 act, then his presence would be sufficient to render the
19 killing murder.

20 Now, the next offense is he's charged with possession of
21 a weapon during the commission of a violent crime. And,
22 basically, our law provides that if a person is in possession
23 of a firearm or visibly displays what appears to be a firearm
24 during the commission of a violent crime and is convicted of
25 committing the violent crime then this would constitute a

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1 violation of that particular statute.

2 I would tell you that a violent crime -- that murder is
3 defined by our code of laws as a violent crime. Obviously a
4 firearm is any gun or automatic rifle, revolver, pistol, or
5 any weapon which will or is designed to readily be converted
6 to expel a projectile.

7 In addition to those crimes, and for each one of those,
8 the State has to prove criminal intent. It is a necessary
9 element and it must be established beyond a reasonable doubt.

10 Criminal intent is always a matter that must be
11 determined by you from the circumstances surrounding the
12 situation, so the law states that the criminal intent may be
13 inferred from the circumstances which have been shown to have
14 existed.

15 I would charge you the State is not required to prove
16 motive, although the presence or absence of this evidence of
17 motive may be considered in determining -- in your
18 determinations in this case.

19 Criminal intent is a state of mind that operates jointly
20 with an act in the commission of a crime. It would include
21 those consequences which represent the very purpose for which
22 an act is done or are known to be substantially certain to
23 result regardless of the specific desire or intent -- or of
24 desire.

25 Criminal intent is a mental state of a conscious

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1 wrongdoing, and it's up to you to determine what the defendant
2 intended to do based on the circumstances shown to have
3 existed. And I charge you that that must be established, as
4 stated, beyond a reasonable doubt.

5 The defendant in this case has raised the defense of
6 self-defense. And self-defense, I would instruct you, is a
7 complete defense and if established you must find the
8 defendant not guilty.

9 The State has the burden of proof in this case, and that
10 includes proving the absence of the elements of self-defense
11 beyond a reasonable doubt.

12 If you have a reasonable doubt of the defendant's guilt
13 after considering all the evidence, including evidence of
14 self-defense, then you must find him not guilty. If on the
15 other hand you have no reasonable doubt of the defendant's
16 guilt after considering all the evidence, including evidence
17 of self-defense, then you must return a verdict of guilty.

18 To establish self-defense you must determine that the
19 evidence convinces you beyond a reasonable doubt as to each of
20 the following elements:

21 First, the defendant must be without fault in bringing on
22 the difficulty. If the evidence convinces you that the
23 defendant's guilty -- the defendant's conduct was the type
24 which was a -- was reasonably calculated to and did provoke a
25 deadly assault, the defendant would be at fault in bringing on

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1 the difficulty and would not be entitled to an acquittal based
2 on self-defense.

3 The second element of the defense is the defendant was
4 actually in imminent danger of death or serious bodily injury
5 or the defendant actually believed he was in imminent danger
6 of death or serious bodily injury.

7 If the defendant was actually in imminent danger, it must
8 be shown that the circumstances would have warranted a person
9 of ordinary firmness and courage to strike the fatal blow to
10 prevent the -- to prevent death or serious bodily injury.

11 If the defendant believed he was in imminent danger of
12 death or serious bodily injury, it must be shown that a
13 reasonably prudent person of ordinary firmness and courage
14 would have had the same belief.

15 In deciding whether defendant was -- whether the
16 defendant actually was or believed he was in imminent danger
17 of death or serious bodily injury, you should consider all the
18 facts and circumstances surrounding these crimes including the
19 physical condition and characteristics of the defendant and
20 the victim.

21 The defendant does not have to show that he was actually
22 in danger. It would be enough if the defendant believed he
23 was in imminent danger and a reasonably prudent person of
24 ordinary firmness and courage would have had the same belief
25 and acted -- the defendant has the right to act on

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1 appearances, even though the defendant's belief may have been
2 mistaken.

3 It is for you to decide whether defendant's fear of
4 imminent danger, death, or serious bodily injury was
5 reasonable and would have been felt by an ordinary person in
6 the same situation.

7 The third element, and this would be the final element,
8 is the defendant had no other probable way to avoid the danger
9 of death or serious bodily injury than to act as the defendant
10 did in this particular instance.

11 If the evidence convinces you beyond a reasonable doubt
12 there was a way to avoid the danger of death or serious bodily
13 injury other than to act as the defendant did, then the
14 defendant would not be entitled to an acquittal based on self-
15 defense because of the failure to establish that particular
16 element.

17 And as I stated, defendant -- the evidence has to -- the
18 State has to -- has to disprove one or more of all of those
19 for you to find that the State has met its burden of proof.

