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Mar 14 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

VERNON EVANS JORDAN,

APPELLANT.

APPELLATE CASE NO. 2021-000801

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COUNTY OF GREENVILLE) COURT OF GENERAL SESSIONS
) 2018-GS-23-06035
) **ORIGINAL**
)
STATE OF SOUTH CAROLINA)
PLAINTIFF)
vs.) TRANSCRIPT OF RECORD
)
VERNON EVANS JORDAN)
DEFENDANT)

July 12-14, 2021
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge; and a
jury.

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

JEFF WESTON, ESQ.
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Attorneys for the State

STUART SARRATT, ESQ.
KAITLYN DIAZ, ESQ.
Attorneys for the Defendant

APRIL HERRON
Official Court Reporter

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APPELLATE DEFENSE

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10 All exhibits were retained by the
11 Greenville County Clerk of Court.

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1 July 12, 2021

2 THE COURT: Okay, welcome back. Hope everyone
3 is doing well, had a nice lunch. All right. We are
4 here to -- y'all are qualified to serve for the week
5 under the law. And we are -- now we have to qualify
6 you to serve for this particular case. So I would
7 remind you you're still under oath and please give
8 full, complete and truthful answers to the questions
9 proposed to you. Before we get started, let me
10 introduce the case to you. This is The State of
11 South Carolina vs. Vernon Evans Jordan. It is an
12 indictment for murder and possession of a weapon
13 during the commission of a violent crime.

14 This indictment alleges in count one that Vernon
15 Evans Jordan did, in Greenville County on or about
16 the 7th day of October 2017, willfully, unlawfully
17 and with malice aforethought kill George Pegram by
18 means of stabbing him multiple times and that George
19 Pegram died as a approximate result thereof. Count
20 two, alleges that Vernon Evans Jordan did in
21 Greenville County on or about the 7th day of October,
22 2017, possess or visibly display an edged weapon
23 during the commission or attempted commission of a
24 violent crime, that is murder.

25 Now, ladies and gentlemen, to this indictment,

1 two count indictment, Mr. Jordan has pled not guilty.
2 And as a result of that certain rights attach which
3 belong to everyone person in this country charged
4 with a criminal offense. And that he is presumed to
5 be innocent until and unless The State, who is the
6 charging body in this case, can prove to a jury
7 beyond any reasonable doubt each and every element of
8 each offense with which that person is charged.
9 Please keep that in mind throughout the course of
10 these proceedings.

11 The other thing I would instruct you and tell
12 you is that the allegations, which I read in this
13 indictment, are merely allegations. And you are to
14 take no presumption or make any inference from the
15 fact that these -- this indictment has been issued.
16 It is simply a piece of paper, a formal document by
17 which this case is processed and brought into court
18 for resolution before a jury. So please keep that in
19 mind as well throughout the course of these
20 proceedings.

21 Now, before I begin, I would ask that the
22 attorneys involved stand and introduce themselves and
23 their client, as appropriate. All right.

24 MR. WESTON: May it please the Court?

25 THE COURT: Yes, sir.

1 MR. WESTON: Thank you, Your Honor.

2 Ladies and gentlemen, my name is Jeff Weston.
3 And along with my cocounsel, Ms. Alexa Kluska, we
4 represent the -- we are employed by the solicitor's
5 office here in Greenville County and we are the
6 prosecutors involved in this case.

7 THE COURT: All right, thank you very much.

8 MR. SARRATT: Ladies and gentlemen, my name is
9 Stuart Sarratt. And I, along with my cocounsel,
10 Kaitlyn Diaz, represent The Defendant, Vernon Jordan.

11 THE COURT: All right, thank you very much.

12 All right, ladies and gentlemen, is there any
13 member of the jury panel who is related by blood or
14 marriage or who has a business, personal or social
15 relationship with any of the attorneys involved in
16 this case or with any member of the 13th Circuit
17 Judicial Solicitor's office? If so, please stand.

18 (There was no response.)

19 Is there any member of the jury panel who is
20 related by blood or marriage or who has a business,
21 personal or social relationship with either
22 Mr. Vernon Evans Jordan or Mr. George Pegram? If so,
23 please stand.

24 (There was no response.)

25 I'm going to read a list of potential witnesses.

1 And I will need to know the same about these
2 individuals. Ron Griggs, Crystal Williams, Charles
3 Pate, Alexis Jordan, Roman Cox, Allen Hertel, Peyton
4 Eskew, Billy Jo Durham, Jonathan Mahaffey with the
5 Greenville County Coroner's Office; Kara Bennick with
6 the Department of Public Safety; Tim Nafzinger with
7 the Department of Public Safety Forensic Division;
8 Kaitlin Appel with the Department of Public Safety
9 Forensic Division; Vishwaben Naik with the Department
10 of Public Safety Forensic Division; Blake Wolfe,
11 Greenville County Sheriff's Office; Bradley Lusk,
12 Greenville Police Department; William Mize,
13 Greenville Police Department; Jonathan Wehrly,
14 Greenville Police Department; Russ Irvin, Greenville
15 Police Department; Charles Lane, Greenville Police
16 Department; James Shelton, Greenville Police
17 Department.

18 Is there any member of the jury panel related by
19 blood or marriage or who has a business, personal or
20 social relationship with any of those potential
21 witnesses whose names I just read, please stand.

22 Yes, sir, your name and number, if you would.

23 PROSPECTIVE JUROR: Scott Jackson, 27.

24 THE COURT: Okay. Yes, sir.

25 PROSPECTIVE JUROR: Sir, with the Greenville

1 Police Department, I was associated with working with
2 Greenville Fire Department. Now, I'm retired. I do
3 know the individuals but just merely know of them.

4 THE COURT: Okay, would the fact that you know
5 of any of those individuals, can you identify?

6 PROSPECTIVE JUROR: Faces. I know the names but
7 I know them as more faces. But I've worked with them
8 on different traffic accidents and stuff like that.

9 THE COURT: All right. Would the fact that you
10 have that knowledge, would that impair your ability
11 to be fair and impartial to either The State or The
12 Defense?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: And you can judge this case based
15 solely on the merits of the evidence and the law as I
16 would give it to you?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: All right, thank you very much.

19 All right, is there any member of the jury panel
20 who has any knowledge about the events that are
21 alleged in the two counts of this indictment? If so,
22 please stand.

23 (There was no response.)

24 Is there any member of the jury panel or family
25 member or a close personal friend who's ever been a

1 victim of or charged with this type of offense? If
2 so, please stand.

3 (There was no response.)

4 Is there any member of the jury panel who is
5 aware of any bias or prejudice towards either The
6 State or The Defense? If so, please stand.

7 (There was no response.)

8 Okay. Is there any member of the jury panel who
9 is a member of or a contributor to a group whose
10 primary concern is the promotion of law enforcement
11 or victims rights? And this would include, examples
12 would be, MADD, SADD or CAVE? If so, please stand.

13 (There was no response.)

14 Okay. Is there any juror who knows of any
15 reason whatsoever why you shouldn't serve in this
16 case, with particular inferences on your ability to
17 be fair and impartial to both The State and The
18 Defense, and to judge this case based solely on the
19 merits of the evidence presented in the courtroom and
20 the law as I would give it to you? If you can't do
21 that please let us know right now.

22 THE COURT: All right. Yes, ma'am.

23 PROSPECTIVE JUROR: Doing what I did, 17 years.

24 THE COURT: What's your name and number before
25 you?

1 PROSPECTIVE JUROR: Fifty-four, Tremonti.

2 THE COURT: All right. Okay. Thank you very
3 much, ma'am, I appreciate it.

4 All right, let me see the lawyers up here for
5 just a second, if you would.

6 (WHEREUPON, an off-the-record bench conference
7 was held in the presence of the jury venire but
8 out of the hearing of the jury venire.)

9 THE COURT: All right, ladies and gentlemen,
10 thank you very much. All right, ladies and
11 gentlemen, we're going to bring the process now of
12 what we call striking the jury. No physical violence
13 involved.

14 Five and ten.

15 MR. WESTON: Could we approach one more time,
16 please?

17 THE COURT: Sure.

18 MR. WESTON: I apologize for interrupting again,
19 Your Honor.

20 THE COURT: That's all right.

21 (WHEREUPON, an off-the-record bench conference
22 was held in the presence of the jury venire but
23 out of the hearing of the jury venire.)

24 MR. WESTON: Thank you, Your Honor.

25 THE COURT: All right. So, ladies and

1 gentlemen, if you would, when your name and number
2 are called, if you would, just please stand in place
3 and await further instructions.

4 THE CLERK: Juror number 19, William Fuller.

5 (William Fuller, a white male, stood.)

6 What says The State?

7 MR. WESTON: Excuse the juror, please.

8 THE CLERK: Mr. Fuller, you may be seated,
9 you've been excused from the case.

10 Juror No. 11, Melissa Cole.

11 (Melissa Cole, a white female, stood.)

12 What says The State?

13 MR. WESTON: Present the juror, please.

14 THE CLERK: What says The Defendant?

15 MR. SARRATT: Please excuse the juror.

16 THE CLERK: Ma'am, you may be seated, you've
17 been excused from this case.

18 Juror No. 34, Grace Magera.

19 (Grace Magera, a white female, stood.)

20 What says The State?

21 MR. WESTON: Present the juror, please.

22 THE CLERK: What says The Defendant?

23 MR. SARRATT: Please seat the juror.

24 THE CLERK: Ms. Magera, if you would, bring your
25 belongings and come forward this way.

1 Juror No. 37, Jason Morrow.

2 (Jason Morrow, a white male, stood.)

3 What says The State?

4 MR. WESTON: Present the juror, please.

5 THE CLERK: What says The Defendant?

6 MR. SARRATT: Please seat the juror.

7 THE CLERK: Mr. Morrow, please step this way,
8 you've been chosen.

9 Juror No. 22, Samuel Hogan.

10 (Samuel Hogan, a white male, stood.)

11 What says The State?

12 MR. WESTON: Excuse the juror, please.

13 THE CLERK: Mr. Hogan, you may be seated, you've
14 been excused from this case.

15 Juror No. 21, Gary Grodecki.

16 (Gary Grodecki, a white male, stood.)

17 What says The State?

18 MR. WESTON: Present the juror, please.

19 THE CLERK: What says The Defendant?

20 MR. SARRATT: Please excuse the juror.

21 THE CLERK: Mr. Grodecki, you may be seated,
22 you've been excused from this case.

23 Juror No. 27, Scott Jackson.

24 (Scott Jackson, a white male, stood.)

25 What says The State?

1 MR. WESTON: Present the juror, please.

2 THE CLERK: What says The Defendant?

3 MR. SARRATT: Please excuse the juror.

4 THE CLERK: You may be seated, you've been
5 excused from this case.

6 Juror No. 14, Ashanti Durham.

7 (Ashanti Durham, a black female, stood.)

8 What says The State?

9 MR. WESTON: Present the juror, please.

10 THE CLERK: What says The Defendant?

11 MR. SARRATT: Please swear the juror.

12 THE CLERK: Ms. Durham, please bring your
13 belongings and step forward.

14 Juror No. 53, Darrel Thomas.

15 (Darrel Thomas, a black male, stood.)

16 What says The State?

17 MR. WESTON: Present the juror, please.

18 THE CLERK: What says The Defendant?

19 MR. SARRATT: I'm sorry, please excuse the
20 juror.

21 THE CLERK: Mr. Thomas, you may be seated,
22 you've been excused from this case.

23 Juror No. 20, Erik Gibbons.

24 (Erik Gibbons, a white male, stood.)

25 What says The State?

1 MR. WESTON: Present the juror, please.

2 THE CLERK: What says The Defendant?

3 MR. SARRATT: Please seat the juror.

4 THE CLERK: Mr. Gibbons, please bring your
5 belongings and step forward.

6 Juror No. 36, Maria Moricca.

7 (Maria Moricca, a Hispanic female, stood.)

8 What says The State?

9 MR. WESTON: Excuse the juror, please.

10 THE CLERK: Ms. Moricca, you may be seated,
11 you've been excused from this case.

12 Juror No. 39, Jeanette Myers.

13 (Jeanette Myers, a white female, stood.)

14 What says The State?

15 MR. WESTON: Present the juror, please.

16 THE CLERK: What says The Defendant?

17 MR. SARRATT: Please seat the juror.

18 THE CLERK: Ms. Myers, please bring your
19 belongings and step forward.

20 Juror No. 55, Michelle Vaughn.

21 (Michelle Vaughn, a white female, stood.)

22 What says The State?

23 MR. WESTON: Present the juror, please.

24 THE CLERK: What says The Defendant?

25 MR. WESTON: Please present the juror.

1 THE CLERK: Ms. Vaughn, please bring your
2 belongings and step forward.

3 Juror No. 56, James Woodruff.

4 (James Woodruff, a black male, stood.)

5 What says The State?

6 MR. WESTON: Present the juror, please.

7 THE CLERK: What says The Defendant?

8 MR. SARRATT: Please seat the juror.

9 THE CLERK: Mr. Woodruff, please bring your
10 belongings and step forward.

11 Juror No. 17, Monica Frisk.

12 (Monica Frisk, a white female, stood.)

13 What says The State?

14 MR. WESTON: Present the juror, please.

15 THE CLERK: What says The Defendant?

16 MR. SARRATT: Please seat the juror.

17 THE CLERK: Ms. Frisk, please bring your
18 belongings and step toward.

19 Juror No. 42, Nicole Phillips.

20 (Nicole Phillips, a white female, stood.)

21 What says The State?

22 MR. WESTON: Present the juror, please.

23 THE CLERK: What says The Defendant?

24 MR. SARRATT: Please excuse the juror.

25 THE CLERK: Ms. Phillips, you may be seated,

1 you've been excused from this case.

2 Juror No. 15, Alan Eggert.

3 (Alan Eggert, a white male, stood.)

4 What says The State?

5 MR. WESTON: Present the juror, please.

6 THE CLERK: What says The Defendant?

7 MR. SARRATT: Please excuse the juror.

8 THE CLERK: Mr. Eggert, you may be seated,
9 you've been excused from this case.

10 Juror No. 9, Tonya Carter.

11 (Tonya Carter, a black female, stood.)

12 What says The State?

13 MR. WESTON: Present the juror, please.

14 THE CLERK: What says The Defendant?

15 MR. SARRATT: Please seat the juror.

16 THE CLERK: Ms. Carter, please bring your
17 belongings and step forward.

18 Juror No. 33, Jashaun Lomax.

19 (Jashaun Lomax, a black male, stood.)

20 What says The State?

21 MR. WESTON: Present the juror, please.

22 THE CLERK: What says The Defendant?

23 MR. SARRATT: Please excuse the juror.

24 THE CLERK: Mr. Lomax, you may be seated, you've
25 been excused from this case.

1 Juror number 38, Allison Muriithi.

2 (Allison Muriithi, a white female, stood.)

3 What says The State?

4 MR. WESTON: Present the juror, please.

5 THE CLERK: What says The Defendant?

6 MR. SARRATT: Please excuse the juror.

7 THE CLERK: Ms. Muriithi, you may be seated,
8 you've been excused from this case.

9 Juror number 50, Blake Scott.

10 (Blake Scott, a white male, stood.)

11 What says The State?

12 MR. WESTON: Present the juror, please.

13 THE CLERK: What says The Defendant?

14 MR. SARRATT: Please seat the juror.

15 THE CLERK: Mr. Scott, please bring your
16 belongings and step forward.

17 Juror No. 13, Susie Daniel.

18 (Susie Daniel, a black female, stood.)

19 What says The State?

20 MR. WESTON: Present the juror, please.

21 THE CLERK: What says The Defendant?

22 MR. SARRATT: Please seat the juror.

23 THE CLERK: Ms. Daniel, please bring your
24 belongings and step forward.

25 Juror No. 10, Bridgette Cassell.

1 (Bridgette Cassell, a white female, stood.)

2 What says The State?

3 MR. WESTON: Excuse the juror, please.

4 THE CLERK: Ms. Cassell, you may be seated,
5 you've been excused from this case.

6 Juror No. 44, Charles Pruette.

7 (Charles Pruette, a white male, stood.)

8 What says The State?

9 MR. WESTON: Present the juror, please.

10 THE CLERK: What says The Defendant?

11 MR. SARRATT: Please seat the juror.

12 THE CLERK: Mr. Pruette, please bring your
13 belongings and step forward.

14 THE COURT: Two alternates. One and two on
15 each.

16 THE CLERK: Juror No. 48, Tonya Robinson.

17 (Tonya Robinson, a black female, stood.)

18 What says The State?

19 MR. WESTON: Excuse the juror, please.

20 THE CLERK: Ms. Robinson, you may be seated,
21 you've been excused from this case.

22 Juror No. 23, Trudy Houston.

23 (Trudy Houston, a black female, stood.)

24 What says The State?

25 MR. WESTON: Present the juror, please.

1 THE CLERK: What says The Defendant?

2 MR. SARRATT: Please seat the juror.

3 THE CLERK: Ms. Houston, please bring your
4 belongings and step forward.

5 Juror No. 35, Sylvia McAlister.

6 (Sylvia McAlister, a white female, stood.)

7 What says The State?

8 MR. WESTON: Present the juror, please.

9 THE CLERK: What says The Defendant?

10 MR. SARRATT: Please excuse the juror.

11 THE CLERK: Ms. McAlister, please be seated,
12 you've been excused from this case.

13 Juror No. 24, Terry Howard.

14 (Terry Howard, a white male, stood.)

15 What says The State?

16 MR. WESTON: Present the juror, please.

17 THE CLERK: What says The Defendant?

18 MR. SARRATT: Please excuse the juror.

19 THE CLERK: Mr. Howard, you may be seated,
20 you've been excused from this case.

21 Juror No. 12, Bradd Cox.

22 (Bradd Cox, a white male, stood.)

23 What says The State?

24 MR. WESTON: Present the juror, please.

25 THE CLERK: What says The Defendant?

1 MR. SARRATT: Please excuse the juror.

2 THE COURT: No.

3 MR. SARRATT: Uh?

4 THE COURT: One and two on alternates.

5 MR. SARRATT: I apologize, please seat the
6 juror.

7 THE CLERK: Mr. Cox, please bring your
8 belongings and step forward.

9 THE COURT: Okay, any exception or objection to
10 the jury as impaneled pursuant to Jebb or Batson,
11 from The State?

12 MS. KLUSKA: None from State, Your Honor.

13 THE COURT: From The Defense?

14 MR. SARRATT: None from the Defense, Your Honor.

15 THE COURT: Okay.

16 All right, ladies and gentlemen, I hope I see
17 you later in the week. I'm not sure you all feel the
18 same. But, honestly, it's a great privilege and a
19 heavy responsibility to serve on a jury. Why you did
20 not get an opportunity on this day, I hope some day
21 in the future, either this week or on down the line,
22 that you'll get that opportunity. But as of right
23 now, you are free to go. We would ask you to call
24 back after six o'clock on the call back number to
25 determine what your next step will be. All right.

1 Thank you very much.

2 (WHEREUPON, the jury venire was excused at
3 approximately 2:41 p.m.)

4 THE COURT: Everyone else remain seated while
5 the jury exits.

6 Anything else, we're on the record?

7 MR. WESTON: Not so far as jury selection, no
8 sir.

9 THE COURT: Okay. We're going to head upstairs,
10 take just a few minutes --

11 You got anything, Mr. Sarratt?

12 MR. SARRATT: No, Your Honor.

13 THE COURT: Okay. And get set up and then we'll
14 take care of your pre-trial motions. Is there going
15 to be any reason not to swear the jury?

16 MR. WESTON: Nothing from The State, Your Honor.

17 MR. SARRATT: None from the Defense.

18 THE COURT: All right. We'll go ahead, make
19 some comments to them, swear them in and get them
20 out, let them go and then we'll do the motion, okay.
21 So we'll see you up in courtroom four.

22 (WHEREUPON, a short break was taken.)

23 THE COURT: All right, anything? I'm going to
24 bring the jury. Give them some remarks, swear them
25 and let them go.

1 MR. SARRATT: Let them go for the day?

2 THE COURT: Yeah.

3 MR. SARRATT: Okay.

4 THE COURT: Because don't you have?

5 MR. SARRATT: I have motions and stuff I was
6 just clarifying.

7 THE COURT: Yeah, bring them back tomorrow
8 morning.

9 MR. SARRATT: That's fine with us, Your Honor.

10 THE COURT: Is that good? Okay.

11 MR. SARRATT: Sure.

12 THE COURT: All right.

13 MR. WESTON: Excuse me, Your Honor, before we
14 bring them in, there is one matter.

15 THE COURT: I knew it. I knew it.

16 MR. WESTON: Out of an abundance of caution, I
17 wanted to raise this before you swore the jury. One
18 of our material witnesses, Mr. Roman Cox, is under
19 subpoena, personally served. He was here pretrial,
20 he was here this morning and we told him to come back
21 at 2:30, he's not back yet. He was an eye witness.
22 His testimony would be that he was an eye witness to
23 the murder.

24 THE COURT: Okay.

25 MR. WESTON: And so, I'm going to check again

1 after we've finished, obviously, before we finish for
2 the day with our front desk to see if he has
3 returned. But if he is not there, Your Honor, The
4 State is going to either ask that The Court issue a
5 material witness subpoena slash warrant to have him
6 go be picked up or that we get a continuance until
7 such time as he can be located. Now, we, obviously,
8 prefer that y'all go get him. That they go get him.
9 We won't need him -- he is about our ninth or tenth
10 witness, we won't need him before probably 11:00 or
11 12 o'clock tomorrow, probably in the afternoon,
12 actually. But he is -- these are transients. And,
13 obviously, it's like herding cats trying to maintain
14 these people. I just want to make The Court aware of
15 that. And as I said, he is under a personally served
16 subpoena.

17 THE COURT: Anything from The Defense?

18 MR. SARRATT: No. It's just that my
19 investigator has been trying to find him all this
20 time too and has never been able to. So he is a
21 little squirrely.

22 THE COURT: How did you get him here this
23 morning?

24 MR. WESTON: We threatened him -- after he was
25 served approximately one or two weeks ago, Your

1 Honor, when I finally got him on the phone, we
2 threatened him with a -- the case would be continued
3 if he did not show up and we would ask The Court for
4 a subpoena to have him picked up because he's a
5 material -- I explained what the law was to him. And
6 he was -- said -- he promised he would be here as of
7 Friday. He said he would be here at nine o'clock
8 this morning and he, in fact, was here at nine
9 o'clock this morning. And I had a lengthy
10 conversation with him about returning this afternoon.
11 And that the same legal procedure would follow.

12 THE COURT: Okay. Well, we'll --

13 MR. WESTON: But as a right now it's not a
14 problem, Your Honor, if we're not going to have -- if
15 we don't need him until in the morning. Well, Your
16 Honor, he is one -- the Jackson v. Denno hearing that
17 we're going to have this afternoon, we're prepared to
18 go with that. And we don't think it will take that
19 long because it's on video. And I just got the
20 officer to introduce it and provide circumstances.

21 THE COURT: All right.

22 MR. WESTON: However, there's the issue of the
23 Neil vs. Biggers. There are two witnesses, including
24 the one who is not back this afternoon, Mr. Cox, who
25 were picked out -- where The Defendant was picked out

1 of a lineup. And Mr. Cox was an eye witness to the
2 crime, which kicks Neil vs. Biggers in for sure. The
3 problem, Your Honor, is that the defense has not
4 filed any motion for a Neil vs. Biggers hearing. We
5 presumed up, until we talked to the deputy solicitor
6 last Friday, that there was no need for one. That
7 they had no objection to the lineup. Because they
8 had not filed a motion on the record. And it's been
9 four years. They had the video, they had all the
10 discovery.

11 THE COURT: Okay. Well, I mean, I'm happy to
12 send the sheriff's department out to find the guy.

13 MR. WESTON: I just want to make sure you
14 understand Neil vs. Biggers for him might not be
15 until tomorrow morning.

16 THE COURT: If there's no motion for a Neil,
17 that's --

18 Mr. Sarratt.

19 MR. SARRATT: I did intend to make an oral
20 motion for those to be heard pretrial.

21 THE COURT: Okay. Well, we might have to do it.
22 If he's not here today, we'll do it when we get him.

23 MR. WESTON: That's fine, Your Honor. But as
24 far as -- just so Mr. Sarratt is clear and we're on
25 the same page, if he makes an oral motion, that's

1 fine but he has to lay some groundwork. He can't
2 just say we want a hearing. He's got to say -- he's
3 got to point to something that he thinks is
4 inappropriate.

5 THE COURT: All right. We'll deal with this
6 when we get there. Right now, we're going to bring
7 the jury.

8 MR. WESTON: Yes, sir, Your Honor.

9 MR. SARRATT: Yes, Your Honor.

10 THE COURT: Okay.

11 (WHEREUPON, the jury came into open court at
12 approximately 3:05 p.m.)

13 THE COURT: All right. Ladies and gentlemen,
14 welcome to courtroom number four. In our little
15 COVID isolation booths. And they are -- well,
16 they're necessary but not necessarily convenient. So
17 we just all trying to learn to deal with it and,
18 hopefully, we won't have them too much longer but we
19 will have them this week. Ladies and gentlemen, I
20 want to tell you that we have a dispute about the
21 facts in this case which cannot be handled or
22 resolved in any other way than to be where we are
23 now. That is to ask a jury to come up, be sworn,
24 listen to the evidence presented in this courtroom
25 and the law as a I will give it to you and make a

1 determination about how to resolve this dispute. And
2 that is your job in this. And that is what we are
3 asking you to do.

4 I would remind you that the indictment that I
5 read to you is not evidence. And you should make no
6 presumption or take any inference from the fact that
7 an indictment was issued with allegations. It is
8 only the formal document by which the case winds its
9 way through our system to arrive here in court for
10 resolution and finalization by a jury such as
11 yourselves. I also remind you that every person
12 charged with crime in this country is presumed to be
13 innocent unless and until the charging body, in this
14 case, the State of South Carolina, can prove to you
15 all beyond any reasonable doubt each and every
16 element of each offense that that person is charged
17 with. So please keep that in mind throughout the
18 course of the proceedings as well.

19 Now, for your benefit, I break a trial down into
20 five parts. Just so you have a procedural road map
21 to tell you where, procedurally, you are in the
22 trial. It's not a timeline, it's not a temporal
23 limit because all of the parts are different lengths.
24 But the first part of the trial, I guess, you can say
25 we're starting to get into now but we'll really get

1 into tomorrow, I define it as opening statements to
2 you by the attorneys. Opening statements are brief
3 and non-argumentive statements by the attorneys about
4 the case. The second part of the trial is the meat
5 and potatoes of every case. And that is the
6 presentation of the evidence in the case.

7 And generally, evidence will come to you in one
8 of three ways. The most commonly thought of way is
9 through oral testimony. Somebody testifying from the
10 witness stand up here. Second very common way is
11 through the introduction of tangible documents or
12 tangible items. And the third most common way is
13 when the parties agree that some fact is so beyond
14 dispute, that you should accept it as being true.
15 And that's what we call a stipulation of the parties.
16 So I have no idea what the combination of the
17 evidence to be presented will be in, but it will,
18 generally, come to you in one of these three ways.
19 So that's the second part of a trial.

20 The third part of the trial is after all of the
21 evidence has been presented, the attorneys get up and
22 make their closing arguments to you and advocate
23 their position and urge you to resolve the dispute in
24 their favor. So it's a opening statement and a
25 closing argument.

1 The fourth part of the trial will be when I
2 charge you the law. What the law is as it applies to
3 this case. And the fifth part of the trial will be
4 when you all retire to your jury room, after the
5 first four parts are over, and deliberate the case.
6 And come to a decision which resolves the dispute
7 that we're here about. So those are the five parts,
8 they're not of equal length. But if you can remember
9 that, you'll have an idea about where we are in the
10 case.

11 Now, I'm sure I'm going to ask you to do many
12 things. There are three main things I ask you to do.
13 The first one is to keep an opened mind until the end
14 of the case. We go through the qualification process
15 to ensure that we have an open minded, fair minded
16 jury that will resolve the dispute based on the
17 evidence and the law that's presented in the
18 courtroom. So keep an opened mind until the end of
19 the case.

20 The second thing I ask you to do, sounds very
21 simple, and I heard it and I still hear it my whole
22 life, pay attention. If you let your mind wander off
23 and miss an answer by a witness or the way a witness
24 answers a question and you missed it, you would be at
25 a disadvantage in your deliberations at the

1 conclusion of the trial. So I urge you and ask you
2 to pay a attention throughout the course of the
3 trial.

4 The third thing I ask you to do and instruct you
5 to do, and this is very important, is not to discuss
6 this case with anyone until you are free to
7 deliberate at the conclusion of the trial. You can't
8 talk about the facts of the case. That means -- and
9 we're going to get you to take an oath and then we're
10 going to excuse you for the day. And you will be
11 home or you'll be with your people, whoever they are,
12 your family, your friends. And you can't talk about
13 it with them. You don't know anything about the case
14 at this point. We anticipate the case to last two or
15 three days. So you will have opportunities to be
16 with people you will -- and you'll know something
17 about the case. You can't talk about the case.

18 The reason is that even a innocent comment from
19 someone who you like and trust might impact your
20 state of mind. And that would not be fair to the
21 parties involved, it wouldn't be fair to your fellow
22 jurors and most especially it wouldn't be fair to you
23 to let someone who is not making the sacrifices that
24 each of you are making, have any input in the outcome
25 of this trial. We don't care what anybody else

1 thinks. It's only this jury that matters, okay. I
2 hope that make sense.

3 That includes don't do research. Don't look
4 something up on the internet. I use to say don't go
5 to the encyclopedia. Don't -- I don't know that
6 there will ever be any news coverage on this case,
7 but don't read it if there is. Don't go visit some
8 scene that you might hear about. Everything you need
9 to know to decide this case you'll hear in this
10 courtroom and that will be subject to constitutional
11 protections and scrutiny. So it's vital and very
12 important.

13 I would tell you that -- and when I say you
14 can't talk with anybody, that includes the bailiffs,
15 includes yourselves, you can't talk about the facts
16 of this case until you're free to deliberate at the
17 end. I will tell you that you are the sole judge of
18 the facts in the case. So don't think that by
19 anything that I say or do that I have an opinion
20 about the facts of the case. It's up to you to make
21 those decisions. It's up to you and you all alone to
22 decide what to believe and whatnot to believe and how
23 to resolve this case.

24 The same law that makes you the same judges of
25 the facts, makes me the sole judge of the law. So if

1 you have some idea about what you think the law is or
2 what the law ought to be and it differs from what I
3 tell you the law is, throughout the course of the
4 case and at the conclusion of the case, then you're
5 going to swear an oath, in just a second, to set
6 aside your own opinion and apply the law precisely as
7 I state it to you. And that ensures that everyone
8 tried up here is treated under the same law, okay.
9 It's important, very important.

10 I'm going to ask you to do other things. One of
11 the things I'm going to ask you to do in the morning
12 when you come back is to see if you can decide who
13 you want to be your foreperson. It has to be from
14 among the first 12 chosen. And the foreperson is the
15 spokesperson for the jury in the courtroom, if that
16 becomes necessary, and the moderator of the
17 discussions at the conclusion of the trial. So I
18 would like to see if you all can make that decision.
19 If you can't, I can certainly help you with that.
20 I've got this list of people, I just close my eyes
21 and put my finger down and one of you gets to be
22 foreperson. That's supposed to be sort of a joke.

23 So anyway, with that, ladies and gentlemen, I
24 think we'll ask you to be back, as I'm just starting
25 a trial, ask you to be back, let's say quarter of

1 10:00 in the morning in your jury room. And we'll
2 get started about that time. And now, I will ask you
3 all to stand and take the oath to well and truly try
4 this case.

5 THE CLERK: Please raise your right hands. The
6 correct response to this oath is, I will.

7 (WHEREUPON, the jury was sworn.)

8 THE CLERK: Thank you.

9 THE COURT: All right, y'all don't have to sit
10 down. We're going to excuse you for the day and
11 we'll look to see you about a quarter of 10:00 in the
12 morning, okay.

13 (WHEREUPON, the jury left open court and was
14 excused for the day at approximately 3:16 p.m.)

15 THE COURT: Okay.

16 MR. WESTON: Your Honor, The State is ready to
17 move forward on the Jackson v. Denno hearing.

18 THE COURT: All right.

19 MR. WESTON: We have a video of the
20 communication between Investigator Lusk and The
21 Defendant that we need to pre-mark for purposes of
22 this hearing, Your Honor.

23 (WHEREUPON, State's Exhibit No. 1 was marked for
24 identification only.)

25 MR. WESTON: Your Honor, The State would call

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 Investigator Brad Lusk.

2 THE CLERK: Mr. Lusk, if you'd please stop at
3 the end of the bench, place your left hand on the
4 Bible, raise your right hand.

5 BRAD LUSK, after being duly sworn{,}testified as
6 follows:{F}

7 THE CLERK: Please be seated.

8 MR. WESTON: Thank you, Your Honor, may it
9 please the Court?

10 THE COURT: Yep.

11 DIRECT EXAMINATION

12 BY MR. WESTON:

13 Q Investigator Lusk, with whom are you employed?

14 A Greenville City Police Department.

15 Q And how long you been in that position?

16 A About 26 years.

17 Q Did you have an occasion to investigate or to
18 lead the investigation involving the murder that brings us
19 to court today?

20 A Yes, sir.

21 Q All right. And during that investigation, did
22 you have an opportunity to interview the Defendant,
23 Mr. Vernon Jordan?

24 A Yes, sir, I did.

25 Q When did that interview take place?

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 A On October the 8th, 2017.

2 Q About what time was it?

3 A It was probably 4:30ish.

4 Q In the afternoon?

5 A Yeah, 4:30 in the afternoon, p.m.

6 Q All right. And where did it take place?

7 A At the Greenville Police Department.

8 Q And was the video -- excuse me, was the
9 interview video taped?

10 A Yes, it was audio and videoed.

11 Q All right. And was anybody else in the room
12 other than you?

13 A No, sir, there was not.

14 Q All right. Prior to coming into the room -- and
15 just to give The Court some idea of the set up, did you
16 bring The Defendant into the room or was he already there?
17 You had him brought over and someone -- you came in and he
18 was already there, what were the circumstances that put
19 you in the same room with him?

20 A I escorted him from detention to the interview
21 room.

22 Q All right. And during the time when you first
23 went to the detention center and got him, what was his
24 state of mind or condition? Did it seem like he was in --
25 like he was --

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 A He seemed clear and coherent.

2 Q All right. Did he seem to be under the
3 influence of alcohol or drugs?

4 A He did not appear to be.

5 Q Did he seem to be overly tired?

6 A No, sir.

7 Q All right. And did he ask for any kinds of
8 comforts that he might have needed that you didn't want to
9 supply? Like water or restroom breaks, something along
10 that line?

11 A Both of those was offered. He declined both
12 water and restroom break.

13 Q All right. And was he handcuffed?

14 A He was, he was.

15 Q All right. Once you got him to the law
16 enforcement -- to the administrative part of the law
17 enforcement center, was he still handcuffed?

18 A Possibly, in the front. I think I might have
19 released one hand for him.

20 Q All right. Did he show any physical signs of
21 having been beaten, tortured or physically assaulted in
22 any way?

23 A No, sir.

24 Q Did he advise you that any of those things might
25 have happened to him since his arrest?

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 A He did not.

2 Q All right. Did he appear to know what you were
3 doing and the fact that you wanted to talk to him?

4 A He did.

5 Q All right. And I'm going to show you what has
6 been premarked at State's Exhibit 1 for purposes of this
7 hearing and ask you do you recognize it?

8 A Yes, sir, I do recognize it.

9 Q What it is?

10 A It's a video -- it's a disk containing a video
11 of the interview with Mr. Jordan.

12 Q Have you reviewed that disk?

13 A I have.

14 Q Does it accurately depict the interview that you
15 had with Mr. Jordan?

16 A Yes, sir.

17 Q As far as you can tell, has it been edited in
18 any way?

19 A No, sir.

20 Q And is there anything on the disk that let you
21 know that that is the disk that you've looked at and that
22 you've reviewed that contains the information that you
23 just testified to?

24 A There is.

25 Q What is that, sir?

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 A My initials are on the disk.

2 Q And did you put your initials on this?

3 A I did.

4 MR. WESTON: Your Honor, The State would offer
5 this as State's Exhibit 1 for purposes of this
6 hearing.

7 MR. SARRATT: No objection.

8 THE COURT: All right.

9 (WHEREUPON, State's Exhibit No. 1 was admitted
10 into evidence.)

11 MR. WESTON: Your Honor, at this point The State
12 would like to play the disk for The Court and let The
13 Court make its own finding concerning the
14 voluntariness of the statement.

15 THE COURT: Okay.

16 BY MR. WESTON:

17 Q While she is cueing this up, are the Miranda
18 Warnings that you say you gave The Defendant, are they at
19 the beginning of the video, pretty much?

20 A They are.

21 Q All right. By the way, while she's doing that,
22 was anybody else in the room that would be off camera
23 while this is going on?

24 A No, sir.

25 Q All right. Before you come in the room, let me

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 just ask you this. There's a clock in the corner, on the
2 bottom of the screen, in the corner, that says 10/8/17 at
3 about 1642, is that pretty much accurate?

4 A That's correct.

5 Q So this was on October the 8th of 2017?

6 A Yes, sir.

7 Q All right. And 1642, what is that in layman's
8 time?

9 A 4:42 p.m.

10 Q Thank you, sir.

11 THE WITNESS: Unclick the microphone.

12 (WHEREUPON State's Exhibit one was published.)

13 BY MR. WESTON:

14 Q Investigator Lusk, was that the extent of the
15 interview with regard to The Defendant's rights?

16 A Yes, sir, it was.

17 Q And in your opinion, did The Defendant answer
18 the questions -- answer your questions knowingly?

19 A He did.

20 Q Did he understand your questions, in your
21 opinion?

22 A He did.

23 Q And do you believe he voluntarily waived his
24 rights?

25 A Yes, sir.

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 Q I neglected to ask you this before we looked at
2 the video, prior to the video coming on, on your way when
3 you first met him in the lockup part of the detention
4 center and on your way over, did you threaten The
5 Defendant in any way?

6 A Not at all.

7 Q Did you promise The Defendant any kind of reward
8 or beneficial treatment or prosecution benefits if he were
9 to give a statement?

10 A No, sir.

11 Q So there were no promises made to him?

12 A No promises.

13 Q No threats?

14 A No threats.

15 Q You know of any reason why this statement was
16 not voluntary?

17 A I do not.

18 MR. WESTON: Excuse, me Your Honor, one moment.

19 BY MR. WESTON:

20 Q Just so we're clear, rather than watch the
21 entire video, at some point in this interview, five
22 minutes in, 10 minutes in, 30 minutes in, did The
23 Defendant ever invoke his rights to a lawyer?

24 A He did.

25 Q All right. And at that point did you stop the

BRAD LUSK-CROSS BY MR. SARRATT (IC)

1 questioning?

2 A I did.

3 Q All right. And did you -- did you prompt him to
4 invoke his right to a lawyer or did he do that because he
5 knew what his rights were? Or you assumed because he knew
6 what his rights were?

7 A Yes, I assumed he knew his rights so I stopped
8 talking to him about it.

9 MR. WESTON: Nothing further, Your Honor.

10 THE COURT: Examine, cross?

11 CROSS-EXAMINATION

12 BY MR. SARRATT:

13 Q Do you recall -- and we haven't seen this part
14 but later on in the video you're asking about where he was
15 on certain days and he seems to be very confused about
16 where he was and the days leading up to this confession?

17 A He seemed -- we had to go backwards as far as
18 from that day, go back yesterday and the day before that.

19 Q Right.

20 A But he seemed to be clear once we established a
21 timeline.

22 Q Okay. Do you remember him telling you about how
23 he had a brain injury when he was six because his brother
24 had cracked his skull, I believe, is the phrases that he
25 used?

VERNON JORDAN-DIRECT BY MR. SARRATT (IC)

1 A I don't recall that part of it.

2 Q Do you recall him saying something about that
3 was the reason why he was not able to keep dates and times
4 sort of straight?

5 A I don't recall that part of it.

6 Q Okay.

7 I don't have any further questions.

8 THE COURT: Redirect?

9 MR. WESTON: Nothing further from The State,
10 Your Honor.

11 THE COURT: Is that it?

12 MR. WESTON: That's the only evidence we have,
13 Your Honor.

14 THE COURT: Okay, you can step down. Thank you.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Anything from The Defense?

17 MR. SARRATT: Call The Defendant, Vernon Jordan.

18 THE COURT: Okay.

19 THE CLERK: Mr. Jordan, please step over to the
20 witness stand. Place your left hand on the Bible,
21 raise your right hand.

22 VERNON JORDAN, after being duly
23 sworn(,) testified as follows:{F}

24 THE CLERK: Thank you.

25 DIRECT EXAMINATION

VERNON JORDAN-DIRECT BY MR. SARRATT (IC)

1 BY MR. SARRATT:

2 Q Mr. Jordan, state your name for the record.

3 A Vernon Evans Jordan.

4 Q Can you spell that?

5 A V-E-R-N-O-N J-O-R-D-A-N. Evans is, E-V-A-N-S.

6 Q Thank you. How far did you go in school?

7 A Ninth.

8 Q Okay. Did you drop out after that?

9 A Yes.

10 Q Okay. Have you had any other schooling outside
11 of that?

12 A No.

13 Q Okay. Can you tell The Court about, I believe,
14 you recall telling the officer that you had a head injury
15 when you were a kid --

16 A Yes.

17 Q -- right? Can you tell The Court more about
18 that?

19 A I had a massive head injury where my brother hit
20 me with a brick when I was six years old.

21 Q And what --

22 A And it cracked my skull and ever since I've not
23 been able to remember dates and times very well.

24 Q Okay. Has that persisted since the time that
25 you were young?

VERNON JORDAN-DIRECT BY MR. SARRATT (IC)

1 A Since as long as I've been alive.

2 Q Okay. Do you recall being confused about the
3 timeline --

4 A Yes--

5 Q -- when you were giving that interview?

6 A Yes, I do.

7 Q Okay.

8 A Very confused. Still confusing about the
9 timeline.

10 Q Sure. Now, you heard the officer testify that
11 he did not believe that you were under the effects of any
12 alcohol or drugs and that you seemed well rested and
13 everything. Tell The Court, in your words, what was your
14 state of mind when you--

15 A Well, I'd been up for four days and four nights
16 on methamphetamine. The mental health lady just had came
17 and woke me up and asked me if I wanted to be left alone?
18 And I was, like, yes, I'm trying to sleep. I had been up
19 for four days and four nights on methamphetamines. Her
20 name is Miller at the county detention center. Just after
21 that they called me out for him. And I'm pretty sure that
22 whenever he asked me that I told him, yeah, I have been up
23 for four days smoking methamphetamine and marijuana.

