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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable Michael G. Nettles, Circuit Court Judge
Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONALD DAYQUAN SMITH,

APPELLANT.

APPELLATE CASE NO. 2021-000579

RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 94 (DVD).

STATE OF SOUTH CAROLINA COUNTY OF FLORENCE	) COURT OF GENERAL SESSIONS) 2019-GS-21-00159
State of South Carolina vs. Donald D. Smith DEFENDANT	) TRANSCRIPT OF RECORD) May 17-20, 2021) Florence, South Carolina

B E F O R E:

THE HONORABLE MICHAEL G. NETTLES, judge and a jury.

THE HONORABLE MICHAEL S. HOLT, judge and a jury.

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

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RYAN WHITE, ASSISTANT SOLICITOR
Attorneys for the State

KAREN PARROTT, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

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THE COURT: Ladies and gentlemen of the jury, the first case is to be tried this week The State of South Carolina vs. Donald Dayquan Smith indictment number 2019-GS-21-00159. The State is accusing Mr. Smith of committing murder and the events that give rise to this allegation took place alleged on August 3rd 2018 in the neighborhood -- if you're to leave the courthouse and go down Evans Street towards the post office and sort of near the Gate Station. It's in that general facility -- vicinity. Is there anybody having been armed with this information know anything about this case, if so please stand?

(WHEREUPON, there are none.)

THE COURT: Have you read anything about this case or heard anything about this case, if so please stand? No response.

MR. CLEMENTS: Somebody raise their hand, your Honor.

THE COURT: Yes, if you could come forward. When I ask these questions, sometimes it's hard for me to tell, so I'm going to ask you to speak up, stand up and raise your hand, that way we won't miss anybody.

PROSPECTIVE JUROR: I have not heard anything, but it was an incident a couple years ago --

THE COURT: Hold your voice down.

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PROSPECTIVE JUROR: A couple years ago -- that's in the vicinity of my office.

THE COURT: Right.

PROSPECTIVE JUROR: I remember is that the one back -- there was a shooting somebody got killed. It's like at the intersection where the Nissan place is.

THE COURT: And you were just made aware of the general ---

PROSPECTIVE JUROR: We went on lockdown.

THE COURT: Do you know anything about it?

PROSPECTIVE JUROR: I don't.

THE COURT: Did you read an article about it?

PROSPECTIVE JUROR: No.

THE COURT: You just know generally it took place?

PROSPECTIVE JUROR: I don't know if it's the same case. I'm just telling you about it.

THE COURT: By virtue of the fact that you know something about a case over there, could you set that aside and base your decision on what transpires here in this courtroom and the law as I charge it to you?

PROSPECTIVE JUROR: Yeah.

THE COURT: You qualified to serve.

COURT REPORTER: Your name and number?

PROSPECTIVE JUROR: Harry Carter number 39.

THE COURT: Ladies and gentlemen of the jury, the defendant in this case is Donald Dayquan Smith. Is anyone know him or you're related to him by blood or marriage? Do you have a close social or business relationship with Mr. Smith, if so please stand? No. response.

Pay very close attention as I go through the names that are potential witnesses in this case. And I emphasize potential George Clark retired from the Florence Police Department, Frank Mizell Florence Police Department, C. Thibodeau Florence Police Department, E. Boseman Florence Police Department, T. Herman Florence Police Department, S. Williams Florence Police Department, S. Williamson Florence Police Department, J. Watts Florence Police Department, P. McIver Florence Police Department, B. Neal Florence Police Department, E. Sieban Florence Department, D. Anderson, Jacksonvillie Sheriff's office, J.D. Dowling Jacksonville Sheriff's office, J. Tallon SLED, S. Grant SLED, S. Goodman SLED, Dr. A. Phillips, MUSC Pathology, Kevin Von Lutcken Coroner, Faten Smith and he's from Harrisburg, Pennsylvania. Zach Holt Florence, South Carolina, Randolph Smalls Florence, South Carolina, Myheem Montgomery Florence, South Carolina, Ladarius Thomas Florence, South Carolina, Eric Dallas Florence, South Carolina, Deneisha Dozier Florence, South

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Carolina, Annie Smith Columbia, South Carolina, Calvin Staten Columbia, South Carolina, Calvin Staten, Jr., Aurther Gregg, Effingham, Dannete McKnight 9-1-1 dispatch, Chris Neal Florence County Sheriff's office, Aliyah Hill, Florence, South Carolina, John Davis Florence Police Department, Steven Starling Florence Police Department, Jahid Smith Harrisburg, Pennsylvania, Sadiqa Roe New Jersey, Deloris Taylor.

Does anyone related by blood or marriage you have a close social, business or personal relationship with any of these potential witnesses, if so please stand? No response. Yes, we do. If you could come forward. Once again, I want you to speak up and holler loud and raise your hands, so I don't miss you.

PROSPECTIVE JUROR: Yes, I live in the neighborhood and I like seen two of the people around the neighborhood. Is that count as me knowing them?

THE COURT: Say that again?

PROSPECTIVE JUROR: Two of the names of the witnesses the neighborhood I live in they be around that neighborhood.

THE COURT: All right. Would you say that you're close personal -- you have a close personal relationship with them?

PROSPECTIVE JUROR: Uh-uh.

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THE COURT: Just by virtue of the fact that you know their name and they're in your general vicinity, if called upon to serve on the this jury could you listen to what they had to say and evaluate their testimony just as if you did not know them?

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Your qualified to serve. Thank you.

COURT REPORTER: Your name and number?

PROSPECTIVE JUROR: Brittany Coleman 42.

THE COURT: Mr. White, if you would stand and identify yourself and the people who are going to be involved in this case?

MR. WHITE: Yes, sir. Good morning, ladies and gentlemen. My name is Ryan White. I work for the Twelfth Circuit Solicitor's office. I'll be prosecuting this case along side Deputy Solicitor Todd Tucker.

THE COURT: Ms. Parrott, if you could stand and identify yourself and the people who are going to be assisting you in this case?

MS. PARROTT: Good morning. My name is Karen Parrott. I'm the public defender in the Twelfth Circuit Public Defender's office. You may see Ms. Lawson coming through some or maybe some of the other members of my staff, but it will be the Twelfth Circuit Public Defender's office.

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THE COURT: All right. Is anyone related by blood or marriage or have a close social, business or personal relationship with any of these lawyers or have they represented you in the past? Some of them may have been involved in the private practice of law and they have represented you in that capacity or do they have an ongoing case with you now, if so please stand? No. Response.

Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case, if so please stand? No response.

Is there any member of the jury panel aware of any bias or prejudice towards either the State or the defendant in this case, if so please stand? No response.

Is there any member of the jury panel who has served as a member of the grand jury that indicted this case, if so please stand? No response.

Is there any member of the jury panel a member or contributor of any group whose primary concern is the promotion of law enforcement? Just about every sheriff's department in South Carolina has a sheriff's association. There are organizations like MADD Mothers' Against Drunk Driving, CAVE Citizens Against Violent Crime, the highway patrol has an organization. Is there any member of this jury panel a member of any of these organizations or do

you contribute to them, if so please stand?

PROSPECTIVE JUROR: I contribute to the Florence Police Department. I contribute to the airport patrol and highway patrol.

THE COURT: If you could come forward.

PROSPECTIVE JUROR: Sure. Actually anytime they come asking for money I give it to them.

THE COURT: All right. If called upon to serve on this jury, the fact that you have contributed to them because they ask you, could you set that aside and give both the State and the defendant fair and impartial trial?

PROSPECTIVE JUROR: You know, fair and impartial, I think, there's no problem, you know. I don't believe in, you know, outstanding circumstances that cause someone to commit a crime like that in my opinion.

THE COURT: Say that again?

PROSPECTIVE JUROR: I don't believe in outstanding circumstances that causes someone to, you know, like domestic abuse someone cause them to do it. I don't believe personally that's a reason for shooting or killing someone.

THE COURT: All right. I'll tell you what I'm going to do is I'm going to transfer you to a civil term of court.

PROSPECTIVE JUROR: That's fine.

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THE COURT: He's going to be transferred to a civil of term. Your name and number?

PROSPECTIVE JUROR: James Ashley Drayton number 26.

THE COURT: All right. You free to leave.

Yes, ma'am.

PROSPECTIVE JUROR: I'm originally from Missouri and we have donated to the funds for a police fund in St. Louis multiple times.

THE COURT: Would that prevent you from being fair and impartial and listening to the evidence presented in this case or the lack of evidence give both the State and the defendant a fair and impartial trial?

PROSPECTIVE JUROR: I mean, I don't think so.

THE COURT: Why is that?

PROSPECTIVE JUROR: My dad was a police officer for many years. My step mom is a police officer. So if there's anything involved with the police shooting I would be ---

THE COURT: A police shooting.

PROSPECTIVE JUROR: No, so if it's anything involved with -- no, I guess, I'm good.

THE COURT: Say that again now?

PROSPECTIVE JUROR: I guess, it will not change my tune.

THE COURT: Okay. Well, in these matters, we generally cannot deal in qualifying opinions and you said you guess you could be fair. Could you be fair?

PROSPECTIVE JUROR: I could be fair.

THE COURT: Okay. If a law enforcement officer were to testify, the fact that you grew up in a family where your father was a law enforcement officer, would you give greater weight to what they had to say as oppose to what other people might say?

PROSPECTIVE JUROR: I would think fairly. I would listen to all evidence.

THE COURT: Okay. And you think that you could listen to -- you're saying that you would not give law enforcement or the Solicitor's office preferential treatment with regard to your evaluation of the evidence or their theory of the case?

PROSPECTIVE JUROR: No.

THE COURT: Okay. You're qualified to serve.

COURT REPORTER: Your name and number?

PROSPECTIVE JUROR: Kami Burkemper number 30.

THE COURT: Is there any member of the jury panel who knows of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant, if so

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please stand? Yes, sir, if you could come forward.

PROSPECTIVE JUROR: I just feel like I live too close to the area and I might know some people, that's what I say cause Greg Avenue I'm over and I might know some people involved and everything.

THE COURT: Well, I read the names.

PROSPECTIVE JUROR: I heard the names, but I'm just saying it might be street names, I might know nicknames or something and I might not know their real name. I mean, I heard the real names, but, I mean, I still could know them by nickname or something.

THE COURT: All right.

PROSPECTIVE JUROR: I'm just being honest.

THE COURT: Out of an abundance of precaution, I'm going to transfer you to a civil term of court. Your name and number again?

PROSPECTIVE JUROR: Yes, sir, Alvin Dimery number 57.

THE COURT: Number 57 he's going to be transferred to a civil term of court. Good luck to you.

PROSPECTIVE JUROR: Do I need some more information or I just leave?

THE COURT: You'll receive notice of the hearing. Bear with us just one moment.

(WHEREUPON, a pause in the proceedings.)

THE COURT: Any additional questions from the State?

MR. WHITE: None on behalf of the State.

THE COURT: Any from defense?

MS. PARROTT: If you would ask if anybody has any family members that have been the victim of a violent crime.

THE COURT: Is any member of the jury panel been a victim of a violent crime, if so please stand? No response.

Madam clerk, you recognize. We're going to select 14 from this group and you're going to be asked to come back at three o'clock, isn't that correct?

THE CLERK: 2:30.

THE COURT: 2:30.

THE CLERK: Well, it depends on what time you want to come back.

THE COURT: 2:30. We're going to come back at 2:30. The 14 who are selected come back at 2:30.

THE CLERK: I'm just going to call your names and these 14 are the ones that have to be back at 2:30 on the third floor and we'll direct you where to go when you get up there. 229 Alona Baum, 230 Sidney Bazen, 52 Dikima Davis, 31 Monesha Cade, 42 Brittany Coleman, 48 Catherine Crawford, 63 Laura Drayton, 30 Kami Burkemper, 29 Marcus

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Burgess, 33 Lance Cagle, 39 Harry Carter, 53 Khadjah Davis, 25 Larry Brown and 47 Nicholas Costas, that's 14.

THE COURT: The balance need to be here at three.

THE CLERK: In here.

THE COURT: Right. If your name was not called, you need to meet here in this room at three o'clock. The 14 jurors whose names was called need to be on the third floor at 2:30. Does anybody have any questions about that? All right, very good. Thank you very much. You free to leave at this time. Be back and be back on time. Thank you.

(WHEREUPON, the first jury panel was excused.)

(WHEREUPON, a break was taken.)

(WHEREUPON, this is voir dire for the second jury panel.)

THE COURT: As I had mention previously, the allegations that give rise to this first case. The allegations arise out of an event that took place on August 3rd 2018 on Evans near the Gate Station and Franklin Street here in the city limits of Florence. Having been armed with this basic information does anyone know anything about this case, have you read anything about it, have you heard anything about this case particular event, if so please stand? No response.

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All right. Pay very close attention as I go over potential witnesses who may testify George Clark retired Florence Police Department, Frank Mizell Florence Police Department, C. Thibodeau Florence Police Department, E. Boseman Florence Police Department, T. Herman Florence Police Department, S. Williamson Florence Police Department, J. Watts Florence Police Department, P. McIver Florence Police Department, B. Neal Florence Police Department, E. Sieban Florence Police Department, D. Anderson Jacksonville Sheriff's office, J.D. Dowling Jacksonville Sheriff's office, J. Talon SLED, S. Grant SLED, S. Goodman SLED, Dr. A. Phillips MUSC Pathology, Keith Lutcken Coroner, Faten Smith Harrisburg, Pennsylvania, Zach Holt Florence, South Carolina, Randolph Smalls Florence, South Carolina, Myheem Montgomery Florence, South Carolina, Ladarius Thomas Florence, South Carolina, Eric Dallas Florence, South Carolina, Deneisha Dozier Florence, South Carolina, Annie Smith Columbia, South Carolina, Calvin Staten, Florence -- I mean, Columbia, South Carolina, Calvin Staten Columbia, South Carolina, Arthur Gregg Effingham, Dannette McKnight 9-1-1 dispatch, Chris Neal Florence County Sheriff's office, Aliyah Hill Florence, South Carolina, John Davis Florence Police Department, Steven Starling Florence Police Department, Jahid Smith Harrisburg, Pennsylvania, Sadiqa

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Roe New Jersey, Deloris Taylor. Is anyone related by blood or marriage, you have a close social business or personal relationship with any of these potential witnesses, if so please stand? No response.

Mr. White, I'm going to ask if you can stand and identify yourself and the lawyers who will be assisting you in this case?

MR. WHITE: Thank you, Judge. My name is Ryan White. I'm representing the Twelfth Circuit Solicitor's office and I'll be trying this case along side Deputy Solicitor Todd Tucker.

THE COURT: All right. Ms. Parrott.

MS. PARROTT: Thank you, Your Honor. Good morning, my name is Karen Parrott and I am a public defender here at the Twelfth Circuit Public Defender's office. You may see Carolina Lawson also as apart of this case or any members of the staff of the Twelfth Circuit Public Defender's office.

THE COURT: Is anyone related by blood or marriage, you have a close social, business or personal relationship with any of these lawyers or have they represented you in the past, some of them may have been involved in the private practice of law, they represented you in that capacity or do they have an ongoing case with you now, if so please stand? Yes, ma'am, if you could

come forward. Your name and number?

PROSPECTIVE JUROR: Kayla Kemmerlin 128. Ryan represented my family in a murder case in 2019.

THE COURT: Okay. And who was it?

PROSPECTIVE JUROR: Cane Kemmerlin.

THE COURT: Okay. And what were the circumstances behind that?

PROSPECTIVE JUROR: He was -- he was shot twice in the back in February of 2018. He -- I think we went to court in March 2019 and the guy who was tried was found guilty.

THE COURT: If called upon to serve on this jury, could you set aside the fact that Ryan White prosecuted that family member -- the case involving that family member and set that matter aside and give both the State and the defendant a fair and impartial trial?

PROSPECTIVE JUROR: I don't think so.

THE COURT: Okay. And I'm going to excuse you for the purpose of this case. You're going to have to return later to determine whether or not you could sit on the other case.

PROSPECTIVE JUROR: No problem.

THE COURT: Very good.

PROSPECTIVE JUROR: So do I leave right now?

THE COURT: You can. She'll need to return at

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three in this room three o'clock.

PROSPECTIVE JUROR: Okay.

THE COURT: She's excused for purposes of this trial only.

THE CLERK: What's your name and number?

PROSPECTIVE JUROR: Kayla Kemmerlin 128.

THE COURT: Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case, if so please stand? No response.

Is any member of the jury panel aware of any bias or prejudice towards either the State or the defendant in this case, if so please stand? No response.

Is any member of the jury panel who served as a member of the grand jury that issued the indictment in this case, if so please stand? No response.

Is there any member of the jury panel who has been a victim of a violent crime, if so please stand? No response.

Is there any member of the jury panel who's a member or contributor of any group who's primary concern is promotion of law enforcement? There's a number of such organizations about every sheriff department has a sheriff's department association. You can contribute to that or be a member of that. There are other organizations like MADD Mothers' Against Drunk Driving,

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CAVE Citizens Against Violent Crimes, Highway Patrol has an association as well. Is there any member of the jury panel who belongs to one of these organizations or contributes to one of these organizations, if so please stand? Yes, ma'am, if you could come forward.

PROSPECTIVE JUROR: My father is a retired police sergeant, so the Police Booster Association for Trenton, New Jersey.

THE COURT: Okay. If called upon to serve on this jury, could you set that aside, the fact that you're related to somebody who's involved in law enforcement, listen to the evidence in this case or the lack of evidence and the law as I charge it to you and give both the State and the defendant a fair and impartial trial?

PROSPECTIVE JUROR: Yes.

THE COURT: You qualified to serve. Thank you.

COURT REPORTER: Your name and number?

PROSPECTIVE JUROR: 126 Kelly Jokisch.

THE COURT: Does any member of the jury panel know of any reason whatsoever why you should not serve as a juror in this case, but with the particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant, if so please stand?

(WHEREUPON, there was no response.)

THE COURT: Any additional questions from the

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State?

MR. WHITE: None on behalf of the State, Judge.

THE COURT: Any from defense?

MS. PARROTT: No, Your Honor.

THE COURT: Madame clerk. She's going to call 14 names. And if your name is called, you'll need to return to the third floor at 3 o'clock, three o'clock sharp.

THE CLERK: 2:30.

THE COURT: 2:30 I'm sorry. 2:30 sharp. I'll tell you again when we get done 2:30.

THE CLERK: 112 Deasija Hicks, 143 Natalie McBride, 126 Kelly Jokisch, 232 Jennifer Lyles, 228 Margaret Matthews, 133 Joseph Lane, 113 Charyl Hodges, 101 Jerri Hardee, 135 Jacinta Lewis, 140 Kathy Martin. Wasn't 128 protected, Judge? Kayla Kemmerlin.

THE COURT: She is excused.

THE CLERK: Okay. 109 Kristen Hayneys, 115 Karin Hughes, 84 Julianne Gaster, 81 Evrik Gary. That's 14, Judge.

THE COURT: Very good. All right. Those people whose name was called we need to meet at 2:30 on the third floor. Go to the third floor of this building and the bailiff will assist you. Three o'clock those of you whose name was not called you need to be back in this room at

three o'clock, is that correct?

THE CLERK: The people I called 2:30 upstairs. Everyone else three O'clock in here. Already any questions about that? Report back and report back on time. Thank you very much.

(WHEREUPON, a break was taken.)

(WHEREUPON, this begins voir dire for the third jury panel.)

THE COURT: Ladies and gentlemen of the jury, the first case to be tried is the case entitled The State of South Carolina vs. Donald Dayquan Smith docket 2019-GS-21-00159. The State has accused Donald Dayquan Smith of murder. The accusation arise out of events took place on August 3rd 2018 off of Evans Street here in Florence. If you're to leave this courthouse, go down Evans Street. There's a Gate Station. There it's kind of in that general vicinity and it took place on August 3rd 2018. Having been armed with this basic information, does anybody know anything about this event? Did you witness anything relating to the event? No response.

Have you read or heard anything about this event, if so please stand? No response. Yes, I'll be glad to hear from you if you could come forward. If the questions apply to you, stand up and raise your hand and shout so I don't miss anybody. It's very important

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questions.

PROSPECTIVE JUROR: Being that this is a murder case, my son was murdered, so I don't know if I would qualify to be on something like that.

THE COURT: This is a question I will ask you and you need to listen to it and give truthful answers. If called upon to serve on this jury, could you listen to the evidence presented in this case or the lack of evidence and the law as I charge it to you and give both the State and the defendant a fair and impartial trial?

PROSPECTIVE JUROR: I don't know.

THE COURT: Okay. If called upon to serve ---

PROSPECTIVE JUROR: I can't.

THE COURT: We're going to transfer you to a civil term of court. Your full name again?

PROSPECTIVE JUROR: Kisha Mills.

THE COURT: Kisha Mills. She is going to be transferred to a civil term of court. Thank you very much, good luck to you.

(WHEREUPON, that was juror number 156 Kisha Mills.)

THE COURT: Pay very close attention as I give you a list of potential witnesses who may or may not testify in this case, pay very close attention. And I'm going to ask you at the conclusion of the list whether or

not you're related to them by blood or marriage, you have close social, business or personal relationship with any of these witnesses. George Clark retired Florence Police Department, Frank Mizell Florence Police Department, C. Thibodeau Florence Police Department, E. Boseman Florence Police Department, T. Herman Florence Police Department, S. Williams Florence Police Department, J. Watts Florence Police Department, P. McIver Florence Police Department, B. Neal Florence Police Department, E. Sieban Florence Police Department, D. Anderson Jacksonville Sheriff's office, J.D. Dowling Jacksonville Sheriff's office, J. Tallon SLED, S. Grant SLED, S. Goodman SLED, Dr. A. Phillips MUSC Pathology, Keith Lutcken Coroner, Faten Smith Harrisburg, Pennsylvania, Zach Holt Florence, South Carolina, Randolph Smalls Florence, South Carolina, Myheem Montgomery Florence, Ladarius Thomas Florence, Eric Dallas Florence, Deneisha Dozier Florence, Annie Smith Columbia, Calvin Staten Columbia, Calvin Staten, Jr. Columbia, Arthur Gregg Effingham, Dannette McKnight 9-1-1 dispatch, Chris Neal Florence County Sheriff's office, Aliyah Hill Florence, John Davis Florence, Steven Starling Florence, Jahid Smith Harrisburg, Pennsylvania, Sadiqa Roe New Jersey, Deloris Taylor. Is anyone relate by blood or marriage? You have any close social, personal or business relationship with any of these potential witnesses, if so

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please stand?

Yes, sir, if you could come forward.

PROSPECTIVE JUROR: I'm not kin to any of them, but Jay Watson -- I live in Pamplico. I know him and his family. His wife works at McLeod, I work with her for a while. I know their kids.

THE COURT: And his name is what again?

PROSPECTIVE JUROR: Jay Watson I think you called.

THE COURT: Jay Watts.

PROSPECTIVE JUROR: Watson.

THE COURT: It's a different one.

PROSPECTIVE JUROR: A different one, okay. I'm good then.

THE COURT: Thank you so much.

Mr. White, yes, sir.

PROSPECTIVE JUROR: I don't know if I quite heard you correctly. Did you say Thibodeau?

THE COURT: Yes.

PROSPECTIVE JUROR: Cody is that his name?

THE COURT: C. Thibodeau Florence.

PROSPECTIVE JUROR: I seen him as a patient once or twice.

THE COURT: Is he a regular patient there?

PROSPECTIVE JUROR: Well, he's getting his teeth

cleaned this morning.

THE COURT: Oh was he?

PROSPECTIVE JUROR: Yeah.

THE COURT: In view of that, we're going to ask that you -- we're going to excuse you for the purposes of this trial. First of all, let me ask the State just one second. He will not be called as a witness, so it's not a problem.

PROSPECTIVE JUROR: Okay.

COURT REPORTER: Can I get your name and number?

PROSPECTIVE JUROR: 226 James Richardson.

THE CLERK: What are you doing?

THE COURT: He will stay with us.

Mr. White, if you would stand and introduce yourself to the jury panel.

MR. WHITE: Thank you, Judge. Good afternoon, ladies and gentlemen. My name is Ryan White. I work for the Twelfth Circuit Solicitor's office. I'll be trying this case along side Deputy Solicitor Todd Tucker.

THE COURT: Ms. Parrott.

MS. PARROTT: Good afternoon, my name is Karen Parrott. I'm one of the attorneys in the Public Defender's office. You may see Ms. Lawson as part of this case as well. And if not her, then may be some other members of the public defender staff.

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THE COURT: All right. Is anyone related by blood or marriage? You have a close social, business or personal relationship with any of these lawyers? Have they represented you in the past or you have an ongoing case with them, if so please stand? No response.

Is any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case, if so please stand? No response.

Is any member of the jury panel aware of any bias or prejudice towards either the State or the defendant in this case, if so please stand? No response.

Is there any member of the jury panel that was a member of the grand jury which issued the indictment in this case, if so please stand? No response.

Has any member of the jury panel been a victim of a violent crime, if so please stand?

Yes, sir, if you could come forward. Your name and number?

PROSPECTIVE JUROR: Garrett Smith 196.

THE COURT: Yes, sir.

PROSPECTIVE JUROR: When I was 20 -- 19, 20 I was robbed at gun point by three guys.

THE COURT: All right. If called upon the serve on this jury, this does not involve robbery, could you set aside your life experience and listen to the evidence in

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this case or the lack of evidence and listen to the law as I charge it to you and give both the State and the defendant a fair and impartial trial?

PROSPECTIVE JUROR: Yes.

THE COURT: You qualified to serve. Thank you.

Is any member of the jury panel who is a member or contributor of any group whose primary purposes is promotion of law enforcement? There are a number of such organizations out there Mothers' Against Drunk Driving, the sheriff's department has an association, the South Carolina Highway Patrol has an association. There other organizations like Citizens Against Violent Crime. Is anybody a contributor of any such organization, if so please stand? No response.

Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant, if so please stand? Any additional questions from the State?

MR. WHITE: None from the state, Judge.

THE COURT: Any from defense?

MS. PARROTT: No, Your Honor.

THE COURT: All right. Madam clerk. While she's doing that, this is Judge Michael Holt. He has

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served in the Fourth Circuit as a family court judge for about a decade and has recently been elected to serve as a circuit court judge and he's going to be participating with me this week. Stand up Judge Holt. All right, very good. Thank you.

THE CLERK: All right, Judge, you ready?

THE COURT: Yes.

THE CLERK: 151 Moesha McKnight, 162 Talicia Murphy, 226 James Richardson, 183 Noelia Rodriguez, 214 Randolph Washington, 169 Allen Paul, 188 Prather Silverthorn, 194 Chandler Smetana, 165 Brian Naylor, 198 Jose Sosa, 211 Brandon Viering, 186 Derek Sanderson, 196 Garrett Smith, 154 Santosh Menon. That's 14, Judge.

THE COURT: All right. If your name was called, you'll need to report back at 2:30 on the third floor. The bailiff will direct you as to where you need to go. Those whose names were not called, you need to report back to this room at three o'clock.

Is anything further, madam clerk?

THE CLERK: No, sir.

THE COURT: Be here and be here on time. Thank you very much.

(WHEREUPON, a lunch break was taken.)

THE COURT: Might counsel approach the bench for one moment.

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(WHEREUPON, a bench conference was held in the presence of the jury panel, but out of the hearing of the jury panel.)

THE COURT: Ladies and gentlemen of the jury panel, we are in the midst of or the tail end of Covid because of that we have to socially distance and obviously normally we would draw the jury all in one instance. And we would have all of the jurors in one room, but because we're socially distance half of the jurors that have been selected are in the other courtroom. So it's sort of a logistical nightmare how we're going to do this, but just bear with us and it'll take us a little bit longer to do it, but just ask for your patience. Bear with us just one moment.

(WHEREUPON, a pause in the proceedings.)

THE COURT: Just one moment, we will give you a list that is struck.

(WHEREUPON, a pause in the proceedings.)

THE COURT: We're having a little bit of technical difficulties, so we can remotely look at the jurors in the other room. Bear with us, I'm sorry.

(WHEREUPON, a pause in the proceedings.)

THE COURT: We're ready to begin the striking process. Madam clerk, you recognize.

THE CLERK: 162 Talicia Murphy. If I call your

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name and you're over here, come up to the front. Elaine, send your people over here please.

THE COURT: They're trying cases in Orangeburg this week and they have to meet at the South Carolina State huge auditorium and spread people out. That might be another way that we can do it, but the nonetheless we're doing the best we can. Thank you.

THE CLERK: 162 Talicia Murphy.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Murphy.

THE CLERK: What say the defendant?

MS. PARROTT: Please seat the juror.

THE CLERK: Ma'am, if you'll go over and please have a seat in the jury box.

113 Charyl Hodges.

(WHEREUPON, a white female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Hodges.

THE CLERK: What say the defendant?

MS. PARROTT: Please seat Ms. Hodges.

THE CLERK: All right, ma'am, if you'll go right over there, there's a bailiff have a seat.

42 Brittany Coleman.

(WHEREUPON, a Hispanic female, comes forward.)

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THE CLERK: What say the State?

MR. WHITE: Please excuse Ms. Coleman.

THE CLERK: You been excused from this trial only, ma'am. You may return to your seat.

39 Harry Carter.

(WHEREUPON, a white male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Mr. Carter.

THE CLERK: What say the defendant?

MS. PARROTT: Please excuse Mr. Carter.

THE CLERK: You been excused from this trial only, sir. You may return to your seat.

232 Jennifer Lyles.

(WHEREUPON, a white female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Lyles.

THE CLERK: What say the defendant?

MS. PARROTT: Please seat Ms. Lyles.

THE CLERK: Ma'am, if you'll walk over to the bailiff, he'll show you were to sit.

196 Garrett Smith.

(WHEREUPON, a white male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Mr. Smith.

THE CLERK: What say the defendant?

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MS. PARROTT: Please excuse Mr. Smith.

THE CLERK: You been excuse from this trial only, sir. You may return to your seat.

115 Karin Hughes.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please excuse Ms. Hughes.

THE CLERK: You been excused from this trial only, ma'am. You may return to your seat.

52 Dikima Davis.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Davis.

THE CLERK: What say the defendant?

MS. PARROTT: Please seat Ms. Davis.

THE CLERK: Please go over to the bailiff. He'll show you where to sit.

228 Margaret Matthews.

(WHEREUPON, a white female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Matthews.

THE CLERK: What say the defendant?

MS. PARROTT: Please excuse Ms. Matthews.

THE CLERK: You been excuse from this trial only, ma'am. You may return to your seat.

29 Marcus Burgess.

(WHEREUPON, a black male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Present Mr. Burgess.

THE CLERK: What say the defendant?

MS. PARROTT: Please seat Mr. Burgess.

THE CLERK: Please walk over to the bailiff and he'll show you where to sit.

47 Nicholas Costas.

(WHEREUPON, a white male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Mr. Costas.

THE CLERK: What say the defendant?

MS. PARROTT: Please seat Mr. Costas.

THE CLERK: Have a seat in the jury box.

151 Moesha McKnight.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. McKnight.

THE CLERK: What say the defendant?

MS. PARROTT: Please present Ms. McKnight.

THE CLERK: Please have a seat in the jury box, ma'am.

112 Deasija Hicks.

(WHEREUPON, a black female, comes forward.)

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THE CLERK: What say the State?

MR. WHITE: Please present Ms. Hicks.

THE CLERK: What say the defendant?

MS. PARROTT: Please present -- please swear Ms. Hicks.

THE CLERK: Please go over to the bailiff and he'll show you where to sit.

109 Kristen Haynes.

(WHEREUPON, a white female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Haynes.

THE CLERK: What say the defendant?

MS. PARROTT: Please swear Ms. Haynes.

THE CLERK: Ma'am, please have a seat in the jury box.

135 Jacinta Lewis.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please excuse Ms. Lewis.

THE CLERK: You're excused from this trial only. You may return to you seat.

48 Catherine Crawford.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Crawford.

THE CLERK: What say the defendant?

MS. PARROTT: Please excuse Ms. Crawford.