20 And, again, I state the defendant has no burden of proof
21 as to any of those elements whatsoever.

22 A person cannot make -- be required to make an exact --
23 in considering self-defense, I would instruct you that a
24 person cannot be required to make an exact calculation as to
25 the degree or amount of force which may be needed to avoid

1 death or serious bodily harm. Therefore, in self-defense the
2 defendant has the right to use the force needed as he
3 determined to avoid serious bodily harm or avoid death. The
4 force used in self-defense does not have to be limited to the
5 degree or amount of force to be used by the -- used by the
6 victim. The defendant has the right to use so much force as
7 appeared to be necessary for complete self-protection in which
8 a person of ordinary reason and firmness would have believed
9 was necessary to prevent death or serious bodily harm. The
10 relative sizes and I've stated the weights of the defendant
11 and victim may be considered in determining this.

12 Ladies and gentlemen, throughout this process you were
13 selected by both parties to be a fair and impartial judge with
14 me in this -- in this proceeding. We're not advocates of
15 either side as judges. We don't have any particular friends
16 to reward, nor do we have enemies to punish. In fact, we have
17 to be totally methodical in performing our tasks.

18 And what do I mean by that? I mean this, and I will tell
19 you that I have been doing it a little -- being a judge a
20 little bit longer than you have been. And I will tell you
21 it's never easy, and I will also tell you that you have to
22 remind yourself, as I do every time I put on this robe and
23 preside over a trial, that I can't be influenced or motivated
24 by any human emotion. If we are, then we've failed at being a
25 judge.

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1 We have to set aside all human emotions and make our
2 decision methodically and carefully, applying our common
3 sense, our sense of logic and reason, our knowledge, and
4 deciding those issues that we're called upon to do.

5 I had to do that with ruling on matters of law and giving
6 you the law. You very shortly will have to do that in
7 evaluating the evidence in this case. And I am confident that
8 you will do that.

9 And when you do, when you go back and you decide the true
10 facts and you take the law and apply that fairly and
11 impartially to those facts, then you will have honored your
12 oath. I thank you -- I will thank you in advance for doing
13 that and look forward to hearing your result.

14 To assist you, Madam Presiding Juror, in reporting that,
15 I will be sending back two verdict forms. I want to talk with
16 you about them.

17 There are two choices on each one. The order in which
18 they appear means absolutely nothing. The caption means
19 nothing. That's just to facilitate the filing of the
20 document.

21 One of them -- one deals with murder. The other deals
22 with possession of a weapon during the commission of a violent
23 crime. And we've discussed the elements.

24 There are two choices. One -- each is guilty or not
25 guilty. What will you be saying if you determine in either or

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1 both of these tat guilty is your choice? You'll be saying
2 first -- because it reads thus: We, the jury, by unanimous
3 consent.

4 What do you think that means? Just what you think.
5 Twelve to zero. Eleven to one won't work. It has to be all
6 of you, unanimous.

7 If you find the defendant on this one, Leandra Lamont
8 Bright, on the charge of murder as guilty, you will be saying
9 that you've analyzed the evidence and you are firmly convinced
10 that the State has met its burden of proof and established
11 each of the elements and has disproved the defense of self-
12 defense.

13 And if that's -- if that is the case, then you must
14 return a verdict of guilty. What will you be saying if it's
15 not guilty? You'll be saying that the State has failed to
16 meet its burden of proof in establishing one or more of the
17 elements of murder or failed to disprove self-defense. And if
18 either of those are present, you must return a verdict of not
19 guilty.

20 On the commission of a violent -- of a weapon during the
21 commission of a violent offense, obviously in order for you to
22 consider this you have to find him guilty of murder. Because
23 if he's not guilty of murder you can't be because there is no
24 violent crime.

25 But if you do find that he was guilty of murder, then you

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1 consider this one and you determine whether or not the State
2 has established that at the time he committed the murder he
3 was in possession of a firearm. If your verdict -- if you
4 unanimously agree with that, then the State is entitled to a
5 verdict of guilty. If you fail -- if you think the State has
6 failed to establish either of those elements, then you must
7 return a verdict of not guilty.

8 Let me ask you this. Any of the first twelve jurors feel
9 that they will be unable to continue? If so, raise your hand.

10 [Whereupon no hands raised]

11 THE COURT: Thank you very much.

12 My alternate jurors, when we excuse the jury I will ask
13 that you not rejoin your fellow jurors. They will take you to
14 another room. I need to excuse you very shortly. And you're
15 almost at the point of beginning your deliberations. I've got
16 to discuss my charge with the attorneys. If I need to correct
17 something or give you some additional instruction, we'll
18 return all of you to the courtroom and do that. But if there
19 aren't any exceptions or additions to the charge then we will
20 gather the exhibits and deliver them to you.

21 When you receive those exhibits, then you may commence
22 your deliberations. But not before. Now the only restriction
23 on deliberations is this: If at any point a juror has to
24 leave the table for any reason, you have to stop deliberating
25 until all twelve of you are together.

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1 Other than that, ladies and gentlemen, you proceed as you
2 deem fit and proper. Thank you so much for your attention
3 throughout this trial. Please retire to your jury room and
4 await your exhibits before commencing your deliberations.

5 And I will be in to talk with the alternates in just a
6 moment as to how long you need to remain.

7 [Whereupon, the jury exits the courtroom 11/14/19, 5:03
8 p.m.]