24 Q Okay. So were you in your right mind when you
25 gave that interview?

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 A No.

2 Q All right. Do you feel that you understood what
3 was going on?

4 A I was very vague about what was going on.

5 MR. SARRATT: Okay, I don't have any further
6 questions, Your Honor.

7 THE COURT: Cross?

8 CROSS-EXAMINATION

9 BY MR. WESTON:

10 Q Mr. Jordan, I want to make sure I'm following
11 what question counsel asked you.

12 A Yes, sir.

13 Q He never did ask you -- I'm going to ask you,
14 are you saying to this Court that you did not voluntarily
15 waive your rights and you didn't understand those
16 questions about waiver of rights?

17 A I was up for four days and four nights. I had
18 been smoking methamphetamines, I had never tried
19 methamphetamines in my life. I've gotten -- I've been in
20 comas, went homeless, lost my job, lost my place to stay,
21 was on the streets and run into these people that were
22 smoking methamphetamines. It kept you awake, I wun't
23 [verbatim] comfortable going to sleep on the streets. So
24 it seemed like a good idea, bad idea. But yeah, I was not
25 very coherent as far as knowing what he was saying.

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 Q I understand. So let's see if we can establish
2 a timeline here.

3 A Okay.

4 Q When this interview started, how long had you
5 been in the detention center?

6 A I had just gotten arrested that morning or that
7 night.

8 Q And this was about, I think you said, about 3:30
9 in the afternoon?

10 A Right.

11 Q So you'd been in the detention center for five
12 or six hours, at least, if not longer?

13 A I just had gotten arrested.

14 Q That morning you just said?

15 A In the --

16 Q And this is in the afternoon?

17 A Yeah. Well, I hadn't slept. Still hadn't
18 slept.

19 Q Could you -- and I don't see on the video --

20 A I just --

21 Q I'm sorry, go ahead.

22 A I just had fallen asleep when they took me out
23 the holding cell where I was at and put me in a room by
24 myself.

25 Q You will agree, sir, that you don't look sleepy

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 on the video? You would agree with that, wouldn't you?

2 And we can play it back if you want us to.

3 A I'm telling you I was sleepy.

4 Q I understand that. I asked you, you would agree
5 you don't look sleepy on this video?

6 A Well, what I look like and what I was is two
7 different things, sir.

8 Q So answer my question, you don't look sleepy to
9 a third party, like Investigator Lusk talking to you. He
10 has no way of knowing you were sleepy; did he? Based upon
11 what he can see.

12 A I told him I was on methamphetamines and
13 marijuana for four days.

14 Q Let's play this back and --

15 A I --

16 Q Excuse me, let me finish my question, sir.

17 A Sir, I just watched that.

18 Q You're saying you told him that before you --
19 during the waiver part?

20 A Yes, sir.

21 Q So if we play that back we can hear it?

22 A I told him that. I don't know what happened to
23 it but it was supposed to be on there.

24 Q So are you saying--

25 A I know I told that man.

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 Q So you believe --

2 A I know --

3 Q -- this video was doctored?

4 A Obviously.

5 Q Okay. But you don't have any prove of that?

6 A No, sir, I do not.

7 Q And your lawyer has had this video tape for four
8 years?

9 A And for four years I've been saying I told him.

10 Q You told your lawyer that?

11 A Then I told him that I was -- told him that I
12 was on methamphetamines for four days and four nights.

13 Q No, sir, I'm talking about the doctoring of the
14 tape. You're saying now that on this tape somewhere,
15 before he finished the waiver, you told him that you had
16 been on methamphetamines for four days and four nights?

17 A Yes.

18 Q I just listened to it, I didn't happen to hear
19 that.

20 A I didn't happen to hear it either, sir.

21 Q You don't hear it either?

22 A No, sir.

23 Q It's not on this tape, it is? That just played,
24 is it?

25 A No, not on this tape that just played, you're

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 right.

2 Q So you're saying this tape has been doctored,
3 yes or no?

4 A Yes.

5 Q And you're saying you told your lawyer that some
6 time ago?

7 A I told my lawyer in the beginning that I told
8 him that I was on methamphetamines for four days and four
9 nights and that he continued to question me. Yes, I did.

10 Q Did you tell your lawyer -- have you seen this
11 tape before today?

12 A No, sir.

13 Q I see. All right. So let's make sure I got the
14 timeline right here now.

15 A Okay.

16 Q So this -- you were arrested, you said, that
17 morning?

18 A Yes, sir.

19 Q You were interviewed on this video that
20 afternoon, about, at least, three or four hours later, if
21 not longer?

22 A Yes, sir.

23 Q Is that correct?

24 A Yes, sir.

25 Q And prior to your arrest that morning, you had

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 been taking methamphetamines for four days?

2 A Yes, sir.

3 Q So going back from the time you were arrested,
4 you were high on methamphetamine for four days? I want to
5 make sure you're clear about that.

6 A Yes, sir.

7 Q I'm sorry?

8 A I'm clear, yes, sir.

9 Q But you remember everything you did during that
10 four days but you don't remember this conversation you had
11 with the officer?

12 A I didn't say I remembered everything I had done
13 for four days, sir.

14 Q So you don't remember what you did during those
15 four days?

16 A I remember telling the officer that I was on
17 methamphetamines.

18 Q No, sir, that's not my question. I understand,
19 you've said that four or five times. You're saying you do
20 remember what you did the past four days when you were on
21 methamphetamine? Yes or no?

22 A Dates and times I can't remember.

23 Q But what you did?

24 A But what I did, yes.

25 Q And what you did here was waive your rights.

VERNON JORDAN-CROSS BY MR. WESTON (IC)

1 We're not talking about dates and times here, we're
2 talking about do you remember waiving your rights?

3 A I remember him reading me my rights, yes.

4 Q And didn't you understand them? Not dates and
5 times but your rights?

6 A I was half asleep.

7 Q So you have a convenient memory, is what you're
8 telling this Court?

9 A No, sir.

10 Q You remember him reading you your rights?

11 A Yes, sir.

12 Q And, I guess, are you saying you didn't
13 understand what he said when he was speaking English to
14 you? You understood what he was saying. You said just
15 now, I remember him reading me my rights.

16 A Yes, sir.

17 Q So you understood those were your rights? Yes
18 or no?

19 A Yes.

20 Q And you waived them and said you wanted to talk
21 to him, didn't you?

22 A And we spoke.

23 MR. WESTON: Thank you, sir.

24 That's all I have, Your Honor.

25 THE COURT: Any redirect?

VERNON JORDAN-REDIRECT BY MR. SARRATT (IC)

1 MR. SARRATT: Very briefly, Your Honor.

2 THE COURT: Okay.

3 REDIRECT EXAMINATION

4 BY MR. SARRATT:

5 Q Is it possible that you told somebody else that
6 you were on methamphetamine, another officer at the
7 detention center or perhaps before this video?

8 A I'm pretty sure I told him.

9 Q Okay.

10 A In that video.

11 MR. SARRATT: No further questions.

12 THE COURT: All right, thank you, you can step
13 down.

14 MR. WESTON: State has nothing in redirect, Your
15 Honor. I mean, rebuttal.

16 THE COURT: Is The Defense through?

17 MR. SARRATT: I am, Your Honor.

18 THE COURT: All right. Anything you want to
19 say?

20 MR. SARRATT: Yes, I would make a motion to
21 exclude the statement. As you heard, he testified
22 that he had a serious injury when he was a child, a
23 brain injury, that caused some confusion, that he had
24 been awake for days, that he was not in his right
25 mind, he didn't understand what was going on. I

1 understand that it's a totality of circumstances test
2 and I believe that under the totality of
3 circumstances, it's not a knowing and voluntary
4 waiver of his rights and it's not an admissible
5 statement. That's all I have, Your Honor.

6 THE COURT: Okay.

7 Anything, you want to respond?

8 I'm not inclined to grant your motion,
9 Mr. Sarratt.

10 MR. WESTON: Nothing else from The State, Your
11 Honor.

12 THE COURT: Okay. And I don't find that his
13 will was overborn by the circumstances surrounding
14 the confession. He appears to be lucid. And in the
15 video, the officer, I don't find any coercion. He
16 was very cordial with him. And I find that his
17 rights were read to him. And so, I'm going to find
18 that the statement can be submitted to the jury. All
19 right.

20 Okay, anything else?

21 MR. WESTON: Nothing further from The State on
22 that issue, Your Honor.

23 THE COURT: Okay.

24 MR. SARRATT: Nothing from The Defense.

25 THE COURT: Anything else? I mean, any other

1 motions?

2 MR. SARRATT: Yes, Your Honor. I have a motion
3 to suppress the eye witness identification under Neil
4 v. Biggers.

5 THE COURT: Okay.

6 MR. SARRATT: The main one I'm after is the
7 Roman Cox interview. I understand he's not here. So
8 I did want to put that on the record, I do intend to
9 make that motion. If we need to hold off until he's
10 available. There were, I believe, at least, two
11 other identifications that were made. I don't,
12 honestly, have concerns with the other two.

13 THE COURT: You have no objection with the other
14 identifications?

15 MR. SARRATT: No.

16 THE COURT: All right. Well, let's send Mike
17 Mangrum out to find this guy.

18 MR. WESTON: That's fine, Your Honor. I'm not
19 sure, exactly, what his -- he says that my concern is
20 with this. I'm not sure what he's submitting as a
21 legal deficiency for purposes of Neil vs. Biggers.
22 The fact that he's concerned does not meet his burden
23 of showing a prima facia case that shifts the burden
24 to us.

25 MR. SARRATT: I can respond, briefly.

1 THE COURT: All right, please do.

2 MR. SARRATT: Roman Cox claims to have been a
3 eye witness. He was also with The Defendant when he
4 was arrested. From that point on, everybody that
5 refers to my client, all the other witnesses, refers
6 to the guy that got arrested on the moped. Or the
7 bald guy that got arrested with the moped. He was
8 shown a photo lineup. He claims to have seen a fight
9 between the victim and my client. He's readily able
10 to identify my client but has trouble identifying the
11 victim in that case or in that identification, he's
12 shown two. It was nighttime, it was poor conditions.
13 I don't think he had very good visibility, the
14 interaction was brief.

15 And again, because he saw my client being
16 arrested the next day, it essentially, in my opinion,
17 it's a show up ID and that he's not identifying the
18 person that he saw, he just knows that my client has
19 been arrested and charged with this and so he has to
20 pick him out of a lineup. He's picking the guy he
21 saw get put in handcuffs. That's the basis of my
22 motion.

23 THE COURT: Okay.

24 MR. WESTON: Your Honor, just briefly, two
25 points. Number one, and I think that the discovery

1 that's been presented, as the defense counsel shows,
2 that when The Defendant was arrested, the Roman Cox
3 and the other four or five individuals that were
4 there had already left. They had been released by
5 law enforcement prior to The Defendant being
6 questioned and arrested. Second, most important,
7 Your Honor, he was not arrested for murder. He was
8 arrested for false information to police and
9 possession of a weapon. The knife that was too long
10 under the city code. And there was no discussion
11 about a murder with him in front of this witness.
12 And so there would not be any chain. And even if
13 those things were done, Your Honor, that would just
14 simply make it -- that would bolster his
15 identification because he saw him a second time.

16 THE COURT: Okay. Well, can't go forward with a
17 hearing on this. I will -- he's raised enough to
18 have a hearing. But let's find the guy. Get you all
19 to prepare your paper work for it. Whatever you need
20 to do so that we can go find him.

21 MR. WESTON: Yes, sir, Your Honor.

22 THE COURT: All right, anything else?

23 You're not contesting the ID of the other two?

24 MR. SARRATT: Perhaps, I should. I mean, I
25 will, Your Honor, I suppose I will.

1 THE COURT: Okay.

2 MR. SARRATT: Protect us from any
3 [indiscernible] so I think I'll make the motion.

4 THE COURT: All right. Well, let's go ahead and
5 get that out of the way. Let's just do it, okay.
6 The other two IDs. He just raised it, you got to pay
7 attention.

8 MR. WESTON: Your Honor, he's not raised, once
9 again, any allegation that there's a problem with the
10 ID. He can't simply say, I'd like a Neil vs. Biggers
11 hearing. The burden is on him, on The Defendant, to
12 show that there's -- to make a prima facia showing
13 that there is something wrong with the ID.

14 THE COURT: What have you got?

15 MR. SARRATT: Again, everybody involved in this
16 case is homeless, basically. Nobody had a very good
17 look, nobody knows anybody particularly well, they're
18 just faces they've seen across the street. And so I
19 just have issues with their ability to be able to
20 make a proper identification.

21 THE COURT: Okay. Well. . .

22 MR. WESTON: Your Honor, if I may, I have one
23 other housekeeping matter. One of the other
24 identification witnesses is not here this afternoon,
25 Your Honor, he was scheduled to be here in the

1 morning. We didn't know we were going to have to be
2 dealing with this until, I think, Friday. He's
3 indicated he cannot be here until in the morning. So
4 we think he will be here first thing in the morning.
5 Hopefully, Mr. Cox will be present first thing in the
6 morning as well.

7 THE COURT: Okay.

8 MR. WESTON: So I didn't want get too deep into
9 this and not have the witness to put forward.

10 THE COURT: All right, we'll be up here about
11 9:30 and we're proceed at that time.

12 MR. WESTON: Yes, sir, Your Honor. Thank you,
13 Your Honor.

14 (WHEREUPON, the proceedings were concluded for
15 the day to be reconvened on July 13, 2021.)
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1 July 13, 2021

2 (WHEREUPON, State's Exhibits Nos. 2-33 were
3 marked for identification only.)

4 THE COURT: Find your guy?

5 MR. WESTON: Excuse me one second, Your Honor.

6 Your Honor, Mr. Cox is physically not here but
7 he has been located and law enforcement as a, I
8 guess, has him on the radar on his way here. And
9 they're sending someone to sort of make sure that he
10 gets here. So they are comfortable that he should be
11 here sometime this morning.

12 THE COURT: Okay.

13 MR. WESTON: And we've got another witness for
14 the Neil vs. Biggers hearing so we're ready, prepared
15 to go forward with that one.

16 THE COURT: All right.

17 MR. WESTON: They're only two, Your Honor.

18 THE COURT: Got two?

19 MR. WESTON: Yes, sir. Mr. Cox and witness,
20 Mr. Pate, who is outside.

21 THE COURT: Well, let's do that right now.

22 MR. WESTON: Just been given a little bit more
23 clarification with regards to Mr. Cox. I am told
24 they spoke with his girlfriend who indicated that he
25 and she are on their way to the courthouse from the

1 Clinton area. Officers are headed down toward
2 Clinton to see if they can, potentially, locate him
3 on Interstate 385 and get him, so. So he's on the
4 radar. That's the best I can tell you.

5 THE COURT: That's all right. We got to wait
6 until he gets here, we'll do the. . .

7 MR. WESTON: And as I stated, Your Honor, once
8 we do this, we're prepared to go ahead with openings
9 and other witnesses that would be called ahead of him
10 anyway.

11 THE COURT: Well, that's good. All right.
12 Present your Neil v. Biggers.

13 MR. WESTON: All right. Your Honor, the State
14 would call Officer Brad Lusk. Investigator Brad
15 Lusk.

16 THE CLERK: Place your left hand on the Bible,
17 raise your right hand.

18 BRAD LUSK, after being duly sworn,{,}testified as
19 follows:{F}

20 THE CLERK: Thank you, please be seated.

21 DIRECT EXAMINATION

22 BY MR. WESTON:

23 Q Investigator Lusk, you've already testified
24 yesterday who you're employed with and that you were the
25 lead investigator in this case. So I'm going to bypass

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 all of that this morning. Did you have an occasion to
2 show a lineup to Mr. Charles Pate, as part of your
3 investigation of this case?

4 A Yes, sir, I did.

5 Q All right. Did that lineup include The
6 Defendant?

7 A It does.

8 Q Would you tell The Court the circumstances under
9 which -- why Mr. Pate was, generally, involved in this
10 case, what his role was and how you came to interview him,
11 I think, twice. And the second time is when you saw him
12 in the lineup; is that correct?

13 A Yes, sir.

14 Q Would you give The Court a brief background from
15 those things leading up to the lineup?

16 A Yes, sir.

17 On the previous days, I think it was
18 October the 7th, I met with Mr. Pate because he had
19 located some of our victim's property on the front steps
20 of his church that he attends. It was a driver's license
21 and a credit card or a prepaid debit card, I can't
22 remember which. He described the one individual looking
23 through a backpack. Possibly a shaved head, wearing a
24 baseball cap.

25 Mr. Jordan, after that interview, he was

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 later, I guess, identified as a possible focus of the
2 investigation. And he did match, he had a shaved head.
3 And he was in the area of where this property was found.
4 Later that evening, in the general vicinity--

5 Q Excuse me for interrupting, just to move it
6 along. So as a result of that you made the decision to
7 show a photo lineup, which included Mr. Jordon, to
8 Mr. Charles Pate; is that correct?

9 A Yes, sir, I did.

10 Q Do you have that with you today?

11 A Yes, sir, I do.

12 Q Can you take it out of the envelope, please?

13 THE CLERK: Do you need some scissors?

14 THE WITNESS: Yes, ma'am, thank you, that would
15 be great. Thank you, ma'am.

16 BY MR. WESTON:

17 Q I'm going to ask you if recognize that now that
18 you've opened it?

19 A Yes, sir, I do.

20 Q What is it?

21 A It's the photo lineup I showed Mr. Pate.

22 Q All right. And how do you know that that's the
23 photo lineup that you showed Mr. Pate?

24 A On the bottom I dated it and then placed my
25 initials. And I put a timestamp on the top, approximate

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 time I showed it to him.

2 (WHEREUPON, State's Exhibit No. 34 was marked
3 for identification only.)

4 BY MR. WESTON:

5 Q And what is the date and time?

6 A October the 8th, 2017, approximately 1429, which
7 is 2:29 p.m.

8 Q All right and--

9 Your Honor, The State would offer this as
10 State's Exhibit -- offer what has been premarked as
11 State's Exhibit No. 34 into evidence for purposes of this
12 hearing.

13 MR. SARRATT: Without objection.

14 THE COURT: Okay.

15 (WHEREUPON, State's Exhibit No. 34 was admitted
16 into evidence.)

17 BY MR. WESTON:

18 Q All right. Let me ask you a few questions about
19 the circumstances. Where did you meet with Mr. Pate to
20 show him this lineup?

21 A It was Trinity Church, which is 100 Pete Hollis
22 Boulevard in Greenville.

23 Q All right. And is that where Mr. Pate is
24 employed or?

25 A He's a parishioner, he attends that church.

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 Q All right. And where did y'all meet at the
2 church?

3 A It was pretty much in front in the vestibule,
4 where you walk into the main entrance.

5 Q All right.

6 A Where we met and talked about the lineup.

7 Q Was anybody else present?

8 A Not in that area, no.

9 Q Okay. Describe for The Court your actions and
10 what you told Mr. Pate concerning the lineup and how it
11 was presented to him.

12 A I asked Mr. Pate if he knew what a lineup was?

13 And he said, No, I've seen them on TV.

14 And that's when I interrupted and explained
15 that I had a series of six photos on a sheet of paper.
16 The person that he saw on the front steps may or may not
17 be in one of the photos. And not to feel compelled to
18 pick one. I then handed the -- I then hand the photo
19 lineup to Mr. Pate, upside down. And when he turned it
20 over, he looked at it and he identified number -- well,
21 the person in the center bottom position, which is
22 Mr. Jordon. That's the one the closest resembles who he
23 saw the previous day.

24 Q And did he hesitate in terms of making the
25 identification?

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 A No, hesitation. He seemed to study each photo.

2 Q Did he say anything?

3 A No.

4 Q Okay. You don't recall anything he might have
5 said?

6 A I don't recall anything he might have said.

7 Q And just for the record, did you do anything to
8 influence or suggest to him which number he should pick?

9 A No, sir.

10 Q And just -- did you put your finger on any
11 particular picture?

12 A No, sir.

13 Q All right. Can you see any markings on picture
14 number six that made that different from any of the other
15 pictures there? Like a star, a check mark, anything that
16 would have been on there before he did his identification?

17 A No markings on none of the photos.

18 Q Let me just ask you this, tell The Court how
19 these -- how you came to have these six pictures?

20 A We have a computer program and through law
21 enforcement resources we compile array based on
22 similarities. We input an individual and ask for
23 similarities, the computer spits out -- I'm sorry.

24 Q No, that's all right.

25 A The computer gives us a variety of similar

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 individuals. We go through and place them based on those
2 similarities.

3 Q And The Defendant is in, I think you said, in
4 the fifth spot or the middle spot at the bottom?

5 A Middle spot at the bottom.

6 Q All right. Was that random or did you place him
7 there?

8 A I placed him there.

9 Q Is there any particular reason he was placed
10 there versus being the first one, the last one, on the top
11 row?

12 A I try never to put them on the first one or the
13 last one because I don't want it to be the first photo
14 they look at and I don't want it to be the last one. I
15 don't want anything to influence the decision.

16 Q All right, sir. And do you know of anything
17 else that -- any other circumstances that occurred
18 surrounding your presentation of and the selection by
19 Mr. Pate of The Defendant in this lineup that would in any
20 way have influenced his decision?

21 A No, sir.

22 Q Did he appear to be under the influence of any
23 alcohol or drugs?

24 A He did not.

25 Q All right. Did he seem to understand the

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 protocol and procedure that you intended to follow as far
2 as the presentation of these pictures?

3 A He did.

4 Q All right. Thank you, sir.

5 MR. SARRATT: I don't have any questions for
6 this officer.

7 MR. WESTON: Thank you, officer.

8 THE COURT: Thank you, sir, you may step down.

9 THE WITNESS: Thank you, Your Honor.

10 MR. WESTON: Your Honor, The State would call
11 Mr. Pate to the stand.

12 THE COURT: All right.

13 THE CLERK: Place your left hand on the Bible,
14 raise your right hand.

15 CHARLES PATE, after being duly sworn{,}testified
16 as follows:{F}

17 THE CLERK: Please be seated.

18 DIRECT EXAMINATION

19 BY MR. WESTON:

20 Q Good morning, Mr. Pate.

21 A Good morning.

22 Q Could you get a little bit closer to the
23 microphone, please?

24 A Good morning.

25 Q Thank you, sir. And let me just sort of get

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 some housekeeping matters out of the way. Do you know The
2 Defendant, Vernon Jordan?

3 A No.

4 Q Did you, prior to this identification, had you,
5 as far as you can remember, ever met him or seen him?

6 A No.

7 Q All right. Did you know the victim in this
8 case, Mr. Pegram?

9 A I knew--

10 Q Could you move a little closer to the microphone
11 again? Thank you.

12 A When I found his picture ID, I knew that he was
13 the individual who had been arrested around that area for
14 breaking into the church one time.

15 Q Okay. And so -- did you have an affiliation
16 with that church?

17 A My wife is the pastor and I'm a -- it's --
18 there -- we have been remodeling it, so I was present on
19 the campus daily for the -- while painting rooms and
20 fixing windows and stuff like that.

21 Q And I think you just testified that the victim,
22 Mr. Pegram, was suspected of possibly doing some vandalism
23 at the church or something?

24 A Yes.

25 Q All right. So you didn't have -- there was no

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 love loss between you and him, necessarily? He was not a
2 good friend of yours?

3 A Well, when I discovered the picture ID on the
4 front of the steps, I knew who that was, that's why I
5 called the police.

6 Q All right. And so -- and, I think, Investigator
7 Lusk has testified that you met with him twice; is that
8 correct?

9 A Correct.

10 Q And just to sort of capsulize, for purposes of
11 this hearing only, you saw two people sitting on some
12 steps at the church?

13 A Yes. We had a lot of traffic along there,
14 homeless people or people, whatever. And this was on the
15 front of the steps. So I was able to view from the door
16 two individuals. A woman and a man.

17 Q Would you describe the woman in general?

18 A She had long brown hair and she was combing her
19 hair. And she ended up -- I kept coming back and forth to
20 see if the people had left. But she was braiding her
21 hair. And the man was going through a bag. I assumed
22 they were rearranging their stuff or he was going through
23 a bag, taking things out and putting things back in.

24 Q Would you describe the gentleman?

25 A Um --

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 Q I know this was four years ago at this point.

2 A I remember telling the heighth at that time. I
3 also remembered saying he had a baseball cap on, appeared
4 to have a shaved head or very short hair. And I think I
5 also said he had very clear eyes. I'm an artist, I do
6 portrait paintings.

7 Q And you said you were looking out the door at
8 them?

9 A Yes.

10 Q How far away from them were you? And let me
11 just start stepping back and you tell me when I get to a
12 distance of about how far you were from them.

13 A About right there.

14 Q All right. So maybe about 15 feet or so, about
15 five or 10 yards?

16 A Yes. They did not see me but I was viewing
17 them.

18 Q All right. Were you looking through like a
19 glass window, like, on this door over here, something
20 along that line?

21 A Yes --

22 Q Not the same size, necessarily, but something
23 like that?

24 A Georgian doors, the front doors of the church
25 that they're wood and glass.

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 Q And how long did you observe them before they
2 left, just ballpark?

3 A I observed them three different times because I
4 was doing other activities in the church. But I observed
5 them for about five minutes the first time. And then I
6 kept coming back to see if they were still there or if
7 they left.

8 Q Were they facing you or facing sideways from you
9 or backs to you or what?

10 A Most of the time their back was to me, but the
11 gentleman was going through the bag, he stepped down the
12 stairs and I could see his profile and then the front of
13 his face.

14 Q Was he --

15 A The lady had her back to me most of the time.

16 Q But the gentleman faced you as he stepped down
17 the stairs for some period of time?

18 A I could see his -- yes, I could see the front of
19 his face.

20 Q Was this day or nighttime?

21 A Daytime, late afternoon. Facing the front of
22 the church, you know, I'd say late afternoon.

23 Q And was there anything, any obstruction between
24 the two of you? Between the three of you, excuse me?

25 A Well, the door is paned so like I said, I was

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 looking from the viewpoint that they could not see me but
2 I could see them very clearly.

3 Q Was your view clear? When you say it was paned,
4 was it stained pane, like different colors or something or
5 was it clear?

6 A No, it's a clear glass.

7 Q Okay. So would it be fair to say you could see
8 them clearly?

9 A Yes.

10 Q And could you see them for a significant period
11 of time?

12 A Yes.

13 Q All right. Now, let's go to the second
14 interview with Investigator Lusk. Did he show you a photo
15 lineup on the second interview?

16 A Yes.

17 Q Now, would you describe what he told you -- or
18 where did it take place?

19 A Right at the area where I would have been
20 standing in the vestibule of the church.

21 Q All right. Was anybody else present?

22 A No.

23 Q All right. Would you tell The Court what he
24 told you concerning how the lineup was -- how the lineup
25 was or who was in the lineup or what to look for, anything

CHARLES PATE-DIRECT BY MR. WESTON (IC)

1 like that?

2 A I don't remember exact wordings about all this
3 but I remember him saying that the person may be in the
4 lineup up or may not be in the lineup.

5 Q All right. And how did you get the actual piece
6 of paper? Did he hand it to you or did he put it on the
7 table face up, face down or what?

8 A He put it on the table. And told me to take my
9 time, look through it.

10 Q Was it face up or face down or you don't
11 remember?

12 A I don't remember. First time I remember looking
13 at it it was face up.

14 Q All right. And did he stand over you and give
15 you -- put any pressure on you to pick anybody?

16 A I remember he stepped into the sanctuary while I
17 took my time and looked at it.

18 Q All right. And when you looked at it, tell The
19 Court what you found. What was your finding?

20 A I remember starting at the beginning and it was
21 evident right at first everyone I was looking at was not
22 the individual until I came to the one that I thought
23 looked the most like him. And said, This looks the most,
24 you know.

25 Q And did he have you circle the picture?

CHARLES PATE-CROSS BY MR. SARRATT

1 A I don't remember.

2 Q All right. Let me just show you and show you
3 what has been premarked as State's Exhibit 34 for purposes
4 of this hearing and ask if you recognize the initials and
5 the writing on there?

6 A Yes, okay.

7 Q Do you recognize that writing?

8 A Yes.

9 Q Is that your writing?

10 A It is.

11 Q Are those -- did you put those -- did you put
12 that writing and did you put those initials on there?

13 A Yes.

14 Q And would you read to The Court what you wrote?

15 A It's a circle -- it's a circle -- circled the
16 face. I initialed it CP period. This picture is the
17 closest of these six photos of the person I remember.

18 Q All right, sir. And was this your voluntary,
19 without any influence from Investigator Lusk or anybody
20 else?

21 A Yes.

22 Q All right. Thank you, sir, answer any questions
23 counsel may have for you.

24 CROSS-EXAMINATION

25 BY MR. SARRATT:

CHARLES PATE-CROSS BY MR. SARRATT

1 Q Now, you testified that a lot of homeless
2 traffic goes across the church, right?

3 A Yes.

4 Q And so you see a lot of homeless peoples faces
5 in passing, right?

6 A Definitely at that time. During, I guess, we
7 started in 2015 doing the remodel. Like I said, I was a
8 presence there. And we have a staff and offices there.
9 We also had some leaks. So I spent a lot of time there,
10 specifically, if it was raining. But we had a lot of
11 homeless traffic. At one time it had been a homeless
12 shelter and there was a lot of traffic. So on occasion we
13 were trying to meet people to get them some assistance to
14 going up to Triune or whatever. I didn't always --
15 sometimes I would observe people on the front steps. That
16 was a particular place where a lot of people came. At
17 that time there was no gate in the front. And we also had
18 no cameras. So we numerous times had to call the police
19 because people were intoxicated or doing illegal activity.

20 Q Okay. And you testified that there was a
21 remodel going on around this time, right?

22 A Yes.

23 Q Was there an occasion where you were taking out
24 metal and having other people scrap it or just otherwise
25 get rid of it for you?

CHARLES PATE-EXAMINATION BY THE COURT (IC)

1 A We did have some people come pick up metal.

2 Q Okay. And do you not remember my client, Vernon
3 Jordan, being one of those people that was at the church
4 helping you remove scrap metal?

5 A You know what, that could be. He does look
6 familiar to me.

7 Q Okay. And again, your description or your
8 confidence level when you circled this picture is not that
9 that was the guy, your description is, This picture is the
10 closest of the six photos to the person I remember; is
11 that right?

12 A Yes.

13 Q Okay.

14 MR. SARRATT: No further questions.

15 THE COURT: Any redirect?

16 MR. WESTON: Nothing on redirect, Your Honor.
17 We would just give The Court a copy of the lineup so
18 you can take a look at it yourself for comparison
19 purposes. And The State has nothing further, Your
20 Honor.

21 You can come down.

22 THE COURT: No, he cannot.

23 MR. WESTON: Oh, I'm sorry.

24 EXAMINATION

25

CHARLES PATE-EXAMINATION BY THE COURT (IC)

1 BY THE COURT:

2 Q Mr. Pate, do you recognize the individual you
3 saw on the church steps in the courtroom today?

4 A At the time that I was looking through the
5 window and the gentleman had on a baseball cap. I think I
6 even told the officer this picture looks the most like
7 the -- most like the person. And I was not recognizing as
8 somebody I had ever seen before.

9 Q Okay.

10 A But the people coming and picking up metal, that
11 Mr. Jordan does -- I do recall seeing Mr. Jordan or
12 knowing that he would come to pick up metal. I don't know
13 if we introduced names or that sort of thing. If we did,
14 I don't remember his name. Again, we had lots of people
15 doing that kind of thing. A lot of traffic coming back
16 along that way.

17 Q Okay. But, I mean, do you see the person in
18 this courtroom now, that you saw on the steps of the
19 church on October -- in October of 2017?

20 A I think I remember saying to the officer that
21 the individual had clear eyes.

22 Q No, I'm just asking you, this is just a yes or
23 no question. Do you see that -- can you identify anyone
24 in the courtroom that you described sitting on the steps
25 October 8th, I think, of 2017. Do you see that individual

CHARLES PATE-EXAMINATION BY THE COURT (IC)

1 in the courtroom?

2 A If Mr. Jordan is that individual, I would say
3 that he's gained weight since that time.

4 Q Okay.

5 A If he hasn't gained weight, um. . .

6 Q Well, this is kind of a yes or no question. I'm
7 not trying to lead you anywhere. I just need to know
8 whether or not you see the same individual that you saw on
9 the church steps in the courtroom today?

10 A I cannot not swear to that, no.

11 THE COURT: Okay, any other questions from
12 anybody?

13 MR. WESTON: Nothing from The State, Your Honor.

14 THE COURT: Thank you, Mr. Pate, thank you very
15 much.

16 Okay, anything else?

17 MR. WESTON: Nothing from The State, Your Honor.

18 MR. SARRATT: Nothing from The Defense.

19 THE COURT: All right, anything? Argument?
20 Anything you want tell me about this? I don't find
21 that the process employed with this photographic
22 lineup is coerced in any way, so.

23 MR. SARRATT: Well, the only argument.

24 THE COURT: The purpose of this is whether or
25 not some pretrial identification coerces an in-court

1 identification. So I'm going to allow him to
2 introduce all of this.

3 MR. SARRATT: Okay, I have no problem with that.

4 THE COURT: All right.

5 MR. SARRATT: Thank you, Your Honor.

6 THE COURT: All right.

7 Okay, I'm going to hand this back to you,
8 Mr. Weston, it's the photo lineup.

9 MR. WESTON: Okay.

10 THE COURT: Okay. Okay, anything else?

11 MS. KLUSKA: The State's ready to proceed to
12 opening statement, Your Honor.

13 THE COURT: You ready?

14 MR. SARRATT: I'm ready.

15 THE COURT: All right.

16 Did they write something down?

17 THE BAILIFF: Yes, sir.

18 THE COURT: All right, the foreperson is juror
19 No. 50, Mr. Blake Scott. And they have two
20 questions. One, the first one. Can the jurors take
21 off their mask in the jury box? And two, can jurors
22 take notes during the trial?

23 So you have enough note equipment and writing
24 instruments for each of them?

25 THE BAILIFF: Yes, sir.

1 THE COURT: All right. Why don't -- can you
2 bring those into the courtroom? We'll hand them out
3 if people want them, okay. Go ahead and bring the
4 jury.

5 (WHEREUPON, Court's Exhibit No. 1 was marked for
6 identification only.)

7 MS. KLUSKA: Your Honor, if may just before the
8 jury comes in. We would ask, respectfully, that Your
9 Honor instruct the jury on note taking. That they're
10 not--

11 THE COURT: I will.

12 MS. KLUSKA: Yes, sir, thank you, Your Honor.

13 (WHEREUPON, the jury came into open court at
14 approximately 10:15 a.m..)

15 THE COURT: All right, good morning ladies and
16 gentlemen. I've got your --

17 First, thank you, Mr. Scott, for agreeing to
18 serve as our foreperson. I'm always tempted to ask
19 if you were out of the room when they took the vote.
20 But I appreciate you doing that.

21 The first question you ask is, Can the jurors
22 take off their mask in the jury box? And I think
23 that we would follow CDC guidelines and tell you that
24 if you have been inoculated, then I don't have a
25 problem with that if you so desire to do it.

1 The second question is, Can jurors take notes
2 during the trial? And the short answer is yes. I
3 will tell you this, with respect to note taking, it's
4 absolutely -- I have no problem with it. You will
5 not -- the notes will have to stay here when you go
6 home or take a break or anything like that. And I
7 would caution you that when you take notes, there's a
8 possibility that you could get so focused on your
9 note taking that you miss something that happens. I
10 just want you to be aware of that. And most
11 importantly, I would tell you that the notes are for
12 yourself, individually. And that in your
13 deliberations, at the conclusion of the trial, one
14 person's notes carry no more weight than another
15 person's recollection. Okay. So just be aware of
16 all that. I'm happy to have you do it. We've got --
17 we'll be happy to hand out, before we get started.

18 With respect to this, I also would tell you that
19 the opening statements and closing arguments of these
20 fine attorneys are not evidence and just keep that in
21 mind. Remember the three types of evidence that I
22 described to you. The arguments and the statements
23 are very important but they are not evidence. Okay.
24 All right. Everyone set? Okay.

25 Opening statement.

1 OPENING STATEMENT

2 MS. KLUSKA: Thank you, Your Honor, may it
3 please the Court?

4 THE COURT: Yes, ma'am.

5 MS. KLUSKA: Good morning, members of the jury.
6 This case is about a murder. The evidence you will
7 see and the testimony you will hear will prove to you
8 that this Defendant murdered the victim, George
9 Pegram. He murdered him by stabbing him 10 times and
10 leaving him to die alone, in a wooded alley behind
11 the QT, behind a gas station. You will hear that
12 several of the witnesses in this case, including the
13 victim and The Defendant, had fallen on hard times.
14 They were homeless. Some of them living and hanging
15 out in the area beside the QT on Rutherford Street.
16 You will hear that on October 7, 2017, two homeless
17 individuals went behind the alley, behind the QT and
18 stumbled upon the body of Mr. George Pegram. Those
19 individuals that went and alerted the security guard
20 at the QT, who notified law enforcement that set up
21 the investigation into this murder.

22 The Defendant, Mr. Vernon Jordan, sits before
23 you charged with two crimes. Murder and possession
24 of a weapon during the commission of a violent crime.
25 And at the end of this trial, Judge Miller is going

1 to instruct you in detail on the law. But I just
2 want to touch on it, briefly, now so that you know
3 what to listen for throughout the course of this
4 trial. First, murder is the killing of another with
5 malice aforethought. Malice is defined under the law
6 as hatred, ill will or hostility towards another
7 person. Possession of a weapon during the commission
8 of a violent crime is as straightforward as it
9 sounds. Murder is classified as a violent crime in
10 South Carolina. And that just means that if you
11 find, after the evidence and testimony is presented,
12 that The Defendant had a gun, a knife or any other
13 thing that could be used as a weapon in order to
14 commit this murder, then he's guilty.

15 In order to prove our case to you we're going to
16 call several witnesses. And you're going to see
17 several pieces of evidence. You're going to hear
18 from law enforcement officers. You're going to hear
19 from officers who went to the scene that night and
20 made sure that it stayed secured. You're going to
21 hear from officers who interviewed witnesses. And
22 you're going to hear from the officers who arrested
23 this Defendant. You will hear that they arrested
24 this Defendant for a unrelated crime, only to find,
25 eventually, that he was this person who committed

1 this murder. You're also going to hear from several
2 other witnesses who are going to come and tell you
3 about the things that they observed. They're all
4 little puzzle pieces that fit within the big puzzle
5 of proving this murder to you.

6 You're also going to hear from forensic
7 technicians and DNA experts. And those experts are
8 going to tell you about their process and what they
9 do to find DNA. You're going to hear that when this
10 Defendant was arrested, just one day after the
11 murder, he was found with a knife in his pocket. Pay
12 attention to what the experts tell you about who's
13 DNA was found on that knife.

14 We ask that you pay attention to the evidence
15 and the testimony. And when you do, The State will
16 come before you at the end of this trial and we will
17 ask that you return a verdict of guilty for The
18 Defendant. Thank you.

19 THE COURT: All right.

20 OPENING STATEMENT

21 MR. SARRATT: Word travels fast in the homeless
22 community. Now, today I'm not sure how many
23 witnesses are going to be here that aren't law
24 enforcement. Because, again, practically, every
25 witness that isn't law enforcement in this case is

1 homeless. When the body of George Pegram was found
2 on October 7th, rumors started flying about who was
3 possibly there, who was involved and how it happened.
4 But your job is to disregard any kind of rumor or
5 hearsay and to listen to the evidence and to the
6 facts.

7 Now, ladies and gentlemen, I want you to pay
8 close attention as you hear the evidence. But also,
9 it's important to remember that the burden of proof
10 is with The State to prove The Defendant guilty
11 beyond a reasonable doubt. Beyond a reasonable
12 doubt. He is innocent until proven guilty. I also
13 want you to keep in mind that you are not to
14 deliberate or talk about this in any way until the
15 conclusion of the trial. Because it's important that
16 you hear all of the evidence before you make up your
17 mind. You're going to hear from certain witnesses
18 and you may start to formulate an opinion about what
19 happened.

20 But again, I want to stress to you that The
21 Defendant is presumed innocent and you must weigh and
22 listen to the all of the evidence. I'm confident
23 that once you see all the evidence in this case, I'm
24 going to come back and ask you to return a verdict of
25 not guilty. Thank you.

1 THE COURT: Okay, call your first witness.

2 MR. WESTON: Thank you, Your Honor. The State
3 would call Mr. Ron Griggs.

4 THE CLERK: Mr. Griggs, please approach the
5 witness stand. Stop at the end, place your left hand
6 on the Bible, raise your right hand.

7 RON GRIGGS, after being duly sworn{,}testified
8 as follows:{F}

9 THE CLERK: Please be seated. Once you're
10 seated, state your full name for the record.

11 THE WITNESS: My name is Ron Steven Griggs.

12 DIRECT EXAMINATION

13 BY MR. WESTON:

14 Q Mr. Griggs --

15 Your Honor, The State would ask that
16 Mr. Griggs could pull his mask down while he's there.

17 THE COURT: Just while you're testifying so we
18 can understand what you say.

19 MR. WESTON: Thank you, Your Honor.

20 BY MR. WESTON:

21 Q Would you repeat your name, sir?

22 A My name is Ron Steven Griggs.

23 Q Where do you live, Mr. Griggs?

24 A [REDACTED] North -- I mean, [REDACTED] Calhoun Street,
25 Apartment 8, Greenville, South Carolina.

RON GRIGGS-DIRECT BY MR. WESTON

1 Q How long you lived in Greenville, just
2 generally?

3 A About six years.

4 Q Are you married, sir?

5 A No, sir.

6 Q Do you have any kids?

7 A No, sir.

8 Q All right. Now, are you employed, sir?

9 A Yes, sir.

10 Q Where do you work?

11 A PC Concrete [indiscernible] through Labor
12 Finders.

13 Q Through Labor Finders?

14 A Yes.

15 Q All right. And let me just get some sort of
16 housekeeping matters out the way to get here. Do you know
17 The Defendant, Vernon Jordan?