THE CLERK: You been excused from this trial only. You may return to your seat.

84 Julianne Gaster.

(WHEREUPON, a white female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Gaster.

THE CLERK: What say the defendant?

MS. PARROTT: Please swear Ms. Gaster.

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

53 Khadjah Davis.

(WHEREUPON, a black female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Davis.

THE CLERK: What say the defendant?

MS. PARROTT: Please swear Ms. Davis.

THE CLERK: Please have a seat in the jury box, ma'am.

186 Derek Sanderson.

(WHEREUPON, a white male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Sanderson.

THE CLERK: What say the defendant?

MS. PARROTT: Please excuse Mr. Sanderson.

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THE CLERK: You been excused from this trial only. You may return to you seat.

165 Brian Naylor.

(WHEREUPON, a white male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Mr. Naylor.

THE CLERK: What say the defendant?

MS. PARROTT: Please swear Mr. Naylor.

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

How many alternates we doing, Judge?

THE COURT: We're going to do two. Strikes are one and two on each alternate, on each alternate.

THE CLERK: 183 Noelia Rodriguez.

(WHEREUPON, a Hispanic female, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Ms. Rodriguez.

THE CLERK: What say the defendant?

MS. PARROTT: Please excuse Ms. Rodriguez.

THE CLERK: You been excused from this trial only, ma'am. You may return to your seat.

198 Jose Sosa.

(WHEREUPON, a Hispanic male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please excuse Mr. Sosa.

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THE CLERK: You been excused from this trial only, sir. You may return to your seat.

140 Kathy Martin.

(WHEREUPON, a white female, comes forward.)

THE CLERK: What say the State? Does the State wish to challenge this juror for cause?

MR. WHITE: No, ma'am.

THE CLERK: What say the defendant?

MS. PARROTT: Please swear Ms. Martin.

THE CLERK: Please have a seat over here in the jury box, ma'am.

211 Brandon Viering.

(WHEREUPON, a white male, comes forward.)

THE CLERK: What say the State?

MR. WHITE: Please present Mr. Viering.

THE CLERK: What say the defendant?

MS. PARROTT: Please swear Mr. Viering.

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

THE COURT: All right. Is there any objection with regard to the jury selection process from the State?

MR. WHITE: No, sir, Judge.

THE COURT: Any from defense?

MS. PARROTT: No, Your Honor.

THE COURT: All right. We're going to ask that

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y'all remain here in the courtroom. The ones that were to report back at three o'clock on the bottom floor are going to come up here. Upon further reflection, we're going to ask that you take about a ten minute break and the door's going to be closed. When they're ready for you to come back in, they will -- the bailiff will come and get you. So y'all feel to refresh yourselves, get some water and be available here momentary. We talking about ten or 15 minutes. Bear with me just one moment.

(WHEREUPON, the jury panel is excused.)

THE COURT: Brian Naylor. You are going to serve as the foreman of the jury. I'm going to ask if you could change chairs with this young lady right here with the plaid pants. Mr. Naylor, you like everyone else is going to have one vote when it comes time to deliberation, but you're going to have additional responsibilities. The first of which is if there are questions or concerns that develop during the trial of this case, I'm going to ask that the jurors communicate that concern to you. You reduce it to writing, give it to the bailiff. If it's something I can help you with, I'll be happy to do so.

The second responsibility that's going to be additional for you is that when it comes time to deliberation, you're going to preside over the deliberation process, that essentially means that you're

to ensure that everybody's voice is heard. And lastly, there are going to be times throughout the trial of this case where you're in the jury room where we're taking care of legal matters outside of your presence. And I'm going to order that you enforce the rule there be no discussion about the case. At that time you'll have heard some witnesses, you'll have heard lawyers give presentations. You can't talk about the lawyers. You can't talk about the event. You can't talk about the evidence. You can talk about Carolina Clemson football. You can talk about the spring. You can talk about the beach. You can talk about anything you want to, but you cannot talk about this case. I'm going to ask that you enforce that rule. And will you do that?

FOREMAN: Yes, sir.

THE COURT: Very good. I'm going to ask each of you to stand and raise your right hand as the clerk administers the oath.

(WHEREUPON, the jury is sworn.)

THE COURT: All right. Have a seat. Throughout the trial of this case, I've already mentioned to you there be no discussion amongst yourselves or with anyone else. Here momentarily, we're going to recess for the evening. When you go home, I assure you that your coworkers, family members and friends going to say tell me

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what's going on with jury duty. And this is one time where you don't have to answer them because it might be that they know something about this case and that be inappropriate for you to hear something that doesn't transpire within the confines of this courtroom. You need to base your decision on what transpires here in this courtroom. You will hear from straight form the horses mouth and the witnesses what evidence the State has and what theories are most convincing to you and you need to base your decision on what transpires here in this courtroom and the law as I charge it to you. And when you're in the room by yourself, you've already heard me tell the foreman that you all are not to discuss the case whatsoever in any way, shape or form, only until I give you instructions to begin deliberations are you to do that.

Also, there's not anything you can't look up on the Google now days. You can look up personalities. You can look up events. You can look up records of all kinds, but I'm going to order and demand that you not do that. That will be against the law. It will be inappropriate. Do not do any independent research. I've already told you generally where this event took place. And after there's some testimony, you'll probably hear specifically where it took place. Do not go by there and try to do any

independent investigation. What you need to resolve this case is going to transpire here in this courtroom. Do not do that.

There's also a thing I hear tell called social media Facebook, Twitter and LinkedIn and MySpace and Instagram and whatever that thing is that disappears when you send. I don't participate in any of it, but that has no place in this judicial system. Do not Twitter or put on Facebook anything about this case until this case is resolved. And then I'll release you from that order, but do not do that. Is everybody understand that? All right. Very good. And anything from the State before we recess and allow the jurors to go home and return in the morning anything from the State?

MR. WHITE: No, sir, Judge.

THE COURT: Anything from defense?

MS. PARROTT: No, Your Honor.

THE COURT: All right. We are -- in order to get a good start, we're going to start at nine o'clock in the morning not 9:30. We're going to start at nine o'clock. Everyone be here, be here on time. We'll be here and ready to go and be here at nine o'clock, nine o'clock sharp look forward to seeing you then. Thank you very much. And you all are free to leave.

JUROR: We return here?

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THE COURT: We've had you all over the place.

THE CLERK: This is 3B.

THE COURT: I'm a little confused. It's the one in the middle. Everyone remain seated as the jury exits the courtroom follow the bailiff.

(WHEREUPON, the jury is excused for the day.)

(WHEREUPON, a break is taken.)

THE COURT: All right, ready to entertain pretrial motions at this time.

MR. WHITE: Yes, sir, Judge. We're ready to proceed as well. As soon as he gets out here, Judge, be happy to put up Investigator George Clark for the purposes of Jackson vs. Denno. It's my understanding, Judge, you do not want us to publish the video, the audio-recorded statement at this time. So I'll just elicit testimony from George Clark for purposes of that hearing.

THE COURT: Very good. You may call your first witness.

MR. WHITE: Thank you, Judge. At this time the State would call George Clark.

THE COURT: Mr. Clark, I'm going to ask if you could to come forward, place your left hand on the Bible and raise your right hand as the clerk administers the oath.

THE CLERK: Do you swear or affirm the testimony

you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full name for the record.

THE COURT: Have a seat in the witness chair, pull up real close to that microphone and speak loudly and clearly and slowly in order that we can hear everything that you have to say.

THE WITNESS: My name is George Clark.

THE COURT: Thank you.

DIRECT EXAMINATION - IN-CAMERA

BY MR. WHITE:

Q Mr. Clark, you use to be Investigator Clark, is that correct?

A That's correct.

Q And where were you an investigator?

A Florence City Police Department.

Q And how long were you an investigator?

A I was an investigator about nine years.

Q Now, it's my understanding that at some point you made it to supervisor of investigations, is that correct?

A Yes.

Q Turning your attention to the incident brings us here today that happen back on August 3rd 2018, were you in

investigations at that time?
A Yes.
Q In what capacity were you a supervisor?
A I was a supervisor of the criminal investigation division.
Q Are you aware of the investigation into the death and the murder of Qamar Ramadan that happen August 3rd 2018?
A Yes.
Q And did the Florence Police Department investigate that particular homicide?
A Yes.
Q And were you involved in the investigation of that homicide?
A The only thing that I was involved with was the interview between three of the subjects.
Q Now, are you aware of the circumstances that led to the arrest of the defendants in this case?
A Yes.
Q On August 3rd 2018, Mr. Ramadan was murdered, but the defendant in this case Donald Smith was not arrested until sometime thereafter. Do you recall when he was arrested?
A He was arrested August 14th down in Florida.
Q Okay. And what date was he brought back to Florence?
A The 17th of August.
Q And did you have an occasion to interview him

subsequent to his arrest?
A Yes, I sat in the interview with Investigator John Davis.
Q Okay. And what was the date of that particular interview?
A August 20th.
Q All right. On that date, where was the interview conducted?
A In the interview room in criminal investigations division second floor of the city complex.
Q And is that right downtown?
A Yes, 324 West Evans Street.
Q If you could describe, you know, the layout of that room, lighting conditions, et cetera?
A It's off to the side of the building. It's like its own little area there, so we have privacy and we don't hear noise from the outside. There's -- it's just like a is ten by ten room, got regular fluorescent lighting in it. It's got a audio and visual recording devices.
Q And were those audio-video recorded devices working in working order on that date?
A Yes.
Q And were they used on that date?
A Yes.
Q What happens once a statement or interview of any

kind is recorded where is it then stored?
A It goes to the hard drive, which is in a room across from the door of the room that we used and we notified crime scene. We filled out a logbook. They come down download it on to a disk or thumb drive and they archive it.
Q Are you aware whether or not that was done in this case?
A It was.
Q Was that audio-video recording then turned over to the Solicitor's office?
A Yes.
Q Now, turning your attention specifically to the interview of Donald Smith, who all was present at the time of that interview?
A Myself and Investigator John Davis.
Q Okay. And did you Mirandize Donald Smith prior to speaking with him?
A Investigator Davis did, yes.
Q Okay. And how was he advise of his Miranda rights?
A We have a form with the police department, it's a waiver of rights form and we read that word for word. And then we had them sign it and make sure they understand what was read to them and they agreed to it.
Q And I'm going to show you -- I haven't marked this as

an exhibit. I do want to show you -- is that the form that you're referring to?

A Yes, sir.

Q Is that the original form with Donald Smith's signature on it?

A Yes.

Q Now, does it contain an acknowledgment all of his Miranda rights?

A Yes.

Q And did he give a verbal acknowledgment of those rights as well as his signature on this Miranda form?

A Yes, he did.

Q And at that time did you feel comfortable going forward with John Davis in conducting that interview?

A Yes.

Q At any time during the interview, did he say, hey, I don't feel comfortable or want to one stop for any reason?

A No.

Q About how long in duration was the interview?

A It was about two hours and 15 minutes.

Q At any time did he ask to stop or go to the restroom or more importantly did he ever ask to stop questioning so he could speak with an attorney?

A No, he never ask that, but as it was ending, he asked if he could go to the bathroom which absolutely would take

him up.

Q Did he seem to be under duress? Was he coerced in any way to give a statement that he ultimately gave that day?

A No, he was very cooperative.

MR. WHITE: Beg the Court's indulgence.

(WHEREUPON, a pause in the proceedings.)

BY MR. WHITE:

Q Did he seem to be inebriated in any way?

A No.

Q Did he understand all the rights that were explain to him? Did he appear to have any sort of mental defects that would keep him from understanding?

A No.

Q Was he promised anything in exchange for his testimony?

A No.

MR. WHITE: Judge, other than the publishing of the actual statement, that would be all for this witness.

THE COURT: Ms. Parrott, you're recognized.

MS. PARROTT: Thank you, Your Honor.

CROSS-EXAMINATION IN-CAMERA

BY MS. PARROTT:

Q Investigator -- I'm sorry. I'm going to call you Investigator Clark just because that's how I've known you

for all these years.
A That's fine.
Q Investigator Clark, it was just you and John Davis in that room with Mr. Smith?
A Yes.
Q Was Mr. Smith handcuffed at the time that this was occurring?
A No.
Q You had taken the handcuffs off?
A Yeah, we brought him to the room in handcuffs. As soon as we got in the room, we took them off.
Q Okay. Do you know if he was offered any water or any food or anything like that?
A Yeah, I typically offer all people I interview a drink or something to eat while I'm there and I do believe he had a drink on his person.
Q All right. And you stated that you actually executed the Miranda waiver of rights forms. Did he have any questions regarding any of those waiver of rights or that form?
A I didn't execute it, John Davis did and then I signed as a witness, but he had no questions or concerns about it.
Q Okay. So on this I'm trying to read the handwriting, you're telling me that the witnesses the first line is

John Davis and the second line is yours?

A Yes.

Q Okay. Was there anybody else watching from any other perspective like a two-way mirror or two-way window?

A I don't believe -- I really can't answer that right now. Typically, we do have somebody in another room, but off the top of my head, it's been so long I don't know who it would have been.

Q But there is in fact a two-way window involved in this room?

A No, it's a monitor where the hard drive is that records. It's across the room, so they can watch everything that's going on.

Q Okay. When you were going through the statement with him, you actually went through it multiple times as far as what his version of the events are, but in my experience, y'all also will tend to interview somebody before you actually put the recording on. Was that done in this case as well?

A No, as soon as we walked in the room, we hit the switch and it records as we enter the room.

Q So he was not informally interviewed prior to walking into that room?

A Not to my knowledge, no.

Q Okay. And at that time he'd already been down in the

jail for approximately three days?

A He got there on the 17th and this was the 20th, so, yeah, I think he got there late on the 17th.

Q Had y'all been at the jail to talk with him prior to actually meeting with him on the 20th?

A I did not, no.

Q Do you know if anyone else did?

A I do not know.

Q Okay. Whenever you were answering questions for Solicitor White, you made the comment or you replied that no promises were made to Mr. Smith in exchange for the interview that he was giving, is that correct?

A That's correct.

Q Okay. You did talk with him about how many children he had, correct?

A I think he brought up that he had a son three or four-year-old son. And he believed that the other co-defendant was pregnant at the time.

Q Okay. And, in fact, whenever he was answering one of your questions in his response, what he was saying to you was on my son or on my son's life, does that ring a bell?

A He said that multiple times. He said that, yes.

Q Okay. So basically a way of swearing to whatever his statement was he was swearing on his life son's life, is that correct?

A Yeah.

Q Okay. Did you then follow up on that with your son's life then you need to tell the truth?

A Probably did, yeah. I don't see why we wouldn't have.

Q Okay. So that was a way of going or appealing to him emotionally or even possibly badgering him in a way emotionally or using that for your own purposes?

A Yeah, it's a common tool to use personal things like that, yes.

MS. PARROTT: I have nothing further, Your Honor.

THE COURT: All right. Any redirect?

REDIRECT EXAMINATION IN-CAMERA

BY MR. WHITE:

Q Just to clear up badgering, when you are talking to him, did you give him -- allow him enough time to speak and answer your questions?

A Oh, yeah, absolutely. We didn't badger him at all. We just ask direct questions and he answered.

MR. WHITE: Very good. Nothing further, Judge.

THE COURT: Might I see the waiver form?

MR. WHITE: Yes, sir, Judge.

THE COURT: Any further witnesses with regard to the Jackson v. Denno matters?

MR. WHITE: Judge, and just briefly, I'm going to ask one more question.

THE COURT: Sure.

REDIRECT EXAMINATION IN-CAMERA

BY MR. WHITE:

Q I think you brought this up, but the other investigator in the room was John Davis, correct?

A Yes.

Q And where is John Davis today.

A He's in South Africa. He got called for a year of service with the Navy Reserves.

Q So he's not available for testimony, is that correct?

A That's correct.

MR. WHITE: Okay. Nothing further, Judge.

THE COURT: All right. Any further witnesses?

MR. WHITE: That's it, Judge.

THE COURT: Okay. Defense you're recognized do you have any witnesses?

MS. PARROTT: No, Your Honor.

THE COURT: All right. And be glad to hear from you with regard to the issue of admissibility of the statement, Ms. Parrott.

MS. PARROTT: Thank you, Your Honor. Your Honor, it's my client's contention that whenever they actually started invoking his life's son, it was said in a

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different manner then what he had said it because he was using for the purposes of basically saying this is how serious this is to me and I'm swearing on it, but then whenever they then took, it turned into more of a threat as to, I think, what he really wanted to be able to see his son again or something like that. So it changed the demeanor of the use of the words, the use of the phrase. And so at that time he felt threatened and made some statements that he would otherwise possibly not have made. And, of course, that's part of the statements that are to be played later. So we would ask if you would consider suppressing the statement that he gave.

THE COURT: All right. Mr. White, anything further?

MR. WHITE: Judge, I do believe that the video will speak for itself. They are as calm and cool and collected as I ever even -- you would want to see investigators in an interview like this. They offered him a drink in the beginning. In fact, he begins to speak and Investigator Clark made sure that he said, hey, we're going to talk about that in a minute and wait for him to be Mirandized. They don't pressure him. He's not coerced in any way. And, again, I think that the video will speak for itself in that regard.

THE COURT: All right. I do find that he was

under arrest at this time and did put Miranda into play. I have before me the waiver of rights form where he was informed that he had the right to remain silent. Anything that is said could and will be used against him in the court of law. He had a right to speak with a lawyer while being questioned. If you couldn't afford one, one would be appointed for him. And he could have the right to remain silent, the right to stop questions at any point in time. The length of the questioning was two hours and 15 minutes. I specifically find is not onerous or burdensome.

He was in a room where the entire interview was being video taped and that speaks for itself. The lighting was not inappropriate. There is testimony here today that he did not request to stop. He did not request a lawyer. And there was indeed no coercion. There's been some mention of the fact that there was a discussion about his son's life or him being able not to see his son. And you know the South Carolina Supreme Court and the United States Supreme Court allows such questioning. There a lot of cases on that. Not only that, it allows subterfuge and essentially lying to a defendant, but under these circumstances, I specifically find that it was not coercive. They questioned him in a fair and reasonable manner. He was not intoxicated. He indicated that he

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listen to the questions and gave coherent answers. Did not appear as if he were intoxicated or mentally challenged in any way. There's been no evidence presented that he's of inferior IQ. He was not handcuffed.

I understand that he might or might not have been offered water, but he had a drink. There's never any question about that. The video speaks for itself in that regard. And very unusually there was not a pre-interview before they turned the camera on, which is favorable in a lot of respects certainly nothing wrong with talking to him beforehand, but everything that was said was recorded.

And based on that, I do indeed find that given all of the facts and circumstances and the waiver, it was witnessed and testified to here today. The statement is indeed admissible. There's certain aspects of the statement that we'll talk about momentarily that perhaps need to be redacted or have issues concerning prior bad acts and some Lyle issues 403 matters and we'll deal with those, but the statement in general is admissible. However, we will talk about certain redactions that are necessary to take out inadmissible matters that were discussed. All right. And hear the next motion in the order that you all find is most appropriate.

MR. WHITE: Judge, I was going to ask if Investigator Clark can step down.

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

(WHEREUPON, the witness leaves the witness stand.)

MR. WHITE: The other issue that we need to take up is a Lyle issue. It's a prior bad act and just so the Court is clear as to what we're referring to. Judge, this incident happened on August 3rd 2018. It was the murder of Ms. Qamar Ramadan. It happened at [redacted] North Franklin here in Florence. A couple months prior to this on June 13th 2018 at the exact same location law enforcement was called and responded to a potential break in in progress. When they arrived on the scene, they find Donald Smith diving under the victim's vehicle in attempting to hide and evade law enforcement. They take him into custody. They speak with the plaintiff that night, but eventually unfortunately the victim, deceased in this case, in speaking with her and she wishes to press charges for malicious injury to real property. He removed a screen from the window.

THE COURT: This victim in this event is the victim that's the victim in this case?

MR. WHITE: Correct, Judge. Residing at the location is Qamar Ramadan, the victim, in this case and the victim on that case and her granddaughter. But the

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person she raised as her own daughter Aliyah Hill. Donald Smith and Aliyah Hill had a relationship. On that evening, he is trying to get into Aliyah Hill's bedroom window. He actually takes the screen down and damages the screen. When law enforcement arrives, he then dives underneath the vehicle there. And, of course, the complainant, Ms. Ramadan, wishes to press charges for malicious injury. She also wishes for him to be trespassed from the property, which is important and why we would -- part of the reason, a major reason why I wish to admit this into affidavit evidence. He is trespassed. He's ultimately trespassed and that trespass notice is still in effect at the time that he enters the residence and murders Ms. Ramadan.

THE COURT: Well, the first thing that I'm required to do is determine whether or not this prior bad act is relevant. And specifically how is it relevant?

MR. WHITE: Judge, it goes to motive. It's a huge part of the motive in this particular case. The State's theory or the motive behind this is that Ms. Ramadan did not care for Donald Smith and he -- him dating her daughter. And, of course, you know, we're going to put up a lot of evidence that's going to show that, but this is a huge part of that is that this is kind of, you know, one of the last straws where she says you're not

allowed to come back over here. So it does go to motive and it also goes to identity, Judge. And I also want to offer a res gestae argument. When crime scene processes the scene, that screen that I referred to is still down on the ground. It's still got the hole punched out, which our theory that on the night of the murder that the granddaughter lets Mr. Smith into the back door. And that there's no -- so we would also like to offer to clear that particular piece of evidence up is that on that evening of the murder, he did not crawl through the window. He was actually let in the back door, but mainly, Judge, this goes to motive and it is a big piece of the State's theory in the motive.

THE COURT: What was the time of this -- what's the lapse of time between this or where we're going to categorize as a bad act and the killing?

MR. WHITE: The prior bad act occurred June 13th of 2018 and then the murder occurred August 3rd of 2018. And I'm not great with math, Judge, but it's less than two months.

THE COURT: You know, normally with these 404(b) matters quite often you're trying to show a common scheme and plan or modus operandi and that requires that you show that the previous bad acts were very similar to the present act, but in this case, that's not what you're

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doing. You're saying that it's relevant to prove motive.

MR. WHITE: That's correct, Judge. It is similar. I mean, there's a lot of similarities. You know, in the prior bad act, he just doesn't make it into the house, but it's clear that he's attempting to get into the house. Part of the State's theory, that on August 3rd that she essentially catches him in the house that evening after not -- after being trespassed and that she is attempting to again call law enforcement and essentially interrupts his plan to murder her.

THE COURT: All right. The last that I'm required to determine is whether or not the prejudicial value outweighs the probative value. What do you have to say about that?

MR. WHITE: Well, Judge, it's certainly, you know, prejudicial. I mean, this is a murder case. I don't think it's overly prejudicial. I mean, we're not offering to say that he is burglar or anything like that. I'm not offering it to say that he, you know, broke into the house. We're simply trying to get in twofold that that screen was damaged that evening and not later. And then that he's 100 percent trespass on the property and that trespass notice would be in effect at the time of the murder.

On the night of the murder, law enforcement

would have arrive on the scene if she would have been able to make it to her phone. He would have been arrested on the spot. And I think another thing for the Court's determination in this is if both of those -- in that prior bad act could be establish by clear and convincing evidence and in this case he was convicted, Judge, in the lower court of the malicious injury. And, of course, we have officers prepared to testify that they in fact followed the proper procedures as far as trespass notice.

THE COURT: All right. He was tried and convicted or did he plead guilty?

MR. WHITE: He was tried in his absence.

THE COURT: Okay. All right. This is really not before the Court now, but the fact that he was tried and found guilty is not admissible. I mean, you can testify as to underlying facts, but the fact that some other judge has found him guilty of that event is not admissible.

MR. WHITE: Absolutely, Judge. I was just offering it for the analysis, but, yes, sir, I agree.

THE COURT: Okay. Be glad to hear from you, Ms. Parrott.

MS. PARROTT: Thank you, Your Honor. Your Honor, I think this case is actually what 404(b) is all about. Whenever you look at the rule itself and it says

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the evidence of other crimes wrongs or acts is not admissible to prove the character of a person in order to show action and conformity therewith. It may however be admissible to show motive, identity, the existence of a common scheme or plan. The absence of a mistake or accident or intent. And in this case although they say that they're not using it for the purposes of trying to say that he's a burglar, they are saying that he had no permission to be there and that he was there without that permission from Ms. Ramadan. So the burglary being the entering without consent seems to be something that would be the first prong of this incident or this analysis that we're going for.

Secondly, your Honor, when it comes to exactly what you're just going for the probative issue versus the prejudicial value. In this case, I think the prejudicial value is extremely great. Whenever they look at cases regarding this your Honor, it says -- and this is straight from Lyle if the Court does not clearly foresee the connection between the extraneous criminal transaction and the crime charge, that is it's logical relevancy. The accused should be given the benefit of the doubt and the evidence should be rejected, that's Lyle at 125 SC and 417?

THE COURT: But this is -- you know, we got the

same defendant and the same victim. We got a dispute between them and pretty close in approximately of time. It's not as though the State is trying to introduce some conviction for drug trafficking or something like that. It is indeed related to this event because we talking about the same people, talking about the home and I assume that the killing took place at that home.

MR. WHITE: That's correct.

MS. PARROTT: That's the allegation, yes, your Honor.

THE COURT: And, you know, Lyle says if it's not related, but these two events are to some extent related, aren't they?

MS. PARROTT: Your Honor, and I think that's something that's part of what that issue would be. There is 50 to 51 days in my math of the difference between these two events, so I don't believe that it would fit a common scheme or plan. It would have to be that you believe that these two things are related and that the prejudice is not -- that the probative value ---

THE COURT: I don't think it's really a common scheme or plan. You know, that quite often comes up in like rape, child abuse cases where they do the same thing to children over and over and over again, that's not what this is. And I don't think they're offering it as a

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common scheme or plan, but just to show that he was banned from the place. And he was trying to get in and there was bad blood between the two and it's relevant in that regard.

MS. PARROTT: Okay.

THE COURT: What do you have to say about that? You did mention that that there was sometime that passed, but relatively speaking it's close in time. And I think the last case on 404(b) allowed previous events 20 years prior to the crime. So clearly time is really not depositive on this. It was fairly close in time. So anything further from the State?

MR. WHITE: Judge, I think we're just offering it for motive that he was not suppose to be there that night and that she, you know, there would have been confrontation. She would not have liked waking up and having him in the house. And if law enforcement would have arrived on the scene, of course, they would have authority to arrest. So it's just going to motive, Judge.

THE COURT: One minor point, you know, you say as to for motive, the first event apparently was for him to get into the house and there was a confrontation that probably would have taken place had he gotten in there, but he was trying to get in the house. And you're saying that you're offering him that to prove motive to do what?

I mean, the first time -- I assume -- I have no idea why he was trying to get in the house the first time. Clearly, there's some dispute about him seeing the daughter, but how is this relevant to prove motive to kill somebody?

MR. WHITE: Well, it's relevant because if she trespassed him in the home when he does -- and he admits in the statement to ---

THE COURT: Given notice not to trespass?

MR. WHITE: He was given notice that he is not to step back on to that property. So he admits on the third -- the second and the third he's in -- in his statement, his own statement admits it several times that he on that night he is in the house. And if she woke up like we think she did, she would not have been pleased and we believe that's the motive that, you know, he wasn't going to allow her to the call police on him again.

THE COURT: Anything further, Ms. Parrot?

MS. PARROTT: Your Honor, simply that I do believe that the prejudicial value is greater than the probative value that you would have. And I do have a quote from State v. Bore that when the prior bad acts are similar to one for which the appellate is being tried, the danger of prejudice is enhanced. So I think ---

THE COURT: Well, he's being tried for murder

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here, the other one's trespass and burglary.

MS. PARROTT: But they're trying to turn that trespass into something more than that.

MR. WHITE: We're certainly not trying to offer burglary or that he was attempting to burglarize the home or anything like that. I'm not even trying to get into that. He was simply charged with malicious injury to property for his damaging of that screen and the trespass notice. We trying to simply taylor it to that. In fact, there were a lot of prior bad acts throughout this investigation in the case file that we admittedly believe should be left out, but this one, I believe, falls squarely underneath the auspices of motive and should be allowed.

THE COURT: All right. Well, I'm going to allow it in because of the close approximately in time and the fact that it does offer an indicia of motive. And I specifically find that the probative value outweighs the prejudicial effect. And really and truly I can see that the jury could make a determination that he did maliciously injured the screen, that he might have been willing to come in there, but it doesn't mean that he's guilty of this particular crime. And for that to that extent, I won't allow it to come in particularly with regard to the trespass notice. And your case is going to

stand to fall on whether or not you can prove that he's the one that killed the victim.

MR. WHITE: Yes, sir, Judge.

THE COURT: For that reason, I don't believe it's prejudicial. I think the two would stand on their own. All right. Be glad to hear -- and you're protected on the record in all respects, Ms. Parrott.

MS. PARROTT: Thank you, Your Honor.

THE COURT: Is there any other matters?

MR. WHITE: Judge, the only other matter that the State didn't think of is admissibility of the photographs. I have sent those over to Ms. Parrott. I'm not sure if she has any objections, but I have to take up that at any time. And I do believe Ms. Parrott may have one or two other motions.

THE COURT: All right. Well, let me see the pictures. First of all, I don't need to see them if you don't object to any of them.

MS. PARROTT: Your Honor, there are some of the pictures that are duplicative and so I do question whether or not it's necessary to put all of them in. Particularly, I think, there's like pictures of the lamp at the scene as well as pictures of the lamp that are in the Florence Police Department evidence room. And so that was the only thing I would question about that.

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THE COURT: All right. Well, let's see the ones -- why don't you look at them and you show me the ones which you object to and the reasons why.

MS. PARROTT: It's not necessarily I object to the pictures. It's just putting in all of them, your Honor.

THE COURT: All right. Well, you can show me the ones that are duplicative and I will make a decision on that.

MS. PARROTT: Your Honor, if you want me to identify them by the State's numbers that they have?

THE COURT: That will be fine, yes.

MS. PARROTT: Okay. It would be picture number 206. It's submitted through the forensics department at the Florence Police Department 207, 208, 211, 212, 218, 219, 134, 135, 136, and 149, your Honor.

THE COURT: All of those are duplicative you say?

MS. PARROTT: They're all pictures of the lamp, your Honor. So it is just my question of exactly what points are we using to differentiate.

THE COURT: Might counsel approach the bench for just one moment?

MR. WHITE: Yes, sir. And, Judge, just so we're clear, the lamp is the murder weapon that's what we're

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looking at now.

(WHEREUPON, a bench conference was held.)

THE COURT: Can you publish those the ones I've excluded and then you can publish ones that are going to be admitted.

MS. PARROTT: Your Honor, by your ruling now, you have excluded number 136, number 135, number 218 and number 211.

THE COURT: Very good.

MR. TUCKER: And your Honor it appears on your ruling as well what you have found admissible picture 134, 149, 206, 207, 208, 212 and 219.

THE COURT: Okay. All right. Anything else?

MS. PARROTT: Your Honor, there are some pictures from the autopsy that I believe that the pathologist has now stated that she wishes to, I guess, refer to as part of her testimony that were in addition to some of the others. One of which to ---

MR. TUCKER: Karen, you'll hold just one second please before you continue? Judge, the reason I'm asking Ms. Parrott to stop, I wanted to give the family an opportunity to leave the courtroom as we're going to be referring to these pictures they might find emotionally upsetting.

THE COURT: You can do that.

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(WHEREUPON, a pause in the proceedings.)

THE COURT: All right. Ms. Parrott, let me see what you're referring to.

MS. PARROTT: And, your Honor, I understand that these -- a lot of these pictures are going to come in and they have paired them down quite a bit, but there are a couple of pictures that even to my eyes are a bit gruesome. And so I would just simply ask -- and these are the last ones that you sent me. And I don't the numbers for these because they were not -- these four that are part of the autopsy process and operation your Honor.

THE COURT: You know, the Supreme Court is time and time and time again said that we aren't going to let autopsy photographs in for that reason. She can bring in a styrofoam thing and show where it was. She can use this to refresh her memory, but that's not going to go to the jury. And that's ---

MS. PARROTT: It doesn't have a number, your Honor. I'm sorry.