9 THE COURT: Exceptions or additions from the State?

10 MS. ELLIOTT: None, Your Honor.

11 THE COURT: Exceptions or additions from the defendant?

12 MR. HALES: From the self-defense charge, yes.

13 THE COURT: All right. What do you except?

14 MR. HALES: I except -- what do I have an exception with?

15 THE COURT: Yeah, what do you say was in error?

16 MR. HALES: Oh, just the reiteration a couple of times of
17 the disproving of what.

18 THE COURT: Well, that's precisely what it says. And
19 when I was reading it, the first one -- and this is in the
20 charge book, that we've done. The first one says that
21 business about if you find that he was not -- that he brought
22 on the conflict then you -- he's not entitled to acquittal. I
23 said, you know what, that's the perfect language because
24 that's exactly what it saays, you're not entitled to
25 acquittal. And so I -- the obvious one that you can't really

1 get into is where they have to make a determination as to
2 acting on the imminent danger.

3 But obviously there's a way to avoid it. I think you --
4 because to me, those are the two things that are talking about
5 what could you have done differently. Not once you've made
6 that call -- to me that is imminent danger and that is
7 something that is a mental process they have to assess. But
8 if you could have avoided it by not even starting it, then
9 you're not entitled to it. If you could have avoided it by
10 leaving, you're not entitled to it. So that was my rationale.

11 I read it, precisely what the law says. And I did stress
12 it. But you have to stress it for each one, in my opinion.
13 But I -- your exception is noted, and I respect you for that.
14 Thank you ---

15 MR. HALES: Yes, sir.

16 THE COURT: --- so much.

17 MR. HALES: Thank you.

18 THE COURT: Any other exceptions or additions to it?

19 MR. HALES: No, Your Honor.

20 THE COURT: Thank y'all very much. And we will be at
21 ease. And it was a pleasure working with all of you. Thank
22 you so much.

23 [Whereupon, a recess is taken 11/14/19, 5:10 p.m.]

24 [Whereupon, evidence goes to the jury 11/14/19, 5:21
25 p.m.]

1 [Whereupon, the jury enters the courtroom 11/14/19, 5:48
2 p.m.]

3 THE COURT: Thank you very much, ladies and gentlemen.
4 And thank you, Ms. Wallace. I have what's now Court's
5 Exhibit 1 as your note: May we please have the conditions of
6 self-defense so that we may review them?

7 And I understand that. And we were just talking about
8 it. When I practiced law nobody ever did what I'm about to
9 do, but we started doing it because we all know there are
10 types of learners. If you're visual, you can read to that
11 person all day long and they may get some of it; but if you
12 can see it, then you can. And I understand that.

13 We used to -- and typically what and I've done in the
14 past is if the jury requests certain portions, you send back
15 and give that specific portion. The Court has said that if I
16 send back a copy, I have to send the entire charge, not just
17 that portion. So that's why I'm sending you the entire
18 charge.

19 You'll see that, for instance, the crimes are identified
20 murder, possession of a weapon during the commission of a
21 violent crime, criminal intent. And the last section, it
22 starts on Page 8, is under the heading self-defense; and
23 that's where you'll find that portion dealing and outlining
24 the elements.

25 But of course the entire charge is for your

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1 consideration. So I -- we will send that back to you and you
2 may resume your deliberations. Thank you very much.

3 THE FOREPERSON: Thank you.

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

6 [Whereupon, the jury exits the courtroom. Break awaiting
7 jury verdict]

8 [Whereupon, the jury enters the courtroom 11/14/19, 6:16
9 p.m.]

10 THE BAILIFF: The jury is present, Your Honor.

11 THE COURT: Thank you very much.

12 Ms. Wallace, as I understand the jury has reached a
13 verdict, ma'am?

14 THE FOREMAN: Yes, sir.

15 THE COURT: If you would pass the verdict form to the
16 bailiff, please.

17 [Whereupon, Court confers with the deputy clerk]

18 VERDICT

19 THE COURT: All right. The verdict form has been
20 property completed. I ask the defendant to please rise.

21 [Whereupon, Mr. Bright complies]

22 THE COURT: The State of South Carolina versus Leandra
23 Lamont Bright. We, the jury, by unanimous consent, find the
24 defendant, Leandra Lamont Bright, on the charge of murder,
25 guilty. Signed by Ms. Wallace as the presiding juror, dated

1 November the 14th.

2 State of South Carolina versus Lamont -- Leandra Lamont
3 Bright, we, the jury, by unanimous consent, find the defendant
4 Leandra Lamont Bright, on the charge of possession of a weapon
5 during the commission of a violent crime guilty. Signed again
6 by Ms. Wallace and dated November the 14th.

7 Ladies and gentlemen, if the Court has accurately
8 published your verdict, please indicate that by raising your
9 right hand.

10 [Whereupon, all jurors comply]

11 THE COURT: Okay. Let the record reflect that each juror
12 has raised his or her right hand in response to the Court's
13 questions.