18 A No, sir.

19 Q As far as you know, have you ever seen him
20 before?

21 A No, sir.

22 Q Do you know the name George Pegram?

23 A No, sir.

24 Q Okay. You do know that he's been identified as
25 the deceased in this matter; is that correct?

RON GRIGGS-DIRECT BY MR. WESTON

1 A Yes, sir.

2 Q But as far as you know, you've never met him
3 either?

4 A No, sir.

5 Q All right. Now, I'm going to take you back to
6 October 7th of 2017. The early morning hours, one, two,
7 three o'clock in the morning, and ask do you remember
8 coming upon a body behind the QT on Rutherford Road here
9 in Greenville?

10 A Yes, sir, I did.

11 Q All right. And I just say that to take you to
12 exactly where I -- what I want to talk about. Tell the
13 jury the circumstances of how you came upon this body.
14 Who you were you with, what you were doing and what have
15 you?

16 A Me and a young lady, her name was Crystal, we
17 came down there towards the QT and we were drinking. As
18 we walked down towards the end of the back of the ramp
19 there, I picked up a social security card. And I looked
20 up and I saw a body laying there, his eyes were filmed
21 over, I knew it was a dead body. So I dropped the social
22 security card and I went up the hill there and asked
23 Ms. Crystal to go down there and wait. I told her there
24 was a dead body down there. I went into the QT and got an
25 employee out of the store there and he went over there and

RON GRIGGS-DIRECT BY MR. WESTON

1 called 911. And a officer took my statement, that was
2 about it.

3 Q All right. Now, let's go back through this
4 right quick. Who were you with now?

5 A Crystal.

6 Q Crystal Williams?

7 A I think that was her last name.

8 Q Where were y'all going?

9 A We were just walking, strolling around, talking.

10 Q About what time was it?

11 A I couldn't say. I couldn't say, I wouldn't
12 know, it's been so long ago.

13 Q All right. Now, I'm going to direct your
14 attention to the aerial map that I have right here that
15 we're using as a demonstrative here today. You see this
16 red dot, 100 Rutherford Road -- Street; is that correct?

17 A Yes, sir.

18 Q And do you see where the street curves off to
19 the right and says Rutherford Street here?

20 A Yes, sir.

21 Q Do you recognize that as the area where you
22 were, where you found the body?

23 A Yes, sir. Red dot's the QT, is that what you're
24 telling me?

25 Q Yes, sir. If you would come down--

RON GRIGGS-DIRECT BY MR. WESTON

1 Your Honor, if I may?

2 Would you come down off the witness stand,
3 I'd like for you to point to where y'all were.

4 THE COURT: Sure, go ahead.

5 BY MR. WESTON:

6 Q While you come down, this is Walker Street to
7 the right here. This is a dead end street; is that
8 correct?

9 A We're right there.

10 Q Okay. All right, take your time. Just tell the
11 jury, again, where you were walking and show them about
12 where you found the body.

13 A We came this way, stopped here, I walked down
14 here and the body was down here in the trees right here.

15 Q All right. You can take your seat back, again,
16 sir. Was there anybody around the body?

17 A Not that I can see. I was in a hurry, it scared
18 me.

19 Q What did you do once you found -- once you saw
20 the body?

21 A I immediately left, told Crystal to go down
22 there, there was a body down there. I was going to go in
23 the Quick Trip to get somebody out there to call 911.

24 Q So you went back to the Quick Trip and you came
25 from back here and went up to the Quick Trip over here?

RON GRIGGS-DIRECT BY MR. WESTON

1 A Yes, sir, I did.

2 Q And I'm assuming this is the only place the gas
3 pumps are --

4 A I guess, I don't know what that is.

5 Q Okay. But this is the Quick Trip itself?

6 A Yes, sir.

7 Q Did you go inside?

8 A Yes, I did.

9 Q And when you went inside, do you remember
10 talking to a Mr. Smith?

11 A I talked to somebody, I don't know exactly who
12 he was.

13 Q And what did you tell him?

14 A I found a dead body, someone needs to call the
15 law.

16 Q All right. What did you do then? Did you wait
17 there, did you go back with him to show him where it was
18 or what?

19 A We went back together and I pointed him down to
20 where the body was at.

21 Q All right.

22 A And I walked off a ways and he went down there
23 and was on the phone. I know saw he was talking to
24 somebody on the phone.

25 Q Did you touch the dead body?

RON GRIGGS-DIRECT BY MR. WESTON

1 A No, sir.

2 Q And as far as you know, when you were leaving
3 and Ms. Williams was coming there and when you got back
4 there and she was there, as far as you know, did she touch
5 the body?

6 A I don't know.

7 Q All right. Did you ever see her touch the body?

8 A No, sir.

9 Q Okay. And once you showed Mr. Smith where the
10 body was, the security guard, what did you do then?

11 A I left for a little bit, get my thoughts
12 together. And I come back and a officer took my
13 statement. I forgot what he was wearing when I seen him
14 it was so dark.

15 Q I assume you were a little bit shaken up?

16 A I was a little bit.

17 Q All right. So did you talk to the police that
18 morning?

19 A It was that night, the same night they come
20 there, I was there, took a statement from me and I signed
21 it. And that's about all I can remember.

22 Q So now when you say, That night, you mean the
23 early morning hours?

24 A Yes, sir.

25 Q After 12 midnight?

RON GRIGGS-CROSS BY MR. SARRATT

1 A Yes, sir.

2 Q All right. And you gave a written statement, I
3 think you said; is that correct?

4 A Yes, sir.

5 Q After that did you have any further involvement
6 in this case?

7 A No, sir.

8 MR. WESTON: All right, thank you, sir. Answer
9 any questions that counsel may have for you.

10 THE COURT: Cross.

11 CROSS-EXAMINATION

12 BY MR. SARRATT:

13 Q Mr. Griggs, when you found the body, do you
14 recall there being like a six pack of the Still Reserve
15 unopened sitting there?

16 A I don't know, I can't remember that far back. I
17 don't know if there was any beer there or not.

18 Q Do you remember seeing about \$5 laying on the
19 ground?

20 A There might have been money there, I don't know.

21 Q Okay. And you weren't there when this happened,
22 the body was long deceased by the time you found it,
23 right?

24 A I don't know how long it was deceased. I just
25 know his eyes were filmed over.

DAVID SMITH-DIRECT BY MR. WESTON

1 Q Okay. But you didn't see anything that happened
2 in terms of who was there and how it went down?

3 A No, sir.

4 MR. SARRATT: All right, no further questions.

5 THE COURT: All right.

6 Thank you, sir, you may step down.

7 MR. WESTON: Your Honor, The State would ask
8 that he be released from his subpoena.

9 THE COURT: Any objection?

10 MR. SARRATT: No objection.

11 THE COURT: Okay.

12 Thank you.

13 THE WITNESS: You're welcome, sir.

14 MR. WESTON: Your Honor, The State would call
15 Mr. David Smith.

16 THE CLERK: Stop at the end, place your left
17 hand on the Bible.

18 DAVID SMITH, after being duly sworn{,}testified
19 as follows:{F}

20 THE CLERK: Thank you, please be seated. Once
21 you're seated, state your full name for the record.

22 THE WITNESS: David Russell Smith.

23 DIRECT EXAMINATION

24 BY MR. WESTON:

25 Q Mr. Smith, where are you employed?

DAVID SMITH-DIRECT BY MR. WESTON

1 A G4 Secured Solutions.

2 Q Okay. I think you can take your mask off while
3 you're behind the thing there, while you're testifying, so
4 the jury can hear what you're saying. Thank you, sir.
5 Where were you saying you're employed?

6 A G4 at Secured Solutions.

7 Q And I assume that's a security concern?

8 A Yes, sir.

9 Q And where do you live, sir?

10 A Columbia, South Carolina.

11 Q How long have you lived there?

12 A About ten years.

13 Q Are you married, sir?

14 A No, sir.

15 Q I want to take you back to October 7th of 2017,
16 of the morning of, early morning hours; do you remember
17 what happened that morning?

18 A I recall being approached by two individuals who
19 said that they had seen a dead body.

20 Q All right. And I'm going to give you a pointer
21 here. That we just wiped off and everything. If you
22 would, point toward that aerial map there, I want to make
23 sure you get the pointing part. I think it's at the
24 bottom, near the middle there. There we go, okay. Do you
25 recognize this as Rutherford Road and this as the QT right

DAVID SMITH-DIRECT BY MR. WESTON

1 here?

2 A Yes, sir.

3 Q And would these be the gas pumps covered by the
4 owning next to it?

5 A Yes, sir.

6 Q All right. Now, if you would, point out for the
7 jury, where were you, I know you're pointing at this but
8 where were you when you were approached by these
9 individuals?

10 A I was inside the building on duty.

11 Q All right. And you were working as security
12 that night?

13 A Yes, sir.

14 Q Or that morning?

15 A Yes, sir.

16 Q What did they tell you?

17 A They informed me that that believe they found a
18 dead body.

19 Q Okay. And before we go any further, let me just
20 make sure we're clear here and the jury's clear. Do know
21 The Defendant, Vernon Jordan?

22 A No, sir.

23 Q Do you know, as far as you can remember or as
24 far as you know, do you know the victim in this case,
25 Mr. George Pegram?

DAVID SMITH-DIRECT BY MR. WESTON

1 A No, sir.

2 Q Okay. All right. And so you were inside, and
3 if you could use the pointer to describe how you came
4 out -- where the body was. Now, that is Walker Street
5 right next to it that's sort of a dead end street; is that
6 correct?

7 A Yes, sir.

8 Q And behind that is sort of a wooded area?

9 A That's correct, sir.

10 Q All right. And is that frequented by a number
11 of transient people from time to time they kind of, lack
12 of a better word, roost there and stay there overnight
13 sometimes?

14 A Yes, sir.

15 Q All right. And would you use the pointer, sir,
16 and show the jury how you come out, where you went and
17 about where the dead body was?

18 A Initially, when I exited I came down through
19 here. That's the gas pumps, through a small opening in
20 the fence to see about here where that wooded area is.
21 Using my flashlight, I couldn't determine exactly what I
22 saw, so I returned back around here, back down the road to
23 get a closer look.

24 Q You had to go around the fence?

25 A Yes, sir.

DAVID SMITH-DIRECT BY MR. WESTON

1 Q All right. And so there's a fence on the top
2 side of Walker Street that runs parallel to Walker Street;
3 is that correct?

4 A Yes, sir, a iron fence.

5 Q All right. And so you went back around the
6 fence and came down Walker Street?

7 A Yes, sir.

8 Q And show the jury about where the body was
9 again?

10 A About this position.

11 Q All right. And tell -- describe what you saw in
12 terms of the body. You don't have to give details but,
13 basically, what did you find, the person that was there,
14 what they were wearing and how they were positioned?

15 A I do not recall what the individual was wearing
16 at this time. I remember that his shirt was torn opened,
17 he was laying on his back, his eyes--

18 Q Move the microphone a little bit closer to you
19 so we can hear you better, please.

20 A The individual was laying on his back, I don't
21 recall what he was wearing, his shirt was torn opened.
22 His eyes were opened and unresponsive to a flashlight and
23 there was, at least, one puncture wound on his abdomen.

24 Q All right. Did you see any other puncture
25 wounds?

DAVID SMITH-DIRECT BY MR. WESTON

1 A At the time, I did not.

2 Q All right. So what did you do next?

3 A I immediately called 911.

4 Q You did it on the cell phone?

5 A Yes, sir.

6 Q Did you remain there with the body until EMS or
7 law enforcement arrived?

8 A Yes, sir.

9 Q Did you touch the body?

10 A No, sir.

11 Q All right. Did, as far as you know, did anybody
12 else touch the body or do anything to the area?

13 A No, sir.

14 Q All right. When you arrived there was anybody
15 present?

16 A No, sir.

17 Q All right. So once you -- how long before law
18 enforcement arrived, just ballpark? Just a few minutes?

19 A Just a few minutes, 10 at the most.

20 Q All right. And once they arrived, what did you
21 do then?

22 A I turned the scene over to them and returned to
23 my shift.

24 Q All right. And did you give a statement to the
25 police concerning what you just testified to, an oral

DAVID SMITH-DIRECT BY MR. WESTON

1 statement?

2 A Oral statement, yes.

3 Q Did you give a written statement, as far as you
4 can remember?

5 A No, sir.

6 Q All right. After that did you have any further
7 involvement in this case?

8 A None whatsoever.

9 Q Thank you, sir. Oh, let me ask you this. That
10 QT on Rutherford Road there, is that in the City of
11 Greenville?

12 A I believe so, yes, sir.

13 Q And is that in Greenville County?

14 A Yes, sir.

15 MR. WESTON: Thank you, sir.

16 Thank you, answer any questions counsel may have
17 for you.

18 MR. SARRATT: I have no questions for the
19 witness, Your Honor.

20 THE COURT: All right. Thank you, sir, you may
21 step down.

22 MR. WESTON: Your Honor, The State would ask
23 that he be released from his subpoena.

24 THE COURT: Any objection?

25 MR. SARRATT: No objection.

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 THE COURT: Okay.

2 MS. KLUSKA: The State calls Officer Mize, Your
3 Honor.

4 THE COURT: Okay.

5 THE CLERK: Mr. Mize, if you would, please,
6 approach the witness stand. Stop at the end, place
7 your left hand on the Bible, raise your right hand.

8 WILLIAM MIZE, after being duly sworn{,}testified
9 as follows:{F}

10 DIRECT EXAMINATION

11 BY MS. KLUSKA:

12 Q Officer Mize, where are you employed?

13 A Greenville City Police Department.

14 Q What is your job at the police department?

15 A Well, right now I'm retired but I spent 39 years
16 as a officer with the police department.

17 Q Throughout your 39 years with the police
18 department, what were your different jobs within the
19 department?

20 A Uniform patrol, vice and narcotics,
21 investigation.

22 Q Now that you're retired, are you still working
23 with law enforcement?

24 A I do. I work the front desk at the law
25 enforcement center two days a week.

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 Q Were you working on October 7th, 2017?

2 A I was.

3 Q And how did you become involved in this case?

4 A I responded to a call in the area of the QT at
5 100 Rutherford Street in reference to a possible deceased
6 person.

7 Q Rutherford Street, is that in Greenville County?

8 A It's in the City of Greenville, yes, ma'am.

9 Q There's a pointer right there next to the Bible,
10 if you could just use that pointer, I think.

11 A This it?

12 Q Yes, sir. And if you press that green button,
13 could you just tell us where on this map you responded to
14 the deceased person?

15 A I will if I can figure out how to work it. It's
16 going to be in this area right here.

17 Q So this is 100 Rutherford Street, that's what
18 you're pointing to at the QT?

19 A Correct.

20 Q Yes, sir. And when you responded to the scene,
21 I think you said -- what kind of area was the body found
22 in?

23 A It was kind of a wooded area. That use to be a
24 through street but it's not, it's a dead end now. And it
25 goes down into a wooded area that backs up to some homes

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 there on Viola Street.

2 Q Can you show us on the map where that wooded
3 area is?

4 A If I'm not mistaken.

5 Q All right. I think you said this was the QT,
6 correct?

7 A Yeah, it's going to be down in this area. Well,
8 there's a street right here next to the QT, so it's going
9 to be down in this area, I believe.

10 Q I think you said Walker Street, right? So if
11 this is the QT right here at 100 Rutherford and these are
12 the gas pumps.

13 A Oh, yeah, that's what I mean.

14 Q Okay.

15 A So it's going to be down in this area right
16 here.

17 Q Yes, sir. Where we see those trees?

18 A Correct.

19 Q Okay. And when you walked down Walker Street
20 and you got to that wooded area, what did you see?

21 A I saw a subject laying on the ground. He
22 appeared to be deceased.

23 Q How did you know he was deceased at that time?

24 A Well, he gave the appearance of being deceased.
25 EMS responded shortly thereafter and they confirmed that

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 he was, indeed, deceased.

2 Q Can you describe that area of Walker Street and
3 that alley for us a little bit?

4 A Again, it use to be a thru -- a throughfare
5 street. And then it goes down just past the end of the QT
6 parking lot area. And it's wooded up there but there's a
7 clearance down in there where people have been going down
8 there and sitting and sleeping.

9 Q So kind of like a homeless camp, would that be a
10 fair description?

11 A Correct.

12 Q I'm going to show you what's been premarked as
13 State's Exhibit 22, 23 and 24. Without showing them to
14 the jury, can you identify these photos?

15 A It's the area where I found the body.

16 MS. KLUSKA: Your Honor, may we, please, use the
17 TV in order to publish these to the jury?

18 THE COURT: Sure.

19 MS. KLUSKA: Thank you.

20 BY MS. KLUSKA:

21 Q These photos that you just identified for us, do
22 they accurately depict the scene as you saw it that night
23 when you arrived? The photos?

24 A Yes.

25 Q And have they been changed or altered in any way

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 from the scene as you saw it the night of October 7th?

2 A Doesn't appear to be, no.

3 Q Okay.

4 Your Honor, we offer State's Exhibit 22, 23
5 and 24 into evidence.

6 MR. SARRATT: Without objection.

7 THE COURT: Okay.

8 (WHEREUPON, State's Exhibits Nos. 22-24 were
9 admitted into evidence.)

10 BY MS. KLUSKA:

11 Q Officer Mize, is this the scene that you just
12 described for us?

13 A Yes, ma'am, it appears to be.

14 Q And that body right there, is that the body of
15 the victim that you observed that night?

16 A Yes.

17 Q And I'm going to show you, does that just look
18 like another angle of the scene you described?

19 A Yes.

20 Q How about this one?

21 A Yes.

22 Q I think you mentioned earlier that EMS arrived,
23 correct?

24 A Correct.

25 Q And were you on the scene when EMS arrived?

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 A I was.

2 Q What did you do next?

3 A Just started securing the scene with tape that
4 you see up there, we started putting that up. It was on
5 the other screen but the police caution tape, we started
6 putting that up to help secure the area.

7 Q And why is it important to secure the scene of a
8 murder?

9 A To keep anybody else from out there disturbing
10 the crime scene.

11 Q And while you were there, before EMS and any
12 other law enforcement arrived, were you -- did you see
13 anybody try to come in to disturb the scene at all?

14 A No.

15 Q Do you remember seeing anything on scene that
16 helped you identify the victim? Did you know who this
17 person was?

18 A If I'm looking at it correctly, this social
19 security card was right next to the left leg. I saw that.

20 Q Do you remember what the name was on the social
21 security card?

22 A No, I don't know. I don't remember.

23 Q Was there any other law enforcement personnel
24 that you, specifically, notified other than just officers?

25 A Notified my supervisor. And he in turn notified

WILLIAM MIZE-DIRECT BY MS. KLUSKA

1 anybody else that needed to respond to the scene.

2 Q What about forensics, are you aware if they came
3 to the scene?

4 A Yes, I also had them to respond.

5 Q And why did you think it was necessary for
6 forensics to come to the scene?

7 A To process the scene.

8 Q Is that common place protocol what you would do
9 for a murder investigation?

10 A Yes, it is.

11 Q Did you have any involvement in this case
12 besides being the first on scene that night?

13 A No, ma'am, I did not.

14 Q When did you leave the scene that night?

15 A It was about, getting close to seven o'clock in
16 the morning and I was relieved by the dayshift officer.

17 Q About what time did you get there? I know you
18 said you left at 7:00, when did you get there?

19 A This occurred just before three in the morning.
20 I think that's correct.

21 Q Yes, sir.

22 Thank you very much, please answer any
23 questions The Defense may have.

24 MR. SARRATT: No questions, Your Honor.

25 THE COURT: All right, thank you, officer. Good

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 to see you, you can stand down.

2 MR. WESTON: Excuse me, Your Honor, can we
3 release him from his subpoena?

4 MR. SARRATT: No objection.

5 THE COURT: Thank you, sir.

6 THE WITNESS: Okay, thank you.

7 MS. KLUSKA: Your Honor, The State calls
8 Jonathan Mahaffey.

9 THE COURT: Okay.

10 THE CLERK: Mr. Mahaffey, please approach the
11 witness stand. If you will stop at the end, place
12 your left hand on the Bible and raise your right
13 hand.

14 JONATHAN MAHAFFEY, after being duly
15 sworn{,}testified as follows:{F}

16 THE CLERK: Please be seated. Once you're
17 seated, state your name for the record.

18 THE WITNESS: Jonathan Mahaffey. I work for
19 Greenville County EMS.

20 DIRECT EXAMINATION

21 BY MS. KLUSKA:

22 Q If you wouldn't mind just taking your mask off
23 while you testify so we can be sure to hear you. That's
24 fine, thank you so much. So you said you work with EMS?

25 A Correct.

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 Q What's your current position?

2 A Currently, I'm a deputy coroner with the
3 Greenville County Coroner's Office. But at the time I was
4 a paramedic with Greenville County EMS.

5 Q And at the time, meaning back in October of
6 2017?

7 A Correct.

8 Q We'll get to that but I want to ask you what you
9 do as a deputy coroner. What does your job entail?

10 A So a deputy coroner, we investigate deaths. We
11 go out, process the scene and determine cause and manner
12 of death.

13 Q Does part of your position require you to work
14 with law enforcement?

15 A It does.

16 Q And how long have you had that position?

17 A March of this year.

18 Q And you said before you were a deputy coroner,
19 you worked with EMS?

20 A Correct.

21 Q How long did you work with EMS?

22 A I started my career there in 2008. Started
23 there in their logistics department. Then I became
24 certified as a EMT basic. And then a EMT intermediate.
25 And then in 2013 I became a certified paramedic for The

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 State of South Carolina.

2 Q What does a paramedic do?

3 A Paramedic, they provide basic life support and
4 advance cardiac life support. So we provide interventions
5 in the field, pre-hospital settings. Whether it's a
6 medical call or a trauma call. We we're capable of
7 placing advance airways, IV access and advance cardiac
8 drugs, if need be.

9 Q And were you working with EMS on October 7th,
10 2017?

11 A I was.

12 Q Do you remember getting a call to go to the QT
13 that night?

14 A I do.

15 Q Can you tell us a little bit more about that
16 call?

17 A So early that morning, me and my partner, we
18 received a call for a cardiac arrest at 100 Rutherford
19 Street, which is the QT. We were, actually, thinking it
20 was at the QT. But once we got closer to the scene, we
21 were directed in by Greenville City Police Department, who
22 was already on scene. We pulled down a little alleyway.
23 We got out of the truck, we grabbed our appropriate gear
24 or medical equipment, which pertains to a medical bag,
25 oxygen and a heart monitor. And we proceeded down to

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 where the decedent was, potentially, located.

2 Initially, Greenville city already had the
3 area roped off with crime scene tape. And we were
4 informed that he was -- that the patient or decedent was,
5 possibly, already past -- beyond help at that point in
6 time but we still made entry. The only thing that EMS did
7 was we went in, placed the patient on the heart monitor.
8 Which was showing asystole, which means the flatline in
9 all three leads. So then we pronounced the patient dead
10 at that point in time and grabbed our equipment and backed
11 out. We didn't disturb the crime scene or move the
12 patient, we just pronounced him dead, backed out and
13 called the deputy coroner at that point in time. Waited
14 for them to arrive and gave them the information that we
15 had that pertained to the case. And then the deputy
16 coroner and Greenville city police took over from there.

17 Q You said when you got to the QT you walked down
18 the alley to a wooded area, can you point that out to us
19 on the map? There's a little pointer right here, yes.
20 And that green button is the laser. Now, this is 100
21 Rutherford Street, do you recognize that?

22 A I do.

23 Q What is that?

24 A That right there is the QT.

25 Q Okay.

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 A This right here is just -- I'm not really sure
2 what kind of business or building that is but once we
3 entered -- we, actually, entered the QT -- well, the QT
4 parking lot. Because we were told 100 Rutherford Street,
5 the QT. But then we were directed, I believe, it was this
6 alleyway right here. Which is a dead end road. So we
7 pulled down and the crime scene tape was about right
8 there. And the patient, the decedent, was located just
9 shortly there in the wooded area. And like I said, there
10 was already -- multiple agencies were already there. So
11 we -- once we parked our truck there, when we did make
12 entry into the wooded area to make patient contact, and
13 then to pronounce the patient deceased.

14 Q When you first made patient contact, what did
15 the body look like?

16 A If I remember correctly, which it's been a
17 while, but was clothed, did have blood around the chest
18 area and abdomen area. It was kind of hard to tell where
19 the blood was coming from. His shirt was soaked with
20 blood. We really didn't move him or expose him to see the
21 injuries because he was already beyond help. So we just
22 did enough to put our leads on him and was able to then
23 confirm him dead at the time. He was in a wooded area. I
24 believe there was already, possibly, some insect activity
25 that was around the decedent, ants and stuff like that.

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 Not sure how long he had been out there, from our side.
2 We just got the basic information when we first arrived on
3 the scene. It did appear that he had injuries that were --
4 that caused him to pass away. I can't really tell you
5 where the injuries were located at because the shirt was
6 covered with blood. So it did appear that he was injured
7 at some point in time.

8 Q You said there was insect active on the body, is
9 that something that you look at as your investigating and
10 looking at these bodies, is that something you look at to
11 determine how long a person could have been deceased?

12 A Correct. Insect activity -- I mean, when the
13 body passes, when the body doesn't have any blood flow, it
14 will start to change colors. It will start to deteriorate
15 depending on where they're located at. For this incident,
16 he was outside in a wooded area. It was October, I
17 believe. So temperature wise it really wasn't that hot so
18 the body doesn't decompose as fast as it would be, like,
19 for the month of July or August with the heat. But since
20 it is being outside, the body will change faster than
21 being inside of a controlled environment. So we do look
22 at that to try to pinpoint, potentially, how long somebody
23 has been dead. And just to see if it matches up with what
24 they're saying, whether it's a bystander or a family or
25 whichever to determine if had truly been there that long

JONATHAN MAHAFFEY-DIRECT BY MS. KLUSKA

1 or, potentially, maybe, the body was dumped there and the
2 incident happened somewhere else. But this one appeared
3 to, potentially, the incident did happen there. And the
4 injuries that he had did occur there and he was pronounced
5 dead there.

6 Q So in your experience as a paramedic, now a
7 deputy coroner, can you give us a ballpark on how long you
8 think he might have been deceased? Was it, you know, an
9 hour, a day, a week?

10 A Just a educated guess, I would say he was
11 probably down for eight to 12 hours at that point in time.
12 Like I said, that's a educated guess. Also it was very
13 dark that morning. They did have scene lights on but the
14 scene lights only go so far being. And being in a wooded
15 area, the lights aren't going to penetrate through all the
16 leaves and everything. So I would say eight plus hours at
17 a minimum.

18 Q And in order to observe those things, you did
19 not manipulate the body, right? You didn't, you know, try
20 to resuscitate him, you could tell he was, obviously,
21 dead?

22 A Correct.

23 Q And after you confirmed that this individual was
24 dead, did you have any involvement in the case?

25 A I did not. We handed it off to the deputy

JONATHAN MAHAFFEY-CROSS BY MR. SARRATT

1 coroner and they followed their protocols from there.

2 MS. KLUSKA: Thank you, nothing further at this
3 time. Please answer any questions The Defense may
4 have.

5 THE COURT: Cross.

6 CROSS-EXAMINATION

7 BY MR. SARRATT:

8 Q You testified that you were able to see puncture
9 wounds, at least, one on the victim?

10 A Potentially.

11 Q Okay. And that his shirt was thoroughly soaked
12 with blood at that location?

13 A Correct.

14 Q Okay. Could you see any blood on the ground or
15 anything like that?

16 A I don't recall seeing any blood on the ground.
17 But like I said, it was a wooded area so there might have
18 been but there was already -- people had already entered
19 the scene. So anything that might have been on a leaf or
20 grass might have already been disturbed prior to my
21 arrival.

22 MR. SARRATT: Okay, no further questions.

23 THE COURT: Anything else?

24 MS. KLUSKA: Nothing from The State, Your Honor.

25 THE COURT: Thank you, sir, you may step down.

JONATHAN MAHAFFEY-CROSS BY MR. SARRATT

1 THE WITNESS: Thank you.

2 MS. KLUSKA: We ask that he be excused from his
3 subpoena, please.

4 MR. SARRATT: No objection.

5 THE COURT: Okay.

6 MS. KLUSKA: Your Honor, The State's next
7 witness is still in route to the courthouse. We ask
8 for a break, please.

9 THE COURT: All right, ladies and gentlemen,
10 probably not a bad time for a morning break. We'll
11 get back with you shortly. Please don't discuss the
12 case. If y'all would retire to your jury room.
13 Thank you.

14 (WHEREUPON, the jury left open court at
15 approximately 10:58 a.m.)

16 THE COURT: How long is it going to be?

17 MS. KLUSKA: About 20, 30 minutes, Your Honor.

18 THE COURT: Well, y'all decide who you're going
19 to call out of order. We're not going to wait.
20 Thanks. Just take a short break.

21 (WHEREUPON, a short break was taken.)

22 THE COURT: Everyone ready?

23 MS. KLUSKA: Yes, Your Honor.

24 MR. SARRATT: Yes, sir.

25 THE COURT: Okay.

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 (WHEREUPON, the jury came into open court at
2 approximately 11:25 a.m.)

3 THE COURT: Okay, call your next witness.

4 MS. KLUSKA: Thank you, Your Honor, The State
5 calls officer James Shelton to the stand.

6 THE CLERK: Mr. Shelton, if you would, please,
7 approach the witness stand. Place your left hand on
8 the Bible, raise your right hand.

9 JAMES SHELTON, after being duly
10 sworn{,}testified as follows:{F}

11 THE CLERK: Thank you, you can be seated. Once
12 you're seated, state your name for the record.

13 THE WITNESS: My name is James, J-A-M-E-S,
14 Shelton, S-H-E-L-T-O-N.

15 DIRECT EXAMINATION

16 BY MS. KLUSKA:

17 Q Officer Shelton, where are you employed?

18 A I'm employed by the Greenville Police
19 Department.

20 Q How long have you been an officer with the
21 Greenville Police Department?

22 A Going on nine years.

23 Q And before you became an officer, what was your
24 job?

25 A Before I was an officer I was in the United

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 States Coast Guard for 31 years.

2 Q And now that you're an officer, can you tell us
3 a little bit about what your duties are, what your
4 position is with within the department?

5 A At the time of this event, I was an officer, a
6 street officer. I am now a patrol sergeant. But at the
7 time I was an officer who conducted patrol operations
8 throughout the city. Primarily, in what would call Zone
9 Two. Which is the northern and northwesterly part of the
10 city. This encompasses the Rutherford Street area, across
11 Stone Avenue over 385, up onto the Pelham Road area. This
12 has been my primary area for approximately seven years.

13 Q Is that your area now that you're a sergeant as
14 well?

15 A It is.

16 Q And now that you're a sergeant, how is your
17 position different from when you were an officer?

18 A Well, as a sergeant, I am now a supervisor of
19 officers. I also ride around the city. I am allowed to
20 inject myself into cases to help officers out. Or if I
21 observe criminal activity, I can engage on it. My duties,
22 at the time, were as a patrol officer in that area, that
23 geographic area, Zone Two. It's a very active area for
24 the homeless, for what we call Beer grabs, or criminal
25 activity around the super markets, the convenient stores

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 and so forth. It has a very large homeless population.
2 Several of our shelters are located in that area, relief
3 organizations are located in that area. So we're very
4 attuned to that.

5 Q All right. How did you become involved in this
6 case?

7 A I became involved in this case, we were on the
8 weekend night shift. Which involves coming in and
9 beginning our shift at 7:00 o'clock in the evening and
10 running for 12 hours to 7:00 o'clock in the morning. The
11 night before the incident, where I became involved, we had
12 a homicide, a murder, next to the QT in a small encampment
13 for homeless people. I became involved because detectives
14 and command staff had stated their objective to engage
15 patrol officers and supervisors to go out and canvas the
16 area and gather information, whatever we could about the
17 incident. We realized that it was in a homeless area.
18 And that really the only people that go into the homeless
19 area are either other homeless people, relief agencies,
20 operators of relief agencies and police officers.

21 I know a lot of the homeless people over
22 there. I interact with them quite a bit. And so my job
23 was to canvas and conduct field interviews with as many
24 people as I could. The stated objectives were, actually,
25 every officer will try to engage 10 people in their zones

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 to find out if there's any information about this.

2 Q So you were supposed to meet with any 10 people,
3 y'all were casting a wide net to see what you could come
4 up with, right?

5 A Correct.

6 Q And what was the date, if you recall? That you
7 were given that objective?

8 A I don't recall the exact date, I don't have my
9 report with me. But it was the, again, it was the second
10 night of that three day shift.

11 Q Do you recall it being sometime in October of
12 2017, does that sound about right?

13 A Yes, that does sound right.

14 Q And if you'll see there's a map right here and
15 there's a pointer right beside you with a green button on
16 the front.

17 A Okay.

18 Q And that is a pointer. If you could just tell
19 us kind of where your eyes were focused that night. The
20 area that you wanted to speak to these people.

21 A Yes, ma'am.

22 The incident had occurred down on Walker
23 Street. In the area adjacent to and slightly behind the
24 QT at 100 Rutherford Street. So the area I first went to
25 was that area to start radiating outwards. To the north

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 of 100 Rutherford Street is a former lot and building for
2 what was known as the jockey lot. Which was an employee
3 agency, which endeavors to employee the homeless, give
4 them some form of revenue. It's usually a day by day type
5 of thing. But that building had been torn down. So this
6 was now an empty lot between 100 Rutherford Street, which
7 is the QT and Tommy's Ham House. This empty lot had now
8 become a gathering area for homeless people. They
9 gathered there, a little bit of security in numbers. And,
10 of course, after this incident, they wanted to be
11 together.

12 The evening that I became involved with
13 them, in this area of the jockey lot, there were two
14 distinct groups sitting together, sitting around. One
15 group had about five people in it, the other group had
16 probably about four to six people in it.

17 Q Did you know any of these people?

18 A Actually, I did. I saw the one group of five
19 and I knew four people almost instantly because I had been
20 out with them before. In my report, I documented who was
21 in that group. But I do remember the name of Michael
22 Kingsley, who I had had many interactions with. Him being
23 homeless, he always thought that I was violating his civil
24 rights. I assured him I wasn't, I just wanted to check up
25 on him. That's what us police officers do. There was a

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 young lady in the group who I had gained a rapport with.
2 And I was trying to get her to go back to her family in
3 Tennessee, she was a very young girl. But there was one
4 other person in that group of four, there was a fifth
5 person that I didn't recognize at all.

6 Q And I know that you said you already knew the
7 names of some of the individuals, you said you didn't
8 recognize this fifth person. Did you -- is it common that
9 officers find out the names of the people that they're
10 coming in contact with and identify them?

11 A Yes. Well, when a police officer makes contact
12 with a citizen, we are required to document our efforts.
13 We document these in what we call a field interview.
14 Previously, field interviews were little cards that we
15 would fill out with all the specifics of the encounter.
16 It has since gone to a more electronic form, but,
17 certainly, we can still use these. These field interviews
18 are used to statistically show how an officer is spending
19 their time, who they're encountering. And if that
20 encounter may somehow lead to some other kind of criminal
21 activity, based on the persons, name, date of birth, how
22 they are dressed, if that can match up with a crime
23 somewhere.

24 It's very effective in these small
25 robberies that take place at convenient stores where we

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1 don't have much to go on, but we usually have a look of
2 the person because of cameras and eye witnesses. Usually,
3 the counter person. So we document these on the field
4 interview. And that's what we were told to conduct.
5 Canvas the area, conduct 10 field interviews of people
6 that you come across.

7 Q And would you say it was, especially, important
8 to identify the people you were speaking with just because
9 you were trying to find leads in a murder investigation?

10 A Well, it goes beyond that, it's mandatory. That
11 you identify the people that you deal with. In the event
12 that they wish to talk to the department about how you
13 interacted with them. We take complaints about officers
14 that way. We also take compliments about officers that
15 way. And, really, what we're trying to do is educate the
16 citizenry, the public, of why we are out doing what we're
17 doing. These can sometimes be just consensual encounters.
18 I can just ask a person, hey, would you mind if I talk to
19 you for minute? And if they said no, I have nothing to do
20 with them. They can just walk on.

21 Q So this fifth person that you didn't recognize,
22 were you, eventually, able to me identify him? Or did you
23 try to identify him?

24 A I did. I identified -- even though I had seen
25 the four people before, I still identified them, per

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1 policy. And then the fifth person I asked for
2 identification. And he said he didn't have any. This
3 is -- this can be a little -- this kind of raised my
4 awareness. Because, generally, homeless people do have
5 identification because that's how they gain access to
6 services and identify themselves to these relief agencies.
7 Or in these kinds of encounters with police.

8 Q Did he give you any name at all?

9 A He did give me a name.

10 Q Do you remember what that name was?

11 A I believe he said his name was Vernon Morton.

12 Q Were you able to verify that name to see if it
13 was true?

14 A Yes. Any name and date of birth that I am
15 given, I run through a system, through dispatch, called
16 NCIC, the National Crime Information Center. We also do a
17 local search to see if there are any wants or warrants for
18 that person in the area.

19 Q So he gave you the name Vernon Morton but did
20 that name come back with anyone?

21 A Yeah. It's probably in my report but he gave me
22 Vernon Morton and also a date of birth. With those two
23 pieces of information, if that person has gained any type
24 of identification materials anywhere in the United States
25 and maybe even the world, we should get some kind of read

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1 back.

2 Q Can I just show you your report? You said you
3 didn't remember if that name checked out. Just to refresh
4 your memory.

5 A Thank you. I believe there's one page missing
6 but that's all right. He gave me the two pieces of
7 information. The name that he gave me and this date of
8 birth. It did not come back.

9 Q So was it your impression, at that time, that
10 Vernon Morton, with this particular date of birth, was not
11 his true identity?

12 A Yeah. I tentative gathered that from him
13 telling me that. There were also some small visual cues
14 that officers take, the darting of eyes, you know, hand
15 gestures or saying it in a tone that might be even lower
16 or off to the side. In the hopes that the officer will be
17 distracted or dissuaded from dealing with this person
18 anymore.

19 Q Did he have any weapons on him? Did you check
20 for that?

21 A Yeah, it's policy that if we do get out with a
22 person, we do ask them for our safety and their's and for
23 the safety of the community that we ask them for weapons.
24 I asked him if he had a weapon on him and he replied in
25 the affirmative, yes. He started to reach for it. At

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1 which point my partner, who I was with at the time,
2 Sergeant Lane, restrained his wrist from pulling anything
3 out of his pockets because he did try to reach for it.

4 Q And what did he pull out of his pocket, Sergeant
5 Lane?

6 A After we had, you know, stopped him from pulling
7 it out, Sergeant Lane fished out from the pocket, a
8 folding pocket knife, with a blade longer than that was,
9 at that time, currently, allowed on a weapon in the City
10 limits of Greenville.

11 Q I want to show you what has been premarked as
12 State's Exhibits 6, 10 and 11. Without showing them to
13 the jury, can you just tell us if you recognize those
14 photos?

15 A I do recognize this item.

16 Q And can you identify it for us?

17 A Yes. It is a silver in color or material,
18 silver metal with a wooden handle. It is a lock-back
19 knife. When it was pulled out of his pocket, it was in
20 the closed position. To examine it further, it was
21 probably opened and that's how we found the blade length
22 to be unlawful.

23 Q Do you recognize that as the knife that you took
24 out -- or that Sergeant Lane, you witnessed him take that
25 out of The Defendant's pocket that night?

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 A Yes.

2 MS. KLUSKA: Your Honor, at this time --

3 Q Well, let me ask you first. Is it a accurate
4 depiction of the knife as you saw it that night?

5 A It is an accurate depiction. There was also a
6 material in some of the joint areas, which resembled the
7 material of dried blood.

8 Q We'll get to that.

9 But at this point, Your Honor, we offer
10 State's 10, 11 and 6 into evidence, please.

11 Have you seen it?

12 MR. SARRATT: I have no objection.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibits Nos. 6, 10 & 11
15 were admitted into evidence.)

16 BY MS. KLUSKA:

17 Q So that's the knife you pulled out of The
18 Defendant's pocket, correct?

19 A Correct.

20 Q Or, excuse me, I guess, Sergeant Lane pulled out
21 but you saw him pull it out, correct?

22 A Yeah. I believe Sergeant Lane had restrained
23 his wrist so he was working that side of his body. I'm
24 sure that I restrained the other arm and fished out of the
25 pocket. Kind of slid up the pocket and then pulled out.

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 Q So, at this point, did you ever find out what
2 this person's real name was, this Vernon Morton was not
3 checking out?

4 A I did. After I confronted him that the
5 information that he had given me was not coming back, when
6 I confronted him about it. And I also began to talk to
7 him and try to explain the importance of him telling me
8 the correct information, he, eventually, gave me his real
9 name and his real date of birth.

10 Q All right. And do you remember what his real
11 name was?

12 A His name was Vernon Evans Jordan. And his date
13 of birth was 1/6 of '69.

14 Q So you said that he had given you a false name
15 at this point, his weapon was longer than what was allowed
16 in the city; is that right?

17 A Correct.

18 Q So was he under arrest at this point?

19 A At this point, talking to Sergeant Lane and
20 myself, he was being detained, okay. Being detained by a
21 officer is not the same as arrest. It is during detention
22 that an investigation can take place. A search can take
23 place. So we had placed him in investigative detention.

24 Q Did he, eventually, come to be under arrest?

25 A He did become under arrest at a point where I

JAMES SHELTON-DIRECT BY MS. KLUSKA

1 realized that he had given me the false name. And now I
2 had a real name and now I also had a weapon that was
3 unlawful. For those two items, he was under arrest.

4 Q And did you give him Miranda Warnings?

5 A Either -- I believe I did give him the Miranda
6 Warning.

7 Q Did you find out where he lived or did he tell
8 you anything about that?

9 A Yes. During our questioning, in which he
10 answered our questions, he stated that he had property in
11 the area.

12 I said, Where is your property?

13 He stated that he had a moped that was
14 parked over at the McDonald's and that he lived in a tent
15 near the QT.

16 Q And when you gave him Miranda Warnings, did he
17 indicate that he understood everything that you were
18 telling he?

19 A He stated that he understood.

20 Q What did you do next then after The Defendant
21 was under arrest?

22 A He was placed into handcuffs. He was placed in
23 the security of one of our vehicles so that we could keep
24 him under control and not allow any form of escape. He
25 was thoroughly searched before doing that to see if there

JAMES SHELTON-CROSS BY MR. SARRATT

1 was any other property that had to be removed from him
2 that could be used either to harm a person or gain escape.
3 We found nothing else, he was placed in the security of
4 the vehicle.