MR. WHITE: I know which one it is.

THE COURT: Okay. All right. The autopsy photograph with her skin pulled off the skull is not going to be admissible. Certainly, the picture of the brain is not going to be admissible. She can use any kind of diagram she wants. She can use the styrofoam. The thing

to show where it is spatially on the skull and she can bring in a artificial brain if she wants to say where the trauma took place. That's not coming in. That's not coming in. And that's certainly not coming in. All of these are suppressed.

MR. WHITE: Thank you, Judge.

MS. PARROTT: These were the rest of the autopsy photos your Honor. I don't really see a problem with them, but I would obviously defer to your judgment about those.

THE COURT: What does -- what probative value is this?

MR. TUCKER: For identification your Honor with regards to -- obviously, we are trying a murder case. We have to establish the fact that the victim is who we say it is and that's the victim that she autopsied. This is their identification procedure when a body presents to them for autopsy. They have to check with the toe tag. I think there's a wrist tag. And they also take a picture of the face as well, so that they can properly identify the victim. And that's the only reason we be offering for that purpose.

THE COURT: Would you stipulate that the autopsy took place was the victim?

MS. PARROTT: It was Qamar Ramadan, yes, your

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Honor.

THE COURT: All right. Any reason for that?

MR. TUCKER: Well, your Honor, again, according to the pathologist, there was trauma to the face that the lamp made and ---

THE COURT: She can do that by styrofoam.

MR. TUCKER: Well, again, the problem is your Honor I'm not sure what sort of visual aids that the pathologist has in terms of her testifying.

THE COURT: You might want to call her tonight and tell her she needs to do that.

MR. TUCKER: Okay.

THE COURT: Or she can draw it on a board.

MR. TUCKER: Okay.

THE COURT: All right. The same with that, this, this.

MR. TUCKER: And, your Honor, if you're looking at the pictures of the puncture wounds to the back, those are significant in that part of the lamp, the brass piece upon which the bulb sits when it came apart during the assault and the attack, there were wounds to the back. What we are trying to establish is that in fact the lamp was the only weapon used. There was not a second weapon used to inflict the damage to the back. The pictures of the wound themselves, the way that the jagged edges are,

she would testify that that was inconsistent with a sharp edge weapon and it was more likely consistent with the base piece.

THE COURT: She can do that. I understood that when you told that to me without any demonstrative evidence. She can do that, but we don't want this to be a preliminary hearing. We been told time and time and time again don't put in gruesome autopsy photographs. We're not going to do that, but you will be given wide latitude. You know, they have these pictures of anatomical persons. She can draw on them. She can point to them. She can describe the wound and how it's consistent with what she observed with regard to the murder weapon. She can do all that, but these are not going to be admitted into evidence and that's my ruling.

MR. TUCKER: Yes, sir. And your Honor the only question I would ask of this point if referring to the wound and she's unclear about what I'm talking about, could I at least show the picture to her, so that she can refresh her recollection with regards to that?

THE COURT: Yes, you can do that, but it's not going -- don't let the jury see it.

MR. TUCKER: Yes, sir.

THE COURT: All right.

MR. TUCKER: And your Honor, I just for the

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record I want ---

THE COURT: It might be a good idea for you to talk to her before she got on the witness stand.

MR. TUCKER: Oh, yes, sir, we plan to do that. We spoken to her on the phone and we'll certainly take every precaution consistent with your ruling. The one I did want to mention your Honor for the record, we were not attempting just for the sheer gruesome nature of the photos, the injuries were inflicted in such that they would be consistent with her testimony in terms of the trauma to the face. There were no skull fractures, which is what the top portion of the skull was. The brain picture was that so she could show that the brain was kind of jostled around in there. It was a combination of the trauma to the face and to the brain, short of skull fractures causing the injury.

THE COURT: She can say that. She can certainly testify to that.

MR. TUCKER: And certainly not arguing with the ruling, I just want to put on the record why we were offering those.

THE COURT: And I think I explain why I'm not going to let them in.

MR. TUCKER: Yes, sir, quite clearly.

MS. PARROTT: Thank you, your Honor. Do you

want me to publish the numbers that I have your Honor or do you want me to wait until I have the four other numbers for those other pictures, your Honor?

THE COURT: Well, if you have a number. Do you have a number?

MS. PARROTT: I don't have those numbers.

MR. TUCKER: Those are not numbered.

THE COURT: But it really makes no difference.

MS. PARROTT: Just all autopsy photos that we have right here are not going to be allowed.

THE COURT: That's correct.

MS. PARROTT: Thank you, your Honor.

THE COURT: That's correct. Any other motions?

MS. PARROTT: Your Honor, he's already given me the NCIC on the witnesses that I believe he and I were going to talk about. At this time -- your Honor, I did make a motion for continuance last week before Judge Brown. He denied that motion set this case for today to go forward, but for purposes of protecting the record, your Honor, I do believe that I need to renew that motion for a continuance at that time -- I mean, at this time.

THE COURT: All right. And the grounds for that would be?

MS. PARROTT: The grounds your Honor, was that there's so much discovery that was actually dumped on me

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at last minute, your Honor. In so ruling, Judge Brown relied on some cases that relied on the amount of data that was based on page numbers. And at this day and time your Honor, I think, technology is outpacing the law. And so whenever they dumped 29.3 gigabits of a phone dump on me last Wednesday -- not last Wednesday excuse me -- Wednesday the 5th, my argument was that that was just an ordinate amount of information to be dumped on me at the last minute whenever this case was to be tried on May the 17th. And that this case was postured before the Court on March the 19th, that it was ready. Since that time, I will say what Mr. White has told me is that he only is going to refer to some text messages are apart of that phone dump. I was able to find that portion of those text messages, but I have not had an opportunity to review all 29.3 gigabits worth of data your Honor. And so because of that and because I believe that what Judge Brown was relying on was the fact that he wanted to know how many pages worth of information it was and it's just not able to be quantified in such a way. Technology is just different then what it was when those cases were written that would renew my motion for a continuance.

THE COURT: All right. I'm going to deny the motion. However, if there is some specific information or exculpatory information that you have found in your view

of it, I'll be happy to entertain that at a later date and time. One of the things I do want you to have the opportunity to do is to view the video in its final redacted form.

MS. PARROTT: Yes, sir.

THE COURT: How are we going to do that? How are we going to logistically do that?

MR. WHITE: As soon as we walk out the courtroom, I'm going to call Keith. He's probably gone for the day, but I'll tell him to get here early in the morning and he and I will redact it and get it to Karen.

THE COURT: When do you anticipate putting that in?

MR. WHITE: The very last witness Wednesday.

THE COURT: Well, that's going to work out well. So if you could get that to her before opening statements in the morning, that will give her some time to review that and we'll proceed forward. I think that is going to work out well.

MR. WHITE: Yes, sir, Judge.

THE COURT: All right. Anything else?

MS. PARROTT: I renew Rule 5. Is there anything else that I need?

MR. WHITE: Nothing from us.

THE COURT: All right. Well, very good. Since

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we do have a number of witnesses, I want everybody to have plenty of opportunity to be heard. And so we're going to start nine o'clock in morning instead of 9:30. And we need to move forward and cover everything but not waste any time. And make sure you got all your witnesses kind of lined up outside the door and that way move forward expeditiously and handle it fairly and do it that way.

MR. WHITE: Yes, sir.

THE COURT: We'll stand at ease until nine o'clock in the morning. Let's be here and be ready. And can we have the defendant in here at nine o'clock and because the jury is coming in early and we don't want them waiting around. We want to get started right at the crack of nine. Thank you. We'll stand at ease.

(WHEREUPON, the proceedings were concluded for the day to be reconvened on May 18, 2021.)

THE COURT: All right. Court will come to order. A little curve ball here. I'll be sitting in this chair for a moment. I'm Michael Holt. We met yesterday. I'm a visiting circuit court judge here with Judge Nettles. Counsel, anything before we bring the jury in?

MR. WHITE: Judge, just briefly, as we mentioned in chambers, we had some technology issues trying to get that squared away. We do believe we can do openings and then two witnesses. We also want to bring to the Court's

attention, we understand the Court's ruling as to the autopsy photographs. Those been discarded.

However, we do also want to bring to the Court's attention that the body-worn camera that we do intend to show today does show the crime scene and the victim's body, as well as the crime scene photographs also show the victim's body. We worked together to kind of weed out anything that's overly prejudicial that has, you know, no merit in terms of showing that to the jury. We believe that we work together and stipulated to photographs and we marked them for identification purposes, but we just wanted to let the Court know that we do intend to show the body in some regard.

THE COURT: Ms. Parrott, that is your understanding?

MS. PARROTT: The photographs that been stipulated to subject to foundation, Your Honor. And what we were just saying prior to your coming out on the bench your Honor was simply that I believe everything -- we should be able to agree on, but if there any that we cannot, then we're going to be asking for your input on those two, but I believe everything should probably be pretty good?

THE COURT: All right. We're good?

MR. WHITE: I believe so, Judge.

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THE COURT: All right. Before we bring the jury out, I know there a number of folks in the courtroom. Certainly, this is a place we have to remain dignified. I know there be certain emotions that are present out there. Just remind you, you're in a courtroom and we need you to remain dignified as we proceed through this important process. All right. Bailiff.

MS. PARROTT: Judge Holt.

THE COURT: Ma'am.

MS. PARROTT: This may be Judge Nettles I'm not sure. I know at this time we're not approaching the jury because of Covid and all the rest of it. Are we -- do you want us to use the lectern at this time or you want us to argue from where we are at our desks?

THE COURT: What's your preference?

MR. TUCKER: Judge, I think some of the jurors were position to look this kind of way. I'm afraid that if I stand here, they're either going to have to shift their seats around, so I would prefer it to do it from there, but I promise I will stay there and want go towards them in any regard.

THE COURT: All right.

MS. PARROTT: Can we switch it to move toward the jury a little bit?

THE COURT: I guess, it's movable I don't know.

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MR. TUCKER: To the extent that we can.

THE COURT: I just want the record to reflect that Ms. Parrott's the only one trying to move this.

(WHEREUPON, the jury came into open court.)

THE COURT: Okay. All right. Court come to order. Good morning, ladies and gentlemen of that jury. I'm Michael Holt. I'm a circuit judge in Darlington County. Judge Nettles introduced me to you the other day. I was sitting behind him. I'm going to play a little more predominate role in this part of the process. I been a family court judge for 11 years, so bear with me this is a new process. I was the jury in family court, so I did your role. So this will be a different process for me, but I look forward to it and I appreciate you working with me.

I believe it's, Dr. Naylor, right? Dr. Naylor, each time that you come in and out, I'm going to ask that you sit where you are right now as the foreman of the jury. Everyone else you can certainly -- jury's tend go back to seat that they been sitting in for in some reason. You're not require to sit there, but we certainly want you to know that you're not required to sit any particular place except in the seats that are made available to you. What we're going to do in this process is the Court is going to provide you with their preliminary charge as we

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get started with this case, okay. I'm going to read some things to you, I'm just going to ask that you pay attention, okay. If I confuse you with anything, I'll try to clear that up.

All right. This is a general charge as we start. What I'll now say is intended to serve as an introduction to the trial of this case. These remarks are not a charge of the law in this case. I will instruct you on the law applicable to this case. At the end of the trial before you to retire to consider your verdict, this is merely an explanation of the procedure that we will follow in the trial of this case, so that you may better understand what may be happening.

The defendant is charged by indictment filed in this court with the crime of murder and criminal conspiracy. The elements of which will be explained to you later. The indictment is simply the charge by which the case is brought into court and it is not evidence of any of the allegations that it contains.

The defendant has pled not guilty to this indictment. Here in our court system, a person accused of a crime is presumed innocent. The State therefore has the burden of proving each of the elements of the indictment beyond a reasonable doubt. And it will be your duty to decide whether the State has met that burden. Your

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purpose as jurors is to find and determine the facts. You are the sole judge of the facts. If at any time, I make any comment regarding the facts, you may disregard it. You're to determine the facts from the testimony you hear and other evidence introduced in court. It is up to you to determine the inferences which you feel may properly be drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously because ordinarily there's no way to correct an erroneous determination of the facts by a jury.

On the other hand with equal emphasis, the same law that makes you judges of the facts makes me the judge of the law. The law as given by the Court is the only law you may consider. You must accept and follow it even though you may disagree with it. I cannot tell you what the facts are. And you can cannot disagree with me about what the law is or should be. Your job is to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and other evidence that is introduced. After doing that, you will render your verdict, the true and just verdict under the solemn oath that you took as jurors. Until I advise you to begin your deliberations, you must not discuss this case with anyone including your fellow jurors, friends, family members and anyone involved in the case. After the

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case is submitted to you, you must discuss it only in the jury room with your fellow jurors.

The attorneys and parties in this case have been advised they are not to talk to you at all. So if you see anyone involved in the case and they don't even say hello, they're not being unfriendly. They're not being rued. They're just following the instructions of the Court.

Do not read, listen to or watch any news reports about this case. This includes anything that may be in the newspapers, on the internet or TV. You must not consider anything that you have read or heard about this case outside of this courtroom whether before or during the trial. It is important that you keep an open mind and not decide any issue in the case until all the evidence has been presented. The parties have made their closing arguments and I've instructed you on the law in this case. It is your solemn responsibility to determine the guilt or innocence of the defendant and the verdict must be based solely on the evidence as presented to you in this trial and on the law as I instruct you during and at the close of the trial.

In just a moment, the Solicitor will make what is called an opening statement from right here. We've adjusted the podium, so that they will be able to see you and the attorneys in which the Solicitor will explain to

you the issues in this case or at least what the Solicitor thinks the issues are in this case. The attorney for the defendant is Ms. Parrott will also make an opening statement, although they she's not required to do so. What the attorneys tell you during their opening statement is not the evidence in the case. It is only their contention or position as to what the issues are. The evidence in this case will be presented to you by the testimony of sworn witnesses from this witness stand and the exhibits that may be introduced into evidence.

From time to time during the trial, you may hear one of the lawyers say something like your Honor I believe have a question of law or a matter of law to discuss with you or we -- your Honor, may we approach the bench. In that event, it might be necessary for the Court to excuse you from the courtroom. I don't want to make this a difficult process laborious process for you, but there some things that we need to discuss outside of your presence because we don't want to taint you with anything that may not be admissible or proper for you to hear.

Nevertheless, I'm not suppose to tell you what I think the facts are. And in the event that I do, please disregard anything that the Court may have said. In deciding whether you believe a witness, you have the right to consider the interest of the witness, the bias of any

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witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify and the way the witness acts on the witness stand. You have a right to consider anything that is in the record that will help you evaluate the testimony of the witness. That means that it is your duty to pay close attention to this witness -- to these witnesses, to observe the witnesses, to listen to the witnesses and to pay close attention to the attorneys and to the Court. This is difficult don't let your thoughts wonder, but give strict attention to the testimony in this case. So at the end of all the testimony, after the arguments of counsel and the charge on the law by the Court, you will be in a position to determine what the true facts are and apply the law to those facts and thus render a true and just verdict.

It is your added duty, Mr. Foreman, to preside in the jury room and the spokesperson here in the court. It will also be your duty to write the verdict, but the Court will give you further instructions about that at the conclusion of the case. In order to preserve everyone's rights, I'll give the parties an opportunity to object to anything that I've said, any exceptions to anything that I've said to the jury by the State and by the defendant. Counsel, anything?

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MR. TUCKER: Nothing from the State, your Honor.

THE COURT: Ms. Parrott.

MS. PARROTT: No, Your Honor.

THE COURT: All right. With that said, we are prepared to start the trial of this case. Mr. White.

MR. TUCKER: She tried to protect her granddaughter and Donald Smith killed her because of it. She tried to keep him away from her granddaughter and Donald Smith killed her because of it. She tried to keep him out of her house and Donald Smith killed her because of it. This is a case about frustration getting the way of anger. This is a case about anger giving way to violence. And, ladies and gentlemen, this is a case about violence giving way to a senseless and brutal murder.

Retirement, for some of us, it's a long way off. For some of us, it can't get here soon enough. I, myself, as I get closer to it, find myself thinking about it more and more, what to do, where to go. Those are questions that come to my mind.

The victim in this case, Qamar Ramadan, when she retired she chose to make a better life for her granddaughter and she chose to spend her retirement to benefit her granddaughter, Aliyah Hill. You will hear evidence and testimony that after a career in the health care field in New Jersey, the victim in this case, Ms.

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Ramadan, a mother, and a grandmother left in 2015 and relocated to South Carolina. The reason that she did this was to remove her granddaughter from a bad environment for hopefully a better one here in Florence, but as Ms. Ramadan would find out, you can remove the granddaughter from the bad environment, but you cannot remove the bad behavior from the granddaughter.

You will hear testimony that in the summer of 2018, Ms. Ramadan found herself in the position of having to save her granddaughter from herself and to try to keep her away from a man with whom she was associating, the defendant in this case Donald Smith.

You will hear testimony that on the evening of June the 13th 2018, Ms. Ramadan called law enforcement and had them respond to her residence at [redacted] North Franklin Street in Florence apartment E. Now, when the police got there, they found Mr. Smith hiding underneath Ms. Ramadan's car. Two things happened that night, Mr. Smith was charged with damaging a window screen and he was given a trespass notice, which meant that if he returned he would run the risk of arrest. But if Ms. Ramadan thought that that was going to keep him from her granddaughter, she would find out tragically in the early morning hours of August 3rd 2018 that she was wrong. She was dead wrong.

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You will hear testimony that a daughter of Ms. Ramadan when she fail to make contact with her mother on August the 3rd and into August 4th became concerned. You will hear how she failed to make contact with her granddaughter who was living there with Ms. Ramadan and so she did what any other good daughter would, she called the police and had them go by and check on her -- her mother.

Now, you will hear from the officers and they responded on the afternoon of August 5th or August the 4th 2018. They didn't find any signs of forced entry. They didn't find Ms. Ramadan's car. They didn't find their granddaughter, Aliyah Hill, and they didn't find her boyfriend, Donald Smith. What they did find unfortunately was Ms. Ramadan's lifeless body as it lay next to her bed in the back bedroom. You will hear testimony that as the investigation progressed and began, they were able to determine Ms. Ramadan was beaten to death savagely and ferociously while she lay on her bed. The investigation was able to determine that the murder weapon in the case was a lamp that sat on the bedside table next to the bed.

Now, they were also able to find DNA that belong to the victim on the murder weapon. They were also able to determine that there was DNA from another source on the murder weapon as well and you will hear that is that of the defendant Donald Smith.

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You will also hear testimony that Ms. Ramadan fought for her life. You will hear that they were able to collect fingernail scrapings and that was sent to a lab and that was determined contained the DNA of the defendant in this case Donald Smith. You will also hear that after Ms. Ramadan was murdered, Mr. Smith and the granddaughter attempted to clean up the scene. They hid some of the bloody clothing in the closet. They put part of the murder weapon hid it in a clothes hamper and then they tried to put clean linen on the bed to make it appear as if nothing happened. And they also rolled Ms. Ramadan right off of the bed next to the wall and you will see and hear how that body was found.

After they attempted to clean up the scene, Donald Smith and Aliyah Hill fled from Florence in Ms. Ramadan's car briefly to Columbia, South Carolina and then to Jacksonville, Florida, where they were arrested a few days later. You will hear they were brought back here to Florence and charged with the murder of Qamar Ramadan.

You will also hear that Donald Smith gave a statement and you will see and hear the statement for yourself. Now, in that statement Donald Smith admits to being there when Ms. Ramadan was murdered. He admits to even participating with Aliyah Hill in cleaning up the scene. Now, what he doesn't admit to is actually killing

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Ms. Ramadan. He tried to blame it on a third person he claim was there, but now what Donald Smith didn't know when he gave that statement was that police had already spoken to a friend of his who will testify that on the evening just before Ms. Ramadan's murder, he encountered Donald Smith. And he will describe Donald Smith's character as being agitated and Donald Smith tells him essentially he is going to hurt Ms. Ramadan because she will not let him and Aliyah Hill live their lives.

What he didn't know when he gave that statement was that DNA had already been collected from underneath Ms. Ramadan's fingernails and that his DNA had already been collected from the murder weapon and it will be just a matter of time before the lab will positively identify that DNA belonging to him. What he didn't know when he gave that statement was that law enforcement noticed that he had injuries on his hand consistent with being scratched or being injured consistent with the fingernail scrapings that were found under Ms. Ramadan's fingernails.

Aliyah Hill is not on trial yet. She'll face justice another day, but today it's Donald Smith's turn. His reckoning will come at the end of this trial when you return a guilty verdict for the murder of Qamar Ramadan.

She tried to protect her granddaughter and he killed her because of it. She tried to keep him away from

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her granddaughter and he killed her because of it. She tried to keep him out of her house and he killed her because of it. This is a case about frustration giving way to anger. This is a case about anger giving way to violence. And, ladies and gentlemen, make no mistake about it, this is a case about violence that led to a senseless and brutal murder.

THE COURT: Thank you, sir.

Ms. Parrott.

MS. PARROTT: Thank you. Counsel. Good morning, ladies and gentlemen. Again, my name is Karen Parrott and I'm an attorney in the public defender's office and I represent Donald Smith. Donald Smith is the defendant in this case. And you know that because of the information that's been given to you yesterday as well as from the Court today. They've also referred to an indictment. An indictment is simply a piece of paper that actually brings the person to court. Donald Smith comes before you at this time cloaked in innocence. Those are kind of legal terms that we use fancy terms, but what they really mean is that a person is presumed innocent until and only if they are proven guilty beyond a reasonable doubt by an unanimous verdict. That is why we need you. That is why we're asking for your complete attention in this case. The prosecution's presented what they believe

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to be their side of the story. Well, there's always two sides of a story, sometimes there's three. What I'm asking of you is just to listen because of the fact is every time there is something said, there's always going to be or there should be another perspective on things.

I like to do puzzles. The thing about a puzzle is is you get pieces and you put them down and sometimes they look like they fit where they're put and sometimes they don't. And sometimes it takes doing a little bit more work on that puzzle to figure out if that piece really fit there. Especially as the puzzles get harder more pieces. This is a case that has a lot of pieces to it. Some of it you're going to need to look at in more than one perspective and that's what I'm going to ask of you as part of this case. I thank you for your attention. Thank you, your Honor.

THE COURT: Thank you.

All right. The State ready to proceed?

MR. WHITE: Yes, sir, Judge.

THE COURT: All right.

MR. WHITE: At this time the State would call Investigator Thomas Herman.

THE COURT: Thomas Herman.

MR. WHITE: Yes, sir, Judge.

THE COURT: Thomas Herman, you come forward,

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sir. Sir, if I could get you to come to the witness stand. If you place your left hand on the Bible, you raise your right and the bailiff will swear you or madam clerk. In family court, I did that, but here the clerk does that.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth and nothing but the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Please be seated and state your full name for the record.

THE COURT: Your witness.

MR. WHITE: Thank you, Judge.

THE WITNESS: Thomas Herman.

MR. WHITE: And, madam clerk, would you like for him to spell his last name for the record?

THE COURT: Sir, would you spell your name for the court reporter please?

THE WITNESS: H-E-R-M-A-N.

THE COURT: H-E-R-M-A-N?

THE WITNESS: Yes, sir.

THE COURT: Thank you, sir.

WHEREUPON,

Thomas Herman,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Investigator Herman, thanks for being here with us this morning. If you could, tell us where are you employed?

A City of Florence Police Department.

Q How long you been with the City?

A Approximately eight and a half years.

Q In what capacity are you currently employed?

A Corporal with investigations unit.

Q How long you been with investigations?

A Right at two years.

Q And before that in what capacity were you employed with the City?

A As patrol.

Q Now, back on -- in 2018, the summer of 2018 to be specific, in what capacity were you employed at that time?

A I was a patrol officer.

Q And were you made aware that on August 3rd 2018 a murder occurred at [redacted] North Franklin Avenue in the City of Florence?

A Yes, sir.

Q And did you know that your office was investigating that particular murder?

A Yes, I did.

Q Now, I want to back up a little bit on June 13th 2018, did you respond to that particular address on that evening to an attempted break in?

A Yes, sir.

Q And was that [redacted] North Franklin Drive apartment E?

A It was.

Q And is that in the City of Florence?

A It is.

Q And is that in Florence County?

A It is.

Q And is that the same address where a couple months later the murder occurred?

A Yes, sir.

Q The complainant on June 13th who was that?

A Qamar Ramadan.

Q Are you aware whether or not she was the victim in that later murder?

A Once it occurred, yes, sir, that's what I was told.

Q Now, when you arrived on scene, who did you encounter?

A When I arrived on scene, I encountered Mr. Smith and two of our other officers.

Q Who else was on scene at that time?

A Ms. Ramadan, and her daughter, Miss Hill, granddaughter excuse me.

Q And you stated that Ms. Ramadan was the complainant?
A Yes.
Q Was does that mean?
A That means she was the one that actually filed the or called into 9-1-1 dispatch.
Q And was she -- were you made aware that she was actually the one that resided at that location?
A Yes, I was.
Q And you mentioned that another person you said Aliyah Hill was she also a person that was residing at that location?
A Yes, sir.
Q Were you able to figure out what their relation Ms. Qamar Ramadan and Miss Hill?
A Ms. Ramadan was the grandmother of Aliyah Hill.
Q And Mr. Smith were you able to ascertain the relationship was with him and members of that residence?
A Yes.
Q And what was that?
A According to Aliyah and Ms. Ramadan, it was a friend of Miss Hill's.
Q Now, did you speak Ms. Ramadan?
A I did.
Q Did you speak with Miss Hill?
A I did.

Q Were you able to figure out if Mr. Smith had any reason to be at the house that evening?

A No.

Q And in fact when you approached, did you see any damage to the outside of the home?

A Yes, there was a bedroom window off to the right side of the front door, the screen was bent up and laying down in the bushes.

Q In what bedroom window did that come from?

A That would be Miss Aliyah Hill's.

Q Okay. And did you speak to Ms. Ramadan about whether or not that had occurred that evening or prior?

A Yes, she had actually said that it was not like that the day before.

Q Okay. And subsequently did she request that you charge Mr. Smith for damage to that window?

A Yes, he was charged with malicious injury to personal property or correction real property.

Q Did she also indicate that she wished to trespass Mr. Smith from the residence?

A Yes, sir.

Q And would you tell us what does that mean, what does that entail when you say somebody says I want this person trespass from the property?

A Trespass notice means that that person is no longer

allowed back at that property for a minimum of six months.
Q Okay. So from June 13th 2018 six months into the future, Mr. Smith was no longer allowed to be at that property?
A That's correct.
Q And you officially trespassed him. And what is the process for notifying someone that they are trespass from the property?
A So at the beginning what we do is the actual complainant or victim has to notify them face to face that they are no longer allowed back at the property. We filed an incident report and a trespass notice is logged into our data base at headquarters. So if anyone was to call and request to see if somebody trespass from the property, it's on file on record.
Q So if he were to be called back at that property at any time within that six month period, he could have been arrested?
A Yes, sir, it is an arrestable offense.
Q Now, when you arrived on scene, you spoke to Ms. Ramadan, you spoke to Miss Hill, what was Ms. Ramadan's demeanor?
A She was shooken up a little bit. A very sweet lady, but she was pretty upset that this gentleman was at her residence.

Q And what time was this call made, what time did you arrive on scene?
A I believe it was right around 0155 hours, 1:55 a.m.
Q And she made it clear that she did not want Donald Smith at the residence that night or any time in the future?
A That's correct.

MR. WHITE: Beg the Court's indulgence. Judge, I have nothing further. Please answer any questions Ms. Parrott may have.

THE COURT: Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Investigator Herman, when you responded out to this call, this was called out as just a malicious injury to personal property?
A No, ma'am, I believe the call was actually a possible burglary in progress.
Q Okay. And so you and two other officers actually came in to see this scene?
A Yes, ma'am.
Q Okay. But you're the one who actually writes the report from this incident, is that correct?
A That's correct.
Q Did you -- let me back up. You've obviously been to

the criminal justice academy for schooling, correct, about this being a police officer?
A Yes, ma'am.
Q And as part of those, one of the things that they teach you is how to write reports?
A Yes, ma'am.
Q And what you put in your report is what you believe to be an accurate representation of the information you received that night?
A Yes, ma'am.
Q And also a complete representation of that information, correct?
A Yes, ma'am.
Q Okay. Do you have a report in front of you?
A I do.
Q Okay. If I could refer you to page two and the first full paragraph about six lines down, you were speaking with a Ms. Hill, who is the granddaughter, and she was how old at this time about 18?
A I believe so, yes, ma'am.
Q Okay. And Mr. Smith at the time was 20?
A I'd have to look.
Q Okay. You can look.
A Yes, ma'am.
Q Okay. But when you're speaking with Ms. Hill, she

says that she stated that she looked through the blinds on Ramadan's bedroom window. With the layout of this house, did you know at the time that Ms. Ramadan's bedroom window was on the backside of the house?

A During my arrival?

Q Yeah, as part of your investigation on this case, did you know that Ms. Ramadan's window was on the back side of the house?

A Not until later.

Q Okay. And they observe Mr. Smith grabbed the window screen remove from the window?

A Uh-huh.

Q And that they observed Mr. Smith grabbed the window screen and remove it from the window?

A Uh-huh.

Q That's what they're saying happened on the backside of the house?

A No, ma'am.

Q Okay. That was on Ramadan's bedroom window, correct, or am I misunderstanding your statement?

A It's possible that I may have put the wrong person's name in the report on that part.

Q Okay. When you spoke with Mr. Smith, he denied that he had removed the screen, is that correct?

A Yes.

Q And as part of this, he also told you that he was in a relationship with Miss Hill, is that right?
A Yes, ma'am.
Q Okay. Did you actually question Miss Hill further about that after she had said just that they were good friends?
A Yeah, I believe so.
Q Okay. And she didn't change that, was her grandmother present at the time?
A Yes.

MS. PARROTT: Nothing further, Your Honor.

MR. WHITE: Judge, just briefly.

REDIRECT EXAMINATION

BY MR. WHITE:
Q Just for clarification, what time did this incident occur?
A It was around 1:55 a.m.
Q And did Ms. Ramadan make it clear that Donald Smith was not allowed to be at the home?
A Yes.
Q And did Miss Hill tell you that she had no idea that Donald Smith was coming to the home?
A Yes.

MR. WHITE: Nothing further, Judge.

THE COURT: All right. Anything further? All

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right. Nothing further any objections with him being excused?

MR. WHITE: No, sir, Judge.

THE COURT: Investigator, thank you for your testimony. You're free to go, sir.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Ladies and gentlemen of the jury, just to give you some heads up, we'll take a break around 10:30, okay.

Next, State's witness.

MR. WHITE: Thank you, Judge. At this time the State would call Ethan Boseman.

THE COURT: Ethan Boseman. Officer, I can get you to come forward. Sir, if I can get you to place your left hand on the Bible, if you'd raise your right hand.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Ethan Boseman.

WHEREUPON,

Ethan Boseman,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Good morning, Officer Boseman, if you could, tell us where you are employed?

A City of Florence Police Department.

Q How long you been employed there?

A Six years now.

Q Now, with that being back on June 13th 2018, would that mean that you were employed ---

A Yes, sir.

Q --- in the same capacity? Were you employed with the patrol division?

A Yes, sir.

Q Did you have an occasion at around 1:55 a.m. to respond to [redacted] North Franklin Drive apartment E in Florence?

A Yes, sir.

Q Is that largely in the County of Florence?

A Yes, sir.

Q And were you responding to an attempted break in at that location?

A That's correct.

Q Were you the first officer on scene?