14 Anything further from the jury from the State?

15 MS. ELLIOTT: No, Your Honor.

16 THE COURT: Anything further from Mr. Bright?

17 MR. HALES: No, Your Honor.

18 THE COURT: Very well. You may be seated. Thank you
19 very much.

20 Ladies and gentlemen, thank you very much. I appreciate
21 your participation. It's been a privilege and an honor to
22 serve with you. I'll ask you to step to your jury room for
23 just a few moments. I'll be back to discuss some things with
24 you. Thank you.

25 [Whereupon, the jury exits the courtroom 11/14/19, 6:18

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1 somewhere in that neighborhood. So if he were to get that, he
2 would still have a little bit of light at the end of the
3 tunnel. I think he would have something to work for. And
4 with his intelligence I think he would do that. I think he
5 would work toward something.

6 And so that's what we're asking you to do, Your Honor.
7 And I understand many times at trial, once you go to trial
8 that the course ends as far as the verdict goes. But I would
9 just like the Court to take into consideration the fact that
10 he was prepared to accept responsibility for that and give him
11 some benefit for that.

12 THE COURT: Okay. Thank you, sir. Appreciate it.

13 Anything you want to add?

14 Mr. Bright, anything you want to say, sir?

15 MR. BRIGHT: Yes, sir.

16 THE COURT: I'll be happy to hear from you.

17 MR. BRIGHT: I just want to tell the family thank you for
18 not recommending any time. I am sorry about the situation. I
19 appreciate that. Thank you.

20 THE COURT: Thank you, Mr. Bright.

21 And let me say something that just I gleaned from the
22 evidence. And I gleaned it really from the testimony of a lot
23 of different sources. It's interesting when you look at
24 somebody and you only get snippets of their life. And I
25 listened to your record and I listened to some of the

1 activity. But it appears that you were into something that --
2 in your job that you were really beginning to enjoy and it
3 gave -- because of your desire to be at work all the time.
4 And of course where you were working is a decent place, too.
5 And maybe you were beginning to see -- you know what, the one
6 thing that I tell people all the time, and I hear this, and
7 this is as tragic as anything. And I hope and pray we all are
8 starting to working towards providing things and opportunity
9 where people will not have these feelings, but to go through
10 life and never think you really matter. And I know it isn't
11 the parent's doing it. It's what's happening in the streets.

12 And you talk -- I hear -- I heard what you said about
13 that in your statement. And I don't -- I haven't been there,
14 but I don't have any quarrel with what you said. It's tough,
15 it's rough, and it's a vicious place. And you -- it's a
16 survival of the fittest, so to speak.

17 But the thing that you start tearing down is what these
18 people have instilled, what your mother has instilled. You
19 matter. You count. You are a person that is capable of doing
20 every- -- anything and everything, but sometimes we get to the
21 point we don't think that. And the sad thing is -- as I
22 talked to the jury and it was the one thing for me -- not my
23 decision, but if I had had to make the decision -- I would
24 have in a civil case. I would have directed a verdict on one
25 issue; and it's what the street doesn't understand, self-

1 defense. The street doesn't understand that last element.

2 Even the first element can get muddled, did it bring
3 about the controversy; you know, did I start the argument, did
4 I do something. That gets lost in the shuffle sometimes.

5 But not the last one. And this is where hindsight is
6 twenty-twenty, but all you had to do was get yourself in that
7 car. And there were numbers of opportunities.

8 And if you learned anything, I hope you learned this:
9 You can't have a fight if the person that doesn't want to
10 fight with you. So you walk away. And that's how you avoid,
11 always avoid.

12 Now, could the person do something to you? Sure. But
13 there was no evidence of that in this case. And it was
14 decisions that were made on the spur of the moment. Maybe a
15 lot of factors involved. But there's no question that that
16 one element was missing. And it was clearly there, the
17 opportunity to leave and not jeopardize yourself.

18 In fact, I will tell you this -- and they affirmed a
19 conviction for voluntary manslaughter. I did a trial -- a
20 trial on the portion, stand your ground, which is a crazy law
21 right now that we have. And I say crazy intentionally.

22 But the person was a tow-truck operator and he was
23 ripping people off for a subdivision down in Beaufort. And he
24 hooked up to a -- an Hispanic person was living there and he
25 came to bring some Christmas presents. Parked in front of his

1 brother's house to take the presents in. And by the time he
2 got out the tow truck had backed up to him and was hooked up,
3 going to tow him away.

4 And he says, I'll take it off for \$400. Well, the guy
5 got all upset. He went and pulled a gun and walked up to the
6 man in the cab and said, take -- release my car. And the man
7 had reached in his glove compartment and pulled out his pistol
8 and stuck it under his clipboard. And the guy told him to go
9 away. And when he walked away, as he got almost back to his
10 car, he got out and shot him five times. He claimed stand
11 your ground, he was in a place where he had a right to be, in
12 his truck.

13 And I found, no, you didn't have to do that, you could
14 have just driven off, but you didn't. And it furthermore
15 provided -- he said, well, I didn't know where he was going.
16 So I don't -- brought back the memory of what you said, I
17 thought he might be going to get a gun. Well, that's why you
18 drive off. That's the reason you leave.