5 Q One other question about the Miranda Warning.
6 Can you just tell us what your typical Miranda Warnings
7 are? What was he given that night? What was he advised
8 of?

9 A He was advised of his right to remain silent.
10 He was advised that anything he did or say could be used
11 against him in a court of law. He was advised that he
12 would have an attorney, if he could not afford one.

13 MS. KLUSKA: Nothing further at this time, thank
14 you very much. Please answer any questions The
15 Defense has.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Cross.

18 CROSS-EXAMINATION

19 BY MR. SARRATT:

20 Q Sergeant Shelton, do you recall when you got out
21 with Vernon Jordan and understood that he was using a fake
22 name, that he told you that he believed he might have had
23 warrants?

24 A Yes. He said that was the reason why he gave a
25 false name.

JAMES SHELTON-CROSS BY MR. SARRATT

1 Q And to be clear, the reason was not anything
2 related to this case, he mentioned something about an
3 accusation that had been made by a woman he moved some
4 furniture for that that's totally unrelated to this; is
5 that correct?

6 A I don't recall that specificity. But he could
7 have said that.

8 Q Okay. Now, when you got out there, again, this
9 the seventh, 7:18 p.m., roughly?

10 A Yes, sir.

11 Q Okay. So the murder has already occurred at
12 this point, right?

13 A To my knowledge, yes, sir.

14 Q Okay. And you're at Tommy's or in the field
15 beside it, right?

16 A Yes, sir.

17 Q And you said that there were five people in a
18 group when you got out; is that right?

19 A Yes, sir.

20 Q And the names of those people, if you recall,
21 there were -- well, you said two females and three males,
22 in your report; is that accurate?

23 A There's a page missing from these documents that
24 I've been given, but I'm pretty sure that I documented the
25 other persons that are in there.

JAMES SHELTON-CROSS BY MR. SARRATT

1 Q Okay. Would you like -- I believe I have a full
2 copy, would you like that to refresh your recollection?

3 A Thank you.

4 Q Now, one of those individuals we already talked
5 about and that was Vernon Jordan; correct?

6 A Correct.

7 Q And in that group with them, also, was a girl or
8 a woman named Alexis Jordan; is that accurate?

9 A It's on the report so it's probably accurate,
10 yes, sir.

11 Q Okay. And the last name that I want to focus
12 your attention to that was with my client when he was
13 arrested is Roman Cox; is that right?

14 A There is a name on here that says Roman Cox.

15 Q Okay.

16 MR. SARRATT: All right, no further questions.

17 THE COURT: Any redirect?

18 MS. KLUSKA: Nothing further, Your Honor. We
19 ask that the officer be excused. Excuse me, Sergeant
20 Shelton be released from his subpoena.

21 THE COURT: Any objection?

22 MR. SARRATT: No.

23 THE COURT: Okay, thank you, you're released.

24 MS. KLUSKA: Your Honor, The State calls
25 Sergeant Lane to the stand, please.

CHARLES LANE-DIRECT BY MS. KLUSKA

1 THE COURT: All right.

2 THE CLERK: If you would approach the witness
3 stand. Stop at the end, place your left hand on the
4 Bible, raise your right hand.

5 CHARLES LANE, after being duly sworn, testified
6 as follows:

7 THE CLERK: Please be seated. And once you're
8 seated, state your name for the record.

9 THE WITNESS: My name is Charles, C-H-A-R-L-E-S,
10 Lane, L-A-N-E.

11 DIRECT EXAMINATION

12 BY MS. KLUSKA:

13 Q Where are you employed?

14 A I'm employed with the Greenville City Police
15 Department.

16 Q What is your position there?

17 A I work as a patrol sergeant in what's called
18 Central Business District [indiscernible] downtown.

19 Q What do you do as a patrol sergeant?

20 A As a patrol sergeant, just daily duties include
21 administrative task, managing manpower, as well as I can
22 be available for calls for service.

23 Q How long have you been in law enforcement?

24 A I started with the Greenville Police Department
25 in 2007. So total about 14 and a half years at this

CHARLES LANE-DIRECT BY MS. KLUSKA

1 point.

2 Q Were you working on October 7th, 2017?

3 A I was.

4 Q And how did you become involved in this case?

5 A Initially, when the murder had occurred, I was
6 out on the scene helping with management of the -- what
7 was going on with that.

8 Q Can you speak up a little bit?

9 A Oh, I'm sorry. When the murder had occurred, I
10 responded to that, initially. Just viewing the scene and
11 what was going on with all of that. That's how I
12 initially became involved.

13 Q And what about later on, what was your
14 involvement in the case?

15 A Later on, during roll call, which is when
16 everybody meets up, at the beginning of the shift, we were
17 charged with going out and trying to get leads in regards
18 to the murder.

19 Q And how were you supposed to do that, gaining
20 leads?

21 A We were given flyers. And we went out and began
22 either talking to people, consensually, passing out this
23 information. Seeing if they may have heard or knew
24 anything. Or making contacts, where we stopped people and
25 identified who they were.

CHARLES LANE-DIRECT BY MS. KLUSKA

1 Q And I want to show you this map here.

2 A Yes, ma'am.

3 Q Can you tell us where your understanding this
4 murder occurred and then where you were supposed to get
5 out that night to speak with these individuals?

6 A May I get up to point?

7 Q There's a pointer, actually, right there. Yeah,
8 that green button.

9 A The -- get my bearings here. Okay. The QT's
10 right here. The murder occurred -- there's the gas pumps.
11 This is called Walker Street right here. This is the
12 neighborhood, which is the Viola neighborhood. This right
13 here is a cut through. And the murder occurred right in
14 this area.

15 Q And when you went out to speak with people that
16 night, where was your attention focused?

17 A That next evening we went out to begin speaking
18 with people, again, pretty close to Walker Street, right
19 about here. Met a few people, passed out the information.
20 And then I moved my way up to the next location in
21 question near Harley Street, which is a empty lot.

22 Q And when you got to the lot, did you speak with
23 anybody?

24 A I did. There was a group of about five people
25 there, spoke with them. Noticed there was trash strawn

CHARLES LANE-DIRECT BY MS. KLUSKA

1 about and that type of thing. We had gotten complaints
2 about it before. So I was addressing that complaint as
3 well as trying to gain leads in regards to this case.

4 Q So what happened next? You tried to speak with
5 these individuals?

6 A Tried to speak with the individuals, four of
7 them had identification, were able to identify themselves.
8 The fifth, Mr. Vernon Jordan, did not have identification
9 and had given us the name of Vernon Morton.

10 Q When you first spoke to this Vernon Morton, you
11 said his name and did he give you a date of birth as well?

12 A He did. I don't recall what it was, though.

13 Q But when you used that Vernon Morton name,
14 nothing came up in your system; is that correct?

15 A Sergeant Shelton was the one that ran it and
16 nothing came back for it, no.

17 Q Did Vernon, at this point, Morton, did he give
18 you any information about what he knew about this murder
19 that had taken place?

20 A He said that he had heard that the person that
21 had been murdered, his name was George. And that's all
22 that he knew.

23 Q Did he say that he knew this George?

24 A Didn't claim to, no, ma'am.

25 Q What did he say about the area that it occurred?

CHARLES LANE-DIRECT BY MS. KLUSKA

1 Did he mention it?

2 A I don't recall him saying anything, no, ma'am.

3 Q What was his demeanor like?

4 A He was nervous. Which was contrasted to the
5 group of the other four. Which kind of heightened my
6 awareness regarding him.

7 Q After he gave you the false name, did you
8 continue to talking to him in the lot or did you pull him
9 outside of the group?

10 A At that point, we pulled him from outside of the
11 group and began to question him further. Which is what
12 prompted me to ask if he had any weapons on him because of
13 his nervous behavior. It made me concern whether there
14 was maybe a crime involved or maybe he was thinking about
15 harming us.

16 Q When you asked him about the weapons, what
17 happened?

18 A When I asked him whether he had a weapon on him
19 or not, he reached down to his pocket, pants pocket, I
20 think it was on the right because the knife was in his
21 fifth pocket on the pants when we discovered it.

22 Q And I'm going to show you a photo of what has
23 been previously entered into evidence as State's Exhibit
24 10.

25 A Okay.

CHARLES LANE-DIRECT BY MS. KLUSKA

1 Q Do you recognize this?

2 A Yes, ma'am, I do.

3 Q What is it?

4 A This is the knife I discovered on Mr. Jordan.

5 Q And this knife, do you remember any identifying
6 information about that knife that stuck out to you?

7 A I recall seeing the initials, VJ, carved into
8 the handle.

9 Q VJ. Did you, eventually, find out what this
10 person who you were speaking to with the false name, did
11 you ever identify him?

12 A I did.

13 Q What was his name?

14 A Vernon Jordan.

15 Q So was it your, I guess, understanding of --
16 what was your understanding of VJ on that knife?

17 A I'm sorry, could you reiterate?

18 Q I guess you find out his name is Vernon Jordan,
19 you see VJ on a knife you pull out of his pocket. So what
20 was the connection you made about what that VJ was?

21 A Yes, ma'am. It established the fact that it was
22 his knife. It struck me as odd when I retrieved it and
23 knew he was telling us his name was Vernon Morton, being
24 so close with that first initial.

25 Q And was that knife a lawful weapon?

CHARLES LANE-DIRECT BY MS. KLUSKA

1 A No, ma'am, it was not.

2 Q Why is that?

3 A It exceeded the length of the blade allowed by
4 the city ordinance, as well as it was a locking blade
5 knife, which is also a violation of the city ordinance at
6 the time.

7 Q The initials that were on the knife, how were
8 they on there? Were they -- was it like engraved, was it
9 carved? Can you tell us about that?

10 A I don't recall. I have to -- I don't know. If
11 you have a picture of it, I can be able to tell you. It
12 was engraved on the opposite side, I'm not 100 percent
13 sure on that.

14 Q Did he say anything about that knife, how it
15 came to be in his possession?

16 A He claimed that either he had gotten it -- I'm
17 sorry. That he had either gotten it or found it somewhere
18 near the Salvation Army or the thrift store.

19 Q I want to direct your attention to State's
20 Exhibit 10, can you make out the initials on that photo?

21 A [Indiscernible.]

22 THE COURT: Please keep your voice up.

23 THE WITNESS: I'm sorry.

24 I'm having a hard time making out on this
25 particular picture.

CHARLES LANE-DIRECT BY MS. KLUSKA

1 BY MS. KLUSKA:

2 Q But it looks, maybe, like it's faintly to where
3 you're pointing in the middle there?

4 A Yeah, near the handle that's near the hang
5 [verbatim] on the blade.

6 Q So, at this point, after he was found in
7 possession of an illegal weapon and also given you a false
8 name, was he under arrest?

9 A Yeah, we were moving to placing him under arrest
10 at that point in time, yes, ma'am.

11 Q Did you ever find out where he lived?

12 A He expressed that he had a tent that was behind
13 the QT. The map you had up earlier, there's a field
14 behind it that's fenced in between there and the
15 neighborhood. And the tent was located in that space.

16 Q If you could just point that out on the map, I
17 think that would be helpful.

18 A All right, absolutely. Okay, so if you're
19 looking right here at the QT, the field is right here, his
20 tent was somewhere in this area here. So just to
21 elaborate a little bit, I had to park here and walk down
22 to this space to get to where his tent was at.

23 Q I apologize, these are in order. But I want to
24 show you what has been premarked as State's 16, 19, 17,
25 20, 21 and 18, without showing the jury, do you recognize

CHARLES LANE-DIRECT BY MS. KLUSKA

1 these photos?

2 A Yes, ma'am, I do.

3 Q And what are these photos of?

4 A Those are of the space that I was just pointing
5 out over here on the map.

6 Q Where The Defendant said that he lived; is that
7 correct?

8 A Yes, ma'am.

9 Q And these photos, are they accurate depictions
10 of what you saw after you spoke with The Defendant?

11 A Yes, ma'am.

12 Q Of his tent?

13 A Yes, ma'am.

14 MS. KLUSKA: Your Honor, we offer State's
15 Exhibits 16, 19, 17, 20, 21 and 18 into evidence at
16 this time.

17 MR. SARRATT: No objection.

18 THE COURT: Okay.

19 (WHEREUPON, State's Exhibits Nos. 1-21 were
20 admitted into evidence.)

21 BY MS. KLUSKA:

22 Q When I show you these pictures, can you just
23 tell us what they're photos of?

24 A Yes, ma'am. Here what you see is the fence that
25 I was describing that encompasses that area near the QT

CHARLES LANE-DIRECT BY MS. KLUSKA

1 and the field. These are the trees that you can see a
2 little bit from the map in that same field. This, of
3 course, you can see the backside of the QT where that
4 fence runs along in that same field.

5 Q So the trees that you mentioned, just to orient
6 us a little bit, they're kind of on the other side? Like,
7 if I'm looking at it right now, I'm standing next to the
8 trees; is that right?

9 A If you --

10 Q If I'm standing on this side of the fence --

11 A Uh-huh.

12 Q -- I would be near those line of trees?

13 A The ones on the back corner. I forgot the name
14 of the street, but yes, ma'am. You're getting closer to
15 that area.

16 Q And does this show the field and the trees on
17 the other side?

18 A Yes, ma'am.

19 Q What is that a photo of?

20 A That is the tent that the -- Mr. Jordan had
21 alerted us to.

22 Q One quick question about this map. So you
23 pointed out to us where The Defendant told you his tent
24 was. And then can you, also, point out to us where in
25 proximity his tent was to the -- to where the body was

CHARLES LANE-DIRECT BY MS. KLUSKA

1 found?

2 A Yes, the tent was approximately in this space
3 over here. If you were to walk directly across the field,
4 there's another fence separating it and the body was found
5 here. I believe, if I remember correctly, you can,
6 actually, get through this space. So the tent was here in
7 about 50 to 100 yards from where the body was found here
8 the morning of.

9 Q And was your body-worn camera activated that
10 night?

11 A Yes, ma'am, it was.

12 Q What is the purpose of officers wearing
13 body-worn camera?

14 A It's to get, I think, an objective viewpoint.
15 The permanent record recording of the events that take
16 place.

17 Q Do you remember, at what point, during your
18 interaction with this Defendant that you turned your body
19 cam on?

20 A Yes, ma'am. It was following when he had
21 reached for the knife, when I had asked him about it. I
22 saw that the investigation was proceeding beyond just
23 simply making a simple contact, identifying him and saying
24 something about a letter and moving on and asking
25 questions. That started going further. That's why I

CHARLES LANE-DIRECT BY MS. KLUSKA

1 activated my body camera.

2 Q I want to show you what's been premarked as
3 State's Exhibit 33, what is this?

4 A This is a copy of my body-worn camera. I
5 initialed it on the bottom portion there.

6 Q You've initialed it just to confirm for us that
7 you have seen it?

8 A Yes, ma'am, I have viewed it.

9 Q All right. And is it an accurate depiction of
10 your body-worn camera as it saw the events that evening,
11 right?

12 A Yes, ma'am.

13 Q Has it been tampered with in anyway?

14 A No.

15 Q Any additions or deletions?

16 A No, ma'am.

17 MS. KLUSKA: Your Honor, at this time, The State
18 offers State's Exhibit 33 into evidence.

19 MR. SARRATT: No objection.

20 THE COURT: Okay.

21 MS. KLUSKA: Your Honor, at this time, The State
22 requests permission to publish this video to the
23 jury?

24 THE COURT: Yes.

25 (WHEREUPON, State's Exhibit No. 33 was admitted

CHARLES LANE-DIRECT BY MS. KLUSKA

1 into evidence.)

2 (WHEREUPON, State's Exhibit No. 33 was

3 published.)

4 BY MS. KLUSKA:

5 Q After The Defendant was arrested, after the end
6 of your body cam, where was he taken?

7 A He was taken to the Greenville County Detention
8 Center by Sergeant Shelton.

9 Q What did you do with the knife?

10 A The knife was -- I took it down to the law
11 enforcement center. I inspected it more closely.

12 Q When you inspected it more closely, what did you
13 observe?

14 A I noticed that there was like a dried reddish
15 substance here where the blade of the knife meets the
16 handle.

17 Q Why did that pique your interest?

18 A Being that we had the murder the night before
19 and just a close proximity of everything, led me to
20 believe that that red substance might be blood.

21 Q When you saw the possible blood on the knife,
22 what did you do next?

23 A I contacted Detective Lusk.

24 Q And what did Detective Lusk direct you to do?

25 A To call forensics to examine the knife further.

CHARLES LANE-CROSS BY MR. SARRATT

1 Q And to your knowledge, did forensics then come
2 and take it directly from you at the law enforcement
3 center to inspect it?

4 A Yes, ma'am. I believe it was Sergeant Wolfe.

5 Q Did you have any involvement with this case
6 after you gave that knife to Sergeant Wolfe?

7 A Other than completing my paperwork, I didn't do
8 anything else regarding this case, no, ma'am.

9 Q So when you spoke with The Defendant, he told
10 you that he had found that knife two days before?

11 A Yes, ma'am.

12 Q And to your knowledge, when did the murder
13 occur?

14 A The morning of my contact with Mr. Jordan.

15 Q So one day before you made contact?

16 A Not even but yes.

17 MS. KLUSKA: Nothing further at this time.

18 Thank you, please answer any questions The Defense
19 may have.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Cross.

22 CROSS-EXAMINATION

23 BY MR. SARRATT:

24 Q Officer Lane, I believe, you testified that
25 there were five people at first gathered around when you

CHARLES LANE-CROSS BY MR. SARRATT

1 first made contact?

2 A Yes, sir.

3 Q Okay. One of those was my client Vernon Jordan.

4 Do you recall that two of the other people that you made
5 contact with, one was named Alexis Jordan?

6 A Yes, sir.

7 Q Do you remember that? And the other was a man
8 named Roman Cox; is that correct?

9 A Yes, sir.

10 Q All right. Now, you separated Mr. Jordan away
11 from those other people in order to question him further;
12 is that right?

13 A Yes, sir, I did.

14 Q Okay. But, I believe, we saw on the video, you
15 can confirm this if I'm wrong, as you're making the
16 arrest, you can see back in the woods there were still a
17 group of about three or four people laying there in the
18 grass?

19 A Okay, yes, sir.

20 Q We can play it back if you need.

21 A No, I believe you.

22 Q Okay. Those would have been the four people
23 that we're talking about, right?

24 A I believe so, yes, sir.

25 Q Or that I was talking about. That would have

CHARLES LANE-REDIRECT BY MS. KLUSKA

1 been Alexis Jordan, Roman Cox and then?

2 A I believe so, yes.

3 Q So they were present and saw Vernon Jordan being
4 questioned, right?

5 A Yes, sir.

6 Q And then they were able to see that he was
7 placed in handcuffs and taken off to the police station,
8 right?

9 A Yes, sir.

10 Q Okay.

11 One moment. No further questions.

12 THE COURT: Redirect?

13 REDIRECT EXAMINATION

14 BY MS. KLUSKA:

15 Q You said that you spoke with Alexis Jordan in
16 the field, you were able to identify her, right?

17 A Yes.

18 Q To your knowledge, there's no relation between
19 that potential witness and The Defendant?

20 A To my knowledge, no there's not.

21 MS. KLUSKA: Thank you, Your Honor, nothing
22 further at this time.

23 MR. SARRATT: Nothing further.

24 THE COURT: Okay.

25 Thank you, you may stand down. Thank you, sir.

1 MS. KLUSKA: We can release him from his
2 subpoena, Your Honor?

3 THE COURT: Any objection?

4 MR. SARRATT: No, sir.

5 THE COURT: Okay.

6 Let me talk to the lawyers up here for just a
7 quick second, please.

8 (WHEREUPON, an off-the-record bench conference
9 was held in the presence of the jury but out of
10 the hearing of the jury.)

11 THE COURT: All right, Mr. Foreman and ladies
12 and gentlemen of the jury, I think I forgot to tell
13 you, from time to time we have bench conferences up
14 here. Which is what we just did. We -- and in
15 those, we're not trying to deceive you all in anyway
16 but sometimes we need to discuss things that you
17 don't really need to hear. And what we discussed up
18 here was how long we thought the next witness would
19 take based on the clock. And so we think it's
20 probably a good time to break for lunch. And it's
21 12:30, could y'all be back at quarter of two? That's
22 not quite the hour and a half I sort of talked about
23 yesterday. But let's try to be back at about a
24 quarter of two, okay? And remember don't discuss the
25 case, don't do any research, don't go visit the

1 scene. And don't get on some social media platform,
2 all right. I highly recommend that just in daily
3 life, all right. Sorry. Thank you.

4 (WHEREUPON, the jury left open court at
5 approximately 12:24 p.m.)

6 THE COURT: Everyone else remain seated until
7 the jury exits. Thank you.

8 All right, anything from anyone?

9 MR. SARRATT: No, Your Honor.

10 MS. KLUSKA: Nothing further.

11 THE COURT: Okay, see y'all at quarter of 2:00.

12 (WHEREUPON, a lunch break was taken.)

13 (WHEREUPON, State's Exhibit No. 35 was marked
14 for identification only.)

15 THE COURT: Let's do it right now.

16 All right. Okay. Back on the record, Neil v.
17 Biggers.

18 MR. WESTON: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. WESTON:

21 Q Investigator Lusk, we went through a Neil vs.
22 Biggers, type hearing earlier and so you know, generally,
23 what we're talking about today. What's that document that
24 you have in the envelope right there?

25 A I have a photo array.

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 Q How does that photo array factor into this
2 particular case?

3 A It contains this Defendant, Mr. Jordan, it was
4 presented to a witness.

5 Q Which witness was that?

6 A Roman Cox.

7 Q All right. And when was this done? In
8 proximity to the wedding? I mean, excuse me, to the
9 death? Was it like a day or two later?

10 A It was like the day after. It was on the
11 eighth.

12 Q All right. You can go ahead and open it.

13 A All right.

14 Q While you're doing that, where did this
15 interview take place?

16 A At the law enforcement center.

17 Q All right. And was anybody present in the room
18 at the time other than you and Mr. Cox?

19 A No, sir, there was not.

20 Q And Mr. Cox was not a suspect; is that correct?

21 A That's correct.

22 Q And so he was not handcuffed or anything like
23 that?

24 A No, sir.

25 Q All right. Tell The Court how you came to

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 acquaint him to what you were doing.

2 A I asked him if he had ever looked at a photo
3 lineup. He stated he knew what one was but he never
4 looked at one. I advised him that I had a series of six
5 photos on a sheet of paper. And the person that he saw or
6 witnessed commit the crime may or may not be one of the
7 individuals. And not to feel compelled to pick that
8 individual or pick an individual.

9 Q All right. And just to give The Court some
10 context, prior to the photo array being prepared and shown
11 to Mr. Roman Cox, what was your understanding as to what
12 his involvement in this case was?

13 A Mr. Cox?

14 Q Yes, sir.

15 A He was a witness to the murder.

16 Q And has he already told you -- given you details
17 about what he had observed?

18 A Yes, he did.

19 Q And did he provide information that led you to
20 believe that Mr. Vernon Jordan was the person who
21 committed the murder?

22 A He did.

23 Q And as a result of that, that's why you prepared
24 the photo lineup?

25 A Yes, sir.

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 Q Where is Mr. Jordan in this -- is this the same
2 photo lineup that was shown to the other witness?

3 A No, it is not.

4 Q All right. And where is Mr. Jordan in this
5 photo lineup?

6 A He's in the second position on the top.

7 Q Okay. And I think you said y'all were in the
8 law enforcement center?

9 A We were.

10 Q And were you in, like, a interview room or
11 something?

12 A Yes, we were.

13 Q And tell The Court how you presented this to
14 Mr. Cox?

15 A We were seated in the interview room, audio and
16 video was activated. After I asked him and advised him
17 not to feel compelled and the person may or may not be on
18 there, I laid the photo lineup face down on the table and
19 Mr.~Cox picked it up.

20 Q All right. And when he picked it up, then what
21 happened?

22 A He turned the photo lineup over and identified
23 the photo of Jordan as the person who committed the crime.

24 Q Did he take a long time to identify him?

25 A No, it was almost immediately.

BRAD LUSK-DIRECT BY MR. WESTON (IC)

1 Q All right. And what procedure did you employee
2 to memorialize his identification?

3 A I asked him to circle the person that he saw
4 committing the crime and put his initials inside the
5 circle.

6 Q Did he do that?

7 A He did.

8 Q All right. And is that what you have there with
9 you today?

10 A Yes, sir.

11 Q Did you in any way influence him or give him any
12 indication as to who he should pick?

13 A No, sir, I did not.

14 Q Were there any outside influences, as far as you
15 know, that effected his selection of Mr. Jordan as the
16 person?

17 A No, sir.

18 Q All right. And the document you have there is
19 the original document that he circled and put his initials
20 on?

21 A Yes, it is.

22 Q It is also dated?

23 A Yes, sir, it is.

24 Q What's the date on it?

25 A 10/8/2017.

BRAD LUSK-CROSS BY MR. SARRATT (IC)

1 Q And that is the next day after the body was
2 discovered?

3 A That was Sunday following.

4 MR. WESTON: All right, thank you, sir.

5 THE WITNESS: Yes, sir.

6 THE COURT: Cross.

7 CROSS-EXAMINATION

8 BY MR. SARRATT:

9 Q Briefly. So you've been in the courtroom,
10 you've heard the testimony that Mr. Cox was present when
11 Mr. Jordan was arrested at first for the unrelated
12 offense -- well, I'm sorry, the possession of a weapon and
13 false info, correct?

14 A Yes, sir.

15 Q So he knew that he was already in custody and
16 under arrest, right?

17 A Yes.

18 Q And then, when you he had him come back, Roman
19 Cox was aware at that point that he was the primary
20 suspect in the murder, right?

21 A I don't know if he knew he was a primary suspect
22 but he said he witnessed him commit a crime.

23 Q Right. And so, his -- his opportunity to view
24 Mr. Jordan and everything, again, he knows when he's going
25 in there to pick him out, he's picking out the guy that

ROMAN COX-DIRECT BY MR. WESTON (IC)

1 was arrested that had the knife, right?

2 A He was picking out the guy that witnessed -- he
3 witnessed commit a crime.

4 MR. SARRATT: Okay, no further questions.

5 THE COURT: All right, any redirect?

6 MR. WESTON: Nothing from The State.

7 THE COURT: All right. Thank you, sir, you can
8 stand down.

9 MR. WESTON: Your Honor, The State could call
10 Mr. Roman Cox.

11 THE CLERK: Mr. Cox, if you'll, please, stop at
12 the end of the witness stand. Place your left hand
13 on the Bible, raise your right.

14 ROMAN COX, after being duly sworn{,}testified as
15 follows:{F}

16 THE CLERK: Please be seated. Once you're
17 seated, state your name for the record.

18 THE WITNESS: My name is Roman Cox.

19 DIRECT EXAMINATION

20 BY MR. WESTON:

21 Q Mr. Cox, if you can take your mask -- put your
22 mask down while you're testifying so The Court can
23 understand you. And if would just stay a little closer to
24 the microphone so we can hear you. Thank you, sir. All
25 right. And, Mr. Cox, did you have an occasion on October

ROMAN COX-DIRECT BY MR. WESTON (IC)

1 the 8th of, 2017 to be interviewed by Investigator Brad
2 Lusk with the City Police Department regarding the
3 stabbing of Mr. George Pegram?

4 A (The witness nods.)

5 Q Did Detective Lusk interview you?

6 A Yes.

7 Q Was that interview at the law enforcement
8 center?

9 A Yes, sir.

10 Q And during that interview -- prior to that
11 interview, and I want to just kind of a overview what your
12 involvement -- what he believe your involvement was. Was
13 it Detective Lusk's understanding that you saw the murder
14 take place?

15 A Yes, sir.

16 Q And you had told him that before this photo
17 lineup was done; is that correct?

18 A Yes, sir.

19 Q All right. And so he went out and got a photo
20 lineup together; is that correct?

21 A Yes.

22 Q And tell The Court how he showed you the photo
23 lineup up. Did he come back in a room and?

24 A He just came back in the room and he had two, I
25 think, two different sheets of different people. And he

ROMAN COX-DIRECT BY MR. WESTON (IC)

1 told me said one of them was the person that committed the
2 crime.

3 Q Did he say that the person was definitely in
4 there or they may or may not be in there?

5 A May be or not be.

6 Q Okay. So he didn't tell you they were
7 definitely in there?

8 A No.

9 Q He did not say that?

10 A No.

11 Q All right. Did he suggest to you which person
12 you should pick?

13 A No.

14 Q Did he -- when he presented to it to you, did he
15 have his finger on any particular picture?

16 A No, sir.

17 Q Did he give you any kind of other body
18 infliction like pointing to one with his head nod or
19 something like that?

20 A No, sir.

21 Q Did he smile or look -- give you a mean face as
22 your eyes moved around?

23 A Not that I know of, sir.

24 Q And just to be -- did he say you were getting
25 hot or cold as you moved around?

ROMAN COX-DIRECT BY MR. WESTON (IC)

1 A No, sir.

2 Q All right. So he left it up to you to pick the
3 picture?

4 A Yes, sir.

5 Q And did you look over the pictures?

6 A Yes, sir.

7 Q And did you pick out one?

8 A Yes.

9 Q And the person you picked out, did you know the
10 name of that person?

11 A Yes.

12 Q What was his name?

13 A Jordan.

14 Q And were you sure when you looked at the
15 picture?

16 A Yes, sir.

17 Q And did you point it out to him?

18 A Yes, sir.

19 Q All right. To Investigator Lusk? Did you tell
20 him which one -- you pointed to one and told him which one
21 it was?

22 A Yes, sir.

23 Q Did he have you circle and initial it?

24 A Yes, sir.

25 Q I'm going to show you what's been marked -- I'm

ROMAN COX-DIRECT BY MR. WESTON (IC)

1 going to show you what Investigator Lusk -- the doctor and
2 Investigator Lusk just testified from and ask you do you
3 recognize this document? Do you recognize the circle and
4 initials on that document?

5 A Yes, sir.

6 Q Are those your initials?

7 A Yes, sir.

8 Q And is that where you initialed and circled that
9 document?

10 A Yes, sir.

11 Q And which picture did you circle? Number one,
12 two, three, four, five or six?

13 A Two.

14 Q And who is on number two?

15 A Jordan.

16 Q And is there any doubt in your mind that that
17 was the person that you saw that you told Investigator
18 Lusk that you saw commit the murder?

19 A Yes, sir.

20 Q All right. And you initialed this and circled
21 this yourself?

22 A Yes, sir.

23 MR. WESTON: Your Honor, The State would offer
24 this as State's Exhibit 36 for purposes of this
25 hearing.

ROMAN COX-CROSS BY MR. SARRATT (IC)

1 MR. SARRATT: No objection.

2 THE COURT: All right. Let her mark it.

3 MR. WESTON: All right.

4 (WHEREUPON, State's Exhibit No. 36 was marked
5 for identification only.)

6 THE COURT: Okay.

7 BY MR. WESTON:

8 Q Now, was there any influence placed upon you by
9 Investigator Lusk to pick any particular person out of
10 this lineup?

11 A No, sir.

12 Q All right.

13 MR. WESTON: All right, thank you. Answer any
14 questions counsel might have for you.

15 CROSS-EXAMINATION

16 BY MR. SARRATT:

17 Q So again, you were present when Vernon Jordan
18 was arrested with the unlawful knife, right?

19 A Yes, sir.

20 Q And when you went in to do this photo lineup,
21 you knew that you were supposed to be pick out, you know,
22 the guy they had in custody as the primary suspect, right?

23 A The guy that they picked out?

24 Q Yeah, the guy they had.

25 A He just had me pick out the person that I

ROMAN COX-EXAMINATION BY THE COURT (IC)

1 witnessed do the crime.

2 Q Okay.

3 MR. SARRATT: No further questions.

4 THE COURT: All right.

5 EXAMINATION

6 BY THE COURT:

7 Q Let me ask you this. Do you see the guy that
8 you picked out in that photo lineup in the courtroom
9 today?

10 A Yes, sir.

11 Q Where is he?

12 A Right there.

13 Q All right. What color shirt is he wearing?

14 A Blue.

15 MR. WESTON: Your Honor, I would give this to
16 The Court so you can take a look at the pictures for
17 yourself concerning the similarities of the parties
18 on the picture.

19 THE COURT: Okay. Anything else?

20 MR. WESTON: Nothing further from The State,
21 Your Honor.

22 THE COURT: All right, you can step down at this
23 time. Thank you.

24 All right, we ready to go?

25 MR. WESTON: Yes, sir, Your Honor.

ROMAN COX-EXAMINATION BY THE COURT (IC)

1 THE COURT: Okay, let's get the jury. Oh, I'm
2 sorry, I'm not going to --

3 Anything you want to tell me?

4 MR. SARRATT: Just that I was going to say that
5 because he knows that the guy's already been
6 arrested, that he has the burden -- essentially,
7 converts it to a show up ID. That he's only picking
8 out the guy he knows he's supposed to pick out. And
9 that's basically my motion.

10 THE COURT: Okay. Well, I'm going to deny it,
11 find it was not coercive and allow it.

12 MR. SARRATT: Thank you.

13 (WHEREUPON, the jury came into open court at
14 approximately 2:07 p.m.)

15 THE COURT: Okay, welcome back. I hope everyone
16 had a very pleasant lunch. We are ready to resume.
17 Call your next witness.

18 MR. WESTON: Thank you, Your Honor, may it
19 please the Court. The State would call Mr. Roman Cox
20 to the stand.

21 THE CLERK: Mr.~Cox, if you would please stop at
22 the end, place your left hand on the Bible, raise
23 your right hand.

24 ROMAN COX, after being duly sworn{,}testified as
25 follows:{F}

ROMAN COX-DIRECT BY MR. WESTON

1 THE CLERK: Thank you, please be seated.

2 MR. WESTON: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. WESTON:

5 Q Mr. Cox, if you could pull your mask down so we
6 can hear you. And keep your mouth just sort of close to
7 the microphone so your voice will carry. What is your
8 name, sir?

9 A Roman Cox.

10 Q And where do you live, Mr. Cox?

11 A I live [REDACTED] Central Road, Pendleton.

12 Q All right. And about how long have you lived
13 there?

14 A About a year, year and a half.

15 Q All right. Is Greenville your home, originally?

16 A Yes, sir.

17 Q How long -- and how old are you?

18 A I'm 27.

19 Q All right. Are you married, sir?

20 A No.

21 Q Do you have any kids?

22 A No, sir.

23 Q All right. Mr. Cox, I'm going to draw your
24 attention back four years, three and a half years, excuse
25 me, to October of 2017. Up around the QT on Rutherford

ROMAN COX-DIRECT BY MR. WESTON

1 Road. Do you remember witnessing an incident where
2 someone was stabbed?

3 A Yes, sir.

4 Q And about what time was it? Was this in the
5 nighttime or early morning hours or the daytime or what?

6 A Nighttime.

7 Q All right. And do you recognize this aerial map
8 here and this is Rutherford Road and this is the QT Gas
9 Station, this is the gas pumps over here?

10 A Yes, sir.

11 Q Do you recognize this street as Walker Street
12 with a dead end right here?

13 A Yes, sir.

14 Q Do you know this area?

15 A Yes.

16 Q At the time, back in October 2017, were you
17 spending a lot of time in this area?

18 A Roughly, yes.

19 Q Why was that, sir?

20 A I was homeless.

21 Q So you had hit a rough patch?

22 A Yes, sir.

23 Q And where were you staying?

24 A Between the men's home and the library.

25 Q All right. I'm going to show you this pointer

ROMAN COX-DIRECT BY MR. WESTON

1 here -- that's not it. Yes, it is, I'm sorry. And this
2 green button right here, if you push this button and point
3 to where you want to be, okay.

4 A All right.

5 Q If you would take that, sir, push the green
6 button and point to where you say about where the, I
7 think -- where were you staying at? And just kind of show
8 the jury where the -- the QT is the central point, about
9 where were you staying?

10 A Like the areas that I was staying?

11 Q Just point to it with the pointer. Yes, sir,
12 where you were staying.

13 A It wouldn't be on the map. It's like down the
14 road a little bit.

15 Q All right. Back toward downtown or further out
16 going toward White Horse Road?

17 A Down towards downtown.

18 Q Okay. And but did you spend a lot of time
19 around the QT on Rutherford Road?

20 A Yes, sir. I want to say around this place right
21 here.

22 Q What is that place?

23 A That is where they give food and stuff, like,
24 every morning. And sometimes on the weekends.

25 Q All right. And was there also a place up in

ROMAN COX-DIRECT BY MR. WESTON

1 here somewhere where people would -- where Labor Finders
2 would get people jobs for the day and stuff, day jobs?

3 A Yes, sir.

4 Q Okay. Now, on the night of October the 7th, or
5 the morning of October 7th, tell the jury how you came --
6 or what happened or what brought you to come upon this
7 incident where Mr. -- where the victim, excuse me, was
8 killed?

9 A Okay. I was just walking to the store to get me
10 something to drink. Which I was coming from this way
11 right here.

12 Q You were going to the QT?

13 A Yes, sir.

14 Q Were you by yourself?

15 A Yes, sir.

16 Q All right, sir.

17 A Then, approximately, right there is when the
18 argument and stuff with Mr. Jordan, the dude that got
19 killed and the woman. Because the dude that got killed
20 was the one laying or sleeping or whatever he was doing.
21 And he grabbed the woman. And that's when Mr. Jordan
22 jumped on him.

23 Q Now, was Mr. Jordan there originally or did he
24 come up on a motor bike or something?

25 A A moped.

ROMAN COX-DIRECT BY MR. WESTON

1 Q All right.

2 A He had a moped, yes.

3 Q All right. Now, where were you -- just show the
4 jury -- once again, this is the QT, this is Walker Street
5 that ends with a dead end. Point to the -- about where
6 this took place at.

7 A It took place right there.

8 Q All right. Right up in the wooded area where
9 the road ends?

10 A Yeah.

11 Q All right. And it was dark outside, as I
12 understand it; right?

13 A Yes, sir.

14 Q All right.

15 A It's kind of lited up a little bit because of
16 the QT but.

17 Q All right. So at first when you came upon the
18 scene, was Mr. Pegram and the woman and Mr. Jordan there;
19 or was it just Mr. Pegram and the woman there?

20 A It was all three of them.

21 Q Okay. All right. And when you walked up on to
22 the scene, how far away from -- and I'm going to walk
23 towards you. And I want you tell the jury -- tell me to
24 stop when I get about the distance you were from where
25 they were arguing. Okay, just tell me stop when I reach

ROMAN COX-DIRECT BY MR. WESTON

1 that distance.

2 A Okay. Right there.

3 Q Okay. So you were about this far from the
4 argument?

5 A (The witness nods.)

6 Q All right. And tell the jury what happened,
7 what you saw.

8 A Mr. Jordan was on top swinging his hands like he
9 was stabbing someone, like, I guess, you can say.

10 Q He was on top of who?

11 A Jordan was on top of Mr. -- the guy that got
12 killed.

13 Q Mr. Pegram?

14 A Yes.

15 Q And you saw this?

16 A Yes.

17 Q Let me just ask you, make sure we're all clear
18 here. Did you have anything to do with this argument that
19 was going on?

20 A No.

21 Q You just happened to walk up on it?

22 A Yes, sir.

23 Q So when you saw Mr. Jordan stabbing Mr. Pegram,
24 what did you do?

25 A I tried to stop him but I kind of backed up

ROMAN COX-DIRECT BY MR. WESTON

1 because, I mean, he kind of faced toward me like he was
2 going to do something to me but I didn't.

3 Q Did he say anything to you?

4 A He said, Get the fuck on.

5 Q Okay.

6 A Sorry, excuse my language.

7 Q Are you quoting him when you said that? Were
8 you quoting what he said?

9 A Yes.

10 Q Okay. And so we understand. So once he said
11 that, did he have a knife in his hand?

12 A Yes, sir.

13 Q So once he said that, what did you do?

14 A I just walked away.

15 Q All right, sir.

16 A I didn't -- well, I -- yeah, I didn't go to the
17 QT after that, I just kind of averted, tried to get away
18 from him.

19 Q All right. And did you ever look -- did you
20 look back to see what was happening as you walked away?

21 A Well, after that point, that's when him and that
22 lady was walking towards this way, after the conflict.

23 Q Where was Mr. Pegram when you left?

24 A He was on the ground.

25 Q All right. Did you ever see him get up as you

ROMAN COX-DIRECT BY MR. WESTON

1 walked away?

2 A A little bit but not because, you know, how in a
3 fight you slowly get up. But I didn't see him get fully
4 up.

5 Q All right. And how many times did you see
6 Mr. Jordan thrust at Mr. Pegram, just that you saw?

7 A Ten times, maybe.

8 Q All right, sir. I'm going to show you what's
9 been marked as State's Exhibit No. 36 and ask you if you
10 recognize it?

11 A Recognize who?

12 Q Do you recognize the document there, what that
13 is?

14 A Yes, sir.

15 Q What is that?

16 A This is a lineup.

17 Q It is a photo lineup?

18 A Yes.

19 Q All right. And have you ever seen that photo
20 lineup before?

21 A Yes, sir.

22 Q Where did you see it at before?

23 A At the office of, um--

24 Q It is Investigator Lusk?

25 A Yes, thank you. I'm not good with names.

ROMAN COX-DIRECT BY MR. WESTON

1 Q All right. And when you met with him, did you
2 tell him pretty much what you told us today in terms of
3 what happened?

4 A Yes, sir.

5 Q And I'm sure your story was not exactly the same
6 as it is today because that was four years ago; is that
7 correct?

8 A Yes, sir.

9 Q Okay. But did he show you that photo lineup?

10 A Yes, sir.

11 Q And did he tell you that the person who may have
12 committed the murder, that you saw that might have
13 committed the murder and did the stabbing, did he tell you
14 that they were in that picture or that they might be in it
15 or they might not?

16 A They may be may not be.

17 Q All right. And did he then show it to you and
18 let you pick one?

19 A Yes, sir.

20 Q Did you pick one?

21 A Yes, sir.

22 Q Who did you pick?

23 A Number two.

24 Q And who is on picture number two?

25 A Jordan.

ROMAN COX-DIRECT BY MR. WESTON

1 Q All right.

2 Your Honor, I think this is already in
3 evidence.

4 THE COURT: Is there any objection to admitting
5 it into evidence?

6 MR. SARRATT: There's not, Your Honor.

7 THE COURT: All right.

8 (WHEREUPON, State's Exhibit No. 36 was admitted
9 into evidence.)