A I was.
Q And what, if anything, did you find, who did you encounter when you first arrived on scene?
A I was first officer on scene. As I pull up to the victim's location, I observed the defendant almost dive underneath her car. Since, I was the only one on scene at the present time, I drew my department pistol, held him at gun point. By that time, Corporal Thibodeau had arrived assisting me in detaining him in handcuffs. Also notice that the screen of the front of the location also off the window.
Q And I'm going to back up a little bit, you said dove under her car. Whose car did you witness Donald Smith dive under?
A Qamar Ramadan.
Q And when you saw him dive under Ms. Ramadan's vehicle, did it appear to you that he was trying to hide or evade your detection?
A That's correct. He was the only person I seen at that location outside.
Q And, you know, if a person had permission to be there or had been invited, would you think that they would be trying to hide from him?
A No, sir.
MR. WHITE: Judge, I have no further. Please

answer any questions Ms. Parrott may have.

THE COURT: Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Officer Boseman, you were working patrol at the time. You still work patrol?

A Yes, ma'am.

Q And you continuously work patrol this whole time since this incident?

A Yes, ma'am.

Q Okay. Did you do any investigation into this case?

A No, ma'am.

Q Okay. Have you -- did you respond to any further trespasses by Mr. Smith between June 3rd 2018 date until August 3rd 2018 event?

A No, ma'am.

Q Did you question anybody that was there at the time?

A During the first event, no, ma'am.

MS. PARROTT: I have nothing further for Officer Boseman.

THE COURT: Mr. White.

MR. WHITE: Just briefly, Judge.

THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. WHITE:

Q Officer Boseman, you didn't investigate the case, you weren't an investigator?
A No, sir.
Q And what is your understanding of the trespass notice?
A Trespass notice the victim or the complainant wishes that person no longer to be at the location. Like Investigator Herman said, we file trespass warning. They have to tell them in our presence that they're no longer allowed there and it last up to six months.
Q And that happened on this occasion, correct?
A Yes, sir.
Q Now, are you aware that your office investigated a murder on August 3rd 2018, at the very location that you arrived at that night?
A Yes, sir.
Q Let me ask you this, did you respond to any trespass notices after that person was murdered?
A No, sir.

MR. WHITE: Thank you, Judge.

THE COURT: All right, nothing further of this witness?

MR. WHITE: No, sir.

MS. PARROTT: No, sir.

THE COURT: Any objection to this witness being

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excused?

MR. WHITE: None, Judge.

THE COURT: This your day off or you're working today?

THE WITNESS: Day off.

THE COURT: All right, go home and get some rest. You're excuse, sir. Thank you.

(WHEREUPON, the witness leaves the witness stand.)

MR. WHITE: Judge, may we approach?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen of the jury, we're going to take a recess a little earlier than we anticipated. We have some technology issue that we have to make some accommodation for. In Darlington County, we don't have technology, so this will be a new experience for me. So if I could just ask you to be excused, you're not -- please don't talk about the case during your break, but you certainly have a chance to refresh yourselves before we come back out, okay. All right. Bailiff. Everybody remain seated until we have the jury exit the courtroom.

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(WHEREUPON, the jury retire to the jury room.)

THE COURT: All right. Counsel, what do we need to do to make this accommodation?

MR. WHITE: Judge, I'm going to shoot down the hall and get to work and I believe Keith, our IT guy, is out in the hall with the TV?

THE COURT: How long do you think this will take?

MR. WHITE: I'm hoping no longer than 15 minutes, but maybe 20 minutes to be on the safe side.

THE COURT: Okay. All right. We get back in here if you have any objections to anything.

MR. WHITE: Yes, sir.

THE COURT: All right. Court will take a recess for approximately 15 minutes. All right.

MR. WHITE: Yes, sir. Thank you, Judge.

(WHEREUPON, a break was taken.)

THE COURT: Court come to order. Counsel, where do things stand with our technology issue?

MR. WHITE: I believe, we're ready to go, Judge.

THE COURT: Ready to go.

Ms. Parrott.

MS. PARROTT: Yes, sir.

THE COURT: Any matters before we bring them out?

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MR. WHITE: I do not believe so, Judge.

THE COURT: We ready to bring the jury out.

MR. WHITE: Yes, sir.

THE COURT: All right, bailiff. Thank you, sir.

(WHEREUPON, the jury came into open court.)

THE COURT: All right. Ladies and gentlemen of the jury, I apologize for any inconvenience to you. We took a little bit longer setting the technology up and I appreciate your patience. Did everybody sit in their same seat? Prove me right. Whatever reason, we always go back to our same seat creatures of habit. I meant to mention to you earlier, we're not going to allow any note taking during the trial. And so if you have discard that, but please don't take any notes during the trial. I want you to focus on the -- on what's brought in through witness testimony or any evidence. All right. So counsel for the State, we ready to proceed?

MR. WHITE: Yes, sir, we are, Judge.

THE COURT: All right, sir. Call your next witness.

MR. WHITE: Thank you, Judge. At this time the State would call Officer McIver from the Florence Police Department.

THE COURT: Officer McIver, I'll get you to come forward. If I can get you to place your left hand on the

Bible, sir, and if you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Officer Patrick McIver.

THE COURT: Thank you, sir. Your witness.

MR. WHITE: Thank you, Judge.

WHEREUPON,

Patrick McIver,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Officer McIver, where are you employed?

A Florence City Police Department.

Q How long you been employ there?

A Right at eight years with the City?

Q And in what capacity are you employed?

A Sir?

Q And what do you do for Florence Police Department?

A Right now I'm a school resource officer.

Q And back in August, you know, the summer of 2018

really what capacity were you employed then?
A Patrol division.
Q Okay. Now, were you call to the scene that's [redacted] North Franklin Drive apartment E on August 3rd 2018?
A Yes, sir.
Q Why were you responding to the scene on that day?
A It was originally a welfare check.
Q And what does that mean a welfare check?
A Somebody could call in and it might be a welfare check on a family member or daughter or child to go by and try to make contact and make sure they at home reason being because the person that's calling in hasn't heard from that person in a minute, so they were calling a welfare check.
Q So basically a family member's worried?
A Yes, sir, sometimes it can be family or the friends.
Q And in this case was it a family member?
A Yes, sir.
Q And who exactly did you speak with who requested a welfare check at this incident location?
A I don't want to pronounce the name wrong, I think it was Sadiq.
Q Sadiqa.
A Sadiqa, I'm sorry.
Q Did you also speak with a Faten Smith?

A Yes, sir, I think I spoke with her a second time.
Q Now, both of those individuals, both of those ladies, are they -- what relation were they to the person who was residing at that address?
A Daughters.
Q Now, when you arrived for a welfare check, any welfare check generally, you know, what exactly are you looking for?
A Anything out of the ordinary gets to the house, we'll check look at the windows, look at the door. If we able to go around the backyard of the yard, we'll go in the backyard kind of just see if things there. Sometimes they might say, well, if you see this car, this item or this bicycle in the yard, they might be there stuff like that.
Q Okay. Did you receive any information from the daughters of the person you were going to check on?
A Yes, sir, the first daughter she said that her mother actually had a car, a vehicle that was there, that should be there and that her mother's granddaughter was living there also.
Q So she informed you that two people were residing at that address?
A Yes, sir.
Q The grandmother and the daughter?
A Yes, sir.

Q Now, I notice you got a lot of equipment on your person. Back on that date, were one of those pieces equipment be a body-worn camera?
A Yes, sir.
Q And was your body-worn camera operational on August 3rd 2018?
A Yes, sir.
Q I'm going to show you ---
MR. WHITE: If I may approach, Judge?
THE COURT: Yes, sir.
BY MR. WHITE:
Q I'm going to show you what's been marked as State's Exhibit 1. If you could just look at and tell do you recognize that item?
A Yes, sir.
Q And how do you recognize it?
A It's a copy of my body-worn camera.
Q And is it a fair and accurate representation of the scene as you saw it during your welfare check of [redacted] North Franklin on August 3rd 2018?
A Yes, sir.
Q Now, I want to ask you how is your body-worn camera footage stored?
A It's actually downloaded. Once I hit the record button, it starts recording. It doesn't stop until I

actually stop the recording. And then at that point at the end of my shift, we would go downtown to headquarters police station and put it up on a base, so it would automatically download.

Q Was that done on this case?

A Yes, sir.

Q And once it's downloaded into your system, did someone go in and retrieve it?

A Yes, sir.

Q Are you aware of whether or not it was retrieved in this particular case?

A Yes, sir, it was.

Q And was it turned over to the Solicitor's office?

A Yes, sir.

Q And is that the footage there contained on State's Exhibit 1?

A Yes, sir.

MR. WHITE: Judge, at this time I move State's Exhibit 1 into evidence.

THE COURT: Any objections?

MS. PARROTT: No objection.

THE COURT: All right. So ordered that will be State's Exhibit Number 1.

Madam court reporter, you already have that marked?

COURT REPORTER: Yes, sir.

THE COURT: Okay. All right, thank you.

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

MR. WHITE: If I could, Judge, at this time, I like to move State's Exhibit 1 into evidence or excuse me -- publish to the jury, Judge.

THE COURT: Without objection?

MS. PARROTT: No objection.

THE COURT: All right, so ordered.

(WHEREUPON, body-worn camera video shown to the jury.)

MR. WHITE: Now, while we're getting going here -- Judge, may I ask if Officer McIver could step down here with me, so he could see the screen, usually he be able to see the screen from there, but I would love it if he could describe what he's seeing.

THE COURT: No objection, Ms. Parrott?

MS. PARROTT: None, Your Honor.

THE COURT: All right. Office McIver, if I could get you to step around and you can just stand at a point where you're not obstructing the jury, but where you can see the screen. The bailiff he's okay you can obstruct his view. I think we're good. All right, yes, sir.

MR. WHITE: Thank you, Judge.

BY MR. WHITE:

Q Officer McIver, is this the footage from your body-worn camera?

A Yes, sir.

Q And is this how you saw the residence as you entered that location?

A Yes, sir.

Q And I noticed that there is a screen laying there to the right. Did you notice that as you were going into the residence?

A Yes, sir.

Q Did you -- were you able to ascertain at some point while you're on the scene whether or not that occurred close in time or whether it occurred much ---

A At the time I wasn't sure until after everything happen, then I found out later that it came from a prior incident.

Q Okay. And this is in the City of Florence, correct?

A Yes, sir.

Q And it's in Florence County?

A Yes, sir.

Q And who is that there on scene with you?

A Officer Brandon Neal.

Q Now, is it normal to get kind of back up on a welfare

check?
A Normally, maybe on the first time. Sometimes it all depends. I might end up doing a welfare check by myself if there's something told or we might think it's something else, another officer come out and we have an officer that's available, then that officer will just come along any way.
Q Okay. And would it be fair to say that there were two officer's involved in this particular welfare check because of the concern express by the daughters -- the victims ---
MS. PARROTT: Objection speculation.
THE COURT: All right, sustained.
BY MR. WHITE:
Q I'll rephrase. The daughters, the victims, expressed concern in this case?
A Yes, sir.
Q Concern enough for you to involve another officer in the welfare check?
A Yes, sir, by time that's when we already had notice about the daughter.
Q And when you enter this door, was it locked, unlocked?
A It was locked.
Q It was locked?

A The door not secured.
Q Not secured?
A Yeah.
Q Was there any signs of forced entry?
A No, sir.
Q Okay. Is it accurate to say you're entering the living room?
A Yes, sir.
Q Did it appear that the living room was disheveled in any way?
A Yes, sir, just until we got to the kitchen and it kind of was out of wack.
Q So it was -- there was no sign of any type of struggle in the living room?
A No, sir.
Q In the kitchen?
A No, sir.
Q Okay. And that's the kitchen there, correct?
A That I'm coming out of, yes, sir.
Q Okay. Now, it appears as though Officer Boseman is heading ---
A Officer Neal.
Q Excuse me Officer Neal is heading into the right bedroom and you're heading into the left?
A Yes, sir.

Q Were you able to ascertain whose bedroom was ---
A No, sir.
Q --- which one was which?
A No.
Q Okay. Now, right there did you notice anything about the mattress?
A I notice blood on the mattress, but at that point that's all I kind of noticed was the blood.
Q And I think it's clear from the body-worn camera ---
MS. PARROTT: Objection.
THE COURT: And what's the grounds?
MS. PARROTT: Counsel is testifying he said if it's clear.
MR. WHITE: Okay, I'll ask directly.
BY MR. WHITE:
Q The bedroom you're in now is that the bedroom at the back of the house or the front of the house?
A It should be at the back of the house. Well, the back of the apartment.
Q Okay. I notice you kind of do an about-face out of that bedroom?
A Yeah.
Q Did you notice anything in the bedroom?
A Yes, sir.
Q And what did you notice?

A I notice Ms. Ramadan over in the corner of the bed.
Q Okay. And how did she appear to you?
A Lifeless.
Q Okay. In what -- was her body discolored in any way?
A Yes, sir, she was blue.
Q Okay. Could you tell immediately that she was deceased?
A Yes, sir.
Q Okay. Did it surprise you?
A Yes, sir.
Q Okay. Is that the body as you saw it on that day?
A Yes, sir.
Q Okay. Now, at this point what, if anything, did you do from this point forward?
A At that point I was distraught. Office Brandon Neal he came he was like, man, I'm gong to call everybody in. I got you. So he called in all the additional units, everybody had to respond.
Q When you say additional units who all did you call in?
A Should be the corporals, the sergeant, lieutenant, crime scene. I think when he got over the radio he said central send in everybody. So when we say something like that, that mean everybody got to do with something came out.

Q You said crime scene would that include investigations as well?
A Yes, sir.
Q Did it appear to you from your kind of cursory approach that this was a homicide?
A Yes, sir.
MR. WHITE: Beg the Court's indulgence.
THE COURT: Yes, sir.
(WHEREUPON, a pause in the proceedings.)
BY MR. WHITE:
Q Now, you did say that you receive some information from the daughters of Ms. Ramadan. And correct me if I'm wrong, you did say that you were able to figure out who lived in the apartment at that time, correct?
A Yes, sir.
Q And who was it?
A It was Ms. Ramadan and her granddaughter, I think, Miss Hill, yes, sir.
Q And was Miss Hill present at the scene?
A No, sir.
Q And you also said that she had a vehicle, is that correct?
A Yes, sir.
Q Was the vehicle present?
A No, sir.

MR. WHITE: Beg the Court's indulgence.

(WHEREUPON, a pause in the proceedings.)

BY MR. WHITE:

Q And this is August, right?

A Yeah.

Q Florence, South Carolina. Was it hot that day?

A Yes, sir.

Q Did you tell anything about the temperature as you entered the apartment?

A To my recollection, I think, the air conditioner wasn't on.

Q Okay. So it was really hot?

A Yeah.

Q Did that seem abnormal to you?

A Yeah, because, I mean, normally around that time of the year you probably have the air on?

MR. WHITE: Judge, I have nothing further. You can have seat Officer McIver and please answer any questions the defense may have.

THE COURT: Ms. Parrott, are you going to need ---

MS. PARROTT: No, sir.

THE COURT: Okay. Ms. Parrott, your witness.

MS. PARROTT: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Officer McIver, you stated that whenever you arrived, you said that the door was locked and then you said that the door was not secure. I just want to make sure I understand. Was the door actually locked itself?

A The doorknob is actually locked, but the actual door being pulled close to make it secure.

Q Okay. And you said that both Aliyah as well as Ms. Ramadan lived there at this apartment, correct?

A Yes, ma'am.

Q And this is -- I want to make sure that we understand and I think everybody can, but I want to make sure. These actually a set of two duplexes right there at the end of Franklin Drive here in Florence, correct?

A Yeah.

Q And as you turn into off of Franklin Drive, you have duplexes A, B and C on your right and D, E, and F on your left?

A That should be how it setup, yeah.

Q Okay. So this duplex is actually the middle one on the left, is that correct?

A Yes.

Q Okay. Did you actually check with anybody who lived in D and F to see if they heard anything?

A I don't think I did.

Q And these duplexes are they fenced in in any way?
A I don't think -- as far as the front part, no. As far as the back part, I don't think so because you got the railroad track behind it.
Q Okay. And you're the one who actually received the phone calls to go out and both welfare checks, is that correct?
A Yes, ma'am.
Q Okay. And do you recall which daughter it was whether or not it was Ms. Roe or whether or not it was Ms. Smith had told you that Aliyah was a hell raiser?
A I can't remember which one I had talk to.
Q Okay.

MS. PARROTT: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

(WHEREUPON, a pause in the proceedings.)

BY MS. PARROTT:
Q Did you check to see whether or not there was any kind of video from or if there was any kind of recording camera on these apartments?
A No, ma'am.
Q Okay. Did you touch anything at the scene or was that something that you were waiting for crime scene and the rest of the officers to come back and do?
A Once we make entry on the house that's already open,

we already normally go in with our gloves on, so at the time after I found Ms. Ramadan, I didn't touch anything. We made the call and that was it.

MS. PARROTT: No further questions.

THE COURT: Mr. White.

MR. WHITE: Nothing further, Judge.

THE COURT: All right, any objection to this witness being excused?

MR. WHITE: No, sir, Judge.

MS. PARROTT: No, Your Honor.

THE COURT: All right. Is this is your day off or are you working today?

THE WITNESS: I'm working.

THE COURT: You go back to work then. Thank you, sir. You free to go.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Mr. White.

MR. WHITE: Thank you, Judge. At this time the State would call Officer Neal of the Florence Police Department.

THE COURT: Officer Neal. Direct you to the witness stand, if you place your left hand on the Bible and if you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Officer Brandon Neal.

THE COURT: Your witness, sir.

MR. WHITE: Thank you, Judge.

WHEREUPON,

Brandon Neal,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Officer Neal, where are you employed?

A City of Florence Police Department.

Q How long you been employed there?

A Five years.

Q In what capacity are you currently employed?

A On the community action team.

Q Now, back in June of 2018 and specifically June 13th 2018, how were you working for the City at that time?

A I was on the patrol division.

Q And did you have an opportunity to respond at [redacted] North Franklin Avenue in the City of Florence on that

date?
A Yes, sir.
Q And is that in Florence County?
A Yes, sir.
Q Why were you responding to that location?
A I responded originally for -- to back Officer McIver up on a welfare check.
Q Okay. And is it normal to back up an officer on welfare check?
A Just depending on the circumstance, yes, sir.
Q Okay. But were you aware that the daughters of the deceased now called in this welfare check?
A Yes, sir, I heard it on the radio.
Q And is it your understanding that their concern led to the need for two officers?
A Yes, sir.
MR. WHITE: Judge, at this time I like to publish the video and ask if Officer Neal could step to the same spot where Officer McIver did?
THE COURT: No objection, Ms. Parrott?
MS. PARROTT: No objection.
THE COURT: All right. Officer Neal, if you would just stand so that you can see the video but not obstruct any of the jurors. You can probably take another step over if you need to. Foreman of jury, can you see

the video.

FOREMAN: Yes, sir.

THE COURT: Okay. Your witness.

MR. WHITE: Thank you, Judge.

BY MR. WHITE:

Q And, Officer Neal, I misspoke. Now, this is August 4th, correct?

A August 4th, yes, sir.

Q And if you could go ahead and play it for me, Keith. Now, did you notice anything upon making entry?

A No, sir, not at first.

Q I think we can all see the screen there, did that jump out to you at all?

A I'm sorry.

Q There's a screen there below the bedroom window, did you notice that upon entry?

A I didn't, but from my understanding it was from a past ---

MS. PARROTT: Objection.

THE COURT: Your objection?

MS. PARROTT: Calls for speculation. He's saying from my understanding.

MR. WHITE: We withdraw.

THE COURT: Okay. Thank you, sir.

BY MR. WHITE:

Q Now, you're the officer that was just shown on Officer McIver's body worn, correct?

A Yes, sir.

Q And is this the two of you making entry into the home?

A Yes, sir.

Q Okay. Did it appear to you as you made your way through the home that an argument or an altercation occurred in the living room?

A No, sir.

Q Did it appear to be disheveled in any way?

A I remember seeing some trash thrown around through there.

Q This is the kitchen here?

A Yes, sir.

Q Okay. Is that you behind Officer McIver?

A Yes, sir.

Q What was the temperature like do you recall inside the home?

A Very warm.

Q Even though it was August, did it appear to you that it was abnormally warm?

A Yes, sir.

Q And this is you ahead here, right?

A Yes, sir.
Q Now, at this point did Officer McIver seem to be startled?
A Yes, sir, I heard him make a noise, maybe yell or something.
Q Did he notify you that he had discovered Ms. Ramadan?
A Yes, sir.
Q Did he also tell you that he believe this to be a homicide?
A Yes, sir.
Q Office Neal, you can have a seat.

MR. WHITE: Officer Neal, I have nothing further.

THE COURT: Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Officer Neal, you wrote the initial responding report in regards to this matter, correct?
A Yes, ma'am.
Q Okay. And while that's not your video, you also wear a body camera as well?
A Yes, ma'am.
Q But you were following right there with Officer McIver, so you're video pretty much showed the same exact thing as y'all were entering into the duplex?

A Yes, ma'am.
Q And the door was pulled to, but it was not actually locked, is that correct?
A Correct.
Q Okay. Did you interview anyone that was duplexes D and F beside this incident?
A I did not.
Q Okay. Did you help do anything further in regards to this case as far as collecting any evidence or information?
A I believe I set the crime scene up outside of the residence, but I think that was about it.
Q And to the best of your knowledge, do you know if there's any kind of video of these apartments that watch people going in and out?
A I do not know.
Q All right. And to best of your knowledge, do you know if there's a fence that's around these apartments?
A I don't know.

MS. PARROTT: Nothing further.

THE COURT: All right, Mr. White.

MR. WHITE: Just briefly.

REDIRECT EXAMINATION

BY MR. WHITE:
Q Officer Neal, you would not have been an investigator

at this time, correct?
A No, sir.
Q So all of those things that Ms. Parrott mentioned had been left to investigations, is that right?
A Yes, sir.
Q And what is your responsibility as an officer first on scene?
A My responsibility is just following the initial report and then investigation does the investigating part of the case.
Q Are you -- you said that you laid out the crime scene tape. Is that one of your duties to kind of secure the crime scene?
A You start a crime scene log and rope off where people aren't suppose to enter into the crime scene.
Q Was investigations then called?
A Yes, sir, Investigator John Davis was notified.
Q And was crime scene notified?
A Yes, sir.

MR. WHITE: Nothing further.

THE COURT: All right.

MS. PARROTT: Your Honor, very briefly.

THE COURT: Yes, ma'am.

RECROSS-EXAMINATION

BY MS. PARROTT:

Q You did cross the parking lot and go interview people who were in the duplexes across in apartments A and C, is that correct?
A I don't remember.
Q If I told you, you went to the lady who had stepped outside of her apartment or the duplex on A, does that bring back any recollection.
A I don't remember.
MS. PARROTT: Nothing further.
THE COURT: All right. Nothing further of this witness?
MR. WHITE: No, sir, Judge.
THE COURT: All right. No objection of this witness being ---
MR. WHITE: None at all.
THE COURT: Okay. Sir, you're free to go. Thank you for your testimony. Thank you for your service. Have a good day.
(WHEREUPON, the witness leaves the witness stand.)
THE COURT: Mr. Tucker.
MR. TUCKER: Thank you, your Honor. May it please the Court. At this time the State would call Scott Williamson from the Florence Police Department to the stand.

THE COURT: Scott Williamson. Officer Williamson, if I can direct you to the witness stand. Place your left hand the bible, if you raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes, I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Darrell Scott Williamson.

THE COURT: Your witness, sir.

Mr. Williamson, you're in a good spot just be sure you speak in the microphone, sir.

THE WITNESS: Yes, sir, thank you.

THE COURT: Your witness.

MR. TUCKER: Thank you, your Honor.

WHEREUPON,

Darrell S. Williamson,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Officer Williamson, where are you employed?

A City of Florence Police Department.

Q And in what capacity?

A Currently, I am the lieutenant over the crime scene and property supply and evidence division.
Q So when I said Officer Williamson, I should have actually said Lieutenant Williams, shouldn't I?
A Yes, sir. Thank you.
Q Now, have you always been in crime scene or have you worked in any other department there at the police department?
A No, sir, I started my career with the Florence Police Department in 2004 as a initial patrol officer and moved up through the ranks and obtained various trainings since then.
Q Now, when you say move up through the ranks, did you also work in investigations at one point?
A Yes, sir, I did.
Q Okay. Now, I want to talk a little bit about your training as a crime scene investigator, you mention that you had some training. Could you be more specific in terms of the kind of training you received?
A Yes, I've attended numerous trainings both through the South Carolina Criminal Justice Academy and off site trainings through various companies nationally to become certified in crime scene technician or techniques.
Q Okay. And in your capacity, you have any idea how many crime scenes you properly processed in your career?

A Maybe a couple hundred, sir.
Q Okay. Now, I want to direct your attention to August the 4th 2018. Were you working as a crime scene technician or lieutenant there on that date?
A I was a sergeant at that time. However, I was on crime scene on that date, yes, sir.
Q And further directing your attention specifically, do you recall receiving a notification to respond to a possible homicide at [redacted] North Franklin Drive in Florence?
A Yes, sir, I was. I was contacted by Investigator John Davis.
Q Now, do you recall after being contacted, what you did?
A Yes, sir, I responded to the scene. I had already actually just left for the evening and responded back to that scene. And once I arrived on the scene, I met with Investigator Davis.
Q Now, when you arrive on scene, were you called to this particular kind of incident, what do you do typically?
A First thing I do is I start a log. I have what they call crime-scene log that we have within our division and where I start recording location, date, and time, temperature, weather conditions, daylight -- what kind of lighting conditions things of that nature. And then I

start getting preliminary information from the primary investigator.

Q Okay. And after receiving primary information from the primary investigator what, if anything, did you do then?

A My normal technique is I'm never right up at -- I never parked directly in front of the incident location. I start looking at things on the outside. I'm looking for things that maybe as a responding officer may overlook because they're maybe responding to a hot call or not really looking for things. Now, that I know that I've already been informed that there's a homicide, I'll look at things differently. So I start noticing things as I approach the apartment.

Q Do you recall if you noticed anything?

A First thing I noticed was the screen on the side leaning upside the apartment.

Q Okay. Now, after noticing the screen, did your attention turn to the interior of the location?

A Yes, sir.

Q And what typically do you do when you walk into a crime scene?

A I started observing doors. I noticed the door was secure. There was no damage to the door frame. As I entered to a residence or scene, I look for things if

things are disarray or something that may stick out to me.
Q Now, Lieutenant Williamson, given how many crime scenes you processed and given how many calls you probably go on, how do you document a crime scene in other words to keep the particulars from the crime scene of one case bleeding into the next and confusing them?
A Notes mainly on my log and photographs are a tremendous tool that we use and we document in photographs every little detail as much as possible.
Q Okay. And did you take photographs of this particular incident?
A Yes, sir, I did.
MR. WHITE: Your Honor, if I may approach?
THE COURT: Yes, sir.
BY MR. TUCKER:
Q Lieutenant Williamson, I want to hand you what's been marked State's Exhibit 2 through 58 with the exception of 50. And I ask first if you recognize the photos I just handed you?
A Yes, sir, they seem to represent the photographs that I took that day.
Q And those are the photographs you took with regards to this case?
A Yes, sir.
MR. WHITE: Your Honor, at this time I would

move State's 2-58 with the exception of 50 into the record or into evidence rather.

THE COURT: Ms. Parrott.

MS. PARROTT: I'm sorry. Just one question, this is a complete and accurate representation of the ---

BY MR. TUCKER:

Q And I can just ask you do the photos accurately and fairly depict the scene that you saw that evening?

A Yes, sir.

MR. TUCKER: At this time I would move State's Exhibit 2 through 58 with the exception of 50 into evidence.

MS. PARROTT: Without objection.

THE COURT: Without objection so ordered.

(WHEREUPON, State's Exhibit Nos. 2-49 and 51-58 were admitted into evidence.)

BY MR. TUCKER:

Q Now, Lieutenant Williamson, I'm going to ask you to step down if you don't mind and ask you to identify some of the photos that you just looked at as they appear here on the screen. And ask if you could describe what we're looking at?

A Yes, sir.

THE COURT: Lieutenant, you can step around and if I could have you just stand right there so that you can

see this screen, step around, sir. And you see the screen there, sir?

THE WITNESS: Yes, sir.

THE COURT: And I don't believe you obstructing anybody's view.

Your witness.

MR. TUCKER: Thank you, your Honor.

BY MR. TUCKER:

Q Lieutenant Williamson, I'm showing you what appears on screen as scene 001 on the picture, but what has been marked as State's evidence 2 and ask what we're looking at here?

A From this photograph, we're looking at the front door area leading into the victim's apartment.

Q And, again, that is [redacted] North Franklin Drive apartment E?

A That's correct.

Q And that's in Florence County, is it not?

A Yes, sir, being within city limits.

Q And, Lieutenant, I'm showing you what's appearing at the bottom of the picture seen two actually State's 3 and ask if you recognize -- what we're looking at here?

A This is also another overall shot of the front door area of the apartment that includes the screen from that window that I mentioned earlier.

Q Were you able to determine if the screen was part of this particular investigation or from an earlier incident involving this incident location?
A From the information I got from Investigator Davis, he told me that it was from a prior incident.
Q Okay. And I'm showing you what's marked State's 4 and ask if you could describe what we're looking at in this photo?
A That's a photograph that I took of the main entry door depicting that there was no forced entry into the apartment.
Q Okay. Now, when you say no forced entry ---
A No damages. Everything look secure as far as the door intact.
Q In fact, that there was no forced entry, what do that suggest to you?
A At the time, I mean, just based on that that there was no foul play.
Q Okay. Now, I'll show you the next photo and that is State's 5. Could you explain what we're looking at there?
A That's the actual door with the doorknob and deadbolt, that's in the same previous photograph.
Q Okay. And, again, there's no damage to that it appears, is that correct?
A That's correct no damage.

Q Okay. And I'm showing you what's been marked State's 6 and what are we looking at in that photo?
A That would appear to be the photograph I took of the entry way or doorway into the victim's bedroom.
Q Okay. And, again, are you just trying to document to much as you can as you're making entry through the location?
A That's correct.
Q Okay. And this is State's 7. What are we looking at in this photo?
A I'm standing just inside that doorway with that prior photograph that I took overall shot of the bedroom.
Q Now, do you know if this bedroom was in the front part of the apartment or in the back of the apartment?
A It would be in the back rear.
Q And were you able to ultimately ascertain whose bedroom this was?
A Believe to be the victim's.
Q Okay. And what are we looking at and this is State's Exhibit 8?
A Looking at the photograph that I took of the bed along with some red stain on the mattress.
Q Okay. And did the red stain on the mattress draw your attention?
A Absolutely, yes. From my experience, that's just an

indication of blood.
Q Okay. And we are looking at what's been marked State's 9 and what are we looking at with this particular photo?
A It's a photograph I took also of the victim in the state that I found her.
Q Okay. And if we could see the next photo State's 10. And, again, is this just a closer up photo?
A Yes, sir, that's just a little bit closer photograph and indicates some of the other evidence that I observed on the carpet, on the wall, some on the edge of the bed, also indicate some of the blueness or the darkening of her extremities.
Q And what did that suggest to you?
A That's just basically blood just falling to the lower extremities and pulling up on the inside.
Q Okay. And I want to direct your attention to this portion that you mentioned that you were looking at the wall. There appears to be some sort of a dent or hole there in the wall or depression, were you able to ascertain what caused that?
A My impression is that it came from possibly her knee as it hit the wall because it's pretty much a circular indention in the wall and it was consistent where her knee is pretty much at now.