19 Well, I denied it for that reason. I said he -- I
20 said -- and I put this in the record. I said, if you had shot
21 him when he stood on your running board waving a gun at you,
22 you would have been fine because you were where you had a
23 right to be and this man you didn't know what he was going to
24 do, no problem. The minute he walked away, that was it.

25 And the minute the deceased walked away, that was it and

State vs. Leandra Bright

1 you should have -- should have done it. Hopefully, you will
2 learn that.

3 One thing -- and I shared this earlier this week. You
4 will have a chance to talk to some people that will get out
5 before you will. You won't be spending the rest of your life.
6 I'm not going to sentence you to life in prison. I will tell
7 you that.

8 DEFENDANT BRIGHT: Thank you, sir.

9 THE COURT: I'm not. You don't deserve that, sir.

10 DEFENDANT BRIGHT: Thank you.

11 THE COURT: And I hope -- I agree with what's been said.
12 I hope you can forgive yourself, because then you can start to
13 grow if you do. Acknowledge, just as you said, wrong.

14 But I hope you can tell some people two things. Number
15 one, explain to them the danger of carrying a gun, number one.
16 And, number two, of not knowing the law. But number three, I
17 understand about you being afraid. But I hope you've learned
18 one thing. You could have probably gotten a plea offer in
19 writing in -- down had you told the truth from the get-go.

20 Yeah, you're right, they may have -- they may have
21 arrested you anyway and may have said, no, that's a self-
22 defense issue, that's for a jury to determine.

23 But now the State is looking at, well, I've got to look
24 at this case from the standpoint of this is -- this is what
25 he's saying was done, is it -- how strong is it.

1 And that's -- those are the kinds of things that cause
2 cases to get resolved, where there's a strength and weakness
3 on either side. But when you made up that story and then you
4 stuck by that and your -- the friend decided he wasn't going
5 to stick by that, no reason to bargain anymore because they
6 don't know, they don't know what you know.

7 The friend didn't say that there was anything. The only
8 person that could bring out what you -- what was ended up
9 testifying was you. And had you told them that from the
10 start, there may have been a different ballgame here. Don't
11 know. May have still been a trial but you wouldn't have been
12 confronted with what you were confronted with, and that's how
13 do you explain why you -- why you lied. The truth is always a
14 better thing, man, and I hope you'll do that.

15 But I'm going to take into consideration your age. I'm
16 going to take into consideration your respect that you've
17 shown here today. And I'm going to take into consideration
18 the wonderful people that have spoken on behalf of the man
19 that you ended their life -- ended his life. And I thank them
20 for that. I really do.

21 I think you deserve a chance. You'll be sixty -- you'll
22 be somewhere in your sixties, but I can -- I'll be 72. I can
23 promise you that it -- try to stay healthy, and there's a lot
24 of living you can do too.

25 So the sentence of the Court on 2016-6523 is thirty

State vs. Leandra Bright

1 years.

2 How much time has he served?

3 MR. HALES: Your Honor, I do not have the exact
4 calculation. I can look it up very quickly.

5 THE COURT: If you would.

6 MR. HALES: I had it the other day when ---

7 THE COURT: And sentence on the possession is five years.
8 They're concurrent.

9 DEFENDANT BRIGHT: Thank you.

10 THE COURT: You will serve them together, sir.

11 DEFENDANT BRIGHT: Thank you.

12 THE COURT: Okay. And I will give you credit for
13 whatever you tell me it is.

14 MR. HALES: I am looking it up right now.

15 THE COURT: All right. And good luck to you, Mr. Bright.

16 [Whereupon pause for the Court]

17 THE COURT: All right. Since April the 1st. I'll just
18 put that and then they can make the calculation.

19 Since April 1st?

20 MR. HALES: Yeah, I've got 1,323 days.

21 THE COURT: All right. Tell me again.

22 MR. HALES: One thousand three hundred and twenty-three
23 days.

24 THE COURT: All right. Since April 1st, 2016, 1,327
25 days ---

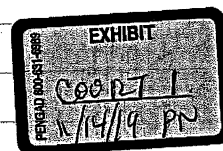
May we please have the
conditions of self-defense.
So that we may review

11/14/2019

Elong Wallace, pending jury

Ms Wallace,

I have attached



It now becomes my duty as trial judge under the constitution of this state to charge and instruct you in the law applicable to this case. It is your duty as jurors to accept and apply the law as the court will now state it to you and your exclusive duty to determine the effect, the value, the weight, and the truth of the evidence. Both the state and mr. Bright have a right to expect that you will conscientiously consider and evaluate the evidence and apply the law of the case thereto, and to end they both parties will receive and obtain a fair and impartial trial in this case.

When I use the word defendant, I refer to Mr. Bright.

The defendant here has been accused in what we call an indictment. It's a piece of paper on which accusations against defendants are placed. It is not an exhibit. You'll have a number of exhibits in this case, and those are part of the evidence in the case.