10 BY MR. WESTON:

11 Q And let me ask you one more question. Did you
12 see the person that did the stabbing that morning in the
13 courtroom?

14 A Yes, sir.

15 Q Where?

16 A (The witness points.)

17 Q What is he wearing?

18 A Blue shirt.

19 Q And who is that?

20 A Jordan.

21 Q Are you sure?

22 A Yes, sir.

23 Q Absolutely?

24 A Yes, sir.

25 Q No doubt?

ROMAN COX-CROSS BY MR. SARRATT

1 A No doubt.

2 MR. WESTON: Answer any questions counsel may
3 have.

4 CROSS-EXAMINATION

5 BY MR. SARRATT:

6 Q Mr. Cox, you didn't want to be here today, did
7 you?

8 A I didn't want -- I was at our job site, like, at
9 the house in Clinton. That's the only reason, it's an
10 hour and ten minutes away.

11 Q Well, you were here yesterday and you responded
12 to your subpoena, weren't you?

13 A Yes.

14 Q And then you left before The State could call
15 you as witness; isn't that right?

16 A I left because--

17 MR. WESTON: Objection, Your Honor.

18 THE COURT: Hold on, wait a minute.

19 Is there an objection?

20 MR. WESTON: I'm objecting to the
21 characterization as before -- he doesn't know what
22 our order of witnesses was.

23 THE COURT: That's all right, I'm going to let
24 him ask the question.

25 Go ahead.

ROMAN COX-CROSS BY MR. SARRATT

1 BY MR. SARRATT:

2 Q So you left yesterday?

3 A Yes. They said be back at 2:30. I had the
4 company truck, which y'all can look on the camera, I had
5 the rollback right here at the front of the parking lot in
6 front of the building. And they needed the truck back so
7 I was figuring I could take the truck back and use a
8 regular vehicle to come back. But it didn't work out as
9 planned.

10 Q Well, it didn't work out. And today the police
11 had to come pick you up to get you here; isn't that right?

12 A Yes, I talked to them. I called them and asked
13 for a ride. So I won't have to use the company truck.

14 Q Is that how you got that knot on your face? Did
15 the police have to?

16 A No, no.

17 Q All right.

18 A That's a cyst.

19 Q Okay. Well, I want to talk about what you say
20 that you saw. Now, you talked to Investigator Lusk back
21 in October of 2017, right?

22 A Yes.

23 Q And before that you had talked to some officers
24 as well, isn't that right? Different officers took a
25 interview from you?

ROMAN COX-CROSS BY MR. SARRATT

1 A Um.

2 Q Do you remember telling them that you just saw a
3 baldheaded man on a moped yelling at people and that's the
4 only thing you knew about this?

5 A No.

6 Q You don't remember that?

7 A No.

8 Q Do you remember when you went into that
9 interview room, telling Investigator Lusk that you don't
10 know what happened, that you didn't see anything?

11 A I did tell him.

12 Q You told him after Investigator Lusk told you
13 that you had nothing to worry about, right?

14 A He told me that I had nothing to worry about?

15 Q Yeah, he told you that you were at the wrong
16 place at the wrong time, don't you remember that?

17 A I don't remember. It's been a while, my bad.

18 Q That's okay. Well, after he told you that you
19 weren't a suspect, that you were just at the wrong place
20 at the wrong time, that's when you came forward and
21 changed your story and started saying all this about what
22 you witnessed in the woods; isn't that right?

23 A Not that I remember, no.

24 Q Okay. So you don't remember anything about what
25 happened?

ROMAN COX-CROSS BY MR. SARRATT

1 A No, I remember what happened. It's just what
2 you're saying that I don't recall doing.

3 MR. SARRATT: Beg the Court's indulgence.

4 BY MR. SARRATT:

5 Q So you don't remember Investigator Lusk telling
6 you that you were at the wrong place at the wrong time;
7 right?

8 A Yes.

9 Q If I showed you a copy of his report, would that
10 refresh your recollection?

11 A You can, I mean.

12 Q Now, don't read it out loud but you see this
13 paragraph? Remember that?

14 A Okay. All right.

15 Q Okay. Now, do you remember him saying that?

16 A I mean, it's on paper so I reckon he did, yes.

17 Q And it wasn't until after --

18 MR. WESTON: Your Honor, I'm going to object.
19 He is showing him a statement made by another
20 party --

21 THE COURT: Correct, that is not his -- that's
22 not his report, so.

23 MR. SARRATT: All right.

24 THE COURT: The cat's out of the bag,
25 Mr. Weston.

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 Go ahead.

2 MR. SARRATT: All right.

3 BY MR. SARRATT:

4 Q So again, it wasn't until after that that you
5 finally came forward with the story you're telling us
6 today, right?

7 A I assume, yes.

8 MR. SARRATT: All right, no further questions.

9 THE COURT: All right, any redirect?

10 MR. WESTON: No redirect, Your Honor, we would
11 ask that Mr. Cox be relieved of his subpoena.

12 THE COURT: All right, you can step down. Thank
13 you very much, sir.

14 Okay.

15 MS. KLUSKA: Thank you, Your Honor. The State
16 calls Mr. Blake Wolfe to the stand.

17 THE CLERK: Mr. Wolfe, please approach the
18 witness stand. Stop at the end, place your left hand
19 on the Bible and raise your right hand.

20 BLAKE WOLFE, after being duly sworn{,}testified
21 as follows:{F}

22 THE CLERK: Thank you, please be seated. And
23 once you're seated, state your name for the record.

24 THE WITNESS: Blake Edward Wolfe.

25 DIRECT EXAMINATION

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 BY MS. KLUSKA:

2 Q Deputy Wolfe, where are you employed?

3 A Greenville County Sheriff's Office.

4 Q How long have you been working there?

5 A Since October of 2019.

6 Q What is your position at the sheriff's
7 department?

8 A I'm a deputy sheriff.

9 Q And where were you employed before you became a
10 deputy?

11 A Greenville County Department of Public Safety in
12 the forensics divisions.

13 Q In the forensics division?

14 A Yes, ma'am.

15 Q And what was your position with forensics?

16 A I was a training officer in the crime scene
17 unit.

18 Q What did your job as a training officer entail?

19 A I would train all the new hires in the forensics
20 division as well as go out and process crime scenes.

21 Q Would you mind speaking up just a little bit for
22 us --

23 A I'm sorry --

24 Q It's hard to hear with that thing now. How long
25 were you employed by forensics?

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 A Five years.

2 Q How long have you been in law enforcement?

3 A Coming up on, like, eight years.

4 Q Do you have any special training in forensics?

5 A Yes, ma'am. Blood pattern analysis and shooting
6 reconstruction.

7 Q What about as well as evidence handling?

8 A Yes.

9 Q When you were with forensics, what type of crime
10 scenes were you called to?

11 A Generally, I work homicides or violent crimes.

12 Q Can you tell us a little bit about your process
13 when you're collecting evidence at a crime scene?

14 A We start always by documenting evidence, where
15 it's at, photographs. Then we put down evidence placards,
16 photograph again. When we collect it we wear gloves,
17 packaging it in paper bags.

18 Q Why it is important to wear gloves and to put
19 everything in separate bags.

20 A It's important to wear gloves to prevent cross
21 contamination, don't want to get your own DNA or
22 fingerprints on evidence. Put items in the paper bags to
23 prevent moisture and mildew from ruining DNA evidence.

24 Q Were you working with forensics in October of
25 2017?

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 A Yes, ma'am.

2 Q And were you called to work on October 7th of
3 2017?

4 A Yes, ma'am.

5 Q And what scene were you called to that day?

6 A I went to a death investigation at 100
7 Rutherford Street behind the QT in the wood line.

8 Q To your knowledge, why were you called there?
9 Did you know before you got there?

10 A I was told that a white male had been found
11 deceased, possibly stabbed in the woods.

12 Q Do you remember what time you got there?

13 A I could look at my report, I don't remember off
14 the to of my head.

15 Q Do you remember was it nighttime?

16 A It is at night, yeah.

17 Q Who was there when you arrived?

18 A The Greenville city officers were there,
19 Investigator Erwin, I think Investigator Lusk was on the
20 way, some other forensic technicians.

21 Q What was the first thing you did when you got
22 there?

23 A So the first thing we always do is talk to the
24 investigators on the scene, other officers, just to get a
25 general sense of what they know. Then we walk through the

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 crime scene and document it with photographs.

2 Q Can you describe the area that you were called
3 to and what you saw when you got there?

4 A Yes, ma'am. So the wooded area was off of
5 Walker Street. Walker Street runs beside the QT. It's
6 just a dead end road that leads to a wooded area. Looks
7 like a makeshift homeless camp. There were cardboard
8 boxes that were used as beds. Cut outs of carpet and just
9 trash, beer cans, clothing, all spread out throughout the
10 wood line.

11 Q And you said you took pictures and there were
12 other forensics officers there with you making sure
13 everything was accounted for; is that correct?

14 A Yes, ma'am.

15 Q Did you do anything else on scene that
16 particular night?

17 A So what I did is I photographed all the
18 evidence, we have labeled everything with placards. And
19 then, I photographed it again with placards.

20 Q Do you remember when your shift ended that
21 night?

22 A Yes, ma'am.

23 Q What time?

24 A Oh, I don't know, I'm sorry, I have to check my
25 report.

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 Q Okay.

2 A I know I went over. I normally would get off at
3 7:00 a.m. But I know I stayed over.

4 Q Okay. Did you have any other involvement in
5 this case after that particular night on Walker Street by
6 the QT?

7 A Yes, ma'am.

8 Q Okay, tell me about that.

9 A When I came back in at 7:00 p.m. on the same day
10 to start my next shift, I got a call that a knife had been
11 found on a possible suspect in this case. And I was asked
12 to go meet Sergeant Lane with Greenville City Police
13 Department at the law enforcement center, and test the
14 knife to see if it had blood on the blade.

15 Q What do you do to test for blood?

16 A We have a presumptive blood test kit called
17 phenolphthalein.

18 Q And where was the knife when you saw it to do
19 this phenolphthalein test?

20 A It was in the must [verbatim] room at the LEC.

21 Q This phenolphthalein test, can you tell us a
22 little bit about how that works?

23 A It reacts to blood. So we take, basically, a
24 Q-tip, we call it a swab. And we put distilled water on
25 the end of the Q-tip, and then we rub the area we want to

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 test, and we add the phenolphthalein. And if it's a
2 positive test it will turn pink.

3 Q What happened when you tested the knife from
4 this possible suspect with phenolphthalein?

5 A It was a presumptive positive, it turned pink.

6 Q I'm going to show you what's been previously
7 entered into evidence as State's 6, 10 and 11, do you
8 recognize these? You can take the exhibits and look
9 through them.

10 A Yes, ma'am.

11 Q What are those pictures of?

12 A These are the pictures of the knife I tested in
13 the must room.

14 Q I want to show you what's been premarked as
15 State's Exhibits 7 and 9, do you recognize these?

16 A Yes, ma'am, I do.

17 Q What are those pictures of?

18 A This is debris that was stuck in the heel of the
19 knife in the area where the blade folds into the handle,
20 the grip.

21 Q So debris that was stuffed in where the blade
22 meets the grip; is that right?

23 A Yes, ma'am. Where the blade folds into the
24 grip.

25 Q Okay. And why was it scraped out like this?

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 A I went to swab that area for suspected blood,
2 and all that started to fall out. So I just went ahead
3 and collected it.

4 Q And does this debris look the same as it did
5 when you were testing the knife on October 7th?

6 A Yes, ma'am.

7 MS. KLUSKA: Your Honor, at this time, The State
8 offers Exhibit 7 and 9 into evidence.

9 MR. SARRATT: Without objection.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibits Nos. 7 & 9 were
12 admitted into evidence.)

13 BY MS. KLUSKA:

14 Q So this is the debris you got from where the
15 blade meets the grip, did I get that right?

16 A Yes, ma'am.

17 Q And what did you do with this after your
18 processing was complete? And I'll ask you more questions
19 about the knife, but with this what happened next?

20 A This I just packaged it and put it into property
21 and evidence.

22 Q I want to show you now what's been premarked as
23 State's Exhibit 12 and 13, do you recognize these?

24 A Yes, ma'am.

25 Q Can you identify those photos for us?

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 A These are photos I took of the positive
2 phenolphthalein test.

3 Q And does it look the same as everything did when
4 you tested the knife on October 7th?

5 A Yes, ma'am.

6 Q Okay.

7 MS. KLUSKA: Your Honor, at this time, The State
8 offers Exhibits 12 and 13 into evidence.

9 MR. SARRATT: Without objection.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibits Nos. 12 & 13 were
12 admitted into evidence.)

13 BY MS. KLUSKA:

14 Q So you explained to us a little bit about your
15 swabbing process, but can you just tell us, again, about
16 that process and what you saw on the knife that night?

17 A Yes, ma'am. So you can see the pink color on
18 the Q-tip. That will indicate a presumptive test for
19 blood.

20 Q Is that the same in this picture as well?

21 A Yes, ma'am, that one is going to be from the
22 area in the grip where the blade folds into.

23 Q I want to show you what has been premarked as
24 State's Exhibit 35. And I'll ask that you open the box,
25 please. And without telling us what it is, can you just

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 tell me if you recognize it?

2 A Yes, ma'am, I do.

3 Q Can you identify it for us?

4 A Yes, ma'am. This is the knife that I took from
5 Sergeant Lane and tested for blood with the
6 phenolphthalein.

7 Q And is this the knife as you saw it on
8 October 7th?

9 A Yes, ma'am.

10 MS. KLUSKA: Your Honor, we offer this knife
11 into evidence as State's Exhibit 35.

12 MR. SARRATT: No objection.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit No. 35 was admitted
15 into evidence.)

16 BY MS. KLUSKA:

17 Q And that's the knife that you tested? And you
18 can pick it up and show the jury please, if you don't
19 mind. That's the knife that you tested on October 7th?

20 A Yes, ma'am.

21 Q And got a presumptive positive blood test?

22 A Yes, ma'am.

23 Q And if you look at the blade, I'm sorry, the
24 wooden grip of that knife, can you tell us if there's
25 anything distinctive about what was on that blade? Or the

BLAKE WOLFE-DIRECT BY MR. KLUSKA

1 grip, I'm sorry?

2 A There's some carving the initials VJ. Just some
3 straight lines carved into it.

4 Q VJ. This is the knife that you tested that
5 night?

6 A Yes, ma'am.

7 Q And after you got the positive blood test off of
8 this knife, what did you do next?

9 A I took that back to my office where I did
10 additional swabs. And I took two swabs from the blade,
11 two from the grip and two from the area where the blade
12 folds into the grip. And then I put all that into
13 property and evidence.

14 Q Is that the protocol that you followed to put
15 the items test you tested into property and evidence?

16 A Yes, ma'am.

17 Q And after you put this knife into property and
18 evidence, did you have any other involvement in this case?

19 A No, ma'am.

20 MS. KLUSKA: Thank you nothing further at this
21 time. Please answer any questions that The Defense
22 may have.

23 THE COURT: Cross.

24 MR. SARRATT: No cross, Your Honor.

25 THE COURT: All right, thank you, sir, you may

KARA BENNICK-DIRECT MS. KLUSKA

1 stand down.

2 MS. KLUSKA: Your Honor, The State calls

3 Ms. Kara Bennick to the stand.

4 THE CLERK: Ms. Bennick, if you would, please
5 stop at the end of the witness stand, place your left
6 hand on the Bible, raise your right hand.

7 KARA BENNICK, after being duly sworn{,}testified
8 as follows:{F}

9 THE CLERK: Please be seated, state your name
10 for the record.

11 THE WITNESS: Kara Bennick.

12 DIRECT EXAMINATION

13 BY MS. KLUSKA:

14 Q Where are you employed, Ms. Bennick?

15 A The property and evidence section for Greenville
16 County.

17 Q What is your role at property and evidence?

18 A I'm the supervisor.

19 Q So what do you do at the property and evidence
20 room?

21 A In addition to administrative work, I'm also --
22 I also take in evidence and stuff.

23 Q Is the purpose of the property and evidence
24 room, it is to hold evidence in court cases in criminal
25 matters?

KARA BENNICK-DIRECT MS. KLUSKA

1 A Yes.

2 Q What counties and jurisdictions do you hold
3 evidence for?

4 A Greenville County Sheriff's Office and the
5 Greenville City Police Department.

6 Q The items that come into the possession of
7 property and evidence, can you just tell us a little bit
8 about the process?

9 A There's a couple different ways that evidence
10 can come in. Some of it comes in during business hours,
11 which we'll take across the counter and accept in person.
12 After hours, we'll take it in through a locker system and
13 a drop-box system.

14 Q How do you make sure that you appropriately log
15 evidence and keep up with it to make sure that there's a
16 clear chain of custody?

17 A There's a property and evidence sheet that
18 accompanies evidence that comes in.

19 Q And how are items kept?

20 A They're all kept in secured locations. It
21 depends on the type of item where it will be routed to.

22 Q How are property and evidence items packaged?

23 A Everything's packaged according to a protocol.
24 And it just, again, depends on what the type of item it is
25 that's coming in.

KARA BENNICK-DIRECT MS. KLUSKA

1 Q So an item like this, a knife, for example. How
2 would that be kept in the property and evidence room?

3 A So that knife was stored in the biohazard knife
4 section. We, actually, have a shelf for knives and
5 biohazard knives, in particular.

6 Q And I know you mentioned a log before, does that
7 mean everyone who's come in contact with this knife, have
8 they been documented?

9 A Yes.

10 Q And if a package somehow gets opened in a
11 situation where it's not logged, what happens then?

12 A Well, a package is always in the presence of an
13 evidence technician, unless it is checked out and somebody
14 else takes responsibility for it. So we don't, typically,
15 have situations where things are not cataloged.

16 Q So for this knife, for example, State's Exhibit
17 35, when it was sent for testing, what does that process
18 look like?

19 A So depending on the type of testing it was sent
20 for. If it was sent to crime scene, it would have been
21 kept in the staging area, awaiting crime scene to arrive
22 and pick it up. One of the sergeants would have
23 transported it to the crime scene unit. If it went to
24 DNA, one of the DNA employees would have transported it to
25 DNA.

KARA BENNICK-DIRECT MS. KLUSKA

1 Q So you were in here for Mr. Wolfe, Deputy
2 Wolfe's testimony; right?

3 A Yes.

4 Q So you heard him testify that he swabbed the
5 knife. To your knowledge, would then those swabs be sent
6 to DNA for testing?

7 A Yes.

8 Q And would those swabs for DNA testing be kept
9 secured in the property and evidence room as well?

10 A Yes.

11 Q Once the swabs are tested by DNA, do those swabs
12 come back to you?

13 A They do if they have not been consumed totally,
14 yes.

15 Q And when you say consumed totally, you just mean
16 by the DNA lab with their process?

17 A Yes. In which they document.

18 Q And other than for possible testing, did anyone
19 remove this knife from property and evidence?

20 A I couldn't tell you that without a copy of the
21 property and evidence sheet.

22 Q But you would know if something had gone wrong
23 with the knife to where if someone had contact with it,
24 that you didn't know about?

25 A Yes.

CHARLES PATE-DIRECT BY MR. WESTON

1 Q Okay. Did you have any other involvement in
2 this case other than to make sure that everything is
3 secured in property and evidence?

4 A I don't believe so.

5 MS. KLUSKA: Thank you so much, nothing further
6 at this time. Please answer any questions The
7 Defense may have.

8 MR. SARRATT: No questions, Your Honor.

9 THE COURT: All right, thank you very much. You
10 may stand down.

11 MR. WESTON: Your Honor, The State would call
12 Mr. Charles Pate.

13 THE COURT: All right.

14 THE CLERK: Mr. Pate, please approach the
15 witness stand. Once you're at the end, place your
16 left hand on the Bible and raise your right hand.

17 CHARLES PATE, after being duly sworn{,}testified
18 as follows:{F}

19 THE CLERK: Thank you, please be seated. Once
20 you're seated, state your name for the record.

21 THE WITNESS: Keep this on?

22 THE COURT: No, you can take that off.

23 THE WITNESS: Charles Pate.

24 DIRECT EXAMINATION

25 BY MR. WESTON:

CHARLES PATE-DIRECT BY MR. WESTON

1 Q Mr. Pate, where are you employed?

2 A I'm a self-employed artist.

3 Q Artist?

4 A Yes, sir.

5 Q Is that painting, sculpture?

6 A Painting and sculpture.

7 Q Do you live here in Greenville?

8 A Yes, I do.

9 Q Where do you live, sir?

10 A I live on Augusta Street.

11 Q All right, sir. And how long have you lived in
12 Greenville, just ballpark?

13 A Since 1978.

14 Q All right, sir. Are you married?

15 A Yes, I am.

16 Q Do you have any kids?

17 A Yes, I do.

18 Q Are they grown?

19 A They are.

20 Q All right. Did you have an occasion -- well,
21 let me start with in October of 2017, did you have an
22 occasion to be working in the area of the QT on Rutherford
23 Road?

24 A Yes, Trinity Church of Greenville.

25 Q I'm sorry?

CHARLES PATE-DIRECT BY MR. WESTON

1 A At Trinity Church of Greenville.

2 Q All right. And I'm going to show you this
3 aerial map and ask you -- that pointer in front of you
4 with the little green button on it, in the middle, if you
5 would point that toward the map.

6 A All right.

7 Q This -- assuming this is the QT here on
8 Rutherford Road, this is the gas pumps, where would be
9 Trinity Church on Greenville? If it's on there.

10 A Okay. There we are, right here.

11 Q All right, sir. And Trinity Church, does it
12 have a outreach ministry for the homeless or feeding
13 ministries?

14 A Yes and no. We work with Triune Mercy Center.
15 And we are a fairly new church and don't have facilities
16 there. At one time, the building was Third Presbyterian
17 Church and it had a homeless ministry. And then came
18 close to bulldozing the building down and our church
19 bought it and has been remodeling it. Remodeling it and
20 we did not -- have not had a homeless ministry to this
21 point, but we do work with Triune. And we just started a
22 school for low-income children.

23 Q And I think most -- a lot of people aren't
24 familiar Triune ministries and the outreach work that they
25 do in the downtown Greenville area. Could you point to

CHARLES PATE-DIRECT BY MR. WESTON

1 about where Triune Ministry would be from where Triune
2 [verbatim] Church would be?

3 A Yeah, it's over here on -- let's see where,
4 right there.

5 Q All right, sir. And let me just sort of get
6 this out of the way. Do you have any firsthand knowledge
7 of the death that brings us here today? In terms of
8 personal observation or involvement, firsthand, in the
9 instance surrounding the death of the victim in this case?

10 A I'm not sure if I understand your question.

11 Q You weren't there when it happened?

12 A No.

13 Q All right. Over the next day or two, did you
14 hear about it?

15 A Yes, I did.

16 Q That someone had been killed in the area?

17 A Yes, I did.

18 Q All right. And over the next day or two, did
19 you have an occasion -- did you know the victim's name?

20 A I don't recall the victim's name but I was told
21 or saw it on the news.

22 Q Was it George Pegram?

23 A I believe that's the case.

24 Q All right. And did you have an occasion,
25 subsequent to Mr. Pegram's death, to come into contact

CHARLES PATE-DIRECT BY MR. WESTON

1 with any items that might have belonged to him?

2 A Yes.

3 Q Would you describe those items first, what they
4 were?

5 A Yes. I had -- was cleaning up the Trinity
6 Church and on the front porch of the church, there were
7 some items right at the door. One of them happened to be
8 a visual ID of the deceased. And I recognized the face.

9 Q All right. And was there another piece of
10 identification there? A credit card or some other
11 document?

12 A I didn't go through everything. I called the
13 police when I saw that ID because I thought maybe he was
14 in the area.

15 Q All right. And did you have an occasion to meet
16 with Investigator Lusk of the Greenville Police Department
17 after you called?

18 A Yes. When I called the police and told them I
19 found that, I got a call from him asking if he could meet
20 with me.

21 Q All right, sir. And did he come to meet with
22 you?

23 A Yes, he did.

24 Q All right. Now, let's go back a moment to when
25 you found these items. When you found these items, was it

CHARLES PATE-DIRECT BY MR. WESTON

1 during the morning, afternoon, evening, late night hours?

2 A I found the items in the morning. It was
3 morning time when I was cleaning up.

4 Q All right. Now, prior to finding those items --
5 and where did you find them again?

6 A On the front porch of the church.

7 Q Okay. Prior to finding those items, did you
8 sometime in the recent past before that, see anyone in the
9 rear where those items were found on the front porch of
10 the church?

11 A Yes. The late afternoon before finding the
12 items, I had seen two individuals, a man and a woman, on
13 the porch going through a bag, a duffel bag or backpack.

14 Q And would you tell the jury where you were in
15 terms of proximity of where they were.

16 A I was inside the church looking out the front
17 door glass window. The two individuals were sitting on
18 the steps. The woman was sitting on the steps, the man
19 was standing up, pacing around and going through a duffel
20 bag. I left that area, I did not -- they didn't know I
21 could see them. But I left the area and came back about,
22 you know, 10 or 15 minutes later and they were still
23 there.

24 Q All right.

25 A And at some point they left with the duffel bag.

CHARLES PATE-DIRECT BY MR. WESTON

1 Q All right. And I'm assuming the door has a
2 glass panel unit of some sort? Panes in it of some sort.

3 A It's two large Georgian doors, that have a cross
4 design. And they have clear glass that you can see
5 through the doors. To the left and right the stained
6 glass windows but the doors are large and I was able to
7 peer through the window without being seen.

8 Q And from where you were standing -- let's assume
9 that those are the doors and that's the glass, that
10 plexiglass in front of you there is the glass that you
11 were looking through. I'm going to walk up but I'm going
12 to start walking backwards and I would like for you to
13 tell me to stop when I reach the point where you believe
14 about how far these people were on the outside of the
15 door, on the steps, all right?

16 A Okay.

17 Q And just tell me to stop when I reach that
18 point.

19 A About right there.

20 Q All right. So you were about, maybe, about
21 15 -- about the length of a free throw shot, about 15 feet
22 away?

23 A Yes.

24 Q All right.

25 A The lady was sitting with her back to me. The

CHARLES PATE-DIRECT BY MR. WESTON

1 man was, at closest point, about where you are. And also
2 standing on the stairs, he was coming back up and back and
3 forth.

4 Q All right. And so the lady would have been
5 sitting like this somewhere, facing with her back to you?

6 A Correct.

7 Q And the gentleman, I think you said, would have
8 been standing up, stepping back and forth but, basically,
9 facing toward where you were?

10 A Most of the time his back was to me but many
11 times he was facing the side or the front.

12 Q Or from the front?

13 A Yes.

14 Q All right. And was -- you said this was in the
15 daytime?

16 A Late afternoon. Sun not gone down yet but
17 getting close to dusk.

18 Q And did you -- and was this on the place on the
19 steps where the next day you found the cards or the
20 identification belonging to Mr. Pegram?

21 A Yes. The next morning when I went to blow off
22 the steps and clean up, I saw the items and started
23 picking them up. Because that's when I saw the ID.

24 Q All right. And you contacted law enforcement?

25 A Correct.

CHARLES PATE-DIRECT BY MR. WESTON

1 Q All right. Now, between them and you, was there
2 any obstruction that would have prevented you from getting
3 a good look at, especially, the gentleman?

4 A No, it was pretty clear. I was able to tell --
5 you know, I think I said this in my statement, he had
6 clear eyes. I described him pretty accurately.

7 Q And how would you describe him to the jury, sir.
8 I know it's been four years.

9 A Yeah, been a long while. But I told the officer
10 that he had -- I told him the height and I don't remember
11 what I said the height was, but I said he had on a
12 baseball cap, that he appeared to have shaved head or very
13 short hair. He appeared to have clear eyes. I don't know
14 if they were green or blue but very clear eyes. And, I
15 think, because I reflected on this this morning, I think I
16 may have said something like he had a suntan or was, you
17 know, kind of reddish.

18 Q All right. And, subsequently, you met with
19 Investigator Lusk; is that correct?

20 A Yes.

21 Q And did he show you a photo array and ask you if
22 you saw the gentleman in the photo array?

23 A Yes.

24 Q Where did this take place?

25 A In the vestibule of the church, right there

CHARLES PATE-DIRECT BY MR. WESTON

1 where I would have been able to view the two people. So
2 in the vestibule of the church.

3 Q And was there anybody else in the room other
4 than you and him?

5 A No.

6 Q Okay. Would you tell the jury how he presented
7 it to you?

8 A Yes. He told me he was going to show me a page
9 with some faces on it. I don't know if he said the amount
10 or not. But that the individual may be on there, may not
11 be on there. But if I saw him, you know, to take my time
12 and look at it. And, I think, at that point he stepped
13 away into the sanctuary while I studied the pictures.

14 Q When he showed you -- when he gave you the
15 description of the gentleman may or may not be on there,
16 take your time, look at them. Did he give you any
17 indication, either verbal or nonverbal, by a head nod or a
18 wink or anything that would indicate that he had any
19 preference as to what person you should pick?

20 A No, he was not looking at me. He had stepped
21 into the sanctuary and told me to take my time.

22 Q Go ahead, I'm sorry.

23 A When he came back in, I pointed to the pictures
24 and I said, This one looks the closest like the individual
25 I saw out of this page of people.

CHARLES PATE-DIRECT BY MR. WESTON

1 Q Okay. Before I show you this, let me just make
2 sure I close this out. So is it safe to say he did not
3 influence your selection in any way?

4 A Correct, he -- no.

5 Q All right. I'm going to show you what's been
6 premarked as State's Exhibit 34 and ask you if you
7 recognize that photo array?

8 A Yes, I do.

9 Q How do you recognize it?

10 A This is the photo array he presented me with.

11 Q And do you recognize the initials and the
12 writing on the bottom of it, there?

13 A Yes, I do.

14 Q And what do the initials say?

15 A CP, which is my initials.

16 Q And did you put those initials and the writing
17 right below it?

18 A Yes.

19 Q What did you write?

20 A This picture is the closest of these six photos
21 to the person I remember.

22 Q You also circled the photo?

23 A Yes, I did.

24 Q All right. At the time you circled this photo
25 and wrote this, did you know who this was? The name or

CHARLES PATE-DIRECT BY MR. WESTON

1 any reference to anything else?

2 A No, I did not know who that was. I learned this
3 morning that--

4 Q Well, just let's deal with at the time. Did you
5 have any idea who this person was other than that was the
6 person -- the closest person to the person you saw sitting
7 on the steps where the IDs were found; is that correct?

8 A Correct. I did not know who it was or did not
9 remember.

10 MR. WESTON: One moment, Your Honor, please.

11 BY MR. WESTON:

12 Q And we're going to put this on the monitor here.
13 And I'm going to just ask you a couple questions, again,
14 just to be clear so the jury can see what we're talking
15 about here. And once, again, State's Exhibit No. 34, are
16 you saying that this is the photo array that you were
17 shown?

18 A Yes.

19 Q By Investigator Lusk?

20 A Yes.

21 Q And is this your initial and writing and your
22 circling of the picture?

23 A Yes.

24 Q All right. It says, This picture is the closest
25 of these six photos of the person I remember.

CHARLES PATE-CROSS BY MR. SARRATT

1 Is that correct?

2 A Correct.

3 Q And that was accurate then? That statement was
4 accurate then?

5 A Correct.

6 Q And it's accurate now?

7 A Correct.

8 MR. WESTON: Thank you, sir. Answer any
9 questions counsel has for you.

10 THE COURT: Cross.

11 CROSS-EXAMINATION

12 BY MR. SARRATT:

13 Q Well, Mr. Pate, I'll ask you, plainly, do you
14 see the person that you saw sitting on the steps in the
15 courtroom today?

16 A Yes.

17 Q Who is that?

18 A Mr. Jordan.

19 Q All right. Now, do you recall earlier this
20 morning, about five hours ago, you testified under oath,
21 in a hearing, prior to this trial?

22 A Yes.

23 Q And do you recall that we, essentially, went
24 through this same testimony?

25 A Yes.

CHARLES PATE-CROSS BY MR. SARRATT

1 Q And at that time you were asked directly, do you
2 see the person that was sitting on the steps that day in
3 the courtroom today?

4 A No. I was told then, after I started to explain
5 something, I was told that I had to answer yes or no. Are
6 you asking me a yes or no or you want me to?

7 Q Well, isn't it true that you said, I could not
8 swear to that, no.

9 A That is true, I said that.

10 Q All right. So that was, what, five hours ago,
11 you could not swear that this was the person that you saw
12 sitting on the steps?

13 A Well, you know, I think what I said was that it
14 has been, you know, almost five years since that incident
15 took place. And Mr. Jordan there looks different to me
16 than he did then. He's gained weight since then.

17 Q And again, when asked, Is that the person that
18 you saw?

19 You said, I could not swear to that.

20 Right?

21 A I did say that.

22 Q And that was a problem for The State, wasn't it?

23 MR. WESTON: Objection, Your Honor.

24 THE COURT: Yeah, that's correct, don't ask
25 that.

CHARLES PATE-CROSS BY MR. SARRATT

1 MR. SARRATT: All right.

2 BY MR. SARRATT:

3 Q Now, after some time, after the break, did you
4 talk to anybody else from The State?

5 A No, I haven't talk to anybody.

6 Q But now you're back and now your testimony's
7 changed and you say that you can recognize him?

8 A Well, I wasn't contacted until less than 24
9 hours to even show up today. So after leaving here today
10 is the first time I even had time to reflect on trying to
11 remember what happened five years ago, again. And I did
12 my best to look back and think about that. And I felt
13 pretty confident. I mean, you know, if we can do it on a
14 scale of 1 to 10, can we do that? Or is that not
15 permissible in here? I'll be glad to entertain that.
16 But, I guess, if the answer is just yes or no, seemed
17 pretty clearly, I was pretty close. But I've never, you
18 know, to see him with a baseball cap on and to see him now
19 without a baseball cap on. Apparently, I had met him
20 before without a baseball cap on, I don't know.

21 Q But the simple fact is your testimony changed
22 from this morning; isn't that right?

23 MR. WESTON: Your Honor, I'm going to object.

24 He's asked and answered that twice.

25 THE COURT: He can answer the question.

CHARLES PATE-CROSS BY MR. SARRATT

1 THE WITNESS: My real testimony would be, you
2 know, I was far enough away and he was pacing back
3 and forth and that sort of thing. So I would guess
4 on a scale of one to ten I would be an eight that
5 that was him.

6 BY MR. SARRATT:

7 Q That's not what I asked you.

8 A Okay.

9 Q I asked you if your testimony changed from this
10 morning?

11 A Um--

12 Q From when you said that you could not swear that
13 that was the person you saw?

14 A You ask me now would I swear to this?

15 Q No, I'm asking you if your testimony has changed
16 since this morning when you said that you could not swear.

17 A It's changed in the sense of after thinking
18 about it I feel pretty sure about it.

19 MR. SARRATT: Okay, no further questions.

20 THE COURT: Okay, anything else?

21 MR. WESTON: Nothing on redirect, Your Honor.

22 THE COURT: All right, thank you, sir, you can
23 step down.

24 THE WITNESS: Thank you.

25 MR. WESTON: Your Honor, we would ask that

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 Mr. Pate be relieved from his subpoena?

2 MR. SARRATT: No objection.

3 THE COURT: All right, thank you.

4 MS. KLUSKA: Your Honor, The State calls Timothy
5 Nafzinger to the stand.

6 THE CLERK: If you'd please stop at the end of
7 the witness stand, place your left hand on the Bible,
8 raise your right hand.

9 TIMOTHY NAFZINGER, after being duly
10 sworn{,} testified as follows:{F}

11 THE CLERK: Please be seated. Once you're
12 seated, state your name for the record.

13 THE WITNESS: Timothy David Nafzinger, Jr.

14 DIRECT EXAMINATION

15 BY MS. KLUSKA:

16 Q Where are you employed, Mr. Nafzinger?

17 A I work for the Greenville County Department of
18 Public Safety in the DNA lab.

19 Q What is your position in the DNA lab?

20 A I'm a DNA analyst.

21 Q All right. How long have you worked in the DNA
22 lab?

23 A Almost eight years.

24 Q In October of 2017, what was your position in
25 the DNA lab?

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 A I was a serologist.

2 Q What was your work experience prior to your
3 position as a serologist?

4 A I was adjunct instructor, a biology instructor,
5 at Piedmont Tech. And also, I taught part time at Roper
6 Mountain Science Center.

7 Q Can you tell us about your educational
8 background?

9 A I have a Bachelor's Degree in biological
10 sciences from Clemson University. And a Master's Degree
11 in Biology from Auburn University.

12 Q What are your duties and responsibilities in
13 your position as, I guess, now a DNA analyst? I mean,
14 were you promoted to DNA analyst?

15 A Yes, with additional training. I process
16 various types of forensic evidence for DNA.

17 Q What is your special training that you have to
18 be able to work in the DNA lab?

19 A I was trained after I was hired by doing mock
20 samples, mock evidence, different mock cases. I also do
21 proficiency testing that's from an outside provider as
22 well.

23 Q So the proficiency testing helps you keep up
24 with your knowledge of your field?

25 A That's correct.

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 Q Is that something that you're required to do on
2 a regular basis to keep your certifications?

3 A Yes, it is.

4 Q Where is the DNA lab located?

5 A It's on the Greenville Tech parking campus on
6 South Pleasantburg.

7 Q Have you previously been qualified as an expert
8 in court?

9 A I have.

10 Q In what areas?

11 A Serology.

12 Q In which courts?

13 A General sessions and also federal court.

14 Q Approximately how many serology samples have you
15 worked with in your career?

16 A Thousands.

17 Q And so can you tell us what does a serologist
18 do?

19 A The primary responsibility of a serologist is
20 screening evidence for possible DNA.

21 Q What's the difference between serology testing
22 and then DNA testing?

23 A With serology testing, most of the test are for
24 human bodily fluids. We also swab for DNA as well. The
25 DNA analyst will then take those samples and perform some

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 other procedures to develop a DNA profile from those
2 samples.

3 Q So I'm going to try to say this in nonscientists
4 terms and you tell me if I got this right. So your job as
5 a serologist is to get the fluids off a piece of possible
6 evidence and then you send it to the DNA analyst and the
7 DNA analyst tells you, oh, this might belong to this
8 person; is that right?

9 A That's basically right.

10 Q What is your process to determine if a piece of
11 evidence has blood on it?

12 A Well, first I will look for the color of blood.
13 Which is -- can be reddish brown, it can depend a little
14 bit on the background color and how much is there and
15 things like that. And then I will do a screening test
16 with phenolphthalein that is a presumptive test for blood.

17 Q What about in a situation where the
18 phenolphthalein as already been done, can those swabs come
19 to you for additional testing?

20 A Yes. If I get a swab with blood, typically,
21 I'll do a phenolphthalein test on that as well.

22 Q And when you do a phenolphthalein test, tell us
23 about that process.

24 A Basically, I take a very small amount of the
25 suspected blood and I add a chemical called

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 phenolphthalein to it. And then I add hydrogen peroxide
2 to it. If it is blood it will turn pink.

3 Q And what's the process for testing for blood on,
4 like, a piece of fabric versus something hard like a piece
5 of metal?

6 A It's basically the same process.

7 Q And did you test the evidence in this case?

8 A I did.

9 Q Can you tell us a little bit about your process
10 that you do to ensure that all testing and evidence is
11 done securely?

12 A All of our evidence I will pick up from the
13 property and evidence department. All the evidence is in
14 a sealed package. And with a unique identifying label on
15 it. I take it back to the lab where it's stored until I
16 work on it. Our lab is a secured facility with key card
17 access and alarm system. When I go to work on evidence, I
18 work one case at a time. I sterilize all my work surfaces
19 and tools before I do anything with it. And I work one
20 item at a time. And once I'm done with working with these
21 items, I seal everything back into their original packages
22 and those are returned to property and evidence.

23 Q And did you follow all those protocols when you
24 tested the evidence in this case?

25 A I did.

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 MS. KLUSKA: Your Honor, at this time, The State
2 moves to admit Mr. Nafzinger as an expert in the
3 field of serology.

4 MR. SARRATT: No objection.

5 THE COURT: Okay.

6 BY MS. KLUSKA:

7 Q I want to walk you through the items that you
8 tested in this case in a little bit more detail. So, what
9 was Item 9, if you reference your report?

10 A I'm referencing my report.

11 It was a sealed package containing a buckle
12 swab of Vernon Jordan.

13 Q What's a buckle swab?

14 A It is a swab of the mouth. Usually, the inside
15 of cheeks or gumline.

16 Q What was item 10?

17 A Item 10 was a sealed package containing blood
18 spot of Pegram George.

19 Q Did you know either of these individuals
20 personally?

21 A No.

22 Q If you had known either of them personally,
23 would that -- what would you do?

24 A Somebody else would have worked the case.

25 Q And what is the purpose of taking these two

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 samples from these two individuals? What do you call
2 items like this?

3 A These are reference samples. DNA's a comparison
4 science. So we have to have something to compare, a known
5 sample, to compare the evidence.

6 Q So you were using the buckle swab from The
7 Defendant and the blood from the victim in order to
8 compare those two things to other evidence in the case; is
9 that right?

10 A Yes.

11 Q Do you review any other information about the
12 case before you conduct your testing?

13 A Yes.

14 Q What information had you seen?

15 A We have to review the incident reports to
16 understand what direction we have to take on processing
17 the evidence. Depending on the case scenario, there's
18 different things and different ways we may have to work
19 with that.

20 Q So would it be fair to say it would be important
21 for you to know the context of what you're testing?

22 A That's right.

23 Q So again, turning your attention to your report,
24 what was item one? And what were your results?

25 A Item one was a sealed package containing yellow

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 Perri Ellis jacket, size XL, from tent. Examination when
2 magnified revealed many brown or reddish-brown stains. A
3 presumptive examination with phenolphthalein of 21
4 locations tested negative for the presence of blood and no
5 sample was taken.

6 Q So when you said no sample was taken, does that
7 mean since there was no blood on the jacket, your analysis
8 kind of ended there?

9 A That's correct.

10 Q What about items five, six and eight, what are
11 those and what were your results?

12 A Item five is a sealed package containing swab of
13 blade of knife, item BW1. Physical examination revealed
14 gray and reddish-brown stains on the swab. Presumptive
15 examination to phenolphthalein tested negative for the
16 presence of blood. The swab was sampled for DNA analysis
17 as Item 5A.