Q Okay. Now, if her knee were to make that depression into the wall would that suggest that she was on the bed and had been rolled off the bed and into the wall?
A Yes, sir, from what I observed that would be my opinion, she rolled off the bed and hit the wall, it's just a narrow space.
Q Okay. And if we could see next photo 11. And I'm showing you what's next State's 11. And, again, is that just a closer up photo of the victim as she appeared to you when you were taking the photo?
A Yes, sir, it's just my normal practice. I normally just keep getting closer and closer in and just gives a little bit better shot and I'm further away of things that we may see and maybe want to look at later.
Q Okay. If we could see the next photo 12. And I want to show you what's State's 12 and direct your attention specifically, did this particular area here in the upper part of the back and, again, the scratch mark on the right side of her -- below her scapula, did that draw your attention for any particular reason?
A Absolutely, it's out of place. It's to me immediately I notice it to be a puncture wound at the top and a good scratch mark on the lower right.
Q Now, were you able to tell whether this puncture wound was made by a knife or someone other sort of object

at this point?
A At the time, no, sir.
Q Okay. And I'm showing you what's marked State's 13. And is that just a close up photo of the scratch mark that we just looked at in the previous photo?
A Yes, sir.
Q Okay. And we're looking at State's 14. And is that just kind of a close-up photo of the puncture wound that you just alluded to?
A Yes, sir, it was.
Q And were you able to tell anything in terms of the wound itself, did that suggest anything to you?
A No, sir, at this point I don't touch anything and I wait on the coroner to arrive.
Q I got you. We can look at State's 15. And in that particular photo, I believe, we're looking at what appears to be the victim's right hand and could you explain what we're looking at there?
A It's just, again, normal practice to take close-up photographs of fingers, hands and stuff because maybe looking for defensive wounds, maybe some trace elements or something maybe in the fingerprints while we go close in on it.
Q Okay. And we're looking at what appears to be State's 16 and we're looking at what appears to be a

different angle photo of the bed?
A That's correct. And I will take multiples like this in this manner, yes, sir.
Q And we're looking at what's been marked State's 17. And, again, that appears to be the victim's left hand, is it not?
A That's correct. Again, close up looking for trace maybe could be photographed. Also, I wanted to show the darkness of the hand and the pulling of blood in her hand and then you see it's lighter there. This is all evidence.
Q And directing your attention specifically to the ring finger and the pinkie finger on the hand. Does it appear as if those nails are broken?
A They do. I did notice that those two fingers did have broken nails on them. And all of the nails looked liked the polish may have been rubbed a little bit. It could have been from normal wear or tear other involving.
Q Okay. State's Exhibit 18. And this is State's 18 and is that just a different angling of the -- what appears to be her right hand?
A Yes, sir.
Q Okay. And here we're looking at State's 19. Could you describe what we're looking at in this picture?
A This is another photograph I took just to depict

where that screen was and to show that window.
Q Okay. And this is what's been marked State's 20. And this what's been marked State's 20. And is that just a close up -- a closer up picture of the screen itself?
A Yes, sir, it is.
Q Okay. And it appears to have been damaged, is that correct?
A That's correct.
Q And I believe the next photo State's 21 actually shows the hole, I believe, that you noticed in the screen?
A Yes, sir.
Q Okay. And I'm showing you on the screen what's been marked State's Exhibit 22. Could you describe what we're looking at in this photo?
A This is a point where I'm going back -- I'm actually photograph other areas of the apartment now I got my initials of the victim in that immediate area. I'm photographing other areas just to kind of show everything stated in the apartment at that time.
Q Okay. And is it fair to say that this is really early in the investigation and you're not sure what will be important and what won't be important later on?
A That is correct.
Q And I'm showing you what's been marked State's 23. And, again, is this just a different point of view from

the living room area of the apartment?
A Yes, sir.
Q And did you notice anything of any evidentiary value to you of interest during your examination of the living room?
A In the living room area, no, I did not.
Q Okay. And I'm showing what's been marked State's 24 and could you describe what we're looking at in this photo?
A It's standing in the same position. I just turn the camera a different way, but I try to get all four corners. And then I'll go in close up on other things that I believe may relate to the incident, it's just a different angle of the front door.
Q Okay. And I'm showing you what's marked as State's 25. And could you describe what we're looking at in this photo?
A Yes, sir, this is just I step to the other side of the living room kind of kitchen to my left. And this is the hallway leading to two bedrooms, again, where the victim was found on the left and another bedroom on the right.
Q Okay. Here we're looking at, I'm showing you what's been marked State's 26. And what are we looking at in that particular photo?

A This is a photograph from the interior of the bedroom across from the bedroom at the front part of the apartment to the right of that hallway.
Q You learn that there was another subject who was living in that apartment in addition to the victim?
A Yes, sir, I did. I was told when I initially got there that day the granddaughter was there Ms. Hill.
Q And was she present when you were doing your walk through and documenting the scene?
A No, sir, she was not.
Q And this would be a picture of her bedroom?
A Yes, sir, based on the information that I found inside that room giving that impression.
Q I'm showing you the next photo what's been marked State's 27. And what are we looking at in that photo?
A That is actually a photograph of a hamper with some I imagine dirty clothes inside that bedroom.
Q Okay. And I'm showing you what's marked State's 28. And what are we looking at in this particular photo?
A This is a photograph after the victim had been removed myself and the coroner's already looked at certain things. This is the area where she was laying at the time.
Q Okay. And I'm showing you what's been marked State's 29 and could you describe what we're looking at in this

particular photo?
A Yes, if you can imagine to the right is that wall where the victim was found on. This was pretty much at her foot area and the foot of the bed on the left side. And what I'm looking at is some clothes on the floor and that shiny thing there is disarray.
Q Okay. And I'm showing you State's 30 and is that just a close-up photo of the knife that you mention in the previous photo?
A Yes, sir, it is.
Q And did you collect that knife as part of your investigation?
A Yes, sir, I did.
Q Did you process it for possible DNA?
A Yes, sir, I did.
Q And did you find any on it?
A Not at that time, no.
Q Did you find any on it at any time?
A No, sir.
Q Okay. And I'm showing you what's marked State's 31 and what are we looking at on this particular photo?
A This is a closer up shot of where the victim was lying. As you can see on the left there the wall, the hole where we spoke of earlier and some red staining on the carpet and the lamp shade that had been kind of mashed

or kind of damaged.
Q Okay. And I'm showing you what's marked State's 32 is that just a close-up picture of the actual depression in the wall?
A Yes, sir, it is.
Q And by way of recollection, you indicated that you thought her knee -- what was responsible for that depression?
A Yes, sir.
Q Okay. And we're looking at State's 33. What are we looking at in this particular photo?
A Remember back to an earlier photograph overall picture of the bed. This is in the top right-hand corner. There was some heavy stain -- red stain there. This is a picture of where I took a presumptive blood test at.
Q Okay. Are you able to tell anything from that photo in terms of what the presumptive test reveal?
A Yes. The Q-tip you notice is pinkish or red or kind of purplish, that's an indication of its positive for phenylalanine, which is an enzyme in blood.
Q Okay. So we know it is blood at this the point, correct?
A Yes, sir.
Q Or presumptively?
A Correct.

Q All right. And I'm showing you what's marked State's 34. What are we looking at in this particular photo?
A Same thing. I'm doing a presumptive blood test. Tested for the enzyme on some of the red stain on the wall.
Q Okay. And, again, it appears as if that swab also is kind of red or pink?
A That's correct. It's positive for phenylalanine.
Q Okay. All right. And what we're looking at is State's Exhibit 35. And could you describe what we're looking at in this particular photo?
A This is a photograph of the cell phone that was on the right nightstand of the victim's bedroom. I took this photograph because I noticed that there multiple missed phone calls and things of that nature and it shows dates and times.
Q Okay. And we're looking at State's Exhibit 36. What are we looking at in this particular photo?
A Again, this is the mattress in the bedroom. Red stain on the right front where we took the test from earlier. There some other staining on the left lower side there.
Q Okay. And I'm showing you State's Exhibit 37. What are we looking at in this particular photo?
A This is the hamper that we saw the photograph of

earlier. Inside this hamper, we noticed that there's part of the lamp shade and part of a lamp shade was kind of hidden underneath multiple layers of clothing.

Q Okay. And did you remove the -- I'm referring to the actual lamp shade piece from the hamper?

A I did.

Q And what did you do with it?

A I collected it for evidence.

Q And was it taken to your evidence room?

A That's correct.

Q At the City Complex?

A Uh-huh.

Q Okay. And I'm showing you State's Exhibit 38. And is that just a close-up picture of this particular piece you found in the hamper?

A Yes, sir, it is.

Q Okay. And I'm showing you State's 39. And, again, is that the same brass piece, it's just removed from the hamper you're holding it what appears to be the left hand?

A Yes, sir, I'm actually holding it here in that photograph.

Q Okay. Now, I'm showing you State's Exhibit 40. What are we looking at in this particular photo?

A Based on what I saw on the left side of the bed where the damaged lamp and the part that I found inside the

hamper, I felt that it is -- to be evidentiary to show this photograph. This is the intact lamp on the right side of the bed right on the right nightstand.

Q Okay. And showing you what's marked as State's 41. Is this just kind of a close-up picture of that particular lamp that was undamaged?

A Yes, sir.

Q And it appears to show that same brass piece as it should appear or as it was designed to be there on the lamp, is that correct?

A Yes, sir, that's why I took the photograph to kind of tell that story.

Q And directing your attention particularly to this wooden piece on the top of the lamp shade?

A Yes, sir, that's just the knob letting everybody know it holds the lamp shade in place and secure.

Q Okay. And I'm showing you what's marked State's 42. And is that just kind of a downward picture of that picture of that same lamp?

A That's correct.

Q Okay. And that's State's 43. What are we looking at in this particular photograph.

A Now, I transition to the left side of the room or the left side of the bed. And now I'm starting to photograph that damaged lamp.

Q Okay. Do you notice anything about the lamp at this point other than it appears to be damaged?
A Yes, I did notice even though it was damaged, I also noticed some red stain or droplets and stuff on the white surface of that lamp shade.
Q Okay. Did you have any idea as to what that could have been?
A My initial opinion was possibly blood.
Q Okay. And did you test it there or did you take it, remove it?
A No, sir, with this being such a very or strong piece of evidence, I decided that I would secure that and test it later in my lab in a secure area.
Q All right. So if I'm clear you took it into your custody and took it back to the evidence room at the City Complex here in Florence?
A That's correct.
Q Okay. Now, I'm showing you what's marked State's 44. And what are we looking at in this particular photo?
A This is the lamp that is left sitting on the left side of the bed opposite from the intact lamp. It was broken with the broken lightbulb and stuff.
Q And, again, it appears to be, if I'm not mistaken, missing the brass piece here?
A That's correct.

Q And that was the piece that you found in the hamper, is that correct?
A Yes, sir, that's my opinion, yes.
Q Of course, counterintuitive, but it seems that's the lamp shade that was found underneath next to the victim?
A Yes, sir.
Q Okay. And was that piece also taken and collected as evidence by you and back to the evidence room?
A Yes, sir, it was.
Q Okay. I'm showing you State's 45. What are we looking at in this particular photo?
A This is a photograph of the open door to the closet of that same bedroom. It's just to the foot of the bed mattress.
Q Okay. And it appears to have something wadded up and thrown in the floor, is that correct?
A Yes, my impression is that's the curtain and curtain rod from the window that was just next to the victim as we found her.
Q Okay. And I'm showing you State's 46. Is that the curtain itself kind of draped over the bed?
A Yes, sir, I pulled it out, just kind of draped it over, looked it over to see if there might have been some stain or anything that may have evidentiary on it and photographed it.

Q Okay. And this appears to be 47, State's 47. Is that just a different angle of this particular curtain?
A That's correct.
Q And it also appears to have the lamp base, the shade and the brass piece on the bed as well.
A Yes, sir.
Q Okay. And we're looking at State's 48 now. What are we looking at in this photo?
A Once I remove the curtain and rod, I noticed that this was the linenings on the bed sheets from the bed. I immediately noticed that they were pretty well saturated with a red substance as well that I believe to be blood.
Q Okay. And we're looking at State's Exhibit 49. In this particular photo, is that just a closer photo of the previous one, the bed sheets?
A Yes, sir.
Q Okay. And this is State's 51 is this the same sheet just kind of unrolled a little?
A Yes, sir, it is. As I pulled it out, I try to take multiple photographs of where it was at.
Q And, again, it may be obvious, but this red portion up here you believe that to be blood?
A Yes, sir.
Q Okay. And looking at State's Exhibit 52 is that another angle of the bed sheet of what appears to be blood

stains on it?
A Yes, sir.
Q Okay. And State's 53, again, is that just a different angle close-up picture of the bed sheet?
A Yes, sir, it is.
Q Okay. And with regards to State's Exhibit 54, what are we looking at in this photo?
A Once I removed the lamp shade and lamp from the table, I pulled the nightstand out looking under the bed for other evidence and right in the center of the photograph there would be cursory now is a square wooden top that matched the wooden top from the lamp on the right side of the lampshade.
Q Okay. And to the left of that, do those particular items -- that appears to be just coaxial cables, if I'm not mistaken.
A Those are fingernail polish bottles.
Q Okay. And State's Exhibit 55 what are we looking at in this particular photo?
A It's a close-up photograph where that item as it was sitting.
Q Okay. And I'm showing you State's 56. What are we looking at in this photo?
A This is in the kitchen area that is like some trifold doors in the kitchen where a washing machine and dryings

and cleaning supplies were. And this is where I'm photographing those items where we found them.

Q Okay. The presence of the bleach on the floor with a mop did like that, do that suggest anything to you in terms of where it was predominately located there?

A It's out of place, but, again, it's also in a cleaning area just, so it was just photographed.

Q Okay. And looking at State's Exhibit 57 is that just a close-up picture of the same bleach bottle?

A That's correct.

Q Okay. And this is State's 58 and, again, is that just a picture of an additional Clorox bottle?

A Yes, sir, that's a second bottle that was found on the kitchen counter.

Q Okay. Lieutenant, if you could return to your seat briefly. Now, also I want to show you pictures State's Exhibit 59, 60, 61, 62, 63, 64, 65, 66, 67, 68. And let me first ask you if you recognize these photos?

A Yes, sir, I do. These are photographs that I took in the crime scene lab two days later.

Q And do they fairly and accurately depict the subject matter as you took it that night?

A Yes, sir.

MR. TUCKER: And, your Honor, at this point I would move photos 59 through 68 into evidence.

THE COURT: Ms. Parrott.

MS. PARROTT: No objection.

MR. WHITE: Without objection, so ordered.

(WHEREUPON, State's Exhibit Nos. 59-68 were admitted into evidence.)

BY MR. TUCKER:

Q And, Lieutenant, I'm going to have you step down one additional time. And this appears to be a composition book with some names and Facebook accounts on there is that correct and phone numbers?

A Yes, sir. I took this shot because in any investigation you never know what you might need and this could be an investigative tool.

Q Okay. And this was collected at the scene and brought back to your lab there at the City Complex?

A Yes, sir.

Q Okay. And this appears to be another shot of some additional information that was contained in that notebook?

A That's correct.

Q Okay. Now, with regards to State's 61, what are we looking at in this photo?

A These are the items that I actually took from the residence and the victim's bedroom which showed the lamp shade, the metal part that was broken off from the initial

lamp and then the top of the lamp.
Q Okay. And I neglected to ask you with regards to the metal part, the brass part here when it was in the hamper. Did any of the other items in that hamper appear to have blood on them?
A No, sir, it did not.
Q Okay. Now, with regard to these items, again, that were removed from the scene by you taken into your custody and logged into evidence?
A That's correct.
Q Okay. And we're looking at State's Exhibit 62 is that just another angle of the brass piece that was found in the hamper?
A Yes, sir. This is just prior to my processing, I document how it is before I process anything.
Q Okay. And with regards State's Exhibit 63, what are we looking at in this photo?
A This is just a close-up photograph of the inside of the lamp shade showing the red stains that I observed.
Q Okay. Now, let me ask you this at this juncture, Lieutenant. When you are suspecting that this is blood and you take a swab, how do you do the process and then what do you do with the swab once you obtain it?
A Again, I will do a presumptive blood test even on these spots to confirm that it is a presence of blood.

Then I will take a sterile cotton tip swab that are sealed up and I remove it, got a plastic top on it. I'll dampen it or moisten it a little bit for dry blood and I will collect a sample from the immediate area that I actually took the blood test from the one taken from one's body and collecting another. Seal that cap up and it goes into a sealed envelope and I put it in a second sealed envelope.

Q Okay. And then what happens to the envelope once you seal it the second time?

A It's stored in my locker until I'm ready to prepare all the evidence to be sent to SLED for analysis.

Q Okay. Now, you said sent to SLED are you talking about the buccal swabs that you collected during your investigation of this crime scene?

A Yes, sir, Uh-huh.

Q And those were -- were they taken to SLED by you or by someone else in your department?

A They were taken by someone else my evidence custodian.

Q And would that be Frank Mizell?

A Correct.

Q Okay. And I'm showing you State's 64. And is this kind of a picture of the lamp shade with what appears to be an additional photo of blood?

A Yes, from what I observe in my training and

experience, this is just droplets like splatter as to ---
Q Could you explain that please?
A It's kind of like cast off, you hit with a blunt object or something or even if you shot or stab. To me, it looked as if it was just cast off droplets.
Q Now, when you say cast off, Lieutenant, I don't mean to belabor the point, but cast off as it's coming from an object and then it's slung to some velocity and lands on something else?
A That's correct.
Q Okay. And State's 65 is this just a close-up picture of the blood droplets on the lamp shade?
A Yes, it is.
Q Okay. And when you mentioned cast off, were you able to notice the tails on any of these things?
A Yes, I did.
Q And what did that indicate to you?
A Direction. Most of the time blood moves it's a particular material. And when it hits something or another hard surface, it's going to move and kind of make like a tear drop or rain drop look.
Q Okay. And I'm showing you what's been marked State's 66. And what are we looking at in this particular photo?
A This is the actual lamp I also took from the residence with the broken lightbulb in it.

Q Okay. And here's a more upright view of it?
A Yes, sir.
Q And, again, was there anything about the lamp in particular I'm directing your attention to the slander part on top, did you have an occasion to notice anything that caused you to swab that particular area?
A I did. Again, there was some red staining that I believe to be blood on the top portion here and there was actually some down in the actual -- right along this area in here as well.
Q Okay. And, again, you say buccal swab to kind of ---
A Again, presumptive blood test on that immediate area since it's separate from the collected area. Also earlier confirming the presence of blood. And I took a clean sterile swab collected from it as well.
Q Okay. And we're looking at State's 67 here, Lieutenant. What are we looking at in this particular case?
A I tried to make a photograph show it, but this is a corner of that same lamp. There from the visual eye I could see the red stains there as well on that portion of the lamp.
Q And did you repeat the process in terms of testing?
A Same process was repeated took presumptive blood test in this area. You can actually see some of the brown

stain on the corner there at the light wood confirm the presence of blood also clean sterile swab collected it and sealed it in an envelope.

Q Okay. And we're looking at State's 68 here, Lieutenant. What are we looking at in this photo?

A This is the sheets from the residence that I had laid out on to our -- one of our large stainless steel tables to photograph and begin my processing work on it as well.

Q Okay. And, Lieutenant, if you could return to your seat. Now, Lieutenant, we saw a photo of several things tested for blood and remove from the scene, is that correct?

A Yes, sir, we did.

Q Specifically the lamp, the lamp shade?

A Yes, sir.

Q Okay.

MR. TUCKER: And if I may approach, your Honor?

THE COURT: Yes, sir.

BY MR. TUCKER:

Q I want to show you what's been marked as State's Exhibit 69. Do you have gloves with you? You do have them on already.

A Yes, sir.

Q You must have a lot more experience putting them on than I do. You already got yours on. I would simply hand

these to you and ask if you would remove it from the bag and let me first ask you if you recognize it?

A This box and everything is my packaging when I initially entered the stuff into evidence, same bag, my writing on the bag indicating the date and time that I actually collected it from that scene.

Q And what is exactly that you're holding there?

A Looks like the lamp shade that was depicted in the photograph.

Q And that's the one you tested for blood you thought that contained the cast off droplets on it on some of the photos?

A Yes, sir, it is.

Q All right. And, Lieutenant, I would next ask if you would take a look at what I'm showing you here and you may have to actually open this box.

A If I may?

Q Yes, sir.

A This is evidence I collected throughout the investigation. There's multiple cell phones and stuff that it was taken from the apartment not knowing what these were ---

Q Let me direct you, Lieutenant, specifically to the lamp piece here ask you if you recognize it?

A This also was taken from the apartment is the lamp

from the photograph from the scene. Again, from my bagging the date and time that I collected it.

Q Okay. This is the same lamp you removed from the scene on August the 4th 2018?

A Yes, sir, it is.

Q Okay. And, Lieutenant, let me next show you what was in the box here with 69 and ask if you recognize these two particular items?

A Yes, sir, this is the wooden block that was photographed recovered from behind the nightstand that was consistent with the or, I mean, intact lamp, the metal bracket, looks like it may have come from this area here.

Q Okay. And you're sure that's the items that you remove from the scene as well in addition to the lamp base, the ceramic part as well as the shade?

A Yes, sir, it is.

Q Okay.

MR. TUCKER: Your Honor, at this time I would move what's been mark State's Exhibit 69 including the lamp base, the ceramic piece, the lamp shade and the brass piece as well as the block on top into evidence at this time.

THE COURT: Ms. Parrott.

MS. PARROTT: No objection.

THE COURT: All right, without objection so

ordered.

(WHEREUPON, State's Exhibit No. 69 was admitted into evidence.)

BY MR. TUCKER:

Q And, Lieutenant, I'm just going to stick these right back in the box here. Lieutenant, I want to first or next ask you -- I'm going to hand you what's been marked I believe State's Exhibit 7. And I know you didn't collect these, but these were items that were collected during the autopsy, is that correct?

A Yes, sir, this is just normal stuff -- no, sir this is a known standard or buccal swab DNA of the defendant.

Q Now, when you say known standard from the defendant, what are you referring to?

A It's a swab from the inside of his mouth his DNA is identified.

Q Okay. And who collected that from ---

A I did.

Q Okay. And you collected that and you properly identified Donald Smith as the person from whom you took this sample?

A Yes, sir.

Q Okay.

MR. TUCKER: Your Honor, at this time I would offer State's 70 into evidence.

MS. PARROTT: No objection.

THE COURT: All right, without objection so ordered.

(WHEREUPON, State's Exhibit No. 70 was admitted into evidence.)

BY MR. TUCKER:

Q And, Lieutenant, I'm next going to ask you to take a look at what's been marked State's Exhibit 71 and ask first if you recognize it and then how do you recognize it if you do?

A Yes, I do. This is an envelope that I prepared my handwriting. It was secured on my evidence seal tape and it's got multiple swabs and stuff that we spoke about earlier.

Q And that was sealed again by you and then sent to SLED?

A Yes, sir, it was.

MR. TUCKER: And, your Honor, at this time I would move State's 71 into evidence.

THE COURT: Ms. Parrott.

MS. PARROTT: Your Honor, may I approach?

THE COURT: Yes.

MS. PARROTT: No objection, Your Honor.

THE COURT: Without objection so ordered.

(WHEREUPON, State's Exhibit No. 71 was admitted into evidence.)

MR. TUCKER: And, Lieutenant, if you'll have a seat, I appreciate it. If I could beg the Court's indulgence for just a moment.

THE COURT: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

BY MR. TUCKER:

Q Now, the photos of the notebook that I showed you that had the Facebook addresses and the phone numbers, I believe that's right in front of you.

A Yes, sir.

Q State's 59 and 60 those were found in the granddaughter's bedroom, is that correct?

A Yes, sir, it was.

Q And let me next ask you, Lieutenant, after you thoroughly possess the scene, were you able to find the defendant or the victim's car keys in this matter?

A No, sir, I did not.

Q How about any cash inside the residence?

A No, sir, did not.

Q Any credit cards or financial cards belonging to the victim?

A No, sir, I did not.

MR. TUCKER: Thank you, your Honor. I believe

those are all the questions I have.

THE COURT: All right. Ms. Parrott.

MS. PARROTT: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Lieutenant Williamson, you mention that whenever you come to the scene you look at it basically with fresh eyes and you're looking at it from the perspective of outside all the way in what would be the crime scene itself, is that correct?

A Yes, ma'am, that's correct.

Q Okay. Did you notice whether or not there's any kind of fencing around this apartment building?

A There is not.

Q Okay. And even though you're there for crime scene, you don't do any kind of interviews of anyone. You just talk with whoever the law enforcement is that's there?

A That's correct.

Q Okay. Did law enforcement direct you to the blood or that was suppose to be some blood on some blinds that were there on scene?

A No, sir -- I mean, I apologize, no, ma'am.

Q That's okay. And as you said you got fresh eyes, did you see that blood on those blinds?

A No, ma'am, I did not.

Q Okay. If you had, you would have collected it and send it off, is that correct?
A Yes, ma'am.
Q Okay. You stated that you also sent off a buccal swab on Mr. Smith, that's correct to SLED?
A Yes, ma'am.
Q And you did that because you were instructed to collect that buccal swab from him?
A Yes, ma'am.
Q All right. From your time in investigations as well your time now doing crime scene, you know that you can get a buccal swab by either a court order or by consent order. In this case was by consent, wasn't it?
A Yes, ma'am, I do believe it was.
Q So Donald Smith actually consented for you to take his DNA?
A I do believe so.
Q You stated that there was the black serrated knife that you had tested it. You didn't find anything that was necessary or anything that's necessitated sending it to SLED for further testing, is that correct?
A Yes, there was nothing there of value.
Q Did you get any kind of fingerprints off of it?
A No, ma'am, I did not just smudges.
Q Okay. So you did try to get that?

A Yes, ma'am, I did.
Q Okay. What about off the Clorox bottles was there any kind of printing done for that?
A Yes, ma'am, the whole apartment was processed doorknob things of that nature and what we found was just multiple overlays and smudging on those bottles.
Q Which is consistent with normal use also, correct?
A Yes, ma'am.
Q Okay. You mention that you looked at the phone and you actually took pictures of the phone did you notice -- and you said you noticed that there were missed calls on that phone, correct?
A Yes, ma'am.
Q Did you actually access the phone or pick it up and look to see who the missed phone calls were from?
A No, ma'am, I did not. Normally, the primary investigators would have handled that type of information ---
Q So you're not even sure -- I'm sorry go ahead.
A I'm sorry. They would normally handle that type of information.
Q So you're not even sure when those miss calls were from?
A No, ma'am.
Q Okay. And you also said -- you also took a picture

if I may ---

MS. PARROTT: May I approach, your Honor?

THE COURT: Yes, ma'am.

BY MS. PARROTT:

Q Okay. This is State's 17. If I may, that's her left hand, is that correct?

A Yes, ma'am, it is.

Q And that's the one you referred to as having some broken fingernails?

A Uh-huh.

THE COURT: Is that a yes or no, sir?

A I'm sorry, yes.

MS. PARROTT: I have nothing further, your Honor.

THE COURT: All right, Mr. Tucker.

MR. TUCKER: Briefly, your Honor.

REDIRECT EXAMINATION

BY MR. TUCKER:

Q Lieutenant, when Ms. Parrott asked you about whether or not Mr. Smith consented to you taking the buccal swab from him for comparison purposes?

A Yes, sir.

Q She had indicated he had consented?

A Yes, sir.

Q And she also indicated that another way to get it was

by court order, correct?
A That's correct.
Q Had Mr. Smith not consented would you have gotten a court order to get the buccal swab?
A Investigator John Davis would have.
Q Now, with regards to the phone calls that Ms. Parrott asked you about, you were there August the 4th 2018, is that correct?
A Yes, sir.
PROSPECTIVE JUROR: Thank you.
THE COURT: Thank you. Nothing further of this witness?
MS. PARROTT: No, Your Honor.
THE COURT: Any objection to him being excused?
MR. TUCKER: None from the State, your Honor.
MS. PARROTT: None from defense, your Honor.
THE COURT: All right. Officer, thank you for your testimony. You are free to go. You have a good day. Thank you for your service.
THE WITNESS: Yes, sir, thank you.
(WHEREUPON, the witness leaves the witness stand.)
THE COURT: Counsel, your next witness how long do you anticipate?
MR. TUCKER: Yes, your Honor, at this time the

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State could call Keith Von Lutcken to the stand.

THE COURT: How long do you anticipate?

MR. TUCKER: Probably going to be I say about cross and everything, your Honor, probably about 30, 35 minutes.

THE COURT: All right, sir. You can call your next witness. We have a number of items up here on the bench and I don't want to obscure anyone's view certainly the court reporter.

And, sir, if you place your left hand on the Bible and raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes, ma'am, I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Name is Keith Von Lutcken.

THE COURT: Would you spell your last name, sir?

THE WITNESS: Yes, sir, it's small V-O-N space capital L-U-T-C-K-E-N.

THE COURT: Thank you, sir.

Your witness.

MR. TUCKER: Thank you, your Honor. May it

please the Court.

WHEREUPON,

Keith Von Lutcken,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. TUCKER:

Q Mr. Von Lutcken, what is your current title?

A I am the coroner of Florence County.

Q Now, is that an elected position?

A Yes, sir, it is.

Q And specifically what is that position and what are you suppose to do in that role as coroner?

A Role as coroner we investigate all natural deaths that are not attended by medical personnel, unexplained and violent deaths.

Q Now, would one of those causes be someone who died under suspicious circumstances?

A Yes, sir, it would.

Q Now, what kind of training did you receive in your capacity as coroner?

A Well, I started my training and I started it in law enforcement in 1985 with the sheriff's office here in Florence 28 years. During that time, 25 of those years was spent in the forensics and crime scene unit. My training at that time specialized in all aspects of

forensic sciences including death investigation. In 2013 January of 2013, I assumed the office of coroner after being elected. During that time, the education continues. We have to have so many hours of educational training every year. And those hours are invested as far as death investigation.

Q Now, Coroner, if you had to put a ballpark figure on how many hours of training you had with regards to your time with the sheriff's office in terms of crime scene investigation and forensics and the coroner, do you have an idea as to how many hours that would be?

A No, sir, it be thousands.

Q Okay. Have you ever been admitted as an expert in the field of crime scene investigation in any court in South Carolina before?

A Yes, sir, state and federal.

Q Okay. And you testified in that regard as an expert?

A I have, yes, sir.

MR. TUCKER: Your Honor, at this time the State would offer the Coroner Keith Von Lutcken as an expert in the field of crime scene investigation.

THE COURT: Ms. Parrott, any objections?

MS. PARROTT: None, Your Honor.

THE COURT: All right. So noted so qualified.

MR. TUCKER: Thank you, your Honor. May it

please the Court.

BY MR. TUCKER:

Q Coroner, directing your attention to August the 4 of 2018, were you notified to respond to [redacted] North Franklin Drive in Florence apartment E specifically?

A Yes, sir, I was.

Q And do you recall what the nature of the notification was and why they needed you there?

A At the time central dispatch notified me at 1704, which is 5:04 p.m. to respond to that location. And the circumstances at that time were unclear. They did say it was suspicious in nature.

Q And typically and in this case what did you do when you first arrived?

A When I first arrived, Scottie Williamson was already on scene taking photographs. There were some other officers and the scene had been secured.

Q And did you have any initial impressions when you first arrived at the scene in terms of what you typically do normally when you start an investigation?

A Just from the crime scene aspect just looking at the apartment, the front door was open. There was a screen that caught my attention to the side under a window in the flowers bed.

Q Now, when you made entry into the interior of the

apartment, did anything strike your attention in terms of the temperature inside?

A Yes, sir, when I walked in, of course, my first observations were looking at the door latches and everything make sure there's no forced entry. And then immediately to your right when on the wall was the thermostat because this was in August, but I notice there was extremely hot inside the apartment as well. When I looked at the thermostat, it was 84 degrees which, you know, I know a lot of folks, you know, like it warmer. My father-in-law did, but he didn't quite jack it up to 84 degrees, so, yes, I notice it was very warm inside the apartment.

Q And could you explain to the jury a little bit about how the ambient temperature affects what you do in terms of the coroner with regards to a body?