Now, to this indictment the defendant has rendered a plea of not guilty which then places upon the state the burden of proving beyond a reasonable doubt that the defendant is guilty. In this state and in this country a person who is accused with the commission of a criminal offense is never required to come in and prove himself or herself innocent. This principle of law we call the presumption of innocence. Each of you, is required under our law and by your oath to actively presume that the defendant is not guilty. The presumption of innocence is maintained at all times throughout the trial of this case and is only removed when

and if the state brings in enough evidence to persuade you beyond all reasonable doubt that defendant is guilty.

Well, what is reasonable doubt?

A reasonable doubt is a doubt which makes an honest, sincere, conscientious juror in search of the truth in the case hesitate. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime charged, you must find him guilty. If on the other hand you think there is a real possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty. Reasonable doubt may arise from evidence which is in the case or from the lack or absence of evidence in the case. It's up to you, ladies and gentlemen to determine whether or not a reasonable doubt exists as to guilt of this defendant. I charge you that the defendant is entitled to every reasonable doubt arising in the whole case. If upon any issue of fact essential to conviction and a verdict of guilty, you have a reasonable doubt as to how that issue should be resolved, it would be your duty to resolve that reasonable doubt in favor of the defendant.

Ladies and gentlemen, cases can be presented or evidence can be presented in

one of two ways. Direct evidence or indirect evidence or the more popular name for indirect evidence is circumstantial evidence. Direct evidence is when someone comes in and testifies to the commission of a crime that they perceived through their own senses, saw someone commit a crime, for example. Indirect evidence or circumstantial is when someone testifies as to different events that occur and when you link all of them they point to the commission of a crime. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. The law says to the extent that the state relies on circumstantial evidence it has to meet a certain test. First, the state as to each one of those events or circumstances they are relying on, the state has to prove each one of those beyond a reasonable doubt. Further, these facts must point conclusively to the guilt of the accused and they must be wholly perfectly consistent with each other in every particular respect. I further instruct that the mere fact that the circumstances brought out in a case are strongly suspicious of guilt or the circumstances are such that a defendant's guilt is probable, then that's not enough. That is not sufficient to sustain a conviction because the proof offered by the state has to be more than suspicion. It has to be more than someone being probably guilty. It has to be proof that satisfies you then beyond a reasonable doubt.

How do you decide the facts of this case? You do it through the exercise of your good judgment, and the application of your common sense, your sense of logic and reason, and your experiences in life. You know, every day in your lives you judge credibility. You make decisions every day of our lives with regard to whether people are believable, persuasive or convincing or not. You do the same thing as a juror. In deciding believability, you may consider what was the manner and appearance of the witness who testified -- was he or she straightforward, or hesitant in answering? Was the testimony of a witness consistent -- or inconsistent? How did the witness come to know the facts that he or she testified to and what was ability to know these facts? Is there some reason a witness would want to give testimony which would help -- or hurt -- one side or the other? In other words, was the witness biased or prejudiced?

In determining the question of credibility or believability of the witness, you may believe one witness as against several witnesses or several witnesses as against one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. These considerations you do not exercise arbitrarily, but if in your good judgment there is sound reason in the record of this case for so doing. You are to consider all the evidence and this case and determine what you believe to be the

true facts of this dispute.

Now, you are given as i've already told you a wide latitude in regard to this matter of determining believability, determining the facts as we call them in the case. When it comes to the law though, you have to accept these legal principals as i give them to you. You obviously can't change the law. You just take the law as i give it to you. You find the facts as you see them and then you apply the law to those facts and then, you see, that's the way that you reach your verdict.

Murder charge

Section 16-3-10 of the South Carolina code defines "murder" as the "killing of any person with malice aforethought either expressed or implied."

The state must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought.

Malice is hatred, ill-will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent. "Malice" indicates a formed purpose and design to do a wrongful act under circumstances that exclude any legal right to do it

Malice may be inferred from conduct showing a total disregard for human life but it does not require you to infer malice. If facts are proved beyond a reasonable doubt, sufficient to raise an inference of malice to your satisfaction, this

inference would be simply an evidentiary fact to be taken into consideration by you, the jury, along with other evidence in the case, and you may give it such weight as you find it should receive. You as jurors are free to accept or reject this permissive inference depending on your view of the facts.

Further, there must be malice aforethought, which means that the malice must have been conceived in the mind of the defendant prior to the act producing the fatal result. The word aforethought is usually understood to refer to the time when the evil is conceived. The law does not require that the malice must exist for any appreciable length of time before the commission of the act. It may be conceived at the very moment the action is taken which results in the death of another. If malice is present in the mind of the one doing the killing any length of time before the act, then its presence would be sufficient to render the killing murder.

Possession of weapon during crime

If a person is in possession of a firearm or visibly displays what appears to be a firearm during the commission of a violent crime and is convicted of committing or attempting to commit a violent crime as defined in section 16-1-60, which defines murder as a violent crime. The term "firearm" is defined in this section as any machine gun, automatic rifle, revolver, pistol,

or any weapon which will, or is designed to, or may readily be converted to expel a projectile.