18 Item six was a sealed package containing
19 swab of the blade of knife, item BW1. Visual examination
20 revealed gray and reddish-brown stains on the swab. A
21 presumptive examination with phenolphthalein tested
22 negative for the presence of blood. The swab was sampled
23 for DNA analysis as item 6A. I'm sorry, what was the last
24 one?

25 Q Eight, please.

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 A Visual -- or this was a sealed package
2 containing swab of grip of knife, item BW1. Visual
3 examination revealed gray and reddish-brown stains on the
4 swab. Presumptive examination of phenolphthalein tested
5 negative to the presence of blood. The swab was sampled
6 for DNA analysis as Item 8A.

7 Q Okay. So five, six and eight, swabs of blade of
8 knife, grip of knife, no blood on those; right?

9 A Yes.

10 Q Okay. Items two, three and four, what were they
11 and how did you test those items?

12 A So these items, I didn't do any testing on them.
13 They each were sampled for DNA analysis as items 2A, 3A
14 and 4A, respectively. Item two was a sealed package
15 containing swab of grip of knife, item BW1. To swab a
16 sample through DNA analysis is item 2A. Item three is a
17 sealed package containing swab of area between the grip of
18 knife, item BW1. The swab was sampled through DNA
19 analysis as item 3A. Item four, a sealed package
20 containing the swab of area between the grip of knife,
21 item BW1. The swab was sampled through DNA analysis as
22 item 4A.

23 Q So when you say they were sampled through DNA
24 analysis, do you mean that they were going on to step two
25 with the DNA analyst to see if you could find a match?

TIMOTHY NAFZINGER-DIRECT BY MS. KLUSKA

1 A That's right. In this case, there was no
2 apparent blood on the swabs. So we're, essentially,
3 looking for skin cells that may have been left on the
4 knife.

5 Q What about item seven?

6 A Item seven is a sealed package containing debris
7 from between the grip of knife, item BW1. Examination of
8 magnifying lamp revealed many tiny gray and black
9 particles. A presumptive examination with phenolphthalein
10 tested positive for the presence of blood. The material
11 was sampled for DNA analysis as Item 7A.

12 Q And so a package containing debris from the grip
13 of knife, positive for blood and you're sending that off
14 for step two to see who that blood belonged to; is that
15 right?

16 A That's correct.

17 Q And the samples that you analyzed, where are
18 they stored?

19 A Each sample that I take gets put in a small
20 tube, I seal it into its own envelope. Which I create a
21 new bar code label to allow it to have a chain of custody.
22 And those items get stored in our DNA lab freezer until
23 the DNA analysis is ready for them. Whether it's swabs or
24 any other evidence I process, gets resealed and returned
25 to property and evidence.

TIMOTHY NAFZINGER-CROSS BY MR. SARRATT

1 Q When you say they're stored in a freezer, why is
2 that?

3 A It, basically, helps preserve the DNA but it's
4 also just a convenient place for us to store them.

5 Q And does freezing DNA do a good job, in your
6 expert opinion, of preserving it?

7 A It does.

8 MS. KLUSKA: Nothing further at this time,
9 please answer any questions The Defense may have.

10 CROSS-EXAMINATION

11 BY MR. SARRATT:

12 Q Mr. Nafzinger, how are you?

13 A Good.

14 Q You testified that you, typically, review, at
15 least, some of the incident reports to know what it is
16 that you're testing; is that right?

17 A That's right.

18 Q Do you recall reviewing incident reports in this
19 case?

20 A Not with a whole lot of detail. It was a number
21 of years ago. But I did review them.

22 Q You mentioned item one being a sealed package
23 containing a yellow Perry Ellis jacket, size extra large
24 from a tent; do you remember that?

25 A I do.

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 Q Okay. And it was your understanding that that
2 was the tent that was supposed to belong to my client?

3 A I don't remember that specifically.

4 Q Okay, fair enough. There's other witness that
5 should be able to confirm that but I appreciate it.

6 MS. KLUSKA: No redirect, Your Honor.

7 MR. SARRATT: Nothing further.

8 THE COURT: All right, release him from
9 subpoena?

10 MS. KLUSKA: Yes, sir.

11 MR. SARRATT: Yes, sir.

12 THE COURT: All right, thank you, sir.

13 MS. KLUSKA: Your Honor, at this time, The State
14 calls Ms. Kaitlin Appel to the stand.

15 THE CLERK: Ms. Appel, please stop at the end of
16 the witness stand. Place your left hand on the
17 Bible, raise your right hand.

18 KAITLIN APPEL, after being duly sworn, testified
19 as follows:

20 THE CLERK: Please be seated and once you're
21 seated, state your name for the record.

22 THE WITNESS: My name is Kaitlin Appel.

23 DIRECT EXAMINATION

24 BY MS. KLUSKA:

25 Q Where are you employed?

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 A I'm employed with the Greenville County
2 Department of Public Safety in the DNA lab.

3 Q How long have you been employed in the DNA lab?

4 A Almost seven years.

5 Q What's your position?

6 A I'm a DNA analyst.

7 Q What is your educational history?

8 A I have Bachelor's of Science Degree in biology
9 from the University of Georgia.

10 Q What other types of training do you have in
11 order to be able to analyze DNA?

12 A Prior to working here I worked as a analyst at
13 The Georgia Bureau of Investigation. There I received
14 extensive in-house training. Doing -- reading background
15 [indiscernible] completion of [indiscernible] exams,
16 completion of mock cases, observations of senior
17 scientists. Once I moved here and started to work here, I
18 received the training and protocols that this lab uses
19 before going into official case work.

20 Q Are you certified in your field?

21 A I am not.

22 Q Okay. And what certifications -- or what
23 training do you keep up with in order to make sure that
24 you're up on published literature in your field?

25 A So we are required to do literature review

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 yearly. We also have to complete proficiency exams twice
2 a year, which are from a outside vendor.

3 Q And is the DNA lab itself that you work in
4 certified?

5 A Yes, it is, it is accredit.

6 Q How many cases have you performed or assisted
7 with DNA analysis?

8 A I do not know the exact number.

9 Q Would you say hundreds?

10 A Yes, hundreds.

11 Q Maybe even thousands?

12 A Not quite sure on that.

13 Q Are the methods that you use in the DNA lab here
14 in Greenville approved in the scientific community?

15 A Yes.

16 Q Have you previously been qualified to testify as
17 an expert in court before?

18 A Yes.

19 Q In what areas?

20 A Serology as well as DNA analysis.

21 Q And is that here in South Carolina?

22 A DNA analysis in South Carolina and serology and
23 DNA analysis in Georgia.

24 Q So tell us what is DNA?

25 A DNA, it stands for Deoxyribonucleic acid, it's

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 the blueprint for life. You receive half from your mother
2 half from your father. And no two individuals have the
3 same DNA except for identical siblings.

4 Q Did you receive evidence in this case in order
5 test for -- to analyze for a DNA match?

6 A Yes.

7 Q What is the process for testing for DNA?

8 A There's four main steps involved. The first
9 step is what we call extraction. This is where I take a
10 sample, adding chemicals to the sample and to break open
11 the cell and release any DNA that may be present. After
12 this step we do quantification. This is just determining
13 how much DNA is present in the sample. From there we do
14 amplification. This is where we take -- we make millions
15 and millions of copies of the DNA that is present, and
16 from there we then do -- we do [indiscernible] which is it
17 generates a DNA profile. Once we have the DNA profile, we
18 will compare it to unknown DNA profiles and write a
19 report.

20 Q And do you be sure to keep everything safe and
21 secured and separated in the lab as you're working on it?

22 A Yes.

23 MS. KLUSKA: Your Honor, at this time, The State
24 offers Ms. Appel as an expert in DNA analysis.

25 THE COURT: Any voir dire?

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 MR. SARRATT: No objection, Your Honor.

2 THE COURT: Okay.

3 BY MS. KLUSKA:

4 Q And so the samples in this case, how do they
5 come to you?

6 A I receive them from our freezer in the lab.

7 Q And to your knowledge, before they got to that
8 freezer, who was working on them?

9 A Tim Nafzinger.

10 Q How do you compare the evidence that you're
11 testing to a certain individual?

12 A So that forming stem process that I explained
13 earlier, I do that on the evidence as well as known
14 samples, which could be buckle of swabs or a blood swab.
15 Generate that DNA profile on a computer against evidence
16 to a known.

17 Q So, again, just to make sure I understand. You
18 use a buckle swab or a blood swab in order to test and
19 compare the evidence that you're working on; is that
20 right?

21 A Yes.

22 Q Right. And did you receive any known samples in
23 this case?

24 A Yes, I did.

25 Q What were they?

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 A I received a sample of buckle swab of Vernon
2 Jordan and a sample of blood swab of Pegram George.

3 Q Let's talk about the items you tested. How many
4 total swabs did you test? When I say swabs, what does
5 that look like? It is like a normal q-tip that you think
6 of or is it something more scientific to it?

7 A It look like a q-tip. It's just on a long,
8 wooden stick.

9 Q So how many of those swabs did you test in this
10 case?

11 A I did seven evidence items. And then the buckle
12 swab of Vernon Jordan.

13 Q I want to take your attention to items 2A, 3A,
14 4A, and 5A. What are those items, if you could list them
15 for us, please. And then tell us your results.

16 A Item 2A was a sample of swab of grip of knife.
17 Which was item BW1. Item 3A was a sample swab of the area
18 between the grip of knife, item BW1. Item four was sample
19 of swab of area between the grip of the knife, item BW1.
20 I'm sorry, what was the other one?

21 Q 5A, please.

22 A 5A was sample of swab of blade of knife, which
23 was item BW1.

24 Q So 2A, the swab of grip of knife. Tell us about
25 your results.

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 A The DNA obtained from item 2A contains a partial
2 DNA profile from, at least, two individuals. Due to the
3 complexity of a mixture and DNA [indiscernible] no
4 conclusive determination can be made from this item.

5 Q 3A and 4A, I think you said, were swabs of the
6 area between the grip of the knife; did I get that right?

7 A That's correct.

8 Q Okay. And what were your results for 3A and 4A?

9 A The DNA that came from items 3A and 4A contain a
10 DNA profile of two individuals. Due to complexity of the
11 mixture, no conclusive determination can be made from
12 these items.

13 Q What about 5A, the swab from the blade of the
14 knife?

15 A The DNA obtained from item 5A contains a DNA of
16 two individuals and a trace contributor [indiscernible].
17 The trace contributor matches the DNA of George Pegram.
18 Excluding a identical twin, George Pegram is the source of
19 this DNA to a reasonable degree of scientific certainty.
20 The minor contributor matches the DNA of Vernon Jordan.
21 Excluding a identical twin, Vernon Jordan is the source of
22 this DNA to a reasonable degree of scientific certainty.

23 Q So you mentioned an identical twin. I mean,
24 what are the chances, in your expert opinion, that this
25 DNA sequence would come up for someone other than George

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 Pegram?

2 A Unless he has an identical sibling, you wouldn't
3 expect to see a different profile within the first
4 population.

5 Q So what is the earth's population? Can you
6 quantify where that would be?

7 A I think currently it's around seven billion.

8 Q And you said two, I believe, the swab of the
9 blade of knife had two individuals on it, correct?

10 A Yes.

11 Q George Pegram as you just talked about. And
12 then also, you said the minor contributor matches the DNA
13 of Vernon Jordan. What is the process when you have two
14 individuals DNA on an item like that?

15 A We have protocols that help us determine and
16 separate the mixture within that DNA profile.

17 Q Item 6A, what is that?

18 A Item 6A is a sample of swab of item BW1.

19 Q And what were your results for the swab of the
20 blade of the knife?

21 A The DNA obtained from item 6A contain a DNA of
22 two individuals and a trace contributor [indiscernible].
23 The major contributor matches the DNA of George Pegram.
24 Excluding an identical twin, George Pegram is the source
25 of this DNA to a reasonable degree of scientific

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 certainty. The minor DNA matches the DNA of Vernon
2 Jordan. Excluding a identical twin, Vernon Jordan is the
3 source of the DNA to a reasonable degree of scientific
4 certainty.

5 Q I think you said the term loci, what does that
6 mean?

7 A So when we -- the stuff I explained
8 amplification, we make millions of copies of the DNA.
9 We're only doing that at certain locations on the DNA.
10 And in this case, we are looking at 24 locations. Who are
11 loci.

12 Q What about item 7A, what is that?

13 A Item 7A is the sample of debris from between
14 grips of knife, item BW1.

15 Q And what were your results, please?

16 A The DNA obtained from item 7A contained the DNA
17 of two individuals and a case contributor present to six
18 loci. The major contributor matches the DNA of Vernon
19 Jordan. Excluding an identical twin, Vernon Jordan is the
20 source of this DNA to a reasonable degree of scientific
21 certainty. The minor contributor matches the DNA of
22 George Pegram. Excluding a identical twin, George Pegram
23 is the source of this DNA to a reasonable degree of
24 scientific certainty.

25 Q And moving on to 8A, tell us about that one,

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 what is it and what were your results?

2 A Item 8A was the sample of swab of grip of knife,
3 item BW1. The DNA came from item 8A, containing DNA of,
4 at least, two individuals. The major contributor matches
5 the DNA of George Pegram. Excluding a identical twin,
6 George Pegram is the source of this DNA to a reasonable
7 degree of scientific certainty. Due to complexity of the
8 mixture, no conclusive determination can be made from the
9 remaining wheels.

10 Q What does that mean?

11 A Um, in a DNA profile we have -- if you look at
12 it visually, it looks like a bunch of peaks and they're
13 also called wheels. And because there's two individuals,
14 there was a clear major profile. And the minor of wheels,
15 just based on the mixture of composition of that DNA, it
16 was -- just mathematically we couldn't determine the minor
17 of that particular sample.

18 Q But you did determine the major, right?

19 A Yes.

20 Q That was Mr. George Pegram's blood or DNA on the
21 swab from the grip of the knife, correct?

22 A Yes, his DNA, yes.

23 Q What do you with the samples after you're done
24 testing them?

25 A These are consumed in analysis. When our

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 serologist takes a sample of evidence, he places it in a
2 tube and from there we add chemicals straight to that
3 tube. So going through our process, we just end up with
4 what's linked in the tube and we just store that in our
5 freezer in the lab.

6 Q And did you have any other involvement in this
7 case besides testing the items that you just told us
8 about?

9 A No.

10 MS. KLUSKA: Thank you, nothing further at this
11 time. Please answer any questions The Defense may
12 have.

13 MR. SARRATT: No questions, Your Honor.

14 THE COURT: All right, thank you, ma'am, you may
15 step down.

16 MS. KLUSKA: May she be released from her
17 subpoena, Your Honor?

18 MR. SARRATT: No objection.

19 THE COURT: All right.

20 MR. SARRATT: May we briefly approach?

21 THE COURT: Yeah, come on up.

22 (WHEREUPON, an off-the-record bench conference
23 was held in the presence of the jury but out of
24 the hearing of the jury.)

25 THE COURT: All right, ladies and gentlemen,

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 I've been reminded, yet again, that I lose track of
2 time. It's a good time for an afternoon break. So
3 we'll just take 10 or 15 minutes and we'll get back
4 with you. Please don't discuss the case. Thank you.

5 (WHEREUPON, the jury left open court at
6 approximately 3:32 p.m.)

7 THE COURT: Okay, anything before we break? All
8 right, see you in about 10, 15 minutes.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: Okay, ready to go?

11 MR. WESTON: Yes, sir, Your Honor, The State is
12 ready to proceed. Your Honor, before they come in,
13 though. . .

14 THE COURT: What do you need to tell me?

15 MR. WESTON: We have got a stipulation regrading
16 the autopsy. Dr. Ward is in Alaska. It's about five
17 or six lines. Our last witness is Investigator Lusk,
18 who is just going to stitch the crime together. He
19 should not be awfully long. It's been agreed upon by
20 both parties -- I don't know if you want to read it
21 or whether you want me to read it into the record.
22 What I would like to do because--

23 THE COURT: I'll send Mike Mangrum to go get
24 Dr. Ward in Alaska. He'd do that.

25 MR. WESTON: What I'd like to do, Judge, is

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 since Investigator Lusk attended the autopsy, once he
2 reaches that point in his testimony, that I can either
3 have him come down from the stand, subject to recall,
4 we read the stipulation into the record as a formal
5 separate thing or we can do it while he continues to
6 sit there and then I can continue with my examination
7 after that.

8 THE COURT: Yeah.

9 Stuart, what you got, anything?

10 MR. SARRATT: I don't have any objection to it,
11 I just haven't signed it.

12 THE COURT: Neither one of you signed it.

13 MR. SARRATT: Oh--

14 MR. WESTON: I signed one. I thought I did, I'm
15 sorry, Your Honor.

16 THE COURT: All right, Mr. Weston, read it.

17 MR. WESTON: You want me to read it, Your Honor,
18 into the record?

19 THE COURT: I'll let you read it.

20 How about it, Mr. Sarratt?

21 MR. SARRATT: That's fine with me.

22 THE COURT: Okay.

23 MR. WESTON: All right. And --

24 THE COURT: Let me know when you're going to do
25 it, I'll give them a little short charge.

KAITLIN APPEL-DIRECT BY MS. KLUSKA

1 MR. WESTON: All right. So do you want him to
2 continue on the witness stand?

3 THE COURT: Yeah, you can just leave him up
4 here.

5 MR. WESTON: All right and I will let you know,
6 sir. It will be during the part where he talks about
7 being present at the autopsy and I'll ask him four or
8 five questions about it, at that point I'll let you
9 know.

10 THE COURT: Okay.

11 Anything?

12 MR. SARRATT: Is this on the record?

13 THE COURT: Yeah.

14 MR. SARRATT: Okay, I'm sorry, I wasn't sure. I
15 would just put on the record that we have discussed
16 the stipulation, I believe there are some strategic
17 advantages to stipulating. There would have been
18 testimony in person about the width of the blade
19 matching up with the blade that was taken from my
20 client and that's not in the stipulation. So I just
21 want to put that out there but I'm not just
22 stipulating for no reason. There is a strategic
23 reason why I'm doing that.

24 MR. WESTON: And that's correct, Your Honor.
25 That was one of the things we agreed upon that would

BRAD LUSK-DIRECT BY MR. WESTON

1 not be included if he agreed to the stipulation to
2 the more factual -- the other factual matters.

3 THE COURT: All right, that's very good.

4 Ready?

5 MR. WESTON: Yes, sir, Your Honor.

6 THE COURT: Okay.

7 (WHEREUPON, the jury came into open court at
8 approximately 3:57 p.m.)

9 THE COURT: All right, ready?

10 MR. WESTON: Yes, sir, Your Honor. The State
11 would call Officer Brad Lusk.

12 THE CLERK: Please place your left hand on the
13 Bible and raise your right hand.

14 BRAD LUSK, after being duly sworn{,}testified as
15 follows:{F}

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. WESTON:

19 Q Officer Lusk, with whom are you employed?

20 A Greenville City Police Department.

21 Q And how long have you been with the City of
22 Greenville as a police officer?

23 A Been a police officer for 26 years.

24 Q What is your present position?

25 A Currently, special events, just recently

BRAD LUSK-DIRECT BY MR. WESTON

1 transferred last year to investigations.

2 Q All right. Prior to that, back in October of
3 2017, what was your title?

4 A I was a violent crimes investigator.

5 Q And how long were you in that position? Just
6 ballpark.

7 A Thirteen years.

8 Q During that -- and I assume homicide cases are a
9 part of the violent crime investigations?

10 A Absolutely.

11 Q During that period of time, did you have an
12 opportunity to investigate multiple homicides?

13 A Numerous, yes, sir.

14 Q About how many? More than 50?

15 A More than 50. Yeah, several dozen.

16 Q All right, sir. And did you have an occasion to
17 lead the investigation into the death of Mr. George Pegram
18 that brings us here today?

19 A Yes, I did.

20 Q And how did you become to be involved in this
21 case?

22 A Part of our rotation, we're on call for after
23 hours, if there's a violent crime that's committed. I was
24 contacted while I was at home at approximately three
25 o'clock in the morning to respond to the wooded area

BRAD LUSK-DIRECT BY MR. WESTON

1 behind 100 Rutherford Street behind the QT in reference to
2 the deceased individual.

3 Q And when you got there, what did you find?

4 A There was already a couple of officers on the
5 scene--

6 Q Could you move a little bit closer to the
7 microphone, please, sir?

8 A Is that better?

9 Q Yes.

10 A All right. There were already some officers on
11 the scene, EMS was on there, I think the coroner's office
12 was arriving, forensics was on scene. It's a dead end
13 street beside the QT. It was cordon off with crime scene
14 tape, which protects the integrity of the crime scene. It
15 keeps people out. And I met with -- I met with forensics
16 when I arrived.

17 Q All right. Now, from a protocol standpoint,
18 once you meet with forensics and brief them on what's
19 going on there, what happens then as far as police
20 officers and forensics?

21 A Once they begin we step away and the scene is
22 theirs. They will process the scene, evidence collection,
23 photograph, document the scene with photographs, collect
24 any evidence.

25 Q Continue, sir, please.

BRAD LUSK-DIRECT BY MR. WESTON

1 A And then when they're completed they will, you
2 know, provide us with what they collected during that
3 time.

4 Q Okay. And was that protocol followed in this
5 case?

6 A Yes, sir, it was.

7 Q All right. And were you able to observe the
8 body of the deceased, Mr. George Pegram?

9 A I was that evening. That morning.

10 Q And what -- how would you describe his physical
11 wounds?

12 A He was laying on his back. His eyes were
13 opened. He had two apparent puncture wounds that were
14 visible without manipulating him at all. There were two
15 in the abdomen area. And he had been -- he was,
16 apparently, deceased and obviously deceased.

17 Q All right, sir. Were there any indications that
18 he was armed? Were there any weapons found on or about
19 his person?

20 A No, there was not.

21 Q All right. And did you have an opportunity to
22 talk to Ms. Crystal Williams and Mr. Ron Griggs at the
23 scene?

24 A We met briefly with them. Officers on the scene
25 observed them, got a field statement just about what their

BRAD LUSK-DIRECT BY MR. WESTON

1 involvement was as far as talking to Ms. Williams and
2 Mr. Griggs.

3 Q And what about Mr. David Smith, the QT security
4 guard?

5 A The guard provided us with information what he
6 did that night.

7 Q All right. It is your understanding that he
8 called 911?

9 A He did.

10 Q And I'm assuming to date, you don't remember
11 every detail of your investigation; is that correct?

12 A I do not.

13 Q All right. And is that your investigative
14 notebook from this particular case?

15 A It is, yes, sir.

16 Q All right. If you don't remember certain
17 things, certain answers to questions I ask you, would
18 referring to your report help to possibly refresh your
19 recollection?

20 A Absolutely.

21 Q All right. Feel free to do so and just let us
22 know you'll need to do that if that occasion arises.

23 A Thank you, sir.

24 Q And was the coroner present, the deputy coroner?

25 A He was.

BRAD LUSK-DIRECT BY MR. WESTON

1 Q And what is the coroner's job? Tell the jury
2 what, basically, the coroner does in a situation like
3 this.

4 A Sometimes we work hand in hand during
5 investigations but they will, basically, identify the
6 decedent.

7 Q And will they make a pronouncement of death?

8 A Yes.

9 Q All right. And after the victim is identified
10 by the coroner and a pronouncement of death is made, what
11 happens to the body?

12 A The body is transported for like a post examine
13 or an autopsy. He is transported by BIO, it's called
14 Biocare, it's a coroner transport, take them to holding,
15 to a secured facility at the hospital where he can be
16 examined at a autopsy.

17 Q All right. And would you describe, as we kind
18 of move away from the crime scene, would you describe this
19 location in terms of what is the character of this
20 location?

21 A This location, it's at the end of Walker Street,
22 which use to be a thoroughfare to the neighborhood behind
23 the QT, before the QT was there. But now it's a dead end
24 into a small wooded area. There's makeshift beds of
25 cardboard on the ground, carpet. There's numerous types

BRAD LUSK-DIRECT BY MR. WESTON

1 of debris thrown about. It appeared to be, like, a
2 transient homeless camp area. Not necessarily someone
3 sleeping there overnight but people would use it for
4 several reasons.

5 Q All right. And so in terms of the initial,
6 before we leave the crime scene, in terms of the initial
7 investigation and your direction and the direction of the
8 supervisors involved, what were the initial steps to try
9 to locate suspects, what were officers told to do?

10 A Well, later on that day we prepared a flyer, or
11 I prepared a flyer, to disseminate or give it out to the
12 uniform patrol, the guys that work the streets, the guys
13 that knew the people or knew the individuals in the area,
14 to try to help find out if they knew anything to come
15 forward and talk with us.

16 Q And did you attend the autopsy that was
17 conducted on Mr. Pegram?

18 A Yes, sir, I did.

19 Q And when was that conducted? And if you need to
20 refer to your--

21 A It was -- it was the same morning, it was on the
22 8th at about 8:30 in the morning.

23 Q And who all was present?

24 A Dr. Ward, his assistant, Ms. Knight, the deputy
25 coroner and also a member of forensics. A forensics

BRAD LUSK-DIRECT BY MR. WESTON

1 investigator was also there.

2 Q And who is Dr. Ward, for purposes of -- just so
3 the jury will know?

4 A He's a forensic pathologist, he performs -- he's
5 a doctor who performs the autopsies.

6 Q And how long did it take -- how long do these
7 things take? Or how long did this one take, generally?

8 A Usually, two to three hours, maybe four.

9 Q And were you there the entire time?

10 A I was.

11 Q Now -- and a lot of times, let's say that there
12 were, by way of example, if there were -- if someone were
13 shot and some of the -- and a gunshot or projectile were
14 found, would it be fair to say that the medical examiner
15 would extract those things and give them to the
16 investigator or put them into property and evidence?

17 A The forensics investigator, the forensics guy,
18 would collect evidence taken from the body. Basically, an
19 autopsy is just a -- it's a crime scene process of the
20 body. They process the body for any evidence. We collect
21 money or drugs, forensics the only thing they don't
22 collect. But any, like, projectiles would be collected by
23 the forensics investigator.

24 Q All right. In this case, with the exception of
25 maybe some clothing, was there anything else taken for

BRAD LUSK-DIRECT BY MR. WESTON

1 further investigation or further testing from the -- from
2 the -- as a result of the autopsy, as far as you can
3 remember?

4 A No.

5 Q All right.

6 Your Honor, at this time we would ask that
7 the stipulations be read into the record.

8 THE COURT: All right.

9 Ladies and gentlemen, as I told you in my
10 opening comments, they're generally three types of
11 evidence. One is the oral testimony, two is the
12 introduction of physical or tangible items; and the
13 third is when the parties agree that some fact is so
14 beyond question that you can accept it as being true.
15 And what the solicitor is going to read to you now is
16 an agreed acceptance of fact and you all should
17 accept it as being true. It's a stipulation of the
18 parties.

19 All right, Mr. Weston.

20 MR. WESTON: Thank you, Your Honor.

21 MS. KLUSKA: Thank you, Your Honor.

22 The State, through Solicitor Jeff Weston; and
23 The Defendant through his attorney, Stuart Sarratt,
24 hereby agree and stipulate the following to be fact.

25 Number once, an autopsy was performed on George

BRAD LUSK-DIRECT BY MR. WESTON

1 Leslie Pegram on October 7th, 2017, conducted by
2 Michael Ward, M.D. in the County of Greenville, at
3 the Greenville Memorial Hospital in the presence of
4 Greenville City Police Detective Bradley Lusk,
5 Greenville County Criminal Justice Support Department
6 Officer Parker; and Greenville County Deputy Coroner
7 Gary Sessions. Number two, George Leslie Pegram, a
8 44 year old white male, died as a result of multiple
9 stab wounds to the chest. Number three, there were
10 seven penetrating stab wounds to the chest, armpit
11 and back of the left forearm. Three of which
12 penetrated in the chest cavity. One that perforated
13 the heart. And two that traumatized the underlining
14 diaphragm and liver. A separate stab wound
15 penetrated into the space within the abdomen that
16 contains the intestines, stomach and liver. Three
17 stab wounds that were relatively superficial in their
18 nature, penetrated only into the tissues and
19 musculature under the skin.

20 In addition to the seven penetrating stab
21 wounds, there were three non-penetrating stab wounds
22 of the chest and abdomen with trauma only to the skin
23 and tissues under the skin. Toxicological
24 examination of the femoral blood, revealed a ethanal
25 concentration of a point -- of a 0.327 and marijuana.

BRAD LUSK-DIRECT BY MR. WESTON

1 And the manner of death is homicide.

2 And this is signed by both Jeff Weston and
3 Stuart Sarratt.

4 MR. WESTON: Your Honor, The State would ask
5 that this be marked and made a part of the record.

6 THE COURT: Yes. Court's exhibit.

7 (WHEREUPON, Court's Exhibit No. 3 was marked for
8 identification only.)

9 BY MR. WESTON:

10 Q After the autopsy, did you receive a call from
11 Officer Loftis with regard to another potential witness in
12 the case?

13 A Yes, sir, I did.

14 Q And who was the witness?

15 A Charles Pate.

16 Q And was that the gentleman who testified
17 earlier?

18 A It is.

19 Q And as a result of the call, did you go see
20 Mr. Pate?

21 A I did.

22 Q And I think that was at 100 Pete Hollis
23 Boulevard; is that correct?

24 A Trinity Church.

25 Q All right. And I think this was already asked

BRAD LUSK-DIRECT BY MR. WESTON

1 but just for the record, this homicide occurred in
2 Greenville County; didn't it?

3 A Yes, sir, it did.

4 Q All right. Now, when you met with Mr. Pate,
5 what was the nature of his information?

6 A He found a driver's license and a credit card or
7 a debit card on the front steps of the church earlier and
8 wanted to provide it to law enforcement.

9 Q All right. And you're opening the envelope, if
10 you'd hold it down below the level of the counter here.
11 Do you recognize the items inside that envelope?

12 A I do.

13 Q And would you tell The Court what they are?
14 Yeah, just put that right there for a moment.

15 A It is a South Carolina ID and a American Express
16 Serve card. It is a South Carolina ID and America Express
17 Serve card.

18 Q And what is the name on both of those cards?

19 A George Leslie Pegram is on the ID.

20 Q Okay, keep that below the counter. Now, on the
21 ID, does it have a picture on it?

22 A Yes, it does.

23 Q Do you recognize the person on the picture based
24 on your investigation in this case?

25 A I do.

BRAD LUSK-DIRECT BY MR. WESTON

1 Q And who is the picture?

2 A He's the victim.

3 Q Mr. George Pegram?

4 A Yes, sir.

5 Q Where did you get these?

6 A From Mr. Pate.

7 Q And did -- where were you when he turned them
8 over to you? Where were y'all?

9 A We were right beside the church.

10 Q All right, sir.

11 Your Honor, the State would offer each of
12 the credit cards as State's Exhibit. They have not been
13 premarked, I don't think.

14 MR. SARRATT: No objection.

15 THE COURT: Okay. Let the Court Reporter mark
16 those, please.

17 MR. WESTON: Permission to publish for the jury,
18 Your Honor?

19 THE COURT: Yes, sir.

20 MR. WESTON: Thank you, Your Honor.

21 (WHEREUPON, State's Exhibits Nos. 37 & 38 were
22 marked for identification and received into
23 evidence.)

24 BY MR. WESTON:

25 Q And did officer -- I mean, excuse me, did

BRAD LUSK-DIRECT BY MR. WESTON

1 Mr. Pate tell you how he came into possession of the
2 cards?

3 A He did.

4 Q And what did he say?

5 A He said he found them on the front steps of the
6 church.

7 Q All right. And this happened right next to the
8 QT on Rutherford Road; is that correct?

9 A It's across the street from the QT.

10 Q All right. And when you say the street, you
11 mean that side, dead end street, Walker Street?

12 A Rutherford Street.

13 Q Okay. I'm confused now. I'm sorry, I'm talking
14 about the incident.

15 A Yes, sir.

16 Q I apologize, not the church. I apologize for
17 jumping from one thing to another. Did you, as part of
18 your investigation, talk to the management at the QT to
19 see if there was any video footage that might shed some
20 light on this investigation?

21 A I did.

22 Q And did you review video footage with the
23 manager?

24 A I reviewed the video footage that I obtained
25 from the manager, yes, sir.

BRAD LUSK-DIRECT BY MR. WESTON

1 Q Okay. He provided that for you, I'm sorry?

2 A Yes, sir.

3 Q And what was his name?

4 A John Dullford [ph].

5 Q All right, sir. And as a result of that, did
6 you create still images or did you find anything of
7 interest on the video tapes?

8 A I did.

9 Q What did you find, generally? What did you
10 find, generally, of interest as it relates to your
11 investigation on the video tape?

12 A I found Mr. Jordan in the area of hours before
13 the victim was found.

14 Q All right. And now, let's go back to the
15 victim, finding the victim and the autopsy or what have
16 you. What was your understanding as to approximately when
17 he died?

18 A Several hours, eight to 12 hours before.

19 Q Before he was found?

20 A Before he was found.

21 Q Okay, that would put it into the sixth?

22 A It would put it into the sixth.

23 Q All right. And so now looking -- now coming
24 forward to the QT video surveillance that you looked at,
25 what was it that you found that was relevant to your

BRAD LUSK-DIRECT BY MR. WESTON

1 investigation?

2 A It was on sixth. It was early morning of the
3 sixth that Mr. Jordan was found around the area of the QT,
4 in and out of the QT, walking behind the QT, along the
5 fence line.

6 Q All right. Were there also video in the QT
7 parking lot?

8 A Yes, sir.

9 Q All right. I want to show you what's been
10 marked as State's Exhibit No. 2. Yes, No. 2, ask if you
11 recognize this?

12 A Yes, sir. I do recognize it.

13 Q What does that picture depict?

14 A It's a still imagine of Mr. Jordan entering the
15 QT.

16 Q What time stamp is on that imagine?

17 A 1729 a.m.

18 Q On what date?

19 A The 6th.

20 Q All right.

21 MR. WESTON: Your Honor, I'm going to show
22 counsel, I got approximately six pictures, he's
23 identified one of them. I'm willing to show counsel
24 all six of them so I won't have to do this six
25 separate times. I plan to introduce them into

BRAD LUSK-DIRECT BY MR. WESTON

1 evidence. Or offer them into evidence.

2 BY MR. WESTON:

3 Q I'm going to show you all of the pictures and
4 ask you if you can, generally, identify them so we can go
5 ahead and introduce them into evidence and then go through
6 them one at a time.

7 A (The witness complies.)

8 Q Have you had an opportunity to look at all of
9 them?

10 A Yes, I have.

11 Q And what do they all depict in some form or
12 fashion?

13 A Mr. Jordan on the property of the QT.

14 MR. WESTON: All right, Your Honor, The State
15 would offer exhibits 2, 32, 4, 5, 25, 27, 30 and 31
16 into evidence.

17 MR. SARRATT: No objection.

18 THE COURT: All right.

19 (WHEREUPON, State's Exhibits Nos. 2, 4, 5, 25,
20 27, 30, 31 & 32 were admitted into evidence.)

21 BY MR. WESTON:

22 Q All right. Let's start with No. 31, what does
23 that depict?

24 A Images of Mr. Jordan and looks like he's exiting
25 the QT.

BRAD LUSK-DIRECT BY MR. WESTON

1 Q All right. And what is the next exhibit number
2 in the red thing in the top corner?

3 A This is State's Exhibit 30.

4 Q And what does that depict?

5 A It's images of Jordan, apparently, exiting the
6 QT.

7 Q All right. And this is right around the time as
8 the first one?

9 A Yes, sir.

10 Q And this is just another shot?

11 A Maybe a frame or before then.

12 Q And what is the next exhibit, what does it
13 depict?

14 A This appears to be -- it's Mr. Jordan as he
15 exits the QT.

16 Q All right. And what is the time stamp on that
17 and the date?

18 A This is the sixth of October 2017 at 1:50 a.m.

19 Q All right. Now, Mr. Jordan has on a different
20 jacket in this picture; is that correct?

21 A Yes, sir.

22 Q But this is the same night or same morning?

23 A Same morning.

24 Q All right. What's the next exhibit number you
25 have there?

BRAD LUSK-DIRECT BY MR. WESTON

1 A This is State's Exhibit No. 25. October 6 at
2 2:11 in the morning.

3 Q And what does it depict?

4 A Mr. Jordan exiting the QT.

5 Q All right. Is it just another picture of pretty
6 much the same picture we're looking at right now on the
7 screen?

8 A Yes.

9 Q All right. And what is the next exhibit number
10 you have?

11 A This is State's Exhibit No. 5.

12 Q And what does it depict?

13 A Mr. Jordan arriving on his moped at the QT.

14 Q And is there a time stamp on that one?

15 A There is. It's October 6, 2017, 1:28 a.m.

16 Q All right. So we can move forward, what is the
17 next picture? The next exhibit number?

18 A This is exhibit number 4. It's 1:29 a.m.

19 Q And this is the same -- it's the same sequence
20 as the one you just talked about?

21 A Yes, sir.

22 Q Okay. Is it -- is it Mr. Jordan arriving on his
23 moped?

24 A It is.

25 Q Okay. And what is the next -- hold up one

BRAD LUSK-DIRECT BY MR. WESTON

1 second. What is the next picture you have? What's the
2 exhibit number?

3 A State's Exhibit No. 2. It appears to be
4 Mr. Jordan as he's arriving, walking inside the QT.

5 Q Is there a time stamp on that one?

6 A Yes, sir. It's 1:29 a.m. on the sixth of
7 October of 2017.

8 Q All right. And what is the next -- the last
9 exhibit you have there?

10 A Mr. Jordan appears to be walking into the
11 bathroom, the men's bathroom.

12 Q And what is the exhibit number?

13 A Exhibit No. 32.

14 Q All right. And would these have been -- were
15 these photos, stills, have been captured on the morning of
16 the murder?

17 A Earlier on the previous day.

18 Q All right, sir. Excuse me. And during your
19 investigation, did you interview Alexis Jordan, Roman Cox,
20 Deandre [ph] Nesbitt and Annie Enthrollaganzi [ph]?

21 A I interviewed Roman Cox and Alexis Jordan.

22 Q And -- by the way is Alexis Jordan, as far as
23 you know, related to The Defendant, Vernon Jordan, in any
24 way--

25 A Not to my knowledge at all.

BRAD LUSK-DIRECT BY MR. WESTON

1 Q They just happen to share the same last name?

2 A I believe so.

3 Q All right. After you interviewed --

4 Excuse me, one second, Your Honor.

5 As part of your investigation, did you find
6 out where The Defendant was living at around the time of
7 the death of Mr. Pegram?

8 A I did.

9 Q Where was he living?

10 A Lives in a small tent on the property of the QT,
11 along the wood line, along the tree line, the backside of
12 the privacy fence.

13 Q And how far is that from where the body was
14 found?

15 A Hundred yards, maybe.

16 Q I'm sorry?

17 A Maybe hundred yards, at the most.

18 Q All right. Did you secure a search warrant for
19 the tent belonging to Mr. Vernon Jordan?

20 A I did.

21 Q And were items secured from that tent?

22 A They were.

23 Q Were they processed by forensics?

24 A Yes, they were.

25 Q Did that include a jacket, a yellow jacket,

BRAD LUSK-DIRECT BY MR. WESTON

1 probably the yellow jacket that we see up here?

2 A It appears to be the same yellow jacket but the
3 jacket was sent for processing.

4 Q And just to wrap all this up. Of all the items
5 that were found or that were selected and taken, as a
6 result of the search warrant, were there any items with
7 any blood on them?

8 A No.

9 Q All right. Were there any items that tied
10 the -- that moved the investigation of Mr. Jordan as a
11 suspect forwarded in anyway --

12 A No.

13 Q -- with regard of what was found in the tent?

14 A No, sir, there was not.

15 Q All right. But you did follow up on that lead?

16 A I did.

17 Q All right. Now, just sort of in conclusion, one
18 of the last things you did in this investigation was
19 interview a Roman Cox; is that correct?

20 A It is.

21 Q And did Roman Cox describe to you what he saw
22 the morning that Mr. Pegram was killed?

23 A He did.

24 Q And after you putting all this information that
25 you had together after you interviewed with Mr. Cox, what

BRAD LUSK-CROSS BY MR. SARRATT

1 did you do next?

2 A I went to the judge and I obtained two warrants.
3 One for murder, one for possession of a weapon during a
4 violent crime of Mr. Jordan.

5 MR. WESTON: Thank you, that's all I have.

6 Answer any questions that counsel may have for you.

7 CROSS-EXAMINATION

8 BY MR. SARRATT:

9 Q Investigator Lusk, I just want to reiterate, you
10 searched through Mr. Jordan's tent, right?

11 A Forensics did.

12 Q Well, you're in charge of the whole operation --

13 A Yes, sir --

14 Q -- you can testify to everything that happened?

15 A Yes, sir.

16 Q You're aware that his tent was searched, right?

17 A Yes, sir.

18 Q And you pulled out that yellow jacket that we
19 see on the video?

20 A Forensics collected the jacket.

21 Q All right. And you tested that for blood?

22 A It was tested for blood.

23 Q And there was no blood found on that jacket, was
24 there?

25 A There was no blood on the jacket.

BRAD LUSK-CROSS BY MR. SARRATT

1 Q I mean, you didn't do this yourself, but in the
2 course of the investigation, your team and officers,
3 collected the moped that he was seen riding on in that
4 still picture that we just saw, right?

5 A Yes, sir.

6 Q There was no blood found on that moped anywhere,
7 was there?

8 A No, sir.

9 Q You went through, you know, all of the items --
10 not you, I keep saying you but you know what I mean.
11 Officers went through all the items in the tent, there was
12 no blood located on anything in Mr. Jordan's possession,
13 aside from the knife, correct?

14 A Correct.

15 Q All right. Now, you were present when Roman Cox
16 testified, right?

17 A Yes, sir, I was.

18 Q And I was asking Roman Cox a lot of questions
19 about how his interview went, do you remember that?

20 A I do.

21 Q And he was not really able to give a solid
22 answer when I was asking him details about some of the
23 things that you said to him during that; do you remember
24 that?

25 A I do.

BRAD LUSK-CROSS BY MR. SARRATT

1 Q But do you recall -- well, first of all, let me
2 just say, Roman Cox was not truthful with you at first,
3 was he?

4 A He seemed to be withholding some information
5 from me.

6 Q His first statement was simply that he saw -- he
7 didn't say Vernon Jordan but he said he saw a bald guy on
8 a moped, yelling at some black guys, I believe, was his
9 first story; right?