A There's a lot that goes into factoring in time of death and those type of things when you look at the temperatures. Once a body dies, the heat will accelerate things. It accelerates decomposition in the form of autolysis and putrefaction, which is the break down of the body. It also accelerates other things that we look at in which would be one would be rigor mortis, which is the release of an enzyme within the muscles and the stiffening of the joints. And so the heat and, of course, that type

of heat is going to accelerate everything.
Q Okay. And ultimately were you directed back to where the victim was located in the residence?
A Yes, sir, I was.
Q And what were your initial observations with regards to her?
A Well, when I entered the bedroom, of course, I noticed the red staining on the sheets on the bed which appeared to be blood. The mattress was actually shoved towards the wall where she was laying on the floor. When I approached her, of course, she's on -- she's more in a prone position somewhat on her knees and slumped forward with her head into a lamp shade.
Q Okay. You were present when Lieutenant Williamson had testified, were you not?
A I was, yes, sir.
Q And do you recall seeing the picture of the depression in the wall next to where the victim's knee?
A Yes, sir, it's a circular impression, yes.
Q And did you draw any sort of conclusions when you saw her knee in proximity to the depression?
A I did. With the mattress being shoved over towards the wall, there appear to be a struggle during the altercation and where she possibly had rolled off the bed her knee rolled into the wall.

Q Okay. Now, with regards to any other observations you made about the victim's body at that point, was any of that towards helping you arrive at a cause of death or manner of death?

A Well, you know, in these type situations, of course, she is dressed in -- the only thing she has on at that time was a pair panties and sports bra. So examining her body starting at the lower extremities and working my way up, I noticed a puncture wound which was to the left upper back. There was also a linear scratch or abrasion that went across her back which was right of the midline on the right side of the back.

MR. TUCKER: If I may approach, your Honor?

THE COURT: Yes, sir.

BY MR. TUCKER:

Q And, Coroner, I want to show you what's been marked State's Exhibit 12 and ask if you recognize what we're looking at inside that photo?

A Yes, sir, this is the victim. She's laying in the original position.

Q And, Coroner, if I could briefly, could I have you hold that photo up so the ladies and gentlemen of the jury can kind of see what photo you're referring to?

THE WITNESS: Is it okay to stand?

THE COURT: Yes, sir, you can stand.

A State's Exhibit 12 is the original position of the victim taking a photograph of her. These are the ECG pads that were placed by EMS. This is the puncture wound right to the -- barely to the left of the spine. And then this is the linear scratch that I'm talking about, that goes to the right of the midline, goes across right side of the back.

Q Okay. And if you could keep standing. And I want to show you what's been marked State's 14, that appears to be a close-up photo or picture of the wound itself to the upper back?

A It is, yes, sir.

Q Did you notice anything in particular about that wound?

A Well, when you look at these type of wounds, these puncture wounds, you're trying to get an assessment of what may have caused them. Both sides it's elongated, but both sides of the wound itself really are not jagged to indicate something, you know, like a serrated knife or anything of that nature. These side walls are pretty much smooth, but at the end of each part of it is a sharp type in which something was coming out to create those points on those walls.

Q Do you have an opinion as to what kind of implement would have caused this?

A At that point we did not. No, I did not at that time.
Q Let me ask you this looking at that, would you think that a kind of straight edge weapon or sharp knife made that?
A No.
Q Okay. What we be looking for is something a little bit more dull?
A More rounded and dull.
Q Okay. And did you have occasion ultimately take a look at what's been marked State's 62 and directing your attention specifically to either end of that brass object in terms of fitting on the lamp is it possible that that could have made the wound that we're looking at on the back?
A It is possible, yes.
Q Okay. If you could have a seat.
A Yes, sir.
Q Okay. Now, you saw the victim in this case, she was kind of like downward position kind of like almost I would describe it kind of like fetal position almost or curled up there, but ultimately were you able to kind of turn her over to get an assessment of what may have caused her death?
A Yes, sir, I was.

Q And did you notice anything in particular with regards to conditions in terms of wounds?
A Well, as I said, examining her began at her lower extremities at her feet and work my way up due to the position she was in. And as I said, you know, in my other testimony, you know, looking at the puncture wound in the back and also the linear abrasion. And there were also some smaller puncture wounds to the back, but none of those look like they would be life threatening. So at that time, I, myself, along with the help of Scottie Williamson, we pulled the victim over towards us where I could look at her interior side or the front side of her. At that time, it did appear that there was a contusion, a large bruise to the left side of the face. She had some smaller abrasions to the chin area and the jaw line and the neck. Examining her within the hairline she had a lot hair, but, you know, looking inside the hairline around her skull I did not -- you know, when I palpated it, did not feel any signs of any fractures. There was no blood, you know, examining her neck for any cervical fractures or anything of that nature. Like I said, the main injuries that we saw at that point from the interior were smaller abrasions.
Q And did that appear to be where most of the injuries occurred was to the facial area?

A Yes, sir, they were.
Q Okay. Now, with regards to, I believe, Lieutenant Williamson testified about the lamp and the lamp pointer having some blood on it, were you present for that testimony?
A Yes, sir, I was.
Q And did you actually saw the lamp there at the scene.
A I did.
Q Now, is it possible that that was -- the weapon use to inflict injuries to the face?
A Yes, sir.
Q Now, with regards to what you typically do once you wrap investigation up there at the scene, what happens next in terms of your role as a coroner?
A As coroner, at that time once we finish our examination and photographs and everything, the body is subsequently removed from the scene taken to our morgue and at that time an autopsy is scheduled.
Q And was that -- did that take place in this particular case?
A It did, yes, sir.
Q And do you recall where the body of the victim was sent for an autopsy?
A Yes, sir. All our bodies are sent to MUSC in Charleston.

Q Okay. And, again, Coroner, this may seem like an obvious question, but you were able to positively identify the victim in this case as Qamar Ramadan?

A I was, yes, sir.

MR. TUCKER: Beg the Court's indulgence, your Honor.

THE COURT: Yes, sir.

MR. TUCKER: I believe those are all the questions I have, your Honor.

THE COURT: Thank you, sir.

Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Coroner Von Lutcken, you were there as the coroner though, you weren't there as a crime scene detective, were you?

A Kind of both rolls. It's an investigation, but, yes, I was there as the coroner.

Q Okay. Did you ask for any scrapings to be sent from any -- or any collections off of Ms. Ramadan at the time?

A Those are typical protocol at the autopsy.

Q Okay.

MS. PARROTT: I'm sorry, beg the Court's indulgence.

THE COURT: Yes, ma'am.

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(WHEREUPON, a pause in the proceedings.)

MS. PARROTT: I have nothing further.

THE COURT: Anything else?

MR. TUCKER: Nothing further from the State, your Honor.

THE COURT: Coroner -- no objections to him being released?

MR. TUCKER: None from the State, your Honor.

THE COURT: You're excused, sir. Thank you for your service. Thank you for what you do. It's a difficult job. Your community appreciates your service. You can step down. Thank you.

THE WITNESS: Thank you.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: As we excuse this witness -- Mr. White, is there anything you need to tell this court?

MR. WHITE: Yes, sir, Judge, the pathologist is the next witness and she is en route. She's about 20 minutes away, so this may be a good time for lunch.

THE COURT: Yes, sir. It's almost 12 o'clock at this point. Ladies and gentlemen of the jury, we're going to take a lunch break at this time. I appreciate your patience and your attention this morning. You certainly very attentive and I appreciate it. Is it, Mr. Viering,

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in the back? All right, Mr. Viering, you're going to be my barometer. If I give you like a thumbs up, I want to make sure you're hearing everything. You're the furtherest juror from the witness stand, so different times I might look to you for -- if you're able to hear everything. We're going to take a break. You'll come back at 1:30. Our honorable bailiff he's going to escort you out. He'll give you instructions and please don't talk about the trial during your lunch break and certainly enjoy your break. We'll come back at 1:30. We'll resume the trial. I believe's that everything and thank you. Mr. Bailiff.

(WHEREUPON, the jury is excused for a lunch break.)

THE COURT: All right. The jury has been excused. Anything before we recess for lunch?

MR. WHITE: No, sir. I just want to let the Court know and Ms. Parrott know that Keith got tied up with all the issues this working, but he is working on the redacted copy. He's getting that to you just as soon as we can. Would the Court like a copy of that as well?

THE COURT: Yes, sir. I'll be happy to receive that.

MR. WHITE: I'll make sure that we get enough copies for everybody.

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THE COURT: All right. Thank you, sir. Anything, Ms. Parrott, before we take a break?

MS. PARROTT: No, your Honor. Thank you.

THE COURT: Okay. If there's nothing further, we're going -- the jury will be back at 1:30. If you get back a little bit before that, make sure we have all our ducks in a row, okay. Enjoy your lunch.

MR. WHITE: Yes, sir. Thank you, Judge.

(WHEREUPON, a lunch break was taken.)

THE COURT: Court will come to order. Honorable bailiff, bring the jury back please, sir.

MS. PARROTT: Hold on a minute, your Honor, if I may?

THE COURT: Yes, ma'am.

MS. PARROTT: What about the redact statement at this time?

MR. WHITE: He's still working on it.

MS. PARROTT: Sorry, your Honor.

THE COURT: Counsel, can you all approach?

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

(WHEREUPON, the jury came into open court.)

THE COURT: All right. Court will come to order. Ladies and gentlemen of the jury, thank you for

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getting back promptly and I hope you enjoyed your break. I appreciate you being back here. We took a recess for lunch earlier. We ready to get started. The State was still presenting its case.

Mr. Tucker, you ready to go forward?

MR. TUCKER: We are, Your Honor.

THE COURT: Is there anything we need -- I think we covered that, so I think we're ready to go. Mr. Tucker.

MR. TUCKER: Yes, sir, may it please the Court.

THE COURT: Yes, sir.

MR. TUCKER: At this time the State would call Dr. Angelina Phillips to the stand.

THE COURT: Angelina Phillips. Ms. Phillips, place your left hand on the Bible. You can put you stuff down first, if you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Angelina Phillips.

THE COURT: Thank you, sir. Your witness.

MR. TUCKER: Thank you, your Honor.

WHEREUPON,

Dr. Angelina Phillips,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NETTLES:

Q Dr. Phillips, where are you employed?

A I am employed at the Medical University of South Carolina.

Q And in what capacity?

A I'm a forensic pathologist.

Q A forensic pathologist?

A Yes.

Q What kind of educational background must one have to become a forensic pathologist?

A Well, I've completed four years of under graduate study in anthropology, one year in nutrition, that is not a required part, but I did that. Four years at medical school and then four years of training in anatomic and clinical pathology before I came down to South Carolina to do one more year of training in forensic pathology.

Q And do you hold any sort of certifications or board certifications with regards to your field?

A I'm board certified in anatomic and clinical pathology and forensic pathology.

Q And ballpark how many autopsies would you say you have performed?
A Just over a thousand.
Q And have you ever been admitted as an expert witness in any court here in South Carolina?
A I have.
Q And in what field?
A Forensic pathology.

MR. TUCKER: Your Honor, at this time I would offer Dr. Phillips as an expert in the field of forensic pathology.

THE COURT: Ms. Parrott.

MS. PARROTT: No objection.

THE COURT: Ladies and gentlemen of the jury, I want to give you an understanding what an expert witness is. This witness has been called as an expert, been duly qualified and it was without objection. Normally, a person cannot give opinion testimony. Normally, when a person testifies, they must testify as to what they either saw, heard or sense by smell or something of that nature. However, there's an exception when someone is qualified because of education or experience they're permitted to give their opinion in certain areas if the Court qualifies them that way. This witness has been qualified in the area of forensic pathology. To give opinion testimony in

that area, it does not mean that you must set the opinion, but it is evidence for you to use in any way you see fit and give the weight and credibility you believe is appropriate. Thank you. Mr. Tucker.

MR. TUCKER: Thank you, your Honor.

BY MR. TUCKER:

Q Dr. Phillips, what does a forensic pathologist do exactly?

A A forensic pathologist is the doctor who performs an autopsy, specifically forensic or legal related autopsies, but we also perform autopsies that are just generally medical. And those are contracted by families for just purposes of finding out why their loved one died.

Q And could you please explain what cause and manner of death are for the jury?

A The cause of death is the reason why the person died, the physiologic reason and that can be anything. The manner of death is limited to five options and it's a classification system and that's really the circumstances of how the person died.

Q Okay. And how does a body typically come to your facility for an autopsy?

A In general, we receive cases that are referred to us by the local coroners. They identified cases that fall into the category of medical legal or needing an autopsy.

And they will request that we perform an autopsy on that patient. And before they do so, they give us a name, some small information about the case and we will schedule them for autopsy.

Q Okay. And let me ask you, how do you identify a body or properly identify a body before you begin your autopsy?

A In general, the cases come to us previously identified by the coroner and we verify that identification based on labeling that's either on the body or the bag that the body comes in.

Q Okay. And let me ask you when you begin your autopsy, how typically do you get started?

A The first thing that we usually do for -- and I usually do when starting an autopsy is take initial photographs and that's photographs of the body as it is removed from the bag that it comes in and placed on the table as is I have not touch it and take initial photographs. Then I examine for any injuries or things that need to be removed from the body. We will remove clothing. We will collect fingernail clippings. We will pull scalp hair. Then we will clean up the body and begin the autopsy examination.

Q Doctor, I want to direct your attention specifically to the facts surrounding this case. Did you have an occasion to perform an autopsy on the victim in this case

Ms. Qamar Ramadan on August the 5th?

A I did, yes.

Q Could you tell me a little bit about how the body came to you with regards to a requested autopsy?

A The body was received in a sealed bag. At that time it was dressed I believe in underwear and a tank top or the T-shirt sorry -- that's a bra and panties. And that's the condition that it was in. We had some decompositional changes and there were injuries on the body that need to be documented.

Q Now, when you say injuries to the body that need to be documented, can you be more specific at this point?

A Yeah, so part of the autopsy examination is to identify any injuries that might be on the body. The way I usually proceed is to begin by the basic examination which is looking for anything that's normal on the body, so marks, scars things that are natural to the body that a person may have and then I go along and I examine for injuries. In this case, Ms. Ramadan had blunt trauma, which is injuries caused by contact with a blunt object and those types of injuries that include bruising, abrasions which are scrapes or cuts, lacerations. It can also include fractures. She had blunt trauma predominately to the head and neck region and that consisted of facial injuries which were partially obscured

by the decompositional process, but I could see swelling around both eyes. There was hemorrhage or bleeding in the material tissue around the eyes, so the white parts of the eyes sclera and conjunctive which is the pink parts of your eye had hemorrhage in it. Additionally, we had abrasions which were little scraps on the chin and along the jaw line. And when I reflected the scalp, there was more hemorrhage or more bleeding in the region underneath the scalp in the frontal region and in the occipital region, which is the back of the head. I also did a posterior neck dissection, which is where I cut into the skin on the back of the neck and up back to examine for any injuries. And there we identified some hemorrhage in the muscles that connect the head to the vertebra or the neck in the back.

Q And, Doctor, let me ask you with regards to that trauma that you found to the back of the neck. In your opinion, what could have been one of the causes for that?

A The general heading that it would fall under is blunt trauma, so any blunt object being struck with that would cause that injury.

Q Okay. And let me ask you also, how do you document your autopsy findings while you're performing the procedures?

A While performing the procedure, I documented on a

diagram and that will have physical drawings and notes from the autopsy procedure.

MR. TUCKER: If I may approach the witness, your Honor?

THE COURT: Yes, sir.

BY MR. TUCKER:

Q Doctor, I want to show you what's been marked as State's 73 and let me ask you first if you recognize it?

A I do.

Q And how do you recognize it?

A It has a label from our office FA18620 and that is my handwriting.

Q And this is the diagram that you performed with regards to your autopsy on Ms. Ramadan?

A Yes.

MR. TUCKER: Your Honor, at this point I would move State's 73 into evidence at this point.

THE COURT: Any objection?

MS. PARROTT: No objection.

THE COURT: Without objection so order.

(WHEREUPON, State's Exhibit No. 73 was admitted into evidence.)

BY MR. TUCKER:

Q And, Doctor, I'm going to have you step down if you don't mind. I'm going to pull this screen up. We'll have

a large version of this on the screen and ask you a couple of questions.

THE COURT: Previous witnesses have stood about right there maybe a foot over. This screen will elevate and I want to be sure you can see it properly without obstructing any of the jurors. Doctor, can you see the screen well enough?

THE WITNESS: Yes.

THE COURT: Okay. Can the foreman of the jury see the screen? All right, he gives me a thumbs up. All right, sir, your witness.

MR. TUCKER: Thank you, your Honor.

BY MR. TUCKER:

Q Doctor, I would ask you when you were talking about the facial trauma, can you denote on the diagram to what part of the facial you were referring?

A So when looking at the diagram I have circles just around the eyes and that's the predominate area where I saw facial swelling and there was some hemorrhage that you could see through the skin.

Q And a person who had this kind of facial swelling, what sort of complications would they have been experiencing?

A It depends on how severe the injury is. Generally, you get bleeding around the eyes from being struck in the

face. You can also get bleeding around the eyes when you have skull fractures if you were in say a motor vehicle accident and you sustain a fracture to the frontal portion of your skull, you could get bleeding that comes around the eyes. In this case, she did not have skull fractures, but she did have bleeding around the eyes which suggest that there were trauma to that. It can obscure the vision and it can cause one to be a little disoriented.

Q And did you have an occasion to examine any other part of the body in connection with that finding?

A We cut down on the posterior part of the neck here and that's not on the diagram because that's more of an internal examination. However, I documented that there was some hemorrhage in the muscles that are just on the back of the neck right here at the base of the skull. And in addition to that, we have got small abrasions that are along the chin and the jaw line.

Q And did you notice any other kind of puncture wounds or stab wounds on Ms. Ramadan's body?

A On her body, she had several puncture wounds. The deepest of which was to the upper midline back here and some smaller puncture wounds around the lower back.

Q Now, the small puncture wounds were they actually wounds to the subcutaneous tissue underneath or were they more breaking the epidermidis?

A They were very superficial breaking through just the epidermis. The upper wound went into the subcutaneous tissue in fact.

Q What else did your examination reveal with regards to Ms. Ramadan?

A The fingernails were broken. We had a broken nail on the left hand three fingers at least and on the right hand at least one fingernail was broken. We had other smaller abrasions along the knee.

Q Now, you mention the fingernails. As part of your routine autopsy procedure with homicides, what in addition do you do with the fingernails?

A For every homicide case that we do, we clip fingernails. And I usually examine the fingers and the hands before that's completed. In addition to that, we pull scalp hair and transfer that along with the fingernails to the investigators that are present.

Q And did you do that in this case?

A I did.

Q And those items were turned over to the Florence Police Department?

A Yes.

Q Thank you. With regards to any other findings in terms of Ms. Ramadan's cause and manner of death, were you able to come to any conclusions where there any trauma to

the brain?

A There was some hemorrhage around the brain. There is no contusion or bruising on the brain itself, but there was hemorrhage in the area surrounding the brain. The thin membranes over lining it together with the blunt injuries that I saw on her head and neck region. I concluded that the injuries that most likely led to her death was the blunt trauma to her head.

Q Okay. And, Doctor, if you could have a seat back please.

MR. TUCKER: And, your Honor, if I may approach?

THE COURT: Yes, sir.

BY MR. TUCKER:

Q Doctor, I want to show you what's been marked as State's 69. With regards to the trauma to the face in your expert medical opinion, could the corner of this lamp being brought down with great force could have cause the injuries to the face consistent with your findings?

A Yes, any blunt object could have caused those injuries and this could have caused those injuries.

Q Okay. And let me next show you another item that's State's 69 and ask you with regards to the wounds to the back could this item be used to inflict the injuries consistent with your findings?

A Yes, it's possible. I believe these -- this end with

the double prong could have caused those injuries.

Q Okay. And, Doctor, let me next ask you with regards to manner and cause of death in Ms. Ramadan's case, what were your findings?

A The cause of death was blunt trauma to the head and the manner of death was homicide.

MR. TUCKER: Thank you, Doctor. Beg the Court's indulgence.

(WHEREUPON, a pause in the proceedings.)

MR. TUCKER: I believe those are all the questions I have, your Honor.

THE COURT: Thank you, sir.

Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Dr. Phillips, whenever you were examining this body, you said that there were some injuries that were about the chin and neck that were there?

A Correct.

Q Okay. In fact, one seems to have been like curve shape, is that correct?

A Yes.

Q And could it be like a fingernail?

A It could be, yes.

Q Was it from this direction facing forward with the

nail or was it from the back direction backwards of the nail, do you know?

A I do not recall specifically.

Q Did you take any scrapings for DNA or anything like that from that actual wound?

A I did not.

Q Okay. In all of what you done here, this just tells you the cause of death and the manner of death. It tells you nothing about who may have actually done it, correct?

A Correct.

Q Okay. You've also mentioned that something that that lamp may have been the instrument that would have been used to inflict this blunt trauma and you said that using the State's wording by using force with it. Do you have any opinion as to the amount of force if a five-foot one female could inflict that amount of damage?

A I do not.

MS. PARROTT: Thank you.

THE COURT: Mr. Tucker, anything else?

MR. TUCKER: No additional questions, your Honor.

THE COURT: All right. Any objection to this witness being excused?

MR. TUCKER: None from the State.

THE COURT: All right. Hearing nothing, Dr.

Phillips, you're free to go. Thank you for your testimony. Good luck to you.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Counsel.

MR. TUCKER: At this time the State would call Sarah Goodman to the stand.

THE COURT: Sarah Goodman. If I could get you to put your things down first, place your left hand on the Bible if you raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: My name is Sarah Goodman.

THE COURT: Your witness, sir.

MR. TUCKER: Thank you, your Honor.

WHEREUPON,

Sarah Goodman,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. TUCKER:

Q Ms. Goodman, where are you employed?

A I'm employed at the South Carolina Law Enforcement Division commonly referred to as SLED.

Q And how long have you been employed by SLED?

A Approximately six years.

Q And in what capacity are you employed?

A I am a forensic scientist assign to the DNA case work department.

Q And what kind of educational background, do you have?

A I have a bachelor of science degree from Erskine College in South Carolina as well as a masters of science in forensic science from Arcadia University in Pennsylvania.

Q And what kind of experience do you have with regards to your particular field?

A So upon employment at SLED, I went through about a year and a half long training program which included both laboratory instruction and instruction on how to write reports and testify in court. And at the end of that training, I successfully passed a series of competency test to be certified to perform DNA case work.

Q Okay. And you hold any kind of certifications with regards to your particular profession?

A Not other than my degrees, no.

Q Have you ever testified in court before as an expert here in South Carolina?
A Yes, I have.
Q And in what field?
A In DNA analysis.
Q Do you have any idea about how many times?
A Approximately 16 times.

MR. TUCKER: Your Honor, at this point I would offer Sarah Goodman as an expert in the field of DNA analysis.

THE COURT: Ms. Parrott.

MS. PARROTT: No objection.

THE COURT: All right, so ordered. Ladies and gentlemen of the jury, once again, we have an expert who's been qualified in DNA analysis.

Mr. Tucker.

MR. TUCKER: Thank you, Your Honor.

BY MR. NETTLES:
Q Ms. Goodman, with regards to evidence that comes to your agency for analysis, how does it arrive generally?
A So generally evidence arrives from law enforcement agencies throughout the State of South Carolina. So they will bring evidence to our laboratory and put certain requests on it. So for DNA analysis, they'll put DNA request on it. It is received into our evidence control

department and each case is given a unique lab number by our lab and each item is given an item number.

Q Now, we say it's logged in. Is it kept in a secure facility there at SLED or a secure area?

A Yes, it is kept in our evidence control department, which is secure only accessible by the evidence control custodians.

Q And you said its given an individual SLED lab number as well?

A Yes.

MR. TUCKER: Your Honor, may I approach?

THE COURT: Yes, sir.

BY MR. TUCKER:

Q Ms. Goodman, I'm now showing you what's been mark State's Exhibit 2. Do you recognize these as the fingernail clippings in the case of Qamar Ramadan that you analyzed?

A Yes, this package contains a blood spot from Qamar Ramadan along with fingernail clippings from both hands.

MR. TUCKER: And, your Honor, at this time I would move State's 72 into evidence.

THE COURT: Ms. Parrott.

MS. PARROTT: I'm sorry. May I approach, Your Honor?

THE COURT: Yes, ma'am.

MS. PARROTT: Without objection, your Honor.

THE COURT: All right, without objection so ordered.

(WHEREUPON, State's Exhibit No. 72 was admitted into evidence.)

BY MR. TUCKER:

Q And, Ms. Goodman, also showing you what's been entered into State's evidence already is 71. These are buccal swabs that were sent to you by the Florence Police Department in connection with this case, are they not?

A These are evidence swabs in this package. There are no buccal swabs in this one.

Q In other words are these the swabs that you use to analyze for DNA analysis?

A Yes, sir.

Q Perhaps I use the wrong terminology. I apologize. Did you prepare a report in this case?

A I did.

Q And I want to show you what's already been marked as State's Exhibit 50 and ask first if you recognize it?

A Yes, I do.

Q And how do you recognize it?

A This is the report that I generated for this case.

Q Okay.

MR. TUCKER: And, your Honor, at this time I

would move State's 50 into evidence.

MS. PARROTT: Without objection.

THE COURT: Without objection so ordered.

(WHEREUPON, State's Exhibit No. 50 was admitted into evidence.)

BY MR. TUCKER:

Q Now, Ms. Goodman, I want to start generally how do you begin analysis of a particular piece of evidence that's sent to you for review?

A So to begin our analysis, I will take the evidence into my custody. I will open each package one by one. No two packages are open at the same time just to make sure that there's no possible cross contamination or anything. So I'll open each package one at a time, write the lab number and item number on it along with my initials and then I'll take a sampling such as a cutting from that item for my analysis and I do that for every item that I received in the case.

Q And you keep each one separate as you just testified?

A Yes.

Q Okay. Now, with regards to your analysis, what actually goes into the analysis itself?

A So as far as the actual analysis once we have taken a sampling of that item, we add some chemicals to the items which help to take the DNA off of that item and put into a

liquid solution. We then take it through a process that tells us about how much DNA is present on the time. We then take it through a process that makes billions of copies of that DNA that's on those items. And then we put it through a machine that separates it into the different locations on the DNA that we look at for our analysis and it generates a DNA profile for us to analyze. And then so we do that for all of the evidence items as well as any known standards. And if the evidence items are suitable for comparison, we make comparisons with the known standards. And then I generate a report based on my findings.

Q Now, could you please explain to the jury what STRmix is?

A Sure. So STRmix is a computer program that we use for our statistic interpretations. So it uses biological modeling, which is things like the number of people that are in a sample and the amount of DNA that is there along with mathematical calculations to give a weight to any comparisons that we can make.

Q So if I'm understanding you correctly, once you do your scientific aspect of it and you get a DNA profile, you STRmix to kind of see how that compares to the general population?

A Correct. So we -- if an evidence profile is suitable

to make comparisons, STRmix essentially breaks down that profile into different possibilities to explain the profile. And then with any known standards that we received in that case, it will give statistical weight to the likelihood of whether that known standard could be one of those possibilities that breaks it down into.

Q Are you aware of any other crime labs using STRmix as a methodology?

A Yes, there's currently approximately 63 labs in the United States that are using STRmix. I know the first laboratory to come online was the U.S. Army criminal laboratory and the FBI laboratory is also using this.

Q Now, are you aware of the FBI lab is using it as well?

A Yes, they are.

Q Now, again, I'm a little older than I care to admit, but I'm kind of usually the old one in five billion or one in ten gazillion. How is that analysis different than using STRmix?

A So our previous analysis when we would say one billion or another number it was a probability. STRmix uses something called likelihood ratios. And so a probability was kind of the chance of seeing this exact profile in someone else in the population. STRmix uses something different called likelihood ratios where we take

two different explanations given the DNA profile of that profile and it gives a weight or a statistic to which one is more likely.

Q Okay. And was STRmix used in your analysis of all the items sent to you by the Florence Police Department in this case?

A Yes, and all the items that could be used for comparisons.

Q And, Ms. Goodman, what's on the screen here is what's been moved into evidence as State's 50 I believe your report in this matter?

A Yes.

Q And since you have it in front of you and since the screen is up, I'll just have you answer my questions from where you are referring to your report, which is identical to the one on the screen, is that okay?

A Yes, that's fine.

Q Now, I want to direct your attention to the first page particularly comparison standards and I'm looking on the left-hand side where it says seven blood standard from Qamar Ramadan and the results -- the DNA profile developed is suitable for you says the known standard. What is that mean exactly?

A So a -- that means that the DNA profile that was developed from this known standard is suitable to be able

to use it for comparisons against the evidence profiles.
Q Okay. And I believe also item ten was a buccal swab from the defendant in this case Donald Smith which Lieutenant Williamson with the Florence Police Department testified to earlier today that he collected this for your agency for just this purpose. Underneath where it says the DNA profile develop, could you explain what that means?
A This also means that a DNA profile was developed from this known standard and is suitable to be used for comparisons against the evidence profiles.
Q Okay. So if I understand your testimony correctly, you now have a known standard at this point for the victim in this matter Qamar Ramadan as well as the defendant Donald Smith?
A That's correct.
Q Now, I want to direct your attention to specifically items of evidence which is just underneath specifically on the left-hand side item two to the right of that it describes item two as a swab from the right side of the bed and the results underneath could you explain those to the jury please?
A Sure, so my results for the swab from the right side of the bed presented testing for blood was positive. A DNA profile suitable for comparison was developed. Donald

Smith is excluded as a possible contributor. Likelihood ratios were calculated for this profile using STRmix. And then for a proposition set, a proposition set is what shows what we are calculating our likelihood ratios are based off of. So essentially its two different possible explanations given the DNA profile that it could explain who is or is not contributing to that item. So for this proposition set, the DNA profile is interpreted as single source meaning it's only one person.

Q Can you take just a second please, I didn't mean to interrupt you. Please explain just exactly what a proposition set is again in general terms?

A Sure. So a proposition set is a comparison of two different explanations of the DNA profile. And then the result underneath those two explanations tells you which one of those is more likely.

Q Okay. And if you could continue before I cut you off I'm sorry.

A Sure. So the DNA profile's interpreted as single source. The first idea or explanation that we're comparing is that Qamar Ramadan contributed the DNA profile. And the second is that an unidentified unrelated individual contributed the DNA profile. And the result of that comparison is that the DNA profile is approximately 2.1 octillion times more likely if Qamar Ramadan

contributed the profile than an unidentified unrelated individual contributed the profile.

Q Okay. So in your expert opinion is that particular sample contain Qamar Ramadan's blood or DNA profile?

A That is a very strong support that is more likely that it's Qamar Ramadan than an unidentified individual.

Q Okay. Let me direct your attention now to items of evidence three which is underneath and to the right of it is described as a swab from the wall near victim's body. Could you explain the results to the jury please?

A Yes, so from the swab from the wall near the victim's body presumptive testing for blood was positive. A DNA suitable for comparison was developed. Donald Smith is excluded as a possible contributor. Likelihood ratios for this profile are calculated using STRmix. Again, this proposition set is comparing the DNA profile is interpreted as single source which is one contributor. And then it's comparing the explanation that Qamar Ramadan contributed the DNA profile versus that an unidentified unrelated individual contributed to the DNA profile. And the result for this comparison is the DNA profile is approximately 2.2 octillion times more likely if Qamar Ramadan contributed the profile than if an unidentified unrelated individual contributed the profile.

Q Okay. So the conclusion is just a little higher in

number than in evidence item three, is that correct?
A Yes.
Q Okay. Now, directing your attention to underneath number four to the right described as swab inside portion of the lamp shade. Could you explain those results to the jury please?
A Yeah, the results for item four presumptive testing for blood was positive. A DNA profile suitable for comparison was developed. Likelihood ratios for this profile were calculated using STRmix. For this item, there are two different propositions set. So for the first set, the mixture was interpreted excuse me -- the DNA profile was interpreted as a mixture originating from two individuals. So the first comparison is that Qamar Ramadan and an unidentified unrelated individual contributed versus that it was two unidentified unrelated individuals. And the result for that is that the DNA profile is approximately 1.1 octillion times more likely if Qamar Ramadan and an unidentified unrelated individual contributed than if it were two unrelated individuals. For proposition set two, again, it's a mixture of two individuals. And it's comparing that the explanation that Donald Smith and an unidentified individual contributed to the mixture versus two unidentified individuals. And for this result, the DNA profile is approximately three times

more likely if two unidentified unrelated individuals contributed to the mixture than of Donald Smith and an unidentified individual contributed to the mixture.