Criminal intent

Criminal intent is a necessary element of crime of murder, and that must be proved by the state beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation, so the law states that criminal intent may be inferred from the circumstances shown to have existed. The state is not required to prove motive although the presence or absence of this evidence of motive may be considered in making your determinations in this case.

Criminal intent is a state of mind that operates jointly with an act in the commission of a crime. Intent includes those consequences which (a) represent the very purpose for which an act is done, or (b) are known to be substantially certain to result (regardless of desire). Criminal intent is a mental state, a conscious wrongdoing, so it is up to you, the jury, to determine what the defendant intended to do, based on the circumstances shown to have existed. I tell you that the state must prove criminal intent as it must prove every other element, beyond a reasonable doubt.

7

Self-defense

The defendant has raised the defense of self-defense. Self-defense is a complete defense and, if it is established, you must find the defendant not guilty. The state has the burden of proof in this case, and this includes proving the absence of the elements of self-defense beyond a reasonable doubt. If you have a reasonable doubt of the defendant's guilt after considering all the evidence, including the evidence of self-defense, then you must find the defendant not guilty. On the other hand, if you have no reasonable doubt of the defendant's guilt after considering all the evidence, including the evidence of self-defense, then you must find the defendant guilty.

To establish the defense of self-defense you must determine that the evidence convinces you beyond a reasonable doubt as to each of the following elements:

First the defendant must be without fault in bringing on the difficulty. If evidence convincing you that the defendant's conduct was the type which was reasonably calculated to, and did, provoke a deadly assault, the defendant would be at fault in bringing on the difficulty and would not be entitled to an acquittal based on self-defense.

The second element of self-defense is that the defendant was actually in imminent danger of death or serious bodily injury or that the defendant actually believed he was in imminent danger of death or serious bodily injury. If the defendant was actually in imminent danger, it must be shown that the circumstances

would have warranted a person of ordinary firmness and courage to strike the fatal blow to prevent death or serious bodily injury. If the defendant believed he was in imminent danger of death or serious bodily injury, it must be shown that a reasonably prudent person of ordinary firmness and courage would have had the same belief.

In deciding whether the defendant actually was, or believed he (she) was, in imminent danger of death or serious bodily injury, you should consider all the facts and circumstances surrounding the crime, including the physical condition and characteristics of the defendant and the victim.

The defendant does not have to show that he was actually in danger. It is enough if the defendant believed he was in imminent danger and a reasonably prudent person of ordinary firmness and courage would have had the same belief. The defendant has the right to act on appearances even though the defendant's beliefs may have been mistaken. It is for you to decide whether the defendant's fear of immediate danger of death or serious bodily injury was reasonable and would have been felt by an ordinary person in the same situation.

The final element of self-defense is that the defendant had no other probable way to avoid the danger of death or serious bodily injury than to act as the defendant did in this particular instance. If the evidence convinces you beyond a reasonable doubt there was a way to avoid the danger of death or serious bodily

harm other than to act as the defendant did then the defendant would not be entitled to an acquittal based on self-defense.

A person cannot be required to make an exact calculation as to the degree or amount of force which may be needed to avoid death or serious bodily harm. Therefore, in self-defense, the defendant has the right to use the force needed to avoid death or serious bodily harm. The force used in self-defense does not have to be limited to the degree or amount of force used by the victim. The defendant has the right to use so much force as appeared to be necessary for complete self-protection, and which a person of ordinary reason and firmness would have believed to be needed to prevent death or serious bodily harm.

Ladies and gentlemen, you are not partisans or advocates for the state of South Carolina or this defendant. You do not serve as jurors to reward friends or punish enemies. You have been selected by both the state and Mr. Bright defendant as fair and impartial jurors. It is your duty, then, by your joint deliberations, to determine the truth in this case, giving to this defendant the benefit of every reasonable doubt. Then, to the facts which you determine to be true, you take and apply the law which has been given you by this court and thus arrive at a verdict which does speak the truth of his case. When you have accomplished this and written your verdict you will have satisfied your oath as jurors and you will have discharged your duty to this to the state, to Mr. Bright and the court.

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

R. Markley Dennis, Circuit Court Judge

Case No. 2016-GS-10-06523, 2016-GS-10-06524

The State of South Carolina, Respondent,

v.

Leandra L. Bright Appellant.

NOTICE OF APPEAL

Leandra L. Bright appeals his conviction and sentence imposed by the Honorable R. Markley Dennis. On November 14, 2019, the Appellant was convicted of Murder (Indictment No.: 2016-GS-10-06523) and Possession of a weapon during the Commission of a Violent Crime (Indictment No.: 2016-GS-10-06524). The Appellant received a sentence of Thirty (30) years on Indictment 2016-GS-10-06523, and Five (5) years on Indictment 2016-GS-10-06524. All sentences are ordered to run concurrent.