10 A I can't remember exactly what his first story
11 was.

12 Q Okay. But then, you know, you felt that he had
13 some more information, so you had him come in for a full
14 interview; right?

15 A I did.

16 Q Now, do you recall, when he came in, again, he
17 was hesitant to reveal any information to you?

18 A Yes, sir.

19 Q And you prodded him and one of the ways you did
20 that was that you told him that you knew that he was at
21 the wrong place at that time wrong time, right?

22 A That may have been something I said to him, yes,
23 sir.

24 Q Would like to see a copy of your report?

25 A No, I've got it right here. I can look at it,

BRAD LUSK-CROSS BY MR. SARRATT

1 if you'd like.

2 Q Okay. It's on Page 6, if you need to reference
3 it. You told him that he was not in any trouble?

4 A Correct.

5 Q And it was only after you told him that he was
6 at the wrong place at the wrong time and he wasn't in any
7 trouble, that his story then changed and began to provide
8 more information to you?

9 A He did. He seemed scared to tell me what
10 happened.

11 Q He was scared. So again, his story changed, and
12 all of a sudden, when's not a suspect, he starts telling
13 you this story about how he saw the stabbing and he knows
14 what happened?

15 A He seemed scared at first but when I assured him
16 that he wasn't in trouble, he did provide me with--

17 Q So he told you what you wanted to hear, as soon
18 as you told him he wasn't in trouble; right?

19 A He told me what he saw.

20 Q All right.

21 One moment, Your Honor.

22 THE COURT: Yeah.

23 MR. SARRATT: All right, no further questions.

24 THE COURT: Redirect?

25 MR. WESTON: No redirect from The State, Your

1 Honor.

2 THE COURT: All right, thank you, sir, you may
3 step down.

4 THE WITNESS: Thank you, Your Honor.

5 MR. WESTON: State would rest, Your Honor.

6 THE COURT: Okay. All right ladies and
7 gentlemen of the jury, I think we talked a little bit
8 about scheduling and time clocks and all of that.
9 This is probably a good time to break for the day,
10 it's 4:30, 4:35. So we're going to let y'all get out
11 of here in just a second. But let me remind you not
12 to discuss the facts of the case with anyone. And
13 it's going to be -- everyone you're going to see
14 tonight is going to want to talk you about it. And
15 you may want to talk about it as well. But you have
16 given your word, sworn an oath, not to do that. So
17 by protecting those rights in this case you protect
18 those rights for all of us. So just keep that in
19 mind. Don't do any research. If you're running low
20 on gas, go to a Spinx station, okay. Y'all have a
21 good night, we'll see you back, let's say a quarter
22 of 10 in the morning, that seems like a good time.

23 (WHEREUPON, the jury left open court at
24 approximately 4:31 p.m.)

25 THE COURT: Okay. Any motions?

1 MR. SARRATT: Yes, Your Honor. At this point, I
2 have a motion for directed verdict. Taking the
3 evidence in the light most favorable to the State, I
4 believe that they failed to produce sufficient
5 evidence for this case to proceed to the jury. There
6 was -- we started with a eye witness who said that he
7 could not identify my client. He then changed his
8 testimony when he got on the stand in front of the
9 jury. Certainly, he was able to. We got -- all
10 there is is indication that there was blood on a
11 knife but no proof to show that my client was the one
12 that used the knife. There was an eye witness
13 claimed to have seen it. But again, he had to be
14 brought here under duress, did not want to testify
15 and I believe testified untruthfully as to what he
16 claims to have seen. Taking all of that and the
17 totality of the circumstances, I believe there's
18 simply not enough evidence for this case to proceed
19 to the jury.

20 THE COURT: Okay. Well, I believe there is
21 enough evidence and you're relating questions of
22 credibility and factual determinations that are best
23 left in the hands of citizens of Greenville County.

24 Mr. Jordan, if you would please stand for me,
25 raise your right hand.

1 VERNON JORDAN, after being duly sworn, testified
2 as follows:

3 EXAMINATION

4 BY THE COURT:

5 Q Okay, you can put your hand down. I don't know
6 what your plans are with respect to presentation of a
7 defense, I don't have any idea. This is -- but I do need
8 to inform you that you have an absolute right to testify
9 in your own defense. You have an equal absolute right not
10 to testify and it cannot be held against you. The
11 decision about whether or not to testify is a major
12 strategic decision, which your experienced defense
13 attorneys can help you with and strategize and give you
14 guidance.

15 And are there any impeachable offenses on
16 his record?

17 MS. KLUSKA: There are, Your Honor. A forgery
18 from 2012 and a petit larceny from 2017.

19 THE COURT: Okay.

20 BY THE COURT:

21 Q If you do decide to testify, they can question
22 your credibility or impeach your credibility with the use
23 of your prior record. But what I want to inform you of
24 and impress upon you is that I want you to discuss the
25 decision about testimony with your attorneys. Ask all the

VERNON JORDAN-EXAMINATION BY THE COURT

1 questions you need, explore it with them. And I always
2 recommend clients to follow the advice of their attorneys.
3 However, this is your Constitutional right and your
4 Constitutional right alone. And it is up to you to make
5 that determination, okay?

6 A Yes, sir.

7 Q All right. Thank you, that's all. We will need
8 to know in the morning, if that's what you decide to do,
9 okay?

10 A Okay.

11 Q But you think about it overnight.

12 A Okay.

13 THE COURT: Thank you, you may be seated.

14 MR. JORDAN: Thank you, sir.

15 THE COURT: Shall we discuss -- do you intend --
16 do you have any -- I'm not trying to. . .

17 MR. SARRATT: Are you asking if I'm presenting
18 evidence?

19 THE COURT: Yeah.

20 MR. SARRATT: It would only be my client.

21 THE COURT: I'm sorry?

22 MR. SARRATT: It would only be my client, if so.

23 THE COURT: Okay. So let's talk about potential
24 jury charges. Anything? I'm just trying to get
25 ahead of the game.

1 MR. SARRATT: Sure.

2 THE COURT: You guys told me it was going to
3 take three days. I'm not Judge Pyle but I'm working
4 on it.

5 MR. WESTON: Your Honor, we don't -- The State
6 does not have any extraordinary jury charges outside
7 those that The Court would normally charge. And the
8 normal ones with regard to credibility, reasonable
9 doubt, burden of proof, obviously, we would not
10 submit anything different than what The Court is
11 going to charge.

12 THE COURT: Okay.

13 MR. SARRATT: My only input is that I know that
14 the Court of Appeals and the Supreme Court --
15 overturn cases where the judge charged some kind of
16 inference to the jury. I know that there's a
17 possession of a knife in this case and I don't know
18 if you have any kind of charge about inferring malice
19 from the presence of a knife.

20 THE COURT: I don't think -- I think I removed
21 that from my jury charge. I'm more questioning
22 whether or not there's a lesser included which should
23 be charged?

24 MR. SARRATT: I would only have a answer after
25 finding out from my client what his intentions are.

1 THE COURT: Well, I'm basing it on the record.
2 I mean, the eye witness testimony was that the victim
3 grabbed a female that was with your client and your
4 client reacted.

5 MR. SARRATT: Sure. I think defense of others,
6 potentially, voluntary. Mostly defense of others.
7 And self-defense.

8 THE COURT: Well, I hadn't thought about that.

9 Y'all think about that overnight. Whether you
10 have a position on that.

11 MR. WESTON: As of right now, Your Honor, The
12 State's position is that there's insufficient
13 evidence for -- or insufficient evidence that's --
14 for voluntary manslaughter charge. But we will
15 consider overnight and review all the evidence, Your
16 Honor.

17 THE COURT: All right. Okay. Well, I told them
18 to be back at quarter of so see y'all then.

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

20 THE COURT: All right, thank you.

21 (WHEREUPON, the proceedings were concluded for
22 the day to be reconvened on July 14, 2021.)
23
24
25

July 14, 2021

THE COURT: All right, Mr. Jordan.

MR. JORDAN: Yes, sir.

THE COURT: Have you made a decision about the discussion we had yesterday?

MR. JORDAN: Yes, sir, I'm not going to take the stand.

THE COURT: I'm sorry?

MR. JORDAN: I'm not going to testify.

THE COURT: All right. Do you have any questions that you need to ask The Court?

MR. JORDAN: No, sir.

THE COURT: You had ample opportunity to discuss that with your attorneys?

MR. JORDAN: Yes, sir.

THE COURT: Okay.

All right, let's talk about the charge.

MR. SARRATT: Your Honor, I would still request a charge on voluntary as a lesser included. I believe there is evidence that's been produced into the record, mainly from Roman Cox. His testimony, if believed, is that there was a woman back in the woods that was involved somehow in the altercation. That the victim either grabbed at or somehow went for that woman and that that could have enraged my client and

1 put him, you know, overcome his sensibilities and
2 provoked him, that he could have been acting under
3 the heat of passion or was acting under the heat of
4 passion when he struck the fatal blow. And so I do
5 feel that there is evidence in the record that would
6 support a charge for voluntary and I'm requesting it.

7 THE COURT: Okay.

8 State's position?

9 MR. WESTON: Your Honor, the State is opposed to
10 a charge of voluntary manslaughter being submitted to
11 the jury. Assuming everything counsel just said is
12 true, there's no indication of any relationship
13 between The Defendant and this woman that we're
14 talking about that would have required him to be
15 able -- that would have caused him to be enraged
16 anymore so than he was just coming to the aide of a
17 third party. And that in and of itself does not
18 equate to -- rise to the level of creating a heat of
19 passion situation.

20 And just while I'm here, Your Honor, just along
21 that line, if -- I think counsel mentioned yesterday
22 something about the defense of others, obviously,
23 with regard to this woman, if The Judge intends to
24 charge something along that line, The State would
25 want to make sure that -- or we would request that

1 you also charge the use of legal force -- deadly
2 force versus non-deadly force. Because, obviously,
3 the evidence is that The Defendant had a knife and
4 stabbed the victim approximately 10 times. And the
5 evidence is -- was that there was no weapon according
6 to the eye witness that the victim had. Or there was
7 no threat of the use of a weapon by a victim.

8 THE COURT: Alterego defense does not apply. I
9 don't think there's enough evidence to charge on
10 that, defense of others. I would tell you the
11 testimony of Mr. Cox was that what he saw was that
12 The Defendant and the unidentified female were
13 together and the victim grabbed the female. I mean,
14 there's not a lot there. But failure to charge
15 voluntary manslaughter, I mean, I think if there's
16 any evidence they're entitled to a charge. So I'm
17 going to give it.

18 MR. WESTON: Yes, sir, Your Honor.

19 THE COURT: All right.

20 MR. SARRATT: Thank you, Your Honor.

21 MR. WESTON: Your Honor, you going to charge
22 deadly force versus non-deadly force since there's a
23 weapon involved?

24 THE COURT: What do you mean? I'm not charging
25 the defense of others.

1 MR. WESTON: Well, it occurs to me because
2 there's a fight and a struggle observed by a third
3 party, this is not a -- you're not charging
4 self-defense, I take it?

5 THE COURT: No.

6 MR. WESTON: Okay.

7 THE COURT: There's no evidence of that.

8 All right. I'll just tell you what the duties
9 of the judge and jury, the indictment and the arrest
10 are not evidence, multiple charges, credibility of
11 witnesses. You want an instruction on failure of
12 your client to testify?

13 MR. SARRATT: Yes, please.

14 THE COURT: Okay.

15 You want anything on expert witnesses? We got
16 some expert witnesses.

17 MR. WESTON: Just basic charge, Your Honor.

18 THE COURT: Presumption of innocence, reasonable
19 doubt, direct and circumstantial evidence.
20 Circumstantial evidence? No.

21 MR. WESTON: I'm not sure it would be
22 appropriate here, Your Honor. We have no objection
23 to the charge.

24 THE COURT: I'm trying to think if it's
25 appropriate in any way.

1 MR. WESTON: The QT pictures might be considered
2 circumstantial evidence with The Defendant in and
3 around the QT at the time of the incident.

4 THE COURT: Yeah, there's some evidence of that.

5 MR. SARRATT: I'm okay with that.

6 THE COURT: You want a charge on identification?
7 I mean, y'all had lineup questions.

8 MR. SARRATT: Yeah, I believe so.

9 THE COURT: Okay. Then murder. And voluntary
10 manslaughter is a lesser included. And possession of
11 a weapon during the commission of a violent crime.
12 Okay. Everybody good?

13 MR. SARRATT: Good with that, Your Honor.

14 THE COURT: Anything else?

15 MR. WESTON: Nothing further -- nothing from The
16 State, Your Honor.

17 THE COURT: Okay. You ready to go?

18 MR. WESTON: Yes, sir, Your Honor.

19 MR. SARRATT: I am.

20 THE COURT: Okay.

21 All right, let's discuss closing arguments, tell
22 me what y'all envision.

23 MR. WESTON: Time wise, Your Honor?

24 THE COURT: No. Order. Open in full.

25 MR. SARRATT: I close then no rebuttable because

1 I haven't offered any evidence.

2 THE COURT: Yeah.

3 MR. WESTON: That's my understanding, Your
4 Honor.

5 THE COURT: Okay.

6 (WHEREUPON, the jury came into open court at
7 approximately 10:00 a.m.)

8 THE COURT: All right, good morning, ladies and
9 gentlemen, welcome back. I hope everyone had a
10 pleasant evening. And appreciate you being here. I
11 want to tell you, if you remember, I gave you what I
12 called a procedural road map at the beginning of the
13 case. The five parts of a trial. The opening
14 statements, presentation of the evidence, closing
15 arguments, charge on the law, deliberations of the
16 jury. We now have completed the first two parts. So
17 the opening statements are over and all of the
18 evidence that's going to be presented is before you
19 now. And we are, at this time, going to proceed to
20 the closing arguments of the attorneys. Y'all paid
21 great attention throughout the course of the case.
22 And I ask you to continue to do that during the
23 closing arguments of these fine attorneys. Okay.

24 All right.

25 CLOSING STATEMENT

1 MR. WESTON: Thank you, Your Honor may it please
2 the Court?

3 THE COURT: Yes, sir.

4 MR. WESTON: Ladies and gentlemen, you've heard
5 all evidence and, shortly, the case will be yours to
6 decide. At the conclusion of my remarks and those of
7 Mr. Sarratt, The Judge will charge you on the law.
8 And you will be asked to then apply that law and make
9 your decision as to whether or not The State has
10 proven The Defendant's guilt beyond a reasonable
11 doubt.

12 Now, The Judge -- with regard to the law, the
13 Judge is going to charge you on a number of things
14 that you all have probably heard on the television, a
15 little bit about that your verdict has to be
16 unanimous, that the defendant is presumed innocent,
17 that unless he -- unless and until The State proves
18 to your satisfaction, that he is guilty of the two
19 crimes -- of the elements of the two crimes charged.
20 He will tell you -- The Judge will tell you what the
21 elements of those crimes are. And, of course,
22 everything I say and everything Mr. Sarratt says, is
23 as the Judge told you at the outset, is not evidence.
24 It is our perspective and version of what the facts
25 were and what they show. Sometimes, we attorneys

1 wonder if the other attorney was watching the same
2 trial as us. Because our versions are so different
3 but, fortunately, it's not evidence. We're just
4 trying to give you guidance based on our perspective
5 of the evidence.

6 With regard to the law, The Defendant is charge
7 with the offense of murder. Murder is defined as the
8 killing of another with malice aforethought. And The
9 Judge will define to you what malice is. And it's
10 hard to put your finger on exactly, it's sort of a
11 nebulous, Jell-O like definition, it's hard to say
12 this is the exact definition, this id malice. But
13 malice, I would suggest to you, is evil. A mind bent
14 on doing wrong. A dark thought and dark actions. I
15 don't think there's a question, if you find that The
16 Defendant actually committed these acts, that there's
17 malice in this case. He stabbed him 10 times.
18 That's stipulated to that the victim was stabbed 10
19 times and that caused his death. If that ain't
20 malice, ladies and gentlemen, I don't know what is.

21 The Judge will also charge you regarding the
22 crime of possession of a weapon during the commission
23 of a violent crime. And as we talked about, as my
24 colleague talked about at the outset, that's
25 relatively simple. If you find that this Defendant

1 is the person that stabbed the victim and caused his
2 death and that he used a knife, which The Judge will
3 give you a definition as being a deadly weapon, he
4 used the knife during the commission of that crime of
5 the crime, he's guilty of use of a deadly weapon
6 during the commission of a violent crime. Simple as
7 that. In fact, pretty basically, it's going to be
8 difficult for you to find one and not the other in
9 this case. If you find him guilty of murder, then
10 he's guilty of using the knife to kill him.

11 And I'm going to ask you to pay very close
12 attention when The Judge instructs you about
13 credibility of witnesses and the burden of proof
14 beyond a reasonable doubt. With regard to the
15 credibility of witnesses, it's everybody's judgment.
16 What I see is somebody telling the truth, or I might
17 say they look like they were lying. But they're
18 things you can look to, objective types of things, to
19 help judge credibility. The primary thing is, what
20 is the motive of the person saying whatever it is
21 they're saying? Have they got friends to reward or
22 enemies to punish? Have they got some vice against
23 somebody or for somebody? Have they got a stake in
24 the outcome?

25 Fortunately, I think just about every witness in

1 this case hardly knows or doesn't even know the
2 victim, George Pegram. Or the Defendant, Vernon
3 Jordan. So there's not going to be a lot of, I don't
4 think, a lot of discussion y'all need to have about
5 vice. There nobody's cousin here. There's nobody
6 that owed somebody some money. Or there's nobody
7 that you heard that had some prior arguments with
8 somebody. These are just people who either saw
9 something, did something, found something and just
10 came here and told you about it. There's very little
11 reason to doubt the credibility of just about anybody
12 that testified. In fact, everybody that testified.

13 Finally, as I said, there's a question of, what
14 is reasonable doubt? And once again, you take your
15 instructions from The Judge. And I can't tell you --
16 once again, reasonable doubt to me is no doubt to my
17 wife. It's different from person to person. But
18 he's going to give you a definition. And the bottom,
19 bottom line on it is that you cannot prove anything
20 with absolute certainty. Nothing. And he's going to
21 tell you that. But he's also going to tell you
22 something along the line of, if the evidence leaves
23 you firmly convinced of The Defendant's guilt, then
24 you should find him guilty.

25 And before we turn to the evidence itself, I

1 want to mention the victim's name one more time.
2 Directly to y'all. George Pegram. Because this is
3 not an academic exercise, this is not a civics
4 lesson, this is a case about someone who was killed.
5 And as you can tell from the testimony, and from the
6 evidence, we're dealing with people who have run into
7 rough patches in their lives. The Defendant was
8 living out in that area. Roman Cox was living out in
9 the area, on the street. George Pegram, as far as we
10 could tell, was living on the streets. These are
11 people that we envision ourselves not ever being in
12 that situation. Or we pray we'll never be in that
13 situation and are not there by the grace of God.

14 And so I'm not trying to harbor sympathy for the
15 victim, I want to make sure we don't lose sight of
16 the fact that this is about a man that was killed.
17 Fortunately, you will have his driver's license, so
18 who you can look at his picture. So you, at least,
19 have some frame of reference, that's all. I'm not
20 suggesting you have anymore sympathy for him than
21 anybody else in the world. But I don't want us to
22 lose sight of the fact that a man died. And that
23 this is serious.

24 With that in mind, ladies and gentlemen, let's
25 turn to the evidence. And what we believe

1 establishes or should establish and should firmly
2 convince you of this Defendant's guilt. We start
3 with the QT photos. And y'all will have these to
4 look at in the back. These photos put The Defendant
5 at the crime scene around the time the crime was
6 committed. These are photos of The Defendant riding
7 his moped in and around the front door of this QT
8 right here. Around the time this person is being
9 killed right back here. Less than 100 yards away.
10 So in terms of opportunity, there's no question, he's
11 there.

12 Now, why he's there with different clothes on,
13 I'm not going to suggest to you that he needed to
14 change his clothes because of something he'd done
15 that might have gotten some stuff on his clothes, I
16 don't know. But he changed his clothes or he put on
17 different clothes when he went in there more than one
18 time. But the point of this, he was there, at the
19 QT, around the time of the murder. He lived or was
20 living -- here's the QT front door, he's living right
21 over here at the time of the murder. This is his
22 tent. This is his home at the time. For better or
23 for worst. This is where he was. So there's no
24 question we have opportunity here.

25 Let's talk about Charles Pate. Charles Pate

1 said after the murder had been committed, within the
2 next day or so, I am over here at the church, where
3 my wife is a pastor and where I was working, doing
4 some rehabilitation and renovation on the church.
5 And I saw a man and a woman, with the man looking
6 through the backpack. I was looking out of the
7 window, similar to that one there, they were -- as he
8 sat there and I backed up, about 15 feet from me. It
9 was during the daytime. There were no obstacles in
10 between us to keep me from seeing that man. He said
11 the woman was sitting with her back to me. But the
12 man kept getting up and I saw him from the side and I
13 saw him from the front.

14 Subsequently, within a few days after that
15 incident -- excuse me, before -- as soon as they
16 left, he went out to the steps and found the victim's
17 credit card and driver's license on the steps where
18 they were sitting, going through a backpack less than
19 five minutes before that. So ladies and gentlemen,
20 what are the odds that the victim is killed back
21 here, his credit card is found on some steps over
22 here and this Defendant is sitting on those steps
23 too. Right before this is found. He picked him out
24 of a lineup. He said, initially, and you'll have
25 this back there. This picture is the closest of the

1 six photos to the person I remember. That's what
2 Mr. Pate said.

3 Keep in mind once again, credibility and biases.
4 He's got no friends to reward, no enemies to punish.
5 He didn't know this guy. He heard of Mr. Pegram, he
6 hardly knew him. He's got no reason to lie to the
7 police. But then, four years later, upon
8 questioning, not from me, I introduced this picture.
9 Mr. Jordan's lawyer asked him, Do you see the man
10 that was on those steps in the courtroom? Mr. Jordan
11 did not -- Mr. Pate did not hesitate. Right there in
12 the blue shirt. And his lawyer asked him questions,
13 like, well you said looks closest like that four
14 years ago.

15 And Mr. Pate said, yeah, it's been four years, I
16 had plenty of time to think about this and he's put
17 on a lot of weight since then. But that's him.

18 Ladies and gentlemen, is there any doubt that
19 this is the man that was sitting on those steps that
20 left those credit cards there with that woman?

21 Then we're going to talk about The Defendant's
22 actions and his statements to law enforcement
23 themselves. You saw the body cam video when The
24 Defendant was meeting with Officer Shelton and
25 Officer Lane. He said he had been living down on

1 Pete Hollis Boulevard. He told them he was living --
2 he kind of pointed way down Rutherford Road, I live
3 down by Pete Hollis Boulevard. We know where that
4 bridge is. We know how far that is from this. But,
5 ladies and gentlemen, we found out later, this is
6 where he was living the last two or three nights
7 before that. Not way down Pete Hollis Boulevard like
8 he told law enforcement on that body cam. He was
9 living less than two blocks from where they
10 interviewed him. That was a lie.

11 They asked him a simple question, what is your
12 name and date of birth? His response was a lie. And
13 this is not made up. You saw the video. He lied to
14 them about what his name and date of birth was. And
15 they asked him, why did you lie?

16 And he said, I thought I had warrants.

17 And subsequently, they said on the video, he had
18 no warrants. That was a lie. That was not why he
19 lied. You know why he lied? Because he had just
20 killed somebody less than 48 hours before that.
21 That's why he lied. That's why he gave them a false
22 name. That's why he said he lived way down on Pete
23 Hollis Boulevard, because he wanted to distance
24 himself from the crime scene. And that's why he lied
25 to them about why he gave them a false name. Then

1 they arrested him for false information to the police
2 and the knife was in his pocket.

3 And I'm kind of jumping ahead, but ladies and
4 gentlemen, is there any doubt that this is the murder
5 weapon? DNA analysis puts the victim's blood in
6 three separate spots on this knife. What are the
7 odds that the victim's blood is going to be on a
8 knife that happens to be in his pocket? And his
9 initials, VJ, Vernon Jordan. He then told the
10 officers, you can watch the video if you don't
11 remember this, the court can replay, oh, I found --
12 this is before they even said anything about the
13 knife. When he first got it out of his pocket he
14 said, Oh, I found that about two days ago. This is
15 the night after the victim's body is found. Which
16 means that if he had one or two days ago, even if
17 that's true, if he just found it two days ago, it was
18 in his pocket one day ago when the victim was killed.

19 My mom use to tell me the problem with lying is
20 you got to remember the lie. The truth is always the
21 truth, you can tell it over and over because it is
22 truth. But he wasn't thinking. I found it, just a
23 instance response, Oh, I found that knife about two
24 days ago. Well, two days puts him 24 hours before
25 the victim is killed. Which means that puts that

1 knife in his pocket at the time the victim was
2 killed. He should have said, I found it about three
3 or four hours ago. But he wasn't thinking. He
4 couldn't remember the lie.

5 Then there's Roman Cox. I think it's fair to
6 say, he had fallen on a tough patch and he's still
7 probably going through a tough patch. He said, and I
8 did the same thing with him, he was less than 20 feet
9 away and he watched that man stab the victim about 10
10 times. And he said about 10 times. And that's
11 important why? Because counsel in cross-examination
12 of Mr. Cox tried to say well you heard things and you
13 saw him getting arrested a couple of nights later and
14 you heard rumors about -- what rumor would there be
15 that the victim was stabbed 10 times? Which is the
16 exact number that the medical examiner said was in
17 his autopsy. What are the odds that he came up with
18 that exact same number? Unless he was actually
19 looking at it when it happened.

20 Then we go to the credibility of Mr. Cox.
21 Counsel cross-examined him but not one word came out
22 of his mouth and not one question from counsel
23 offered y'all any reason as to why this man would lie
24 and come here, tell the police first four years ago,
25 and then come here under oath to tell a lie about

1 somebody killing somebody. You don't just make that
2 up. And you saw him. Maybe he's [indiscernible].
3 You know the type that wants to be -- I want to have
4 the skinny on everything, I'm the one that tells, I'm
5 the one that saw. Well, ladies and gentlemen, you
6 know that's not true. Because the first question out
7 of Mr. Jordan's counsel's mouth, not mine, was when
8 he stood here he said, Mr. Cox, you don't want to be
9 here today do you? In fact, the police had to get
10 you here.

11 And Mr. Cox said, Yes, sir.

12 Because he don't want to be here. In fact, he
13 was not even honest with Investigator Lusk at the
14 outset because he's a homeless man who is not really
15 comfortable with law enforcement and being at the law
16 enforcement center. He didn't want to do this. This
17 was not his cup of tea. But he did the right thing
18 and he told the truth and not one piece of
19 information, even under cross-examination, came out
20 that would indicate to you why he would have a reason
21 to lie. He didn't say there was no evidence that
22 Mr. Jordan owed him money. That he and Mr. Jordan
23 had previous difficulties. That Mr. Jordan was
24 trying to date his sister or something. None of
25 that.

1 When you consider credibility, you got to
2 consider what's the motive? There's no motive
3 because he was telling the truth. And, of course,
4 his testimony is not going to be exactly the same
5 four years later than it was four years ago. But he
6 says I saw that man stab this man 10 times. And when
7 I tried to intervene, he cussed at me and threatened
8 me so I walked off. And he left him on his knees, on
9 the ground as he walked away.

10 Finally, ladies and gentlemen, let's talk about
11 the DNA. I'm going to go straight to it. Ms. Appel
12 and Mr. Nafzinger testified, they were simply doing
13 their jobs. They don't know any of these people.
14 They've got no friends to reward, no enemies to
15 punish. They've got no reason to lie on this man.
16 They've got no reason to try to help the deceased
17 find the killer. But they told you, Mr. Nafzinger
18 told you how he collected DNA. That they had a known
19 sample from The Defendant and they had a known sample
20 from the victim as a result of the autopsy. That
21 they tested five spots on this item. And to show
22 that this was not a -- some rush to judgment, they
23 testified two of the spots were inconclusive. And
24 they couldn't tell you anything. They were not able
25 to determine anything. They admitted that. But the

1 other three had the DNA -- of the three blood spots,
2 had the DNA of the victim and The Defendant on it.
3 What are the odds? What are the odds?

4 They said, Ms. Appel said, the odds are, I think
5 she said what is it about seven billion on the
6 planet, excluding an identical twin, it's more than
7 seven billion to one that this DNA belongs to
8 somebody other than that Defendant and the victim.
9 In his pocket. A weapon consistent with what the
10 medical examiner said killed this person.

11 And finally, with regard to DNA you have to
12 consider what's not there. This is something, it
13 occurred to me long after I got involved in this
14 case, if The Defendant's DNA and there's no blood DNA
15 on The Defendant, I would assume -- I like to refer
16 to his as touch DNA or, basically, skin DNA but it's
17 his DNA, they said that. If his DNA is on here and
18 he didn't get cut or anything and the victim's blood
19 DNA is on here where he got stabbed, if The
20 Defendant's DNA on here because he handled the knife,
21 then what's missing? If he didn't do it.

22 If I did it, shouldn't my DNA be on here too?
23 Shouldn't there be a third unknown party DNA if he
24 didn't do it? Shouldn't I, when I handle this knife,
25 if I had killed this victim and The Defendant just

1 found the knife or something later, shouldn't my DNA
2 be on here too? Since his DNA is on it and all he
3 did was handle it he says. And he found it. His DNA
4 is on it. Then the person who, actually, committed
5 the murder, his DNA should be -- there should be a
6 third unknown person. And they didn't tell you about
7 any unknown person. There were only two people.
8 This man and that man's. If he ain't the killer,
9 where's the killer's DNA? It ain't there. Because
10 he's the killer.

11 Ladies and gentlemen, seven billion to one, eye
12 witness testimony. Found next to where The Defendant
13 was standing, more two to three blocks from where the
14 incident occurred, the victim's identification. The
15 Defendant is present around the crime scene at the
16 time this happened. If The Defendant is not the
17 killer, he is the most unlucky son of a gun on the
18 face of this planet. For all those things to come
19 together to point to him. If he didn't do this.
20 He's the most unlucky man that ever lived. But he's
21 not. He killed this man. George Pegram died at the
22 hands of this Defendant, he killed him, stabbed him
23 10 times with malice and the evidence is
24 overwhelming. Thank you.

25 THE COURT: Mr. Sarratt.

CLOSING STATEMENT

1
2 MR. SARRATT: Ladies and gentlemen, I want to
3 start with about the only part of this trial that we
4 agree on. That is the stipulation that was read by
5 the assistant solicitor from the medical examiner.
6 Now, you remember what we all agree on, uncontested
7 facts, is that the victim was stabbed 10 times. And
8 most importantly, that one of those stab wounds
9 penetrated into the chest and pierced the heart.
10 Now, when you pierce a heart with a knife, with a
11 blade that big, that is going to produce a tremendous
12 amount of blood. And you don't have to -- you don't
13 have to just guess because we heard from Jonathan
14 Mahaffey. You remember, Jonathan Mahaffey was the
15 man who use to be EMS, now he's moved up, he's a
16 deputy coroner. He's the one that testified that he
17 was one of the first ones on the scene after the body
18 was found. And I asked him and he said, yes, the
19 victim's shirt was soaked through with blood. Soaked
20 through with blood. Because he had been stabbed in
21 the heart.

22 Now, as we heard a lot, everybody in this case
23 that's not a police officer, is homeless. My client
24 was homeless. Everything he owns, all of his
25 possession, all of his clothes, everything, was

1 either in his tent or on his moped. And I asked
2 Investigator Lusk, I said, now y'all went all through
3 the tent, you went all through the moped and you
4 tested everything. And there was no blood on any of
5 The Defendant's clothes. There was no blood on
6 anything on that moped or on anything taken out of
7 it.

8 Now, The State made reference to, well he
9 changed his clothes. He didn't change his clothes.
10 When you look at the still images from QT, he's
11 wearing this yellow Perri, XL jacket. Now, when you
12 look at State's Exhibit No. 30, you can see once
13 again, he's wearing this yellow jacket and he's got a
14 blue stripped shirt underneath and sort of on top of
15 that, under the jacket, a blue sort of jacket with
16 white stars on it. He just took off the jacket.
17 Here he is wearing that same stripped shirt, the same
18 overshirt with the white stars. They tested this
19 yellow jacket that The State wants you to think that
20 he cast off because it was incriminating, he changed
21 his clothes. That's why they tested it.

22 They tested that jacket. You heard Tim
23 Nafzinger, 21 different locations on this jacket.
24 And not one drop of the victim's blood. How on earth
25 is he supposed to be rolling on the ground, fighting

1 with the victim, stabbing him in the heart and not
2 get one drop of blood on him? It's just not
3 possible. It's physically not possible.

4 Now, we're talking about blood and what was and
5 was not on The Defendant. And yes, the victim's
6 blood was found on the knife that was in my client's
7 possession. That's the biggest obstacle I've got in
8 this case, I understand. But just because the
9 blood's on the knife, does not put the knife in my
10 client's pocket, as they said, on the night of the
11 murder. Again, he's homeless. He doesn't have -- he
12 doesn't live in a house like we do where we can lock
13 our doors. He just has to put all his things in a
14 tent or in the little box on the back of his moped
15 where he can keep some of his other belongings.
16 Homeless people are all around in this area, all
17 around that QT, going back and forth. Anybody could
18 have gone into that tent or gone into that moped,
19 gotten The Defendant's knife, which has his initials
20 carved into it, use it to commit the murder, wash it
21 off, clean the blade, gotten rid of their DNA and put
22 it back in The Defendant's tent or moped. They
23 haven't proved that he used the knife for killing.
24 They proved that the knife was used. But they can't
25 tell you who.

1 Now, I want to make one point about that as
2 well. When Vernon Jordan was arrested, when he gave
3 a false name because he thought he had warrants out
4 on him, what does he say when he gets arrested? Now,
5 they got the knife. And he's the murderer and he
6 used that knife to commit a murder and they've now
7 got it, he would be freaking out. He would be
8 panicked. But what does he say? Again, go back and
9 watch the video. When he's under arrest he says,
10 what about all the stuff in my tent and on my moped?
11 That's the last stuff I have that hasn't been stolen
12 from me. Those are the words of a innocent man.
13 That's not the words of a killer who's just been
14 caught redhanded. He's worried about people stealing
15 his stuff because he didn't do this. He had no idea
16 that that knife had been used in a murder.

17 Now, they mentioned Charlie Pate. And Charlie
18 Pate did get on the stand and point to my client.
19 But what y'all didn't see and I tried to point it
20 out. I'm not sure if y'all caught the significance
21 of it. Do you remember The Judge telling you that
22 when y'all are outside, when y'all are back in the
23 deliberation room, you're not just sitting back there
24 for no reason, it's because we're working on stuff,
25 we're having other arguments and things outside of

1 y'all's presence. So that's one thing we did
2 yesterday. We had a hearing and I'm not going to go
3 into details of what the hearing was because that's
4 not important for y'all, but we did have a hearing
5 where Charlie Pate testified--

6 MR. WESTON: Objection, Your Honor.

7 THE COURT: Yes, this not in evidence in the
8 case.

9 MR. SARRATT: Well, I'll move on beyond that.

10 I just want to point out that he gave sworn
11 testimony where he was asked--

12 MR. WESTON: Objection, Your Honor.

13 THE COURT: That is not before the jury. Move
14 on from that.

15 MR. SARRATT: He changed his answer. All right.

16 Now, Roman Cox, Roman Cox did not want to
17 testify. Roman Cox didn't want to testify because
18 he's hiding something. He's either lying to protect
19 himself or lying to protect one of his friends.
20 That's why he didn't want to be here. That's why the
21 police had to go pick him up and force him to come
22 testify. Now, he's already lied before.
23 Investigator Lusk told you that the first story that
24 Roman told was that the only thing that he knows
25 about this, there was some bald guy on a moped

1 yelling at some people at the QT. And he doesn't
2 know anything else. He's covering.

3 They start to dig a little deeper, they weren't
4 satisfied with that. So they bring Roman down to the
5 law enforcement center for an interrogation. And
6 he's in the hot seat. He's got something to hide.
7 And Investigator Lusk told you that he believed that
8 Roman was withholding information. That he knew a
9 lot more about this than he was letting on. He knew
10 a lot more than just that somebody was riding on a
11 moped. But Roman didn't want to say anything. He
12 didn't want to talk. Until Investigator Lusk told
13 him, Roman, you were at the wrong place at the wrong
14 time, you're not a suspect. And the light went off
15 and Roman said, I'm not a suspect, oh, they're
16 looking for somebody else. Once he knows that
17 they're not looking for him, he just starts coming up
18 with this whole new story. Pointing the finger at my
19 client. Saying that he saw everything.

20 Roman Cox is a liar. And you cannot believe his
21 testimony. He talks about there being some woman
22 back in the woods. Investigator Lusk never mentioned
23 that in his testimony. There's now, supposedly, a
24 second eye witness but nobody goes to look for her.
25 She's not the focus of any investigation. There was

1 no woman back there, it was a lie. Now, here's how
2 you know that Roman lied. Roman says that he saw my
3 client stabbing the victim 10 times. And that Roman
4 tried to get into the middle of it, tried to help.
5 Wanted to save this person. And my client turned to
6 him, cussed at him, threatened him, with a knife,
7 scared him half to death, so Roman ran away.

8 But what did Roman do? He doesn't go to the QT
9 and say, hey guys, there's somebody murdering
10 somebody 50 yards away. He doesn't get a phone and
11 call 911 and say, hey, there's just been a murder.
12 Again, according to Roman's story, there's some woman
13 back in the woods too, how does he know she's not
14 next? He does nothing to try to help in any way.
15 And even more than that, after Roman says that he's
16 been threatened by my client with a knife, after he
17 watched him commit a murder, where is he? Not 48
18 hours later.

19 Do you remember Officer Shelton? The older
20 police officer with the glasses. Testified that he
21 was going out to canvas the homeless community to
22 find out what he could. Anything they could. About
23 who might have been involved. And he comes up in the
24 field beside Tommy's Ham House, down to that Arby's,
25 use to be just a empty field where he said homeless

1 people congregate. Who does he see standing together
2 in that field? Vernon Jordan and Roman Cox. On what
3 planet do you watch a man, who is much bigger than
4 you, commit a murder, threaten you with a knife and
5 then you're just hanging out the next day. No way.
6 Roman Cox is a lair. You can't believe a word of his
7 testimony. Doesn't make any sense.

8 At the beginning of this trial, the solicitor
9 told you that this is like a puzzle. And there's
10 going to get all the pieces, they're going to put
11 them together and it's going to show you the bigger
12 picture when they're done. This puzzle, has missing
13 pieces. Who was this woman, who was supposed to be
14 back in the woods, that nobody ever talked about.
15 And it has pieces that don't fit together. Why is
16 Roman Cox hanging out with my client if he's supposed
17 to be this vicious, brutal killer? These pieces do
18 not fit together.

19 And I'll say this. One of the biggest missing
20 pieces is motive. There's been no testimony as to
21 why my client would have killed this man. Like the
22 solicitor said, they don't know each other. They
23 don't have any beef. He doesn't owe him any money.
24 What kind of bigger picture, that puts everything
25 together, leaves you guessing as to why in the world

1 this crime would have been committed?

2 Now, you're also going to get the charge, when
3 The Judge charges you on the law, and one of the
4 things he's going to charge you on is what's called a
5 lesser included offense. A charge that's not murder
6 but it's just below that. That's called voluntary
7 manslaughter. Now, he's going to give you the
8 definition of it but it's, basically, if you're
9 provoked and you're sent into a rage and you commit a
10 killing while in that rage, that's voluntary
11 manslaughter, that's not murder, that's not malice.

12 Now, I don't believe -- you should not believe
13 anything that Roman says. But again, The State said
14 they were going to show you this picture with all the
15 puzzle pieces perfectly into place. If you believe
16 every word from every witness that has testified for
17 The State, which you shouldn't, but even if you did,
18 at best, they put together a picture, a picture of
19 voluntary manslaughter. They haven't proven
20 anything. It just doesn't add up. And if the puzzle
21 pieces don't add up to the picture they said that
22 they would show you, that is reasonable doubt.
23 That's reasonable doubt. Ladies and gentlemen,
24 you've seen all the evidence. It does not paint the
25 picture The State said it would. Find my client not

1 guilty.

2 JURY CHARGE

3 THE COURT: All right, ladies and gentlemen of
4 the jury, during this trial you and I have certain
5 duties to perform. As the trial judge, it is my
6 responsibility to preside over the trial of the case
7 and to rule on the admissibility of the evidence
8 offered during the trial. It is also my duty to
9 charge you the law applicable to the case and it is
10 your duty, as jurors, to accept and apply the law as
11 I now state it to you. If you think you have any
12 idea as to what the law is or what the law ought to
13 be and it disagrees with what I now tell you the law
14 is, you've sworn an oath to set aside your own
15 opinion and apply the law precisely as I state it to
16 you.

17 I also remind you in every case tried in this
18 court before a jury, the jury is the sole and
19 exclusive judges of the facts. And a trial judge
20 cannot comment on or make any statement about the
21 facts in a case. So please don't think by anything I
22 may have said or done throughout the course of the
23 trial, I have such an opinion. You all are the sole
24 judges of the facts. I also remind you that the fact
25 that The Defendant was arrested, charged and indicted

1 in this case is not evidence of guilt. Nor does it
2 create any presumption or inference of guilt. These
3 documents are simply the formal written instruments
4 which contain the charges made against The Defendant
5 and they serve as the formal documents by which the
6 case is processed and brought into court for
7 resolution.

8 The indictment in this case has two separate
9 counts and they allege different offenses against The
10 Defendant. Count one is murder, count two is
11 possession of a weapon during the commission of a
12 violent crime. Each count carries a separate and
13 distinct offense. And you must decide each count
14 separately on the evidence and the law applicable to
15 it, uninfluenced by your decision as to any other
16 indictment. The Defendant may be convicted or
17 acquitted on all of the offenses charged and you will
18 be asked to write a separate verdict of guilty or not
19 guilty for each indictment.