Q Okay. With regards to these results, there's a strong statistical number that suggest that Qamar Ramadan was one of the contributors of the sample that you analyze with regards to this particular piece of evidence?

A That is very strong support for the likelihood of Qamar Ramadan and an unidentified individual contributing versus if it were two individuals.

Q And let me ask you in your opinion if someone handled the lamp say a worker at a store or someone, you know, at the place that sold the lamp to Ms. Ramadan and her blood got on to that would that explain the unidentified male being a contributor?

A Could be a possibility.

Q Now, I want to direct your attention to underneath evidence item five which is the swab from the corner edge of the wooden lamp. Could you explain those results to the jury please?

A Yeah, so for item five DNA profiles suitable for comparison was developed and likelihood ratios were calculating using STRmix. For the first proposition set for this item, the mixture was interpreted as originating from two individuals for all of the proposition sets for

this item. So for the first proposition set comparing the explanation that Qamar Ramadan and an unidentified individual contributed to the mixture versus if it was two unidentified individuals, the result for that is that the DNA profile's approximately 1.0 octillion times more likely if Qamar Ramadan and an unidentified individual contributed versus if it were two unidentified individuals contributing. And then proposition set two it's comparing the explanation that Donald Smith and an unidentified individual contributed to this mixture versus if it were two unidentified individuals. And Donald Smith is excluded as a contributor to the mixture under the list of propositions.

Q Okay. And, again, the same as before it could be someone at a store, could be someone at the point of sell that touched it and then Ms. Ramadan's blood kind of landed on it and that contributed to the mixture?

A It's a possibility.

Q But Mr. Smith was definitely excluded as a contributor with this particular piece of evidence, is that correct?

A Yes, on this particular item, he is excluded.

Q All right. And if I could direct your attention to just underneath that number six swab from the white in color broken portion of the wooden lamp at the bulb

socket. And could you explain those results to the jury please?

A Yes, so the results for item six a DNA profile suitable for comparison was developed and likelihood ratios were calculated using STRmix. There are three propositions for this item for all of them, the DNA profile's interpreted as a mixture from two individuals. So the first proposition set is comparing whether Qamar Ramadan and an unidentified individual contributed to the mixture versus two unidentified individuals. That result is the DNA profile is approximately is 2.5 quadrillion times more likely if Qamar Ramadan and an unidentified individual contributed than if two unidentified individuals contributed. The second proposition set is comparing the idea that Donald Smith and an unidentified individual contributed versus two unidentified individuals and that result is the DNA profile is approximately 69 quadrillion times more likely if Donald Smith and an unidentified individual contributed versus two unidentified individuals. And then for final proposition set is comparing whether Qamar Ramadan and Donald Smith contributed to the mixture together versus if it was just two unidentified individuals contributing and that result is the DNA profile is approximately 24 tredecillion times more likely if Qamar Ramadan and Donald Smith contributed

to the mixture than if two unidentified unrelated individuals contributed to the mixture.

Q Now, 24 tredecillion, is that correct?

A Yes, sir.

Q I'm assuming I'm no mathematician, but I imagine that's a larger number than the quadrillion number?

A Yes. Quadrillion is 16 zeros and tredecillion 43 zeros.

Q Okay. So in this particular, the bulb socket there's a strong inference that the DNA sample that you analyze for this particular piece of evidence included blood of both or the DNA profile of both Donald Smith and Qamar Ramadan?

A Yes, given this DNA profile, it is very strong likelihood that it's Qamar Ramadan and Donald Smith versus if it were two other unidentified individuals.

Q And just for clarification when you say two unidentified males, you're not saying there was two unidentified male DNA found on it. You were just comparing that to the two unidentified males?

MS. PARROTT: Objection.

THE COURT: Your objection?

MS. PARROTT: Misstating what she said two unidentified individuals.

MR. TUCKER: Well, that's what I'm asking her to

clarify.

THE COURT: Just rephrase the question.

BY MR. TUCKER:

Q Again, I'm asking if there were two other male DNA found on that or is that just your standard you use with regards to STRmix?

A That is one of the comparisons of explanations for this profile that we use, so it was comparing for this proposition set whether it could be Qamar Ramadan and Smith Donald or if it could be two unidentified unrelated individuals.

Q And it was the tredecillion number that was more likely that it was Qamar Ramadan and Donald Smith, is that correct?

A That's correct for this proposition set.

Q Okay. Now, I want to direct your attention to item eight to the right of that. It's described as fingernail clippings from right hand collected from Qamar Ramadan at autopsy. And could you explain those results please?

A Yes, so for the results of item eight, the DNA profile developed is attributable to Qamar Ramadan meaning it's just a single source only Qamar Ramadan. The Y-STR profile developed matches the Y-STR profile of Donald Smith.

Q Ms. Goodman, can I stop you there for a second?

A Yes.
Q Can you explain Y-STR profile for the jury?
A Sure. So for all of the other DNA results that I've explained before this, we use something called STR DNA analysis. So it just looks at small portions on the DNA at different locations which can be on multiple parts of the DNA. For Y-STR profile, it only looks at locations on the Y chromosome, which only males have. So it's only given an indication of male DNA on that item.
Q Okay. And I believe I will stop you as you were getting to number three under the results heading YFiler?
A Yes, so YFiler plus statistics for this profile were calculated using the Y chromosome haplotype reference data base. The probability of randomly selecting an unrelated male individual having a Y-STR profile matching this item is approximately one in 9,700. Paternal male relatives of Donald Smith may not be excluded as a contributor of this profile.
Q Okay. So on the one end 9,700 value what's the significance of it or is that a strong indicator or how does it fall on your scale?
A So for this particular data base that we use that is the highest result that we usually -- that we can get from this data base.
Q I'm sorry did you say the highest result?

A Yes.

Q And directing your attention to item nine fingernail clippings from left hand collected from Qamar Ramadan at autopsy, would you explain those results please?

A Yes, for item nine, the DNA profile developed is attributable to Qamar Ramadan meaning that STR profile was just Qamar Ramadan. The Y-STR profile developed is the mixture of at least two male individuals. Due to the inability to calculate a statistic, no conclusions will be offered.

Q Now, again, I want to ask you a question with regards to that second statement. The Y-STR profile developed is a mixture of at least two male individuals. Does that mean two other male individual DNA was found under her fingernails?

A That means at least two male individuals were found underneath those fingernails?

Q Okay. But you couldn't identify them?

A No, I could not make comparisons to that Y-STR profile.

Q Okay. And going back to number eight, that was DNA or matter found under her fingernails that was positively or at least one in 9,700 the largest or the most strongest indicator that it was Donald Smith?

A For the Y-STR profile, that does match Donald Smith.

Q Okay. And if we could turn to page six, Ms. Goodman. This is assuming a scale or at least a graph showing some of these probabilities that you have here. With regards to the one in 9,700 on item number eight, where does that fall in regards to this scale?

A So for that statistic, it does not fall within the scale of this table. This table is only referring to the STRmix statistics and giving a little bit more information of how to explain the level of support for the STRmix statistics. For the Y-STR, we do not have a table because it's a probability and not a likelihood ratio.

Q Okay. But, again, just to reiterate the one in 9,700 was the strongest with regards to that particular test?

A Yes, sir.

MR. TUCKER: Beg the Court's indulgence for one second, your Honor.

THE COURT: Yes, sir.

MR. TUCKER: I believe those are all the questions I have with Ms. Goodman.

THE COURT: Ms. Parrott.

MS. PARROTT: Thank you.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Ms. Goodman, if I could also refer you to page six the same page, the same page that you were just looking at

about a third of a way down. This is your report that you prepared, correct?

A Yes.

Q Okay. And in this bold writing, you wrote DNA comparisons can be conducted following the submission of a known standard from Aliyah Hill, is that correct?

A That's correct.

Q So no one ever submitted Aliyah Hill's DNA for you to compare to any of this evidence that was sent to you, is that correct?

A That's correct.

Q Okay. There were seven items that were sent to you for you to do comparisons on, is that correct as well?

A Yes, there were seven items and two known standards.

Q Okay. Of those Donald Smith was excluded from at least three, is that correct?

A Yes, Donald Smith was excluded from items two, three, and five.

Q Okay. And then you did not reach -- and I'm going to put this in simple terms, simple person here. I didn't even quite understand quadrillion or whatever that word was, but basically some of the information or some of the evidence that you have here didn't reach the mathematical probability level necessary for you to record it out as a report or as an answer, correct? Is that what would be

the answer on number nine about the fingernail clippings?
A As far as the Y-STR profile, is that what you're referring to?
Q Yes, ma'am.
A Yes, that profile did not meet our standards to be able to make comparisons to that profile, so I couldn't make any comparisons to the known standards for that profile.
Q But you can say that it is two different male individuals under her left hand where she had broken fingernails?
A Yes, it is at least two male individuals.
Q Okay. And if I could refer you also to item number five, you said that Donald Smith was excluded from that, that is swab from the corner edge of that wooden lamp, is that correct?
A That is correct.
Q Okay. Now, you just gave this information to test. You can't tell like how something was actually submitted or how it was even gathered, can you?
A Sometimes we can tell how it was collected from the incident report, but as far as how the DNA profile is deposited onto an item, we can't say how or when it was put there just whether or not it is there.
Q So if an individual was breaking up a fight between

two women and got scrapped as part of it, you wouldn't necessarily be able to tell that just from the DNA that you been looking at, correct?

A That's correct.

Q And you also stated that somebody who just handles the lamp can be someone who contributes and could be as somebody who comes up on DNA, correct?

A It could be a possibility.

MS. PARROTT: I have nothing further.

THE COURT: All right, Mr. Tucker.

MR. TUCKER: Briefly.

REDIRECT EXAMINATION

BY MR. TUCKER:

Q Ms. Goodman, Ms. Parrott asked you about two possible male subjects contributing to the items found under Ms. Ramadan's fingernails. You recall that question?

A Yes.

Q In fact, that's not true there were three, weren't there? If we count Donald Smith?

A I'm sorry are you referring to item nine?

Q Yes.

A No, on item nine, there was just a mixture of at least two male individuals for the Y-STR profile, but I could not make any comparisons.

Q Okay. But on item eight that was Donald Smith as a

contributor, is that correct?
A Yes, item eight the Y-STR profile matches the Y-STR profile of Donald Smith.
Q And, again, item eight are fingernail clippings from right hand collected from Qamar Ramadan at autopsy, is that correct?
A That is correct.
MR. TUCKER: Thank you. I don't have any further questions, your Honor.
THE COURT: All right, nothing further?
MS. PARROTT: No, Your Honor.
THE COURT: All right. Doctor, thank you for your testimony.
No objections to her being released?
MR. WHITE: No, sir, your Honor.
THE COURT: You free to go. Thank you. Thank you for your testimony.
(WHEREUPON, the witness leaves the witness stand.)
THE COURT: Yes, sir.
MR. WHITE: Judge, at this time the State would call Myheem Montgomery.
THE COURT: Myheem Montgomery. Mr. Montgomery, if I can get you to come forward, sir. Direct you to the bailiff. Place your left hand on the Bible, sir, would

you raise your right. Sorry, madam clerk, your turn.

THE CLERK: That's all right. Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Please be stated and state your full name for the record.

THE WITNESS: Myheem Montgomery.

THE COURT: Mr. Montgomery, I'm going to ask that you -- you can be seated, sir. I do want you to speak into the microphone. You been called as a witness and I don't know if you testified before in court. Counsel will ask you come questions. You just answer to the best of your ability and I need you to speak clearly. You have to provide verbal responses yes, no. You can't make a sound or a gesture as your response. It has to be a verbal response. Court reporter is keeping a record and the jury needs to be able to hear you. When he's finished, counsel for the defendant will likely have some questions for you, sir.

THE WITNESS: Yes, sir.

MR. WHITE: Thank you.

WHEREUPON,

Myheem Montgomery,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Myheem, how it's going?

A Doing good.

Q Thanks for being here. I'm going to ask you a few questions, okay. We'll get you out of here as quickly as we can.

A Yes, sir.

Q You live in Florence?

A Yes, sir.

Q How long have you lived in Florence?

A Nineteen years.

Q And you working anywhere right now?

A Wendy's.

Q Now, I'm going to ask you and I hate to do this bad part of the job. I'm going to ask you a real personal question, I apologize before I do it. But you been convicted for two separate breaking into motor vehicles, haven't you?

A Yes, sir.

Q Just want to get that out of the way, I appreciate it. Now, how long -- well, let me ask you this. Do you know the defendant in this case Donald Smith?

A Yes, sir.

Q How long you known him?
A About 16 years.
Q And you're aware that we're here regarding a murder of a lady by the name of Qamar Ramadan that happened on August 3rd 2018?
A Yes, sir.
Q Now, did you have an opportunity to encounter Donald Smith on August 2nd 2018?
A Yes, sir.
Q Where did you encounter him?
A My house.
Q Okay. Did he arrive at your house?
A Yes, sir.
Q And could you explain to the jury what was his demeanor? How was he acting?
A Face full of sweat. He was angry. He was just upset about something.
Q And I'm going to ask you what was he upset about?
A About his girlfriend not coming outside with him or something like that. He was kind of just angry about the situation that she wouldn't let her come outside basically.
Q And when you say she, are you referring to Qamar Ramadan, the grandmother?
A Yes, sir.

Q Okay. Was that who he was angry at?
A Yes, sir.
Q And did he tell you that he intended to do anything about that?
A Yes, sir.
Q And what did he say?
A He said he was gone kill her.
Q Now, did you think that he was just venting?
A Yeah, yes, sir. Yes, sir.
Q And you known him for a while, right?
A Yes, sir.
Q Did you try to calm him down?
A Yes, sir.
Q And y'all spent some time together, is that correct?
A Yes, sir.
Q About how long did y'all spend together that evening?
A Like about two or three hours.
Q Okay. And that whole time were you trying to get him to calm down?
A Yes, sir.
Q At some point do you guys part ways?
A Yes, sir.
Q All right. Did he tell you where he was headed?
A To his girlfriend house.
Q Is that the same resident your understanding where

the grandmother lived as well?
A Yes, sir.
Q And is that on Franklin Drive or Franklin Avenue?
A Yes, sir.
Q When he's leaving to go to Franklin Avenue what, if anything, did you tell him?
A I said don't do nothing crazy, you know. Don't get in no trouble basically, that's all I said.
MR. WHITE: Myheem, I really appreciate it. Please answer any questions defense may have.
THE WITNESS: Yes, sir.
THE COURT: Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:
Q Mr. Montgomery, did you call 9-1-1 to let them know that there was possibly going to be something that happened?
A No, ma'am.
Q Did you ever call 9-1-1 about this information?
A No, ma'am.
Q Did you call law enforcement even once Mr. Smith had been arrested, so that you can volunteer this information?
A No, ma'am.
Q Okay. You got arrested for breaking and entering motor vehicle and decided to make a statement to help

yourself, didn't you?
A No, ma'am.
Q But you were in custody at the time for breaking and entering a motor vehicle whenever Investigator Clark as well as Investigator Davis both interviewed you, correct?
A Yes, ma'am.
Q Okay. As part of that statement whenever y'all were talking about breaking and entering motor vehicles, y'all talked about the fact that you stole a gun from a car that night, didn't you?
A Yes, ma'am.
Q You also talked about the fact that Donald Smith was supposed to have had a gun on him?
A Yes, ma'am.
Q Did you tell him or did you try to take that gun away from him?
A No, ma'am.
Q Okay. Your interview with law enforcement lasted about an hour -- exactly 52 minutes whenever you were going over everything. As part of that, you told them then about the fact that you told them this, correct?
A Yes, ma'am.
Q But it took you being in cuffs to do it?
A No, ma'am.
MS. PARROTT: Nothing further.

THE COURT: All right. Anything further?

MR. WHITE: Judge, just briefly.

REDIRECT EXAMINATION

BY MR. WHITE:

Q Myheem, is everything that you told us here today the truth?

A Yes, sir.

MS. PARROTT: Objection bolstering.

THE COURT: Sustained.

MR. WHITE: Judge, I have nothing further.

THE COURT: All right. Nothing further of this witness. Mr. Montgomery, thank you for your testimony, sir. You're free to go. Good luck to you.

No objection to him being excused?

MR. WHITE: No, sir.

THE COURT: No objection. Good luck, sir.

(WHEREUPON, the witness leaves the witness stand.)

MR. WHITE: Judge, at this time I believe we have a matter of law.

THE COURT: All right, sir. Okay. Ladies and gentlemen of the jury, I'm going to excuse you at this time. There's a matter I need to take up with counsel. If our honorable bailiff escort you out and get you back in shortly. Thank you.

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(WHEREUPON, the jury retire to the jury room.)

THE COURT: All right, Mr. White.

MR. WHITE: Judge, just -- I don't believe we've gotten into it, but I want to make the Court aware of the facts that actually occurred August 2nd. Mr. Smith arrives at Myheem Montgomery's house. They do go somewhere else to cool off, but where they go is to commit a string breaking into motor vehicles. I had no intention of bringing that in. It's actually mentioned several times throughout the interview. And how they actual came to Myheem is they first pick up Donald Smith and he gives up Myheem's name. I believe the door has been open to that. In fact, I believe it's wide open and I should be allowed to offer the explanation as to how all that transpired. She used that information as to credibility issue with my witness. And quite frankly, I don't think I will have to call any additional witnesses. I would just ask that I be allowed to admit those particular items to explain that situation in the video. Again, it was always my intention to redact that portion, but now I believe it's been brought before the Court and before the jury and I think the door has been open.

THE COURT: All right. So this evidence is composed where? It's in the video?

MR. WHITE: It is. I mean, I could call

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witnesses to explain, but I think the explanation could be accomplished with the particular video. And, again, it's that -- and they question him about it and that's how they actually arrive at Myheem Montgomery's name is during the interview of Donald Smith in connection with this murder. They actually ask him -- you know, there's several items we recovered in the car when they're found down in Jacksonville and they're ask about those items. And they know -- they don't let on until he gives an answer. They know that those items had been stolen from Mr. Zack Holt here in Florence as well as a Mr. Smalls here in Florence. Those items are all stolen on August 2nd. And he was a participant. And in fact he was on video stealing these particular items on that evening. And just, again, respectfully I believe that's been brought before the jury and the State should have an opportunity to explain it.

THE COURT: So your position is the defendant was brought into custody. He tells law enforcement about Mr. Montgomery and that's how they came to?

MR. WHITE: Correct. And I think defense put before the jury that in fact he was taken into custody and that is why he then gave, you know, a statement against Donald Smith. When in fact, it was Donald Smith who gave a statement against Myheem Montgomery and that's how all that transpired. And it could be easily explain through

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the video that the investigator sits here with Investigator Clark along with Investigator John Davis. They do a great job of asking him about that and I don't believe that it's -- I don't think it should be redacted any more. I believe the jury should hear it.

THE COURT: Was that prior to that line of questioning, was it your position that that would be redacted?

MR. WHITE: Correct.

THE COURT: Okay. All right.

MR. WHITE: And it is in the list of redactions that I submitted to the Court as well as to Ms. Parrott. I didn't necessarily anticipate the door being open in such a way but...

THE COURT: I understand.

MR. WHITE: Yes, sir.

THE COURT: Okay. Ms. Parrott.

MS. PARROTT: One, I haven't had an opportunity to hear his redact statement, so I wouldn't have known that. Two, simply the fact is I asked about the fact that he was with him while he was doing it. I did not bring up the fact that Mr. Smith was supposed to be involved in that at all, so I have not open that door to that. Third, he was the one who actually referred to the fact that Mr. Montgomery had two prior breaking and entering motor

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vehicles at the time that he even started his questioning. So I only went into the fact that was what he was here doing. I have not in any way incriminated my client as part of that event that night.

THE COURT: Yes, sir.

MR. WHITE: And, Judge, I didn't ask him about the breaking into motor vehicle. I asked him simply -- I didn't even give a date. I just asked have you been convicted on two different occasions and I did that purposefully. I didn't want to delve into such things, but, again, whether or not the crux of this issue really it all -- I mean, there's a lot to unpack here, but really it turns down on she tried to pick at the credibility of my witness by saying that he was in custody and that's why he then turned on Mr. Smith and that's just simply not accurate. Mr. Smith is the one who led law enforcement to Mr. Montgomery.

MS. PARROTT: Your Honor, if I may?

THE COURT: Yes, ma'am.

MS. PARROTT: I'm allowed to explain or go and explore what somebody's bias may be as to why they're testifying in court or what their bias may have been whenever they were making a statement.

MR. WHITE: Sure, I agree, but then I have a right to -- I mean, if the door's been open, then I have a

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right to have the jury hear the full picture.

THE COURT: You still don't have the redacted version?

MS. PARROTT: No, Your Honor.

MR. WHITE: But she does have the full version that includes those portions that I'm discussing as well as the interview in its entirety. And I have gone through and I think we had it, you know, for close to two weeks now. I have, you know, it's labeled. It is time stamped and it has an explanation of each and every redaction for her review.

MS. PARROTT: No, I did not get an e-mail about a redacted statement from him until, I believe, at least Friday when we were discussing what pretrial matters may be out here.

MR. WHITE: You know what, she's right. She's right on that, that's my apology. She's absolutely right. My point remains.

THE COURT: Thank you, sir. Okay. I'm going to respectfully deny your request, Mr. White.

MR. WHITE: Yes, sir.

THE COURT: I don't find that the door has been open under these circumstances. I think it'll be prejudicial at this point. All right. Was there any other matter that need to be addressed outside the

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presence of the jury?

MR. WHITE: No, sir, Judge. Thank you.

THE COURT: Okay, thank you, sir.

MS. PARROTT: Nothing further.

THE COURT: Okay. All right. Mr. White, your next witness would be?

MR. WHITE: Next, we're going to call Mr. Dowling from the Jacksonville Police Department.

THE COURT: Is he present in the courtroom?

MR. WHITE: He's ready to go. And after that, we're going to call a Ms. Anderson from the Jacksonville Police Department. And then it would be our request to go ahead and rest for the afternoon. And then, again, I still believe that we can get -- we can rest by noon tomorrow even breaking potentially slightly early this afternoon.

MS. PARROTT: And, Your Honor, I ask before we get started is the redacted statement from Keith is it done now?

MR. WHITE: And I apologize. He's had to contend with some issues from both courtrooms with everything being shut down and that was kind of unforeseen, but he's working.

THE COURT: And I appreciate that and we're going to give Ms. Parrott a full opportunity to explore

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all that and make sure that she's comfortable going forward before we get there.

MS. PARROTT: Thank you, your Honor.

THE COURT: Okay. If we're ready, then honorable bailiff we're ready for the jury, sir. Thank you.

(WHEREUPON, the jury came into open court.)

THE COURT: Court will come to order. Ladies and gentlemen of the jury, I appreciate your patience. We're getting close. We got a couple more witnesses for this afternoon. We will like call it an afternoon. All right. Counsel.

MR. TUCKER: Thank you, your Honor. May it please the Court. At this time the State would call Officer Jordan Dowling with the Jacksonville Police Department to the stand.

THE COURT: Officer Dowling. Thank you, sir. If you place your left hand on the Bible, you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full

name for the record.

THE WITNESS: My name is Jordan Dowling.

THE COURT: Thank you, sir. Your witness.

MR. TUCKER: Thank you, your Honor.

WHEREUPON,

Jordan Dowling,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. TUCKER:

Q Officer Dowling, where are you employed?

A Jacksonville Sheriff's office in Jacksonville, Florida.

Q And how long have you been employed by the sheriff's office there?

A Eight years now.

Q And in what capacity are you employed by the sheriff's office?

A Currently, I'm a supervisor in homeland security narcotics division.

Q Now, do you have any other law enforcement experience prior to coming to the Jacksonville sheriff's department?

A No, sir.

Q I want to direct your attention to August the 14th 2018 at approximately 11:15 p.m. Do you recall what you were doing?

A I do. I was working in an off duty capacity in a secondary employment job at the Saddle Brook Landings apartment or homeowners' association.
Q Now, when you say secondary employment, what specifically do you mean?
A I'm hired by the Saddle Brook Landings Homeowners' Association to patrol the complex. They pay me outside of my normal Jacksonville Sheriff's office salary and acting as a police officer.
Q So you were being paid by a private entity, but you were in your capacity as a law enforcement officer, is that correct?
A Yes, sir.
Q Now, on this particular date and time, were you in uniform?
A I was, yes, sir.
Q Do you have a badge?
A I do.
Q And I'm assuming you had the gun go with it?
A Yes, sir.
Q Now, do you recall encountering two individuals parked on that property in a dark colored 1998 Nissan Altima?
A I do, yes, sir.
Q And I believe South Carolina tag number was South

Carolina [redacted]?

A Yes, sir.

Q And do you recall what draw your attention to the vehicle initially?

A The vehicle was parked with the headlights off. The vehicle was running. The driver's front and passenger front windows were open. And they were covered by a towel and a mesh lining and I could hear voices coming from inside of the vehicle.

Q Now, did that strike you as odd given where you were on private property at this point?

A Yes, sir, it was.

Q And were you able to identify the occupants of the vehicle?

A Yes, sir, I did.

Q And do you recall what their names were?

A Donald Smith and Aliyah Hill.

Q Did you ask the occupants any questions in terms of why they were there and what they were doing?

A When I approached the vehicle to get their attention, I tapped on the windshield with my flashlight and asked Aliyah Hill, who was seated in the front passenger seat, to turn the vehicle off so she could hear me, but I did not ask any other questions to ascertain why they were on the property.

Q Now, were you able to identify Donald Smith and Aliyah Hill positively there at the scene?
A Yes, sir, I was.
Q And do you recall how you did that with regards to Miss Hill?
A I ask Miss Hill if she had a driver's license or ID and she handed me a South Carolina driver's license. I ask the same question to Donald Smith and he began searching in the backseat for an ID card, but then gave me his name and date of birth.
Q Now, with Miss Hill's driver's license and with Mr. Smith's date of birth information as well as the tag number, what, if anything, did you do at that point?
A When I called the tag number into our dispatcher, she advised that the vehicle was stolen out of South Carolina and the vehicle should be occupied by an individual who is wanted for murder out of South Carolina.
Q Now, at this point were both subjects taken into custody?
A I took Donald Smith into custody at first because I was unable to positively identify him at that time. When I began asking them questions about their identity, they both became extremely visibly nervous and sweating and frantically moving about the vehicle. So I took Donald Smith into custody and detained him in handcuffs. The

dispatcher at that point came back on the radio and advised that the individual who was associated with that vehicle was a black female name Aliyah Hill. So I went back to the vehicle and then detained her in handcuffs as well.

Q Now, as a result of them being placed into custody, what happened to the car?

A The vehicle ended up being towed. I called an evidence technician or a crime scene unit to the scene to seal the vehicle. They took photographs of the vehicle and sealed it and it was towed to our warehouse to be processed at a later time.

Q You weren't part of the processing I take it?

A I was not, no, sir.

Q With regards to the car itself when you ran the tag number, were you able to ascertain a status in terms of ownership or possession?

A I called the tag number into our dispatcher and that's whenever she advised that the vehicle was stolen out of South Carolina.

Q So the vehicle was stolen, is that correct, out of South Carolina?

A Yes, sir.

Q And then both Donald Smith and Aliyah Hill had murder warrants outstanding from South Carolina?

A Yes, sir.
Q Did that conclude your involvement in this case at that point?
A It did, sir.
MR. TUCKER: Thank you. I believe those are all the questions I have, your Honor.
THE COURT: Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:
Q Officer Dowling, when you were dealing with Miss Hill as well as Mr. Smith, did either one of them act or tell you that they were there under duress?
A No, ma'am.
Q And you didn't ask for anything to be printed or any kind of prints taken from the pocketbook or any of the items that were inside, you simply asked for the car to be impounded and sealed so that crime scene or whoever could take it from there, correct?
A Yes, ma'am.
MS. PARROTT: I have nothing further, your Honor.
THE COURT: Mr. Tucker, anything else?
MR. TUCKER: Just one follow-up question.

REDIRECT EXAMINATION

BY MR. TUCKER:

Q Deputy Dowling, with regards to when you ran the plate number, were you able to ascertain the true owner of the vehicle as Qamar Ramadan, the victim in this case?

A That's correct, yes, sir.

MR. TUCKER: That's the only question I have, your Honor.

THE COURT: All right. Anything else of this witness?

MS. PARROTT: No, your Honor.

MR. TUCKER: Nothing from the State, your Honor.

THE COURT: All right. Officer Dowling, thank you for your testimony, sir. You can step down. No objection to him being excused?

MR. WHITE: None, Judge.

THE COURT: You free to go, sir. Thank you.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Yes, sir.

MR. WHITE: Judge, at this time the State would call Officer Anderson from the Jacksonville Police department.

THE COURT: Officer Anderson, if I could get you to come forward please. Direct you to our bailiff. If you place your left hand and raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE COURT: Please be seated and state your full name for the record.

THE WITNESS: My name is Diane Anderson.

THE COURT: Your witness.

MR. WHITE: Thank you, Judge.

WHEREUPON,

Diane Anderson,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Officer Anderson, where are you employed?

A With the Jacksonville Sheriff's office.

Q How long you been employed there?

A About 19 years.

Q In what capacity are you currently employed?

A I'm in the crime scene unit.

Q And were you similarly employed back in 2018 specifically in August?

A Yes, I was.

Q Now, turning your attention to August 14th, August

15th 2018, did you have the occasion to receive in your evidence bay a late model Altima that was found and recovered from Saddle Brook Landings in Jacksonville?

A I believe the date was August 16th, but that's correct.

Q And that vehicle made it back to your evidence bay, correct?

A That's correct.

Q In what condition did it make it back, was it sealed in any way?

A It was sealed. The passenger window was down. The tape on that window was broken possibly due to transport.

Q And was a search warrant obtained for that vehicle?

A Yes, it was.

Q And is that why you were called in to process the vehicle?

A Yes, it is.

Q And did you ultimately process the vehicle?

A I did.

Q Does part of your process of any crime scene but especially here as it pertains to the vehicle, did that include a photograph of the vehicle?

A Yes, it did.

Q If I could, I'm going to show you what's marked as State's 74 through 91. If you could without telling me

anything about it, tell me if you recognize those photographs?

A I do.

Q Are those photographs taken during your processing the vehicle?

A Yes, sir.

Q And did it fairly and accurately depict the vehicle as you made your way through it?

A Yes, they do.

MR. WHITE: Judge, at this time I would move State's Exhibit 74 through 91 into evidence.

THE COURT: Ms. Parrott.

MS. PARROTT: No objection, your Honor.

THE COURT: Without objection so ordered.

(WHEREUPON, State's Exhibit Nos. 74-91 were admitted into evidence.)

MR. WHITE: Permission to publish to the jury, Judge?

THE COURT: Yes, sir.

MR. WHITE: And if I could, I would ask Officer Anderson to come down on the floor here with me and walk through these photographs.

THE COURT: All right. No objection, Ms. Parrott?

MS. PARROTT: No, your Honor.

THE COURT: All right. Officer, get you to step around.

BY MR. WHITE:

Q Officer Anderson, if you'll just stand right here for me and hopefully you'll be able to see and we'll just kind of walk through these photographs together, okay.

A Okay.

THE COURT: Officer Anderson, most witnesses have been able to see from right there. The only thing I ask just not to obstruct the jury, so you have a couple feet that you can step over.

BY MR. WHITE:

Q Now, Officer Anderson, this is State's 74 is this the vehicle -- the late model Altima that arrived in your evidence bay on that day?

A Yes, it is.

Q Now, I'm going to show you State's Exhibit 75. I believe it's been alluded to a couple of times, but is that how the vehicle arrived at your evidence bay?

A Yes, it is.

Q And I believe -- were you in the courtroom for Officer Dowling's testimony?

A I was.