November 19, 2018

s/ Kevin G. Hales
Kevin G. Hales
Law Office of Kevin Hales
PO Box 13598
Charleston, South Carolina 29422
(843) 737-2893
Attorney for Appellant

Other Counsel of Record:
Shannon Elliott
Assistant Solicitor
101 Meeting Street
Charleston, South Carolina 29401
(843) 958-1900

FILED
2019 NOV 21 AM 10:01
CLERK OF COURT
RY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

R. Markley Dennis, Circuit Court Judge

Case No. 2016-GS-10-06523, 2016-GS-10-06524

The State of South Carolina,

Respondent,

v.

Leandra L. Bright,

Appellant.

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of the State of South Carolina v. Leandra L. Bright was served upon Assistant Solicitor Shannon Elliott on November 21, 2019, by hand-delivering a copy to the Solicitor's Office, 101 Meeting Street, Charleston, South Carolina, by the undersigned.


Kevin G. Hales
Law Office of Kevin Hales
PO Box 13598
Charleston, South Carolina 29422
(843) 737-2893
Attorney for Appellant

BY _____

CLERK OF COURT

2019 NOV 21 AM 10:01

FILED

ERC/0315840
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2016-009463

ARREST WARRANT NUMBER
2016A1010201424

DATE OF ARREST
04/01/2016

ACTION OF GRAND JURY

[Signature]
TRUE BILL DEC 13 2016
Foreperson of Grand Jury Date:

VERDICT

Guilty

Ebony Wallace 11/14/19
Foreperson of Petit Jury Date:

DOCKET NO. 2016-GS-10-06523

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
DECEMBER TERM 2016

THE STATE

VS.

LEANDRA LAMONT BRIGHT
B/M DOB: [REDACTED]

Indictment for
MURDER

SC Code: § 16-03-0010
CDR Code: 0116

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By *[Signature]*
RECEIVED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened December 2016, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about March 30, 2016, the defendant, Leandra Lamont Bright, with malice aforethought, did kill and murder Arthur Lee Myers by means of shooting, and Arthur Lee Myers did die in Charleston as a proximate result thereof on or about March 30, 2016; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



EDWARD R. CORVEY, III
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.

By 
JULIE J. ARMSTRONG

COUNTY OF CHARLESTON

STATE VS.

LEANDRA LAMONT BRIGHTAKA: Leander Lamont Bright, Leandra BrightRace: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: Gwinnett Street, Lot [REDACTED]City, State, Zip: North Charleston, SC 29418-6716DL# [REDACTED]SID# SC01489143*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or☐ PLEADSTO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)

The charge is:

☐ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.☐ (def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Shannon Elliott, Assistant Solicitor

SC Bar # 79731

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Since April 11, 2016 - 1823 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75TOTAL \$ 128.75☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Phyllis NortonCourt Reporter: Phyllis NortonPresiding Judge: [Signature]Judge Code: 2060Sentence Date: 11/14/19

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., C.S. & F.C.

By [Signature]

DEPUTY CLERK

472

ERC/0315840
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2016-009463

ARREST WARRANT NUMBER

2016A1010201425

DATE OF ARREST

04/01/2016

ACTION OF GRAND JURY

TRUE BILL DEC 13 2016

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Ebon Wallace

Foreperson of Petit Jury

Date:

11/14/19

DOCKET NO. 2016-GS-10-06524

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

DECEMBER TERM 2016

THE STATE

VS.

LEANDRA LAMONT BRIGHT

B/M DOB: [REDACTED]

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490

CDR Code: 0549

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.

[Signature]

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

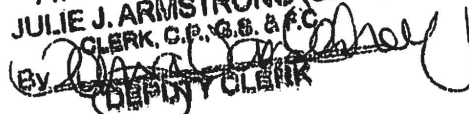
At a Court of General Sessions, convened December 2016, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about March 30, 2016, the Defendant, Leandra Lamont Bright, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


EDWARD R. CORVEY, III
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., C.S. & C.
BY  DEPUTY CLERK

COUNTY OF CHARLESTON
STATE VS.LEANDRA LAMONT BRIGHTAKA: Leander Lamont Bright, Leandra BrightRace: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED] Gwinnett Street, Lot [REDACTED]City, State, Zip: North Charleston, SC 29418-6716DL# [REDACTED]SID# SC01489143*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or36 PLEADSTO: Possession Of A Weapon During The Commission Of A Violent CrimeIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

SENTENCE SHEET

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Shannon Elliott, Assistant Solicitor

SC Bar # 78771

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 1823 days since April 1, 2016☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling ☐

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing ☐§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

prmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____

Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

☐ Appointed PD or appointed other counsel,3% to County (if paid in installments) \$ \$ 3.75

Proviso requires \$500 be paid to Clerk

TOTAL \$ 125.75

during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: _____

Court Reporter: Phyllis NortonPresiding Judge: [Signature]Judge Code: 2060Sentence Date: 11/14/196

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/Susan B. Hackett

Susan B. Hackett

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
Dec 18 2020
SC Court of Appeals

This 18th day of December, 2020.