20 Now, necessarily, you all must determine the
21 credibility or believability of the witnesses who
22 have testified in the case. It becomes your duty, as
23 jurors, to evaluate the evidence and determine which
24 evidence convinces you it is true. And in
25 determining the believability of the witnesses, you

1 may believe one witness over several or several over
2 one. You may believe a part of the testimony of a
3 witness and reject the remaining part. You may
4 believe the testimony of a witness in its entirety or
5 reject that testimony in its entirety. And you may
6 consider whether the witness has a interest in the
7 result of the trial, whether the witness is
8 prejudiced towards either The State or The Defendant,
9 the opportunity for the witness to have seen the
10 matters and things about which the witness has
11 testified and the way the witness acts on the witness
12 stand or what we call a witness' demeanor.

13 The rules of evidence ordinarily do not permit a
14 witness to testify to opinions or conclusions. An
15 example of this rule exists for witnesses we call
16 experts. So a witness, who by education and
17 experience has become expert in some art, science or
18 profession may give an opinion as to subject the
19 witness has been qualified as an expert in. And may
20 also give the reasons for that opinion. And you
21 should consider any expert opinion given by a
22 witness, and like all the other evidence in the case,
23 give it the weight that you think it deserves.

24 Now, I instruct you and I emphasize, that the
25 fact that The Defendant did not testify is not a

1 factor to be considered by you in any way in your
2 deliberations on the question of guilt or innocence
3 of The Defendant. It must not be considered by you
4 in any manner whatsoever. A defendant has the
5 constitutional right to remain silent and the
6 assertion of this right must not be considered by you
7 in your deliberations.

8 The Defendant has pled not guilty to the
9 indictment. And that plea puts the burden on The
10 State to prove The Defendant guilty. A person
11 charged with committing a criminal offense in South
12 Carolina is never required to prove themselves
13 innocent. So I charge you that it is a cardinal and
14 signal rule of the law that a defendant in a criminal
15 trial will always be presumed to be innocent of the
16 crime for which an indictment has been issued, unless
17 guilt has been proven by evidence, satisfying you,
18 the jury, of guilt beyond a reasonable doubt.

19 Now, reasonable doubt is the kind of doubt which
20 would cause a reasonable person to hesitate to act.
21 And reasonable doubt may arise from the evidence
22 which is in the case or from the lack or absence of
23 evidence in the case. And you, the jury, must
24 determine whether or not reasonable doubt exists as
25 to the guilt of this Defendant.

1 There are two types of evidence which are,
2 generally, presented during a trial. Direct evidence
3 and circumstantial evidence. Direct evidence
4 directly proves the existence of a fact and does not
5 require deduction. Circumstantial evidence is proof
6 of a chain of facts and circumstances indicating the
7 existence of a fact. Crimes may be proven by
8 circumstantial evidence. The law makes no
9 distinction between the weight or value to be given
10 to either direct or circumstantial evidence.
11 However, to the extent The State relies on
12 circumstantial evidence, the circumstances must be
13 consistent with each other and when taken together,
14 point exclusively to the guilt of the accused beyond
15 a reasonable doubt. If these circumstances merely
16 portray The defendant's behavior has suspicious, the
17 proof has failed.

18 The State has the burden of proving The
19 Defendant guilty beyond a reasonable doubt. And the
20 burden rests with The State, regardless of whether
21 The State relies on direct evidence, circumstantial
22 evidence or some combination of the two. Now, issue
23 in this case is the identification of The Defendant
24 as the person who committed the crime charged. The
25 State has the burden of proving identity beyond a

1 reasonable doubt. And you must be satisfied beyond a
2 reasonable doubt of the accuracy of the
3 identification of The Defendant before you may
4 convict him. Identification testimony is an
5 expression of belief or impression by a witness. You
6 must determine the accuracy of the identification of
7 The Defendant. You must consider the believability
8 of each identification witness in the same way as any
9 other witness.

10 And you my consider whether the witness had an
11 adequate opportunity to observe the offender at the
12 time of the offense. This will be affected by things
13 like how long or short a time was available. How far
14 or close the witness was. The lighting conditions
15 and whether the witness had the chance to see or know
16 the person in the past. Once again, I instruct you
17 the burden of proof on The State extends to every
18 element of the crime or crimes charged and this,
19 specifically, includes the burden of proving beyond a
20 reasonable doubt the identity of The Defendant as the
21 person who committed the crime.

22 The Defendant is charged with murder. The State
23 must prove beyond a reasonable doubt that The
24 Defendant killed another person with malice
25 aforethought. Malice is hatred, ill will, or

1 hostility towards another person. It is the
2 intentional doing of a wrongful act without just
3 cause or excuse and with an intent to inflict an
4 injury or under circumstances that the law will infer
5 an evil intent. Malice aforethought does not require
6 that malice exists for any particular length of time
7 before the act is committed. But malice must exist
8 in the mind of The Defendant just before and at the
9 time the act is committed. Therefore, there must be
10 a combination of the previous evil intent and the
11 act.

12 And malice aforethought may be expressed or
13 inferred. These terms expressed and inferred do not
14 mean different kinds of malice but merely the manner
15 in which malice may be shown to exist. That is
16 either by direct evidence or by inference from the
17 facts and circumstances which are proved. Expressed
18 malice is shown when a person speaks words which
19 express hatred or ill will for another; or when the
20 person prepared beforehand to do the act, which was
21 later accomplished. Malice may be inferred from
22 conduct showing a total disregard for human life. If
23 facts are proved beyond a reasonable doubt,
24 sufficient to raise a inference of malice to your
25 satisfaction, this inference would be simply an

1 evidentiary fact to be considered by you, along with
2 the other evidence in the case. And you may give it
3 the weight you decide it should receive.

4 Now, if you find that The State has failed to
5 prove beyond a reasonable doubt that The Defendant
6 committed murder, you should consider whether The
7 State has proven beyond a reasonable doubt that The
8 Defendant committed voluntary manslaughter. Included
9 within the offense of murder is the lesser offense of
10 voluntary manslaughter. To prove voluntary
11 manslaughter, The State must prove beyond a
12 reasonable doubt that The Defendant took the life of
13 another in the sudden heat and passion, based on
14 sufficient legal provocation. Both heat of passion
15 and sufficient legal provocation must be present at
16 the time of the killing to constitute voluntary
17 manslaughter.

18 Sudden heat of passion may, for a time, affect a
19 persons self-control and temporarily disturb a
20 person's reason. The sudden heat of passion must be
21 of the type that would make an ordinary person unable
22 to coolly reflect on his actions and produce an
23 uncontrollable impulse to do violence. Sufficient
24 legal provocation must be the type that would make a
25 person of ordinary reason and caution, to become

1 enraged and to lose control temporarily. The
2 provocation needed for voluntary manslaughter must
3 come from some act of or related to the victim. And
4 you may consider the nature of the provocation, if
5 any, The Defendant's mental and physical state and
6 the circumstances of the relationships between the
7 parties.

8 The Defendant is also charged with possession of
9 a weapon during the commission of or attempt to
10 commit a violent crime. The State must prove beyond
11 a reasonable doubt that The Defendant was in
12 possession of or visibly displayed a knife during the
13 commission of a violent crime. And a knife means an
14 instrument or tool with a sharp cutting blade,
15 whether or not fastened to a handle, which can be
16 used to inflict a cut, slash or wound. And in order
17 to find The Defendant guilty of possession of a
18 weapon during the commission of a violent crime, you
19 must first find The Defendant guilty of either
20 committing a violent crime or attempting to commit a
21 violent crime. And under our law in South Carolina,
22 both or either murder or voluntary manslaughter are
23 violent crimes.

24 Now, we prepared a verdict form which we will
25 send back into the jury room with you. And with

1 respect -- it's a little -- because of the lesser
2 include offense is involved, they're two possible
3 verdicts which you can reach with respect to the --
4 I'm not quite sure that's accurate. The first thing
5 you must consider is murder. If you find The
6 Defendant guilty of murder, you would then move on to
7 the second count of the indictment, which is
8 possession of a weapon during the commission of a
9 violent crime. If you find The Defendant not guilty
10 of murder, that The State has not met its burden of
11 proof, then you must consider whether or not The
12 State has proven voluntary manslaughter. If you find
13 that The Defendant is not guilty of both murder and
14 voluntary manslaughter, your deliberations would end.
15 If you find The Defendant guilty of murder, you would
16 then move to the possession of a weapon during the
17 commission of a violent crime. Or if you find The
18 Defendant not guilty of murder but guilty of
19 voluntary manslaughter, again, you would move to
20 consider whether he is guilty of possession of a
21 weapon during the commission of a violent crime.

22 So I hope that's clear. If you need a little
23 more explanation, I will do the best I can to clear
24 it up, okay. But if you find The Defendant not
25 guilty of murder, not guilty of voluntary

1 manslaughter, then you can end your deliberations,
2 okay. I hope that's clear to you.

3 Now, I will tell you that your verdict must be
4 unanimous. All 12 of you must agree on each decision
5 that you make. And it cannot be based, your verdict
6 cannot be based on sympathy, passion, prejudice,
7 emotion or any other consideration which is not in
8 the evidence in the case. You all have no friends to
9 reward, no enemies to punish.

10 Now, Mr. Foreperson, when the jury has
11 reached a unanimous decision on these issues, if you'll
12 mark it on the verdict form and sign it and let the
13 bailiffs know, we will receive you back into the courtroom
14 to take your verdict.

15 At this time, I'm going to excuse you back
16 to your jury room with the exception of Ms. Houston and
17 Mr. Cox. And ask you not to begin your deliberations just
18 yet, I have to go over this jury charge with the attorneys
19 to make sure I have not misstated something or omitted
20 something. When the verdict from comes to you, with the
21 evidence, then you may begin your deliberations, okay.
22 Thank you.

23 (WHEREUPON, the jury left open court at
24 approximately 11:00 a.m.)

25 THE COURT: Ms. Houston, Mr.~Cox, this is always

1 hard for me. I've asked you to come up here, you
2 paid just as close attention, you're just as
3 qualified as those 12 who left. And I wish I could
4 let you go back there and be part of the decision,
5 the law only allows 12. We knew this case would take
6 longer than one day and it's unfortunate but
7 sometimes it occurs that someone takes ill or for
8 some reason can't be here so being an alternate is
9 just as important. But it's kind of like always a
10 bridesmaid but never the bride, sorry to use that,
11 that sort of thing. So anyway, I appreciate your
12 service. Y'all are free to stay, go, whatever you'd
13 like. And you are done for the week. So I thank you
14 deeply for your service. Okay.

15 Any exception or objection to the charge from
16 The State?

17 MR. WESTON: No, sir, Your Honor.

18 THE COURT: From The Defense?

19 MR. SARRATT: No, Your Honor.

20 THE COURT: Okay. All right, we're going to get
21 the verdict form, we'll bring it out to make sure
22 you're good with it and then send it to them and let
23 them get going.

24 MR. SARRATT: I'd like to renew all previous
25 motions made on the record.

1 THE COURT: Okay. I will renew all previous
2 rulings.

3 MR. SARRATT: Very well.

4 THE COURT: All right. Okay, come look.

5 MR. WESTON: Looks fine, Your Honor.

6 THE COURT: Okay. All right. Y'all -- let's
7 get the evidence together, make sure you got all the
8 evidence, we'll send it back to them.

9 (WHEREUPON, deliberations began at approximately
10 11:05 a.m.)

11 (WHEREUPON, court was in recess awaiting a
12 verdict.)

13 THE COURT: All right, got two questions. Want
14 to wait for him? All right, two questions.

15 One, we'd like to watch the video.

16 So we'll try and get that set up for them. Get
17 my law clerk to set it up or Sandy set it up in the
18 next courtroom.

19 Two, can we get a copy of the jury instructions?

20 That's what's taking so long. I was preparing a
21 copy. So, my law clerk has gone upstairs to run a
22 copy -- or six copies. As soon as he gets here,
23 we'll show it to you, then we'll send it to them.
24 Okay, any objection? Anything?

25 MR. SARRATT: No objection.

1 MR. WESTON: No objection, Your Honor.

2 THE COURT: Okay, y'all just relax.

3 (WHEREUPON, Court's Exhibit No. 4 was marked for
4 identification only.)

5 THE COURT: They want to listen to Roman Cox's
6 testimony. So --

7 Do you know where Jay is?

8 He's got the copies?

9 THE BAILIFF: Yes, sir.

10 THE COURT: Tell him to come on in. We'll --
11 April, can you cue that up?

12 THE COURT REPORTER: Yes, sir.

13 THE COURT: Let them examine a copy of what
14 we're going to give to the jury.

15 MR. WESTON: Your Honor, the state has no
16 objection to the charge.

17 MR. SARRATT: None from The Defense.

18 THE COURT: All right, give them back, going to
19 give them to the jury.

20 (WHEREUPON, the jury came into open court at
21 approximately 12:26 p.m.)

22 THE COURT: Why don't you let her sit in that
23 higher chair?

24 THE BAILIFF: Right here?

25 THE COURT: Yeah.

1 THE BAILIFF: Yeah, we can do that.

2 THE COURT: Okay. I'm sorry, I didn't think of
3 that earlier.

4 All right, received your three requests. We
5 have -- part of the reason it's taken so long is I
6 had to organize the charge and we've got six copies
7 we'll send back to you. When you return. We're
8 going to set up the -- in courtroom three, where
9 you're deliberating, the laptop so y'all can view the
10 DVD's. And right now we're going to play the
11 testimony, we don't have a transcript at this time,
12 the testimony of Mr. Roman Cox. Okay.

13 (WHEREUPON, the testimony of Mr. Cox was
14 played.)

15 THE COURT: I'm sorry.

16 MR. WESTON: Your Honor, may we approach?

17 THE COURT: All right.

18 (WHEREUPON, an off-the-record bench conference
19 was held in the presence of the jury but out of
20 the hearing of the jury.)

21 THE COURT: All right, a little technical
22 difficulty.

23 (WHEREUPON, Roman Cox's testimony was continued
24 to be played.)

25 (WHEREUPON, Court's Exhibit No. 5 was marked for

1 identification only.)

2 THE COURT: All right ladies and gentlemen,
3 please retire to your jury room and. . .

4 (WHEREUPON, the jury left open court and
5 continued deliberations at approximately
6 12:50 p.m.)

7 THE COURT: All right, just be at ease, they're
8 going to go set up the DVD.

9 MR. WESTON: Your Honor, we're not going to be
10 in there when they watch the DVD, are we? In the
11 jury room or I guess courtroom three? I'm not sure
12 how your--

13 THE COURT: No, we're not going to be in there.

14 MR. WESTON: All right. I just want to be sure,
15 you said be at ease, I wanted to make sure we could
16 leave.

17 THE COURT: Mr. Weston, you're always at ease.

18 (WHEREUPON, court was in recess awaiting a
19 verdict.)

20 (WHEREUPON, Court's Exhibit No. 6 was marked for
21 identification only.)

22 THE COURT: Okay, understand we have a verdict.

23 (WHEREUPON, the jury came into open court at
24 approximately 2:44 p.m.)

25 VERDICT

1 THE COURT: All right, Mr. Foreman, I understand
2 you've reached a verdict?

3 MR. FOREMAN: Yes, sir.

4 THE COURT: All right, would you hand it to the
5 bailiff for me, please.

6 MR. FOREMAN: Sure thing.

7 THE COURT: All right, publish the verdict,
8 please.

9 THE CLERK: In the case of The State of South
10 Carolina vs. Vernon Evans Jordan, case No.
11 2018-GS-23-6035, as to the charge of murder, we, the
12 jury, find The Defendant not guilty. As to the
13 charge of voluntary manslaughter, we, the jury, find
14 The Defendant guilty. As to the charge of possession
15 of a weapon during the commission of a violent crime,
16 we, the jury, find The Defendant guilty.

17 I certify this decision was the unanimous
18 decision of the jury, signed by Blake Scott, jury
19 foreman.

20 Ladies and gentlemen, if this is the verdict
21 that you reached in your deliberation room, please
22 raise your right hand.

23 (WHEREUPON, all members of the jury raised their
24 right hand.)

25 THE CLERK: Thank you.

1 THE COURT: All right, anything further for the
2 jury from The State?

3 MR. WESTON: No, sir, Your Honor.

4 THE COURT: From The Defense?

5 MR. SARRATT: No, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, I
7 want to thank you all for your service. It's vital
8 and important. The case couldn't have been disposed
9 of in any other fashion. It's a heavy responsibility
10 that you've born. And I hope you all feel proud of
11 the work you've done. And I can't express deeply
12 enough how much we appreciate your service. I'm also
13 happy to tell you you're done for the week. And you
14 are free to go at this time. You can stay, go,
15 whatever you prefer to do.

16 We would ask, Mr. Scott, we do need your
17 signature on one other document before you go.

18 Ladies and gentlemen, thank you so much.

19 (WHEREUPON, the jury left open court and was
20 excused for the week at approximately 2:47 p.m.)

21 SENTENCING

22 THE COURT: Got the amended sentencing sheet to
23 reflect the convictions?

24 MR. WESTON: Yes, sir, Your Honor.

25 THE COURT: All right, ready?

1 MR. WESTON: Yes, sir, Your Honor.

2 THE COURT: Come on around.

3 Any motions to make?

4 MR. SARRATT: Renew all previous motions.

5 THE COURT: Okay. All right. That motion is
6 denied. Okay.

7 MR. SARRATT: Your Honor, also make a motion for
8 a new trial.

9 THE COURT: Okay, that's denied as well.

10 All right.

11 MR. WESTON: Your Honor, he's served 1376 days.

12 THE COURT: One--

13 MR. WESTON: Three seven six.

14 THE COURT: All right, anything else you want to
15 tell me?

16 MR. WESTON: I'm sorry, Your Honor?

17 THE COURT: Anything else you need to tell me?

18 MR. WESTON: No, sir, Your Honor. Well, Your
19 Honor, with regard to the victim information, the
20 Victims Rights Act was complied with in this case.
21 We have had contact with one of the victim's
22 relatives, I think in the State of Florida. And they
23 have been kept apprized of the developments in the
24 case, including the fact that the case was going to
25 trial. We will notify them of the verdict. They

1 indicated they did not wish to be present.

2 THE COURT: Okay, thank you. Does he have a
3 criminal history?

4 MR. WESTON: Yes, sir, Your Honor. 1990,
5 possession of aromatic hydrocarbons. 1994, assault
6 and battery with intent to kill. 1995, possession of
7 contraband. 2000, failure to stop for blue light.
8 2004, assault and battery high and aggravated nature.
9 2007, possession of drug paraphernalia. And 2017,
10 petit larceny and forgery. I'm sorry, 2012, forgery.
11 2017, petit larceny. And the two underlining charges
12 in this case he pled guilty to, Your Honor, that
13 being unlawful carrying of a weapon, the knife charge
14 and the false information to police.

15 THE COURT: Okay.

16 All right, what do you want to tell me?

17 MR. SARRATT: Thank you, Your Honor.

18 Jeff, now you correct me if I'm wrong about
19 this, but prior to trial there was no mention from
20 Roman Cox to Investigator Lusk about there being a
21 woman in the woods. That was sort of a new
22 development during trial. The offer that was made
23 before we got here was a straight up to voluntary.
24 My client was [indiscernible] negotiated 15, because
25 of his age, he's going to turn 53 in January, he

1 calculated that anything above 15 would have been a
2 life sentence. The best we got was a negotiated 25,
3 we never could bridge that gap. And that was just
4 out of concession of to avoid going to trial, that
5 was the offer that was made. Now that the testimony
6 has come out, that this was a provocation, you know,
7 and that he acted in the heat of passion, I would ask
8 you to consider given that those are the facts the
9 jury found, a sentence of 15 years.

10 He has been in jail a long time. He gained a
11 lot of weight, not sure how his health is holding up.
12 And the last thing I'll say, you know, at least, he
13 tells me that he's gotten real active in distributing
14 Bibles at the jail, that he's big into that and
15 trying to convert people. And, you know, he's found
16 some purpose. And I think he's turn the corner. He,
17 obviously, had a big meth addiction.

18 MR. JORDAN: I've read the Bible three times
19 now, gotten closer to God. Off of drugs. I'll never
20 do another drug as long as I live. Ever. I'm not
21 going to ever smoke a cigarette again. It might
22 strike something else in my mind to light. So no.
23 No more drugs for me, period.

24 MR. SARRATT: He tells me he's seen
25 methamphetamine at the detention center and stayed

1 away from it. He's never had any infractions, as far
2 as I'm aware of, for anything like that. So that's
3 all I can say.

4 THE COURT: Well, why didn't you plead guilty
5 before now?

6 MR. JORDAN: Your Honor, I didn't kill the man.
7 I really did not kill that man. There's no way I
8 could have stabbed him in the way that he was stabbed
9 up and not got blood on me. They have every item of
10 my clothing and tested everything they thought had
11 blood and nothing came up with any blood whatsoever.

12 THE COURT: All right.

13 Anything else from The State?

14 MR. WESTON: Your Honor, I would not disagree
15 with anything counsel said with regard to the plea
16 negotiations except with the issue of the woman being
17 new to everyone. If it's true, it, obviously, would
18 not be new to The Defendant, he would have known all
19 along. And secondarily, Your Honor, the 25 year
20 negotiated plea was based upon the fact, as counsel
21 said, that we not go to trial. So given that this on
22 the back end of a jury verdict of guilty, we ask that
23 he be given no credit for acceptance of
24 responsibility.

25 THE COURT: Okay.

1 Thirty years and five years, concurrent. Good
2 luck.

3 MR. WESTON: Thank you, Your Honor.

4 (WHEREUPON, the proceedings were concluded.)
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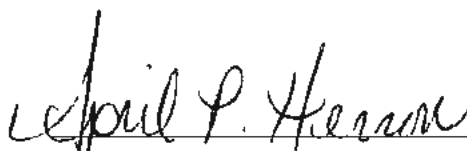
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

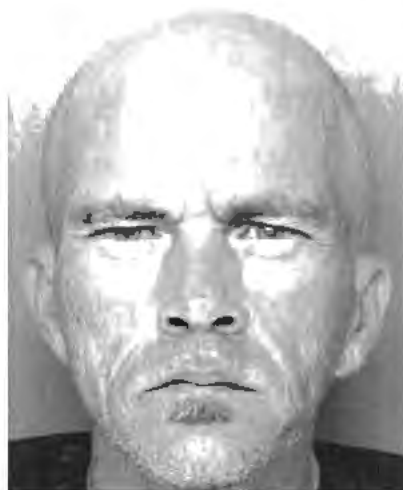
I, APRIL P. HERRON, Official Court Reporter for
the Thirteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
General Sessions for Greenville County, South Carolina, on
the 12-14 days of July, 2021.

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

September 28, 2021



APRIL P. HERRON, Court Reporter



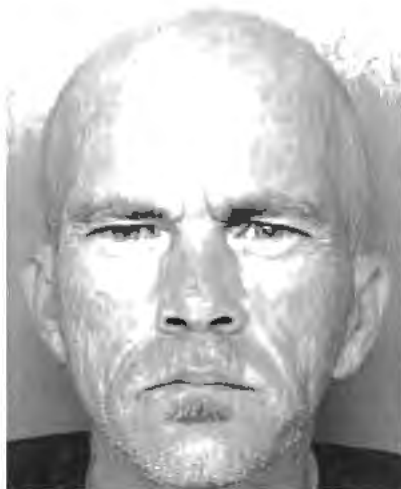
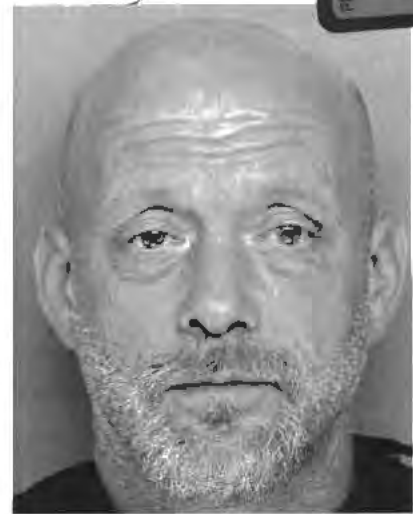
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This picture is the
closest of these 6
photos to the person
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DR
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STATE'S
EXHIBIT
36 (A)
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Printed: Sunday, October 8, 2017 11:57 AM

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PENGAD 800-45-1000	25	COURT'S
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	DKT. #	133
	DATE:	7-14-97

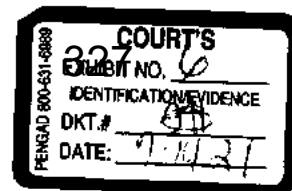
1) We'd like to watch
The video

2) Can we get a copy
of the jury instructions

326

Copy of Roman Cox's
Testimony

FBI/DOJ LABORATORY SERIAL 600-001-6000	COURT'S
	EXHIBIT NO. <u>5</u>
	IDENTIFICATION EVIDENCE
	DXT.# <u>13</u>
DATE: <u>7-19-31</u>	



DUTIES OF JURY AND JUDGE

LADIES AND GENTLEMEN OF THE JURY, DURING THIS TRIAL, YOU AND I HAVE CERTAIN DUTIES TO PERFORM. AS THE TRIAL JUDGE, IT IS MY RESPONSIBILITY TO PRESIDE OVER THE TRIAL OF THIS CASE AND TO RULE ON THE ADMISSIBILITY OF THE EVIDENCE OFFERED DURING THIS TRIAL.

IT IS ALSO MY DUTY TO CHARGE YOU THE LAW APPLICABLE TO THIS CASE. IT IS YOUR DUTY AS JURORS TO ACCEPT AND APPLY THE LAW AS I NOW STATE IT TO YOU. IF YOU THINK YOU HAVE ANY IDEA AS TO WHAT THE LAW IS OR WHAT THE LAW OUGHT TO BE AND IT DOES NOT AGREE WITH WHAT I TELL YOU THE LAW IS, YOU MUST FORGET THAT IDEA BECAUSE YOU ARE SWORN TO ACCEPT THE LAW AND APPLY THE LAW EXACTLY AS I STATE IT TO YOU.

IN EVERY CASE TRIED IN THIS COURT BEFORE A JURY, THE JURY IS THE SOLE AND EXCLUSIVE JUDGE OF THE FACTS. A TRIAL JUDGE CANNOT COMMENT ON OR MAKE ANY STATEMENT ABOUT THE FACTS IN A CASE.

MULTIPLE CHARGES

THE INDICTMENT IN THIS CASE ALLEGES TWO DIFFERENT OFFENSES AGAINST THE DEFENDANT. THE CHARGES ARE:

INDICTMENT NO. 1: MURDER

INDICTMENT NO. 2: POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME INDICTMENT

EACH COUNT CHARGES A SEPARATE AND DISTINCT OFFENSE. YOU MUST DECIDE EACH COUNT SEPARATELY ON THE EVIDENCE AND THE LAW APPLICABLE TO IT UNINFLUENCED BY YOUR DECISION AS TO ANY OTHER INDICTMENT. THE DEFENDANT MAY BE CONVICTED OR ACQUITTED ON ANY OR ALL OF THE OFFENSES CHARGED. YOU WILL BE ASKED TO WRITE A SEPARATE VERDICT OF GUILTY OR NOT GUILTY FOR EACH COUNT.

CHARGE, ARREST, INDICTMENT – NOT EVIDENCE

I INSTRUCT YOU THAT THE FACT THE DEFENDANT WAS ARRESTED, CHARGED AND INDICTED IN THIS CASE, IS NOT EVIDENCE OF GUILT IN THIS CASE, NOR DOES IT CREATE ANY PRESUMPTION OR INFERENCE OF GUILT. THESE DOCUMENTS ARE SIMPLY THE FORMAL WRITTEN INSTRUMENTS WHICH CONTAIN THE CHARGE MADE AGAINST A

DEFENDANT. THEY SERVE AS THE FORMAL DOCUMENTS BY WHICH THIS CASE IS PROCESSED OR BROUGHT INTO THIS COURT.

CREDIBILITY OF WITNESSES

NECESSARILY, YOU MUST DETERMINE THE CREDIBILITY OR BELIEVABILITY OF THE WITNESSES WHO HAVE TESTIFIED IN THIS CASE. IT BECOMES YOUR DUTY TO EVALUATE THE EVIDENCE AND DETERMINE WHICH EVIDENCE CONVINCES YOU IT IS TRUE. IN DETERMINING THE BELIEVABILITY OF THE WITNESSES, YOU MAY BELIEVE ONE WITNESS OVER SEVERAL OR SEVERAL OVER ONE. YOU MAY BELIEVE A PART OF THE TESTIMONY OF A WITNESS AND REJECT THE REMAINING PART. YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY OR REJECT THE TESTIMONY IN ITS ENTIRETY. YOU MAY CONSIDER WHETHER THE WITNESS HAS AN INTEREST IN THE OUTCOME OF THE TRIAL, WHETHER THE WITNESS IS PREJUDICED TOWARD EITHER THE STATE OR THE DEFENDANT, THE OPPORTUNITY FOR THE WITNESS TO HAVE SEEN THE MATTERS AND THINGS ABOUT WHICH THE WITNESS HAS TESTIFIED, AND THE WAY THE WITNESS ACTS ON THE WITNESS STAND.

FAILURE OF DEFENDANT TO TESTIFY

I INSTRUCT YOU AND EMPHASIZE THAT THE FACT THE DEFENDANT DID NOT TESTIFY IS NOT A FACTOR TO BE CONSIDERED BY YOU IN ANY WAY IN YOUR DELIBERATIONS ON THE QUESTION OF THE GUILT OR THE INNOCENCE OF THE DEFENDANT. IT MUST NOT BE CONSIDERED BY YOU IN ANY MANNER WHATSOEVER. EVERY CITIZEN HAS THE CONSTITUTIONAL RIGHT TO REMAIN SILENT, AND THE ASSERTION OF THIS RIGHT MUST NOT BE CONSIDERED BY YOU IN YOUR DELIBERATIONS.

EXPERT WITNESSES

THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSIONS. AN EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WE CALL "EXPERT WITNESSES". A WITNESS WHO, BY EDUCATION AND EXPERIENCE, HAS BECOME EXPERT IN SOME ART, SCIENCE, PROFESSION, OR CALLING MAY STATE AN OPINION AS TO RELEVANT AND MATERIAL MATTER, IN WHICH THE WITNESS CLAIMS TO BE AN EXPERT, AND MAY ALSO STATE THE REASONS FOR THE OPINION.

YOU SHOULD CONSIDER ANY EXPERT OPINION RECEIVED IN EVIDENCE IN THIS CASE AND, LIKE ANY OTHER EVIDENCE, GIVE IT THE WEIGHT YOU THINK IT DESERVES.

PRESUMPTION OF INNOCENCE

THE DEFENDANT HAS PLED NOT GUILTY TO THIS INDICTMENT, AND THAT PLEA PUTS THE BURDEN ON THE STATE TO PROVE THE DEFENDANT GUILTY. A PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE THEMSELVES INNOCENT.

I CHARGE YOU THAT IT IS A CARDINAL AND AN IMPORTANT RULE OF THE LAW THAT THE DEFENDANT IN A CRIMINAL TRIAL WILL ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIME FOR WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS BEEN PROVEN BY EVIDENCE SATISFYING YOU OF GUILT BEYOND A REASONABLE DOUBT.

REASONABLE DOUBT

A REASONABLE DOUBT IS THE KIND OF DOUBT WHICH WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT. REASONABLE DOUBT MAY ARISE FROM THE EVIDENCE WHICH IS IN THE CASE OR FROM THE LACK OR ABSENCE OF EVIDENCE IN THE CASE AND THE JURY MUST DETERMINE WHETHER OR NOT REASONABLE DOUBT EXISTS AS TO THE GUILT OF THIS DEFENDANT.

DIRECT AND CIRCUMSTANTIAL EVIDENCE

THERE ARE TWO TYPES OF EVIDENCE GENERALLY PRESENTED DURING A TRIAL - DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. DIRECT EVIDENCE DIRECTLY PROVES THE EXISTENCE OF A FACT AND DOES NOT REQUIRE DEDUCTION. CIRCUMSTANTIAL EVIDENCE IS PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE EXISTENCE OF A FACT.

CRIMES MAY BE PROVEN BY CIRCUMSTANTIAL EVIDENCE. THE LAW MAKES NO DISTINCTION BETWEEN THE WEIGHT OR VALUE TO BE GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE, HOWEVER, TO THE EXTENT THE STATE RELIES ON CIRCUMSTANTIAL EVIDENCE. THE CIRCUMSTANCES MUST BE CONSISTENT WITH EACH OTHER, AND WHEN TAKEN TOGETHER, POINT CONCLUSIVELY TO THE GUILT OF THE ACCUSED BEYOND A REASONABLE DOUBT. IF THESE CIRCUMSTANCES MERELY PORTRAY THE DEFENDANT'S BEHAVIOR AS SUSPICIOUS, THE PROOF HAS FAILED. THE STATE HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. THIS BURDEN RESTS WITH THE STATE REGARDLESS OF WHETHER THE STATE RELIES ON DIRECT EVIDENCE, CIRCUMSTANTIAL EVIDENCE, OR SOME COMBINATION OF THE TWO.

IDENTIFICATION

AN ISSUE IN THIS CASE IS THE IDENTIFICATION OF THE DEFENDANT AS THE PERSON WHO COMMITTED THE CRIME CHARGED. THE STATE HAS THE BURDEN OF PROVING IDENTITY BEYOND A REASONABLE DOUBT. YOU MUST BE SATISFIED BEYOND A REASONABLE DOUBT OF THE ACCURACY OF THE IDENTIFICATION OF THE DEFENDANT BEFORE YOU MAY CONVICT THE DEFENDANT.

IDENTIFICATION TESTIMONY IS AN EXPRESSION OF BELIEF OR IMPRESSION BY A WITNESS. YOU MUST DETERMINE THE ACCURACY OF THE IDENTIFICATION OF THE DEFENDANT. YOU MUST CONSIDER THE BELIEVABILITY OF EACH IDENTIFICATION WITNESS IN THE SAME WAY AS ANY OTHER WITNESS. YOU MAY CONSIDER WHETHER THE WITNESS HAD AN ADEQUATE OPPORTUNITY TO OBSERVE THE OFFENDER AT THE TIME OF THE OFFENSE. THIS WILL BE AFFECTED BY THINGS LIKE HOW LONG OR SHORT A TIME WAS AVAILABLE, HOW FAR OR CLOSE THE WITNESS WAS, THE LIGHTING CONDITIONS, AND WHETHER THE WITNESS HAD THE CHANCE TO SEE OR KNOW THE PERSON IN THE PAST. ONCE AGAIN, I INSTRUCT YOU THE BURDEN OF PROOF ON THE STATE EXTENDS TO EVERY ELEMENT OF THE CRIME CHARGED, AND THIS SPECIFICALLY INCLUDES THE BURDEN OF

PROVING BEYOND A REASONABLE DOUBT THE IDENTITY OF THE DEFENDANT AS THE PERSON WHO COMMITTED THE CRIME.

MURDER

THE DEFENDANT IS CHARGED WITH MURDER. 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 AFORETHOUGHT DOES NOT REQUIRE THAT MALICE EXISTS FOR ANY PARTICULAR LENGTH OF TIME BEFORE THE ACT IS COMMITTED, BUT MALICE MUST EXIST IN THE MIND OF THE DEFENDANT JUST BEFORE AND AT THE TIME THE ACT IS COMMITTED. THEREFORE, THERE MUST BE A COMBINATION OF THE PREVIOUS EVIL INTENT AND THE ACT.

MALICE AFORETHOUGHT MAY BE EXPRESS OR INFERRED. THESE TERMS, "EXPRESS" AND "INFERRED" DO NOT MEAN DIFFERENT KINDS OF MALICE BUT MERELY THE MANNER IN WHICH MALICE MAY BE SHOWN TO EXIST. THAT IS EITHER BY DIRECT EVIDENCE OR BY INFERENCE FROM THE FACTS AND CIRCUMSTANCES WHICH ARE PROVED. EXPRESS MALICE IS SHOWN WHEN A PERSON SPEAKS WORDS

WHICH EXPRESS HATRED OR ILL WILL FOR ANOTHER OR WHEN THE PERSON PREPARED BEFOREHAND TO DO THE ACT WHICH WAS LATER ACCOMPLISHED.

MALICE MAY BE INFERRED FROM CONDUCT SHOWING A TOTAL DISREGARD FOR HUMAN LIFE.

IF FACTS ARE PROVED BETOND A REASONABLE DOUBT SUFFICIENT TO RAISE AN INFERENCE OF MALICE TO YOUR SATISFACTION, THIS INFERENCE WOULD BE SIMPLY AN EVIDENTIARY FACT TO BE CONSIDERED BY YOU ALONG WITH THE OTHER EVIDENCE IN THE CASE, AND YOU MAY GIVE IT THE WEIGHT YOU DECIDE IT SHOULD RECEIVE.

VOLUNTARY MANSLAUGHTER

IF YOU FIND THAT THE STATE HAS FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMMITTED MURDER, YOU MAY CONSIDER WHETHER THE STATE HAS PROVED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMMITTED VOLUNTARY MANSLAUGHTER. INCLUDED WITHIN THE OFFENSE OF MURDER IS THE LESSER OFFENSE OF VOLUNTARY MANSLAUGHTER.

TO PROVE VOLUNTARY MANSLAUGHTER, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT

TOOK THE LIFE OF ANOTHER IN THE SUDDEN HEAT OF PASSION BASED ON SUFFICIENT LEGAL PROVOCATION. BOTH HEAT OF PASSION AND SUFFICIENT LEGAL PROVOCATION MUST BE PRESENT AT THE TIME OF THE KILLING TO CONSTITUTE VOLUNTARY MANSLAUGHTER.

SUDDEN HEAT OF PASSION MAY, FOR A TIME, AFFECT A PERSON'S SELF-CONTROL AND TEMPORARILY DISTURB A PERSON'S REASON. THE SUDDEN HEAT OF PASSION MUST BE THE TYPE THAT WOULD MAKE AN ORDINARY PERSON UNABLE TO COOLY REFLECT ON HIS ACTIONS AND WOULD PRODUCE AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE.

SUFFICIENT LEGAL PROVOCATION MUST BE THE TYPE THAT WOULD MAKE A PERSON OF ORDINARY REASON AND CAUTION BECOME ENRAGED AND TO LOSE CONTROL TEMPORARILY. THE PROVOCATION NEEDED FOR VOLUNTARY MANSLAUGHTER MUST COME FROM SOME ACT OF, OR RELATED TO, THE VICTIM.

POSSESSION OF WEAPON DURING THE COMMISSION OF, OR ATTEMPT TO COMMIT, A VIOLENT CRIME - § 16-23-490

THE DEFENDANT IS CHARGED WITH POSSESSION OF A WEAPON DURING THE COMMISSION OF, OR ATTEMPT TO COMMIT, A VIOLENT CRIME. THE STATE MUST PROVE BEYOND A REASONABLE

DOUBT THAT THE DEFENDANT WAS IN POSSESSION OF OR VISIBLY DISPLAYED A KNIFE DURING THE COMMISSION OF A VIOLENT CRIME.

A KNIFE MEANS AN INSTRUMENT OR TOOL WITH A SHARP CUTTING BLADE, WHETHER OR NOT FASTENED TO A HANDLE, WHICH CAN BE USED TO INFLICT A CUT, SLASH, OR WOUND.

IN ORDER TO FIND THE DEFENDANT GUILTY OF POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME, YOU MUST FIRST FIND THE DEFENDANT GUILTY OF EITHER COMMITTING A VIOLENT CRIME OR ATTEMPTING TO COMMIT A VIOLENT CRIME.

MURDER AND VOLUNTARY MANSLAUGHTER ARE VIOLENT CRIMES

WITNESSES

Bradley W Lusk

BWL

Greenville Police Department

10/7/2017

DOCKET NO. 2018-GS-23-
WJW

000015

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2018

THE STATE

VS.

VERNON EVANS JORDAN

ARREST WARRANT NUMBER

2017A2320602275 and 2017A2320602276

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle

FOREMAN GRAND JURY

Foreperson of Grand Jury

GUILTY OF

Voluntary Manslaughter

Admission of Deadly Weapon

Commission of Violent Crime

Foreperson of Petit Jury

Date: July 14, 2021

0116 and 0549

Indictment for

~~MURDER~~

AND

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-0010 and § 16-23-0490

ENTERED ACCT

RM

RECEIVED

JUL 26 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 MURDER
 AND
 POSSESSION OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **AUG 28 2018** the Grand Jurors of Greenville
 County present upon their oath:

COUNT 1 - MURDER

That VERNON EVANS JORDAN did in Greenville County, on or about the 7th day of October, 2017, unlawfully and with malice aforethought kill GEORGE PEGRAM by means of stabbing him multiple times, and that GEORGE PEGRAM died as a proximate result thereof. This is in violation of §16-03-0010 of the South Carolina Code of Laws (1976) as amended.

COUNT 2 - POSSESSION OF WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That VERNON EVANS JORDAN did in Greenville County, on or about the 7th day of October, 2017, possess or visibly display an edged weapon during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-0490 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.

Kathy H. McCall 72567 for
 SOLICITOR BAR # 6047 *WJW*

340
STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Vernon Evans Jordan

AKA:

Race: WHITE Sex: M Age: 52

DOB: 1969 SS#

Address:

City, State, Zip: Greenville, SC 29611-5019

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2306035

A/W#: 2017A2320602275

Date of Offense: 10/7/2017

S.C. Code § : 16-03-0010-0020 0050

CDR Code #: 0116 217

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☒ PLEADS

TO: MURDER (1ST) VOLUNTARY MANSLAUGHTER

in violation of § 16-03-0010-0020 of the S.C. Code of Laws, bearing CDR Code # 0116 217

☐ 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:

Jeff Weston 6047 Stewart Burnett 100228
Weston, Jeff SC Bar# Defendant SARRATT, STUART SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,

for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served 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 Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ 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 SCDOC.
1376 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

342
STATE OF SOUTH CAROLINA
COUNTY OF Greenville

STATE

VS.

Vernon Evans Jordan

AKA:

Race: WHITE Sex: M Age: 52

DOB: 1969 SS# [REDACTED]

Address: [REDACTED]

City, State, Zip: Greenville, SC 29611

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2306035

A/W#: 2017A2320602276

Date of Offense: 10/7/2017

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. Weapon During Violent Cr

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ 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:

Jefferson 6047 SC Bar# _____ Defendant
Stuart Sarratt 100228 SC Bar# _____
SARRATT, STUART
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,

for a determinate term of 5 ~~days/months~~ years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served 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 Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ 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 SCDOC.
1376 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Paul B. Wickensmiller

Court Reporter: Heron

Presiding Judge: W. A. M. G. AN

Judge Code: 2180

Sentence Date: 7/14/2021

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,

RECEIVED

Mar 14 2022

SC Court of Appeals

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of March, 2022.