Q I believe he said those towels were kind of hanging up there when he found the vehicle, is that your

understanding?
A Yes.
Q Now, I show you State's Exhibit 76 and that's the license plate used to identify the vehicle?
A Yes, sir.
Q And this is State's Exhibit 77. It's inside the vehicle. It also shows the towel obstructing the view from the outside, is that correct?
A That's correct.
Q This is State's Exhibit 78 what is that show?
A Looks like the backseat of the vehicle.
Q And what did you find laying in the backseat?
A That looks like a pillow and then either some clothing or maybe a blanket.
Q State's Exhibit 79 that's another view. Is that the blanket and the pillow there?
A Yes, it is.
Q Do you also see a number of food items strewed about?
A I do. A cup looks like some trash on the other side.
Q Did you recover a good bit of food items from the vehicle?
A We didn't collect any of the food items just photograph what was there.
Q Okay. Did it appear from the pillow and the cover and the foods items, towel obstructing, did it appear

somebody was living in the vehicle?
A It did.
Q State's Exhibit 80 are these two debit cards recovered from the vehicle?
A Yes, they were.
Q And if you could, could you tell us who's the name on that debit card?
A Donald Smith.
Q State's Exhibit 81 is this also a -- some sort of debit card recovered from the vehicle?
A Yes, it is.
Q And whose name is on that particular item?
A I believe it's Qamar Ramadan.
Q State's Exhibit 82 and what is that particular picture show?
A That is a wallet we located in the front passenger seat.
Q Did you go through that wallet?
A Yes, we did.
Q State's Exhibit 83 were these the items that were contained inside of that wallet?
A Yes, they were.
Q If you could, if you'll come just a little bit closer. I'm looking and I see that most of those items belong look like they are to and have identification of

Aliyah Hill, is that correct?
A That's correct.
Q Aside from this debit card here, correct?
A Yes, sir.
Q And who does that debit card belong to?
A Qamar Ramadan.
Q I'm going to show you State's Exhibit 84. Did you also recover this particular wallet from inside the vehicle?
A Yes, we did.
Q And who, you know, the best you can tell whose wallet is this?
A It appears to belong to Donald Smith.
Q Is that because several items of identification were found inside the wallet belonging to Donald Smith?
A Yes, sir.
Q Okay. State's Exhibit 85 is that a checkbook was that also recovered from the vehicle?
A Yes, it was.
Q And whose name is on that?
A Qamar Ramadan.
Q Okay. And this is State's Exhibit 86. What are we looking at here?
A This is the trunk of the vehicle.
Q Okay. Were any items of interest -- I mean, I'm

noticing a bag. Did that stick out to you at all?
A There were some items in the bag I believe I collected.
Q State's Exhibit 87 is this inside the bag?
A Yes, it is.
Q Was this kind of further evidence that led you to believe that they were living in the vehicle at the time?
A Yes.
Q State's Exhibit 88 now is this another identification part belonging to Donald Smith?
A Yes, it is.
Q State's Exhibit 89 is this license belonging to Donald Smith?
A Yes, it is.
Q And, again, those items were recovered from inside the vehicle?
A That's correct.
Q This is State's Exhibit 90. Now, here are some of those food items I was kind of referring to. It appears Burger King possibly a Taco Bell bag, Mountain Dew. Did it appear to you as you're processing and kind of inventorying the vehicle that they, again, were eating, living outside of that vehicle?
A Yes, it did.
Q State's Exhibit 91 an item of mail could you tell us

who that belongs to?
A Qamar Ramadan.
Q And what's the address listed there?
A It is [redacted] North Franklin Drive apartment 1 Florence, South Carolina.
Q Thank you, Officer Anderson. You could have a seat for me please, okay. Now, you said you possessed the vehicle on the 16th, correct?
A I believe so. I'll refer to my report, but just to make sure, that's correct August 16th.
Q And do you know when the vehicle was actually found with Donald Smith inside of it?
A I don't have that information on my report.
Q But if I told you that the murder occurred on August 3rd, would you say that the vehicle was found some 12 or 13 days later in Jacksonville, Florida?
A Yes.
Q And did that conclude your involvement in this particular matter?
A Yes, it did.
MR. TUCKER: Thank you very much, Officer Anderson. I have nothing further. Please answer any questions defense may have.
THE COURT: Ms. Parrott.
MS. PARROTT: Thank you.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Officer Anderson, just want to make sure, I know that you did an inventory list by what you're saying here, but did you actually ask or request that any kind of forensic reports or forensic testing be done on any of this information?

A No, I don't send anything off to any lab or have it processed. I just collected it from the vehicle.

Q Okay. And, again, the Qamar Ramadan information was there was at least one piece of information that was actually with Aliyah Hill's information in her green wallet, correct?

A That's correct?

MS. PARROTT: No further questions.

THE COURT: Anything else of this witness?

MR. WHITE: No, sir, Judge.

THE COURT: Officer, thank you for your testimony. You can step down. No objections to this witness being excused.

MR. WHITE: No, sir, Your Honor.

MS. PARROTT: No, sir.

THE COURT: You free to go. Thank you be careful.

(WHEREUPON, the witness leaves the witness

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stand.)

MR. WHITE: Judge, might we approach for a second?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Okay. Court will come to order already. All right. Mr. White, is there anything further for this afternoon?

MR. WHITE: Nothing for this afternoon, Judge.

THE COURT: It's my understanding that you'll be prepared to resume your portion of the trial in the morning?

MR. WHITE: That's correct, Judge.

THE COURT: Okay. Ms. Parrott.

MS. PARROTT: Yes, sir.

THE COURT: Okay. Ladies and gentlemen of the jury, we're going to finish -- we're going to stop this afternoon. This is a good breaking point and we will resume in the morning. It's our hope, expectation to start at nine o'clock in the morning. So if you can get here in time so that we could start at the time, the Court would appreciate that. Once again, I have to instruct you that you not allowed to talk about the trial with anyone

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while you're gone. So try to refrain from that, okay. If there's nothing further, I'm going to ask our honorable bailiff to excuse the jury. I hope you have a nice rest of your afternoon and a good evening and we'll see you in the morning.

(WHEREUPON, the jury was excused for the day.)

THE COURT: All right. Counsel, the jury has been excused any matters we need to address before we break for the afternoon?

MR. WHITE: No, sir, Judge.

MS. PARROTT: I think we are good.

THE COURT: Thanks for being so expedient and we'll see you all ready to go nine o'clock in the morning.

MR. WHITE: Sounds good. Thank you very much, your Honor.

MS. PARROTT: Thank you, your Honor.

(WHEREUPON, the proceedings were concluded for the day to be reconvened on May 19, 2021.)

THE COURT: Court will come to order. Counsel, there any matters we need to cover before we bring the jury back in?

MR. WHITE: Judge, we do have a couple matters to take up. Ms. Parrott has raised objections to two or excuse me -- three portions of the redacted video that she would like to raise with the Court. And then after that,

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the State would like to discuss scheduling.

THE COURT: Yes, sir.

Yes, ma'am.

MS. PARROTT: Your Honor, the redacted video was delivered to me yesterday afternoon and I took an opportunity obviously to review that. And in doing so at about a minute 47 18 seconds or so, there's a question from both investigators about to Donald Smith about what's your defense going to be. You know, you're going to get in there you're going to say I don't know or what. And, your Honor, that goes directly to the fact that he has a right to remain silent. He has no obligation to put forward any defense whatsoever and so I think it's a direct comment on his right to remain silent and that portion could be redacted. And it's very simple to redact because they're saying something about there's something that's a lead in on that. Well, no, I'm sorry that was something else, but I still believe that that will be very simple to redact because it's just a few seconds. But it is a direct comment on his right to remain silent and so therefore, I think, it should be removed.

THE COURT: All right. Mr. White.

MR. WHITE: And, Judge, I'll just simply say that he waived his right to remain silent and they're trying to verify his story and get his side of it. And

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that's, you know, one of the ways they're attempting to do so, but very simply, Judge, my argument is that he 100 percent waived his right to remain silent and he's not remained silent and he's speaking for upwards of two hours to law enforcement.

THE COURT: Okay. Ms. Parrott, anything else?

MS. PARROTT: No, sir.

THE COURT: Okay. Did he provide the answer to the question?

MS. PARROTT: No, not really.

THE COURT: All right. And your position is what's the harm?

MR. WHITE: Correct, Judge.

THE COURT: All right. Okay. All right. What's the second issue?

MS. PARROTT: The second issue your Honor is about minute 56 they're talking they -- I believe it's Investigator Davis looks at Investigator Clark, but regardless one or the other, I mean, one or the other looks at the other he says what's status DNA and the other say it's going to be a little bit. And Donald then replies they've already gotten my DNA or you already got my DNA. And they kind of look at him and they said where was that done. He says the county. And so Investigator Clark replies, well, that wouldn't be us. South

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Carolina's not a state that takes DNA from -- upon someone's arrest. And in fact, South Carolina is a state where to take someone's DNA unless its for some other crime and some other issue where you would possibly be submitting that DNA. It's only going to be done for a felony and be part of the SLED data base. I think the implication of that your Honor and I don't know if any of the jurors would have that knowledge, but I'd rather not take the chance that they have that knowledge that there is a possibility of his having his DNA out there for some other reason. And, again, it's a very short snippet because then they say, well, we're going to collect ours any way. So I think it could be removed and that would also remove any possible taint from what they may know or what could be implied by that.

THE COURT: Okay. Mr. White.

MR. WHITE: Judge, I believe -- I'm not sure how other counties do it, but Florence County swabs for certain crimes and it's state law, Judge. It's not brought up by the investigators. It's brought up by Mr. Smith himself, he brings it out and I don't think it's prejudicial at all.

THE COURT: All right, sir. Your third item, Ms. Parrott.

MS. PARROTT: Your Honor, there's actually --

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there's two more. I'm sorry because I did not alert Mr. White to the third one that I was looking at, but, again, and I would defer to the judgment because I don't think this one is as serious as some of the others that have been stated. But there is a question about moment of one hour and six minutes and 57 seconds, one hour and seven minutes, that they're talking about that this being -- he's making a statement this is on his son. This is his four year old. And George Clark then refers back to him saying, well, if you ever want to hold your son again because otherwise this could be 20 to 25 years out there. I think that they could possibly interpret that as a potential sentence, that could be imposed and so I would ask that that also be redacted.

MR. WHITE: And that definitely needs to come out. Is that in the redacted portion?

MS. PARROTT: Yes.

MR. WHITE: State's 25.

MS. PARROTT: Yeah.

MR. WHITE: And that's got to come out. I agree.

THE COURT: All right. Thank you, sir.

MS. PARROTT: The last point, your Honor, at about one hour and 50 minutes Investigator Clark and Donald Smith get into a little bit of a discussion about

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what murder would be and Investigator Clark responds back to him is they're discussing it is it doesn't matter if you did it or not, you agreed to commit it, and so therefore -- and so I think that's a statement of law and that would be best left to the Court to provide that statement as oppose to the statement by law enforcement.

THE COURT: All right. Mr. White.

MR. WHITE: Judge, I think they're getting into accomplice liability, but the Court will instruct the jury on what the law is and they'll be clear that they're to follow your instructions. So I don't find that to be prejudicial either.

THE COURT: All right. With regard to the first matter, Ms. Parrott, I was going to deny your first request. I don't think it's going to be prejudicial. With regard to second issue regarding the DNA, I will grant your request to have that matter redacted. The third issue, I believe, the State consents to, so that's really not necessary for me to comment on. And the fourth issue I am concerned. There's a little bit of consistency in what they said and what the charge would be, so I'm going to grant your request with regard to that, Ms. Parrott.

MS. PARROTT: Thank you, your Honor.

THE COURT: Clarification or anything else on

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those matters?

MR. WHITE: No, sir, Judge.

MS. PARROTT: No, your Honor. You have the times?

MR. WHITE: I just want to be clear. We're discussing at the 56 minute mark.

MS. PARROTT: Yes.

MR. WHITE: The one minute or excuse me one hour six minute and one hour seven minute mark.

MS. PARROTT: Yes.

THE COURT: And one hour and 50 minute mark.

MS. PARROTT: Right.

MR. WHITE: I got that no problem.

THE COURT: Okay. So we ready to go?

MR. WHITE: Well, Judge, I just want to briefly discuss scheduling.

THE COURT: Yes, sir.

MR. WHITE: I can't overstate how much we worked the Solicitor's office IT guy and we got some problems in courtroom 3A as well as in here. And I'm going to have to submit this to him and have him redact this again. It's kind of backed up everything including the State's preparation and its PowerPoint presentation. Last night, I was reviewing everything and going over the remainder of the trial with co-counsel, investigator and IT. And I

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think what we have left we have four witnesses this morning. Three will be very quick witnesses, the fourth may be a little lengthy, but the fifth witness, the fifth and final witnesses is Investigator George Clark and I see that witness being around three hours. The video is about two hours and ten minutes, so I think we're looking at maybe a minimum of three hours. So it would be my hope and my suggestion to the Court, my request to the Court that we put up those four witnesses this morning and I think that will go into the duration of the morning. We conclude just a little bit early this morning. We start promptly in the afternoon session with Investigator Clark. We send the jury home after that. We go over charging instructions. We get everything ready to go. I close promptly at nine o'clock in the morning and have this thing to the jury by 11.

THE COURT: All right. Ms. Parrott, anything you want to add?

MS. PARROTT: I mean, your Honor, we been moving quicker then what I think they thought we would. I do think that George Clark obviously with the video being approximately two hours is going to take a little bit longer than all the rest of it, but, I mean, if there's any way that we can go ahead and finish this up today, I think that would probably be the best interest of

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everyone.

THE COURT: Yeah, I don't -- I guess, the only wildcard is the redacted video, is that right?

MR. WHITE: Yes, sir, it's going to take a little to get that and also I got him working on clipping the video for my presentation. With the amount of things we have going today and just the nature of the case, Judge, we got an innocent 66 year old woman and I want to make sure that it's done right. I really don't want to rush things this afternoon if all possible. We done our best to streamline things and we have things ready to roll.

THE COURT: You both have done a good job and I appreciate that. And, you know, let's hope for the best, but we can plan for, you know, going in. I mean, there's no direct structure or anything if we carry over. I mean, I want you to try your case at a pace you comfortable with. We move relative quickly, I think. You all streamline some things. And, I guess, how quickly Mr. Godbolt -- how quickly he can get things done might determine all this, so let's just play it by ear. I'm not going to put any pressure on you. Let's just play it by ear and see how we do.

MR. WHITE: That sounds great, Judge.

THE COURT: All right.

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MS. PARROTT: They're closing in the courtroom next door, so we definitely free rein of Keith.

MR. WHITE: We do, but he's got his work cut out for him. I appreciate it, Judge. Thank you.

THE COURT: All right. So anything else before we bring the jury out?

MR. WHITE: No, sir, Judge.

THE COURT: Okay. All right. Honorable Bailiff, you ready to bring the jury out, sir?

BAILIFF: Yes, sir.

THE COURT: Thank you, sir.

(WHEREUPON, the jury came into open court.)

THE COURT: Thank you, Bailiff. Court will come to order. Good morning, ladies and gentlemen of the jury, I appreciate you being here so promptly as I believe you were informed by the bailiff. We had a few legal matters that we needed to take up before we got started this morning, so that's why you're a little bit delayed coming in here, but I think we have all those matters covered. All right. The State had I believe Mr. White, Mr. Tucker, wish to call a few witnesses this morning. We're ready to proceed.

MR. TUCKER: We are, your Honor.

THE COURT: All right. Mr. Tucker, you can call your first witness.

MR. TUCKER: Thank you, your Honor. May it please the Court at this time the State would call Dannette McKnight to the stand.

THE COURT: Dannette McKnight. Ms. McKnight, if I could get you to place your left hand on the Bible please, if you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Please be seated and state your full name for the record.

THE COURT: Ms. McKnight, when you get comfortable after you stated your name, if you spell your first name please.

THE WITNESS: My first is Dannette. It's spelled D-A-N-N-E-T-T-E and my last name is McKnight.

THE COURT: Thank you. Your witness.

MR. TUCKER: Thank you, your Honor.

WHEREUPON,

Dannette McKnight,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. TUCKER:

Q Ms. McKnight, where do you work?

A I work for Florence County Emergency Management Department in their 9-1-1 center.

Q And what is your official job title there?

A I'm a shift supervisor.

Q And how long have you been employed there at the 9-1-1 center?

A Since 2001, so right at 20 years.

Q Okay. And with regards to what you do there, again, this may seen counterintuitive and a stupid question, but let me ask it anyway. When I pick up the phone and call 9-1-1, the call kind of comes to your department?

A Yes.

Q And what happens when a call comes in for service generally speaking?

A Generally speaking when we receive a 9-1-1 call, the first information we find out is the location, their phone number, and their name and exactly what is happening or what is their emergency. And then we ask a series of questions and dispatch it in the process. There's more -- there's a team there, so it's not just me just dispatching the call. It could be someone else working that particular sheriff's office to EMS console according to what the emergency is and it's being dispatch to that

appropriate agency and then monitor as far as their progress.

Q Now, with regards to what you do in terms of service to law enforcement and first responders who go out to scenes, do they routinely call dispatch for additional information such as to run a tag or to run a driver's license for information such as that?

A Yes.

Q Now, I want to ask you I believe if my math is correct from the time frame that you indicated you began working there at the 9-1-1 center, that would mean if I have calculated correctly, you would have been employed there on or about August the 3rd, August the 4th 2018?

A That is correct.

Q Now, do you recall receiving a notification from law enforcement with regards to this particular case in terms of something they were requesting from you by way of assistance?

A As far as a subpoena, yes.

Q Do you recall specifically what they asked you to do in reference to that subpoena in terms of why you're here today?

A Yes.

Q Now, I believe in point of fact and specifically you were requested to ping a cell phone number to try to

locate the person who had the cell phone, is that right?
A That's correct, yes.
Q Now, could you explain when we say ping a cell phone, what that means exactly in terms of what you do in trying to find the information?
A The investigator or someone as far as a supervisor on that patrol unit they'll call and ask us to ping a number for an emergency situation where somebody's life has been threatened. Well, we get the number try to find out who the service is from to Verizon to AT&T or to a service that we're not even familiar with. Well, we call say Verizon or AT&T and we have an emergency phone number directly into their service. Well, they'll ask is this a life threatening situation. And, of course, have to be answered by whatever that investigator or lieutenant or sergeant has given us. And then we -- a lot of times at AT&T they'll fax us over a piece of paper and we have to have it signed and reason for the tracking. AT&T will send it through our e-mail. And they'll give us the longitude and latitude and we'll map it on our system if it's in Florence County. If it's beyond our county in another state, we can Google map it, put in the coordinates and will pretty much ping where they -- where that coordinates are.
Q So if law enforcement gives you a phone number,

you're able to contact the phone number and then figure out where that phone is located if you can get a signal back from the phone, is that correct?

A Yes.

Q Now, with regards to your involvement in this particular case, you were asked to ping a certain cell phone belonging to granddaughter of the victim in this case Miss Aliyah Hill, is that right?

A Yes.

Q And I believe the number that you were provided was [redacted]-7074, is that also correct?

A From what I can remember, yes.

Q Okay. And were you able to ping that particular cell phone and determine a location of that phone?

A There were two different phone numbers. I know one was through Sprint and it was turned off and then there was another through Verizon. And I know the one through Verizon I was able to ping, yes.

Q And do you recall what that location was with regards to the Verizon account phone.

A I can't remember the particular address, but it was -- it mapped out of -- it was at a Wal-Mart out of Tampa, Florida.

Q Outside of Tampa, Florida?

A Yes.

Q And do you recall the date that you were asked to perform the service to law enforcement?
A No.
Q If I were to tell you it was August the 4, 2018, would you have reason to doubt that date?
A No.
Q And I believe that concluded your involvement in this particular case, did it not?
A Yes.

MR. TUCKER: I believe those are all the questions I have.

THE COURT: Thank you, sir.

Ms. Parrott.

MS. PARROTT: Briefly.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Ms. McKnight, whenever you're pinging the phone you're just looking for the location of the phone not for who's actually using the phone, correct?
A Yes.

MS. PARROTT: Nothing further.

MR. TUCKER: Your Honor, those are all the questions we have of this witness.

THE COURT: Ms. McKnight, thank you for your testimony. Any objections to her being excused?

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MR. TUCKER: None, your Honor.

THE COURT: All right. You're excuse, Ms. McKnight. Thank you for your testimony.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Okay, Mr. Tucker, call your next witness.

MR. TUCKER: Thank you, your Honor. May it please the Court. At this time the State will call Chris Neal to the stand.

THE COURT: Officer Neal, if you'll place your left hand, raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes, I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: My name is Christopher Neal.

THE COURT: Your witness, sir.

MR. TUCKER: Thank you, your Honor.

WHEREUPON,

Christopher Neal,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. TUCKER:

Q Mr. Neal, I notice you got on what looks to be a law enforcement uniform, but I'm going to ask anyway. Where are you employed?

A I'm employed by Florence County Sheriff's office.

Q And how long have you work for the sheriff's office?

A In next month, middle of next month will be 29 years.

Q And in terms of your present job title and job responsibilities, what are they?

A For the last ten years, I have worked in the detention center as their investigator and security sergeant.

Q Now, when you say Investigator, what kinds of things do you typically do in that particular role?

A I manage the phone system, cases of particular interest that happen inside the detention center come to my attention and I also coordinate with other law enforcement agencies and attorneys when they require information about things that -- about things in the detention center.

Q Would it be fair to say then you have an excellent command of the interworkings of the detention center in terms of employees as well as inmates who are there?

A After ten years, I've got a pretty good working

knowledge. And if I don't know it, I know exactly who to go ask to find it out.

Q Now, let me ask if my math is correct, you were working in your current capacity around the time frame of 2018 from August to through October?

A That's correct.

Q Now, in part your role as an investigator there on the detention center side, do you commonly or are you familiar with how the mail system works in terms of inmates sending mail out or receiving mail back?

A Yes, sir, I am familiar with it.

MR. TUCKER: If I may approach, your Honor?

THE COURT: Yes, sir.

BY MR. TUCKER:

Q Sergeant Neal, I want to ask you to take a look at what's been marked State's Exhibit 92 and first I like to ask if this is consistent with your knowledge of what would be available to an inmate there in terms of stationary and envelopes you can take a look at it?

A Yes, sir, it appears just to be just normal copy paper which the corrections officers have at their desk that are available to inmates on request. And this appears to be one of our envelopes if you don't have money to order an envelope off commissary, you can request two envelopes a week that are provided by the detention center

and they are usually marked with this stamp where we write the inmates name. And it's always written in red and they write the inmates name and his cell number and then they have red postage. This is what we do the postage up front.

Q Okay. Now, when you say they write the name and the pod, cell number?

A Mail clerk.

Q The mail clerk does. And she's able to verify that information?

A Yes, ma'am -- I mean, yes, sir.

Q I want to show you what's on the back of this. This appears to be a stamp if you could read that?

A The Florence County Detention Center has neither censored nor inspected this item FCDC does not assume responsibility for its contents.

Q Now, that's a stamp that would have been applied there as the mail left the building?

A Yeah, it's automatically sent out.

Q Now, I want you to take a look at up in the upper left-hand corner. And if you could read the name where it says a name and then blank and what appears to be a name written in red?

A The name says Donald Smith.

Q And with regards to the -- and I call it pod number

or cell number if you could read what's written in red there?
A B215.
Q And that would have been written by the mail clerk as it leaves the facility?
A That would have been written by the mail clerk when the envelopes were delivered to the inmate.
Q Okay. And the mail clerk would have been available to identify verify both the name and the cell or pod number before it was applied to the envelope?
A Uh-huh.
Q And if you could read to whom is it addressed?
A Twelfth Circuit Solicitor's office.
Q And, again, if you could read the name of the person whose name is actually written in red?
A Donald Smith.
Q And the pod number there please?
A B215.
Q Now, in terms of the postmark, it appears to have a postmark, I believe of October 31st 2018. Does that look to be correct?
A Yes, sir, that looks correct.
Q Now, you were asked to look to verify whether or not that cell assignment was correct for Mr. Smith around that time frame?

A Yes, sir, I have a housing history that I'm able to pull and between October 15th 2018 and November 30th 2018, it shows that Donald Smith was housed in B215.

Q And that is the pod and cell number assigned and written in red by the mail clerk, correct?

A That's correct.

MR. TUCKER: Your Honor, at this time I would move State's Exhibit 92 into evidence.

THE COURT: Ms. Parrott.

MS. PARROTT: Without objection.

THE COURT: Without objection so ordered.

(WHEREUPON, State's Exhibit No. 92 was admitted into evidence.)

BY MR. TUCKER:

Q And just to be clear, Sergeant Neal, beyond your involvement as it relates to this letter, you didn't have any direct involvement with the case beyond that, did you?

A Not that I'm aware of.

MR. TUCKER: I believe those are all the questions I have, your Honor.

THE COURT: Ms. Parrott.

CROSS-EXAMINATION

BY MS. PARROTT:

Q Officer Neal, as part of what your job is down at the jail, you also have information about other inmates or all

the inmates as requested, correct?

A That's correct.

Q Okay. So you know about Miss Hill went to the hospital for a suicide attempt?

A I was handed one of our jail incident reports that does state that on April 15th she was transported.

Q April 15th of 2021?

A That is correct.

Q And it's from taking seven pills from another inmate?

A That's what the incident report states?

MS. PARROTT: Nothing further, your Honor.

THE COURT: Mr. Tucker, anything else?

MR. TUCKER: Just one question.

REDIRECT EXAMINATION

BY MR. TUCKER:

Q Sergeant Neal, Aliyah Hill obviously wasn't in B pod during the time frame we just discussed as it relates to that letter, was she?

A No, sir. Miss Hill's a female. All females are house in H pod.

MR. TUCKER: Thank you. I believe that's all I have, your Honor.

THE COURT: Thank you, sir. Nothing further of this witness? Any objections to him being excused?

MS. PARROTT: None, your Honor.

MR. TUCKER: None from the State.

THE COURT: Thank you, Mr. Neal. You're free to go, sir.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Mr. White.

MR. WHITE: Thank you, Judge. At this time State would call Jahid Smith.

THE COURT: Mr. Smith, can I get you to come forward. Direct you to the bailiff. If you would place your left hand on the Bible, if you raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yeah.

THE CLERK: Please have a seat and state your full name for the record.

THE WITNESS: Jahid Smith.

THE COURT: Mr. Smith, would you spell your first name please?

THE WITNESS: J-A-H-I-D.

THE COURT: Thank you, sir.

Your witness.

MR. WHITE: Thank you, Judge.

WHEREUPON,

Jahid Smith,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q How you doing, Mr. Smith?

A I'm good.

Q Thank you for being here. If you could, tell us where you from?

A I'm from New Jersey.

Q Okay. Where you living now?

A I live in Pennsylvania.

Q And how long did you live in New Jersey before moving to Pennsylvania?

A I live in New Jersey for about 25 years.

Q Is that where your family is from?

A Yes.

Q Is your family still reside there?

A Yes.

Q Speaking of family how are you related to the victim in this case Ms. Qamar Ramadan.

A That's my grandmother.

Q And, Mr. Smith, I know this upsetting. There's tissues there if you need them, okay. Now, Mr. Smith, if that's your grandmother how are you related to the

co-defendant in this case Aliyah Hill?
A That's my cousin.
Q Okay. Now, I'm going to talk to you about their relationship. Ms. Ramadan, your grandmother, is also the grandmother of Aliyah, is that correct?
A Yes.
Q However, the relationship is a little bit closer than that, isn't it?
A Yes, she's like a mother. She was a mother.
Q And how long had Ms. Ramadan, your grandmother ---
MR. WHITE: If I may approach?
THE COURT: Yes, sir.
BY MR. WHITE:
Q How long had Ms. Ramadan assume the role of mother in Aliyah Hill's life?
A Since birth.
Q Was she always trying to watch out for her?
A Yes, she always wanted better for her.
Q Did she love her?
A Yes, so much.
Q At some point in 2015, did Ms. Ramadan and Aliyah move down here to Florence, South Carolina?
A Yes.
Q Okay. Was apart of that reason to get Aliyah away from trouble bad scene in New Jersey?

A Yes, and better life.

Q How often did you have contact with your grandmother Ms. Ramadan?

A Contact with her often, real often. My mother contact with her every day, so every week, every other day.

Q Now, y'all pretty close family at that time?

A Yes.

Q How many children did Ms. Ramadan have, how many grandchildren did she have?

A She had four children and seven grandchildren and one great grandchild, which is my son.

Q Did she love children?

A Yes.

Q Now, I want to ask you this where were you working at that time do you recall?

A Yes, I was working at Ceaser's in Pennsylvania, a warehouse.

Q And that was back in August or the summer of 2018 rather?

A Yes.

Q June 2018 were you working at the same place?

A Yes.

Q Does that entail shift work?

A Yes, until it's done.

Q Okay. So what hours were you working, I guess, is a better way to phrase it?
A Six until you finish.
Q Okay. Does that include early morning hours?
A Late night until early morning, yes.
Q Okay. And your grandmother what time would she go to bed?
A Early not past nine or ten o'clock.
Q All right. Now, are you aware and you were in the courtroom earlier, I think, it was yesterday when it was discussed an attempted break-in at your grandmother's home on June 13th 2018?
A Yes.
Q And it involved the defendant in this case Donald Smith?
A Yes.
Q After that incident that night, did you receive a call from your grandmother Ms. Ramadan?
A Yes.
Q Did that seem odd to you?
A Yes.
Q And at what time do you think she called?
A One something.
Q Okay. How do you know that that's what time it was?
A Because I was on break. I work from six until, so I

was on break and it was one o'clock.

Q So when we say one, are you talking one a.m.?

A Yes.

Q All right. And did she discuss the incident that occurred that evening?

A Yes.

Q Did she point and identify the person who did it?

A Yes.

Q And how did she identify him?

A She told me to go on Facebook and ---

MS. PARROTT: Objection hearsay.

THE COURT: Sustained. If you stop -- if you hear an objection, let me discuss that with the lawyers and we'll come back to you, sir.

THE WITNESS: Okay.

THE COURT: Thank you. Your next question.

BY MR. WHITE:

Q Were you able to identify the person she was speaking of through Facebook?

A Yes.

Q And was that person Donald Smith?

A Yes.

Q Now, it was abnormal for her to call, right?

A Yes.

Q Did she seem worried?

A Yes.
Q Did she seem concerned?
A Yes.
Q Was her concern and her worry over Donald Smith?
A Yes.
Q All right. I also want to talk to you a little about your grandmother's kind of day-to-day type of person she was. Was she a clean person?
A Yes, very clean.
Q Did she like to keep her possessions kind of in good order?
A Yes.
Q Would that include her vehicle?
A Yes.
Q Was she the type of person who would loan her vehicle out to anyone?
A Nobody.
Q You think she would loan it out to you?
A She loan it to me once in my life and I'm 28 years old.
Q I want to also ask you about Aliyah Hill. What kind of driver was Aliyah?
A Aliyah didn't know how to drive.
Q Okay. Did she have her license?
A No.

Q Okay. Would there be any circumstance you can imagine where your grandmother, Ms. Ramadan, would have loaned her vehicle to Aliyah?

A Not at all.

MR. WHITE: Beg the Court's indulgence.

(WHEREUPON, a pause in the proceedings.)

BY MR. WHITE:

Q Now, you're aware that this incident occurred, you know, the tragic murder of your grandmother occurred August 3rd 2018?

A Yes.

Q Are you also aware that the week prior to this, really couple weeks prior to this your grandmother as well as Aliyah spent about two weeks in New Jersey?

A Yeap.

Q What were they doing up?

A Just visiting family my uncles and aunts.

Q Okay. It's my understanding there was a new addition to the family, is that correct?

A Yes.

Q And how old was that child at that time?

A I'm not sure maybe a few months.

Q So it was a baby?

A Yes.

Q A baby boy or baby girl?

A Boy.
Q Was she caring for that child on her own?
A Yes.
Q Now, on August 3rd 2018, did you get contacted by your mother that there was some concern about where your grandmother was at that time?
A Yes.
Q Okay. And did you guys put out a welfare check for Ms. Ramadan?
A Yes.
Q And did you ultimately learn that she had been murdered?
A Yes.
Q What, if anything, did you do at that point? Did you head down here?
A Yes, as soon as we found out, we packed up the vehicle and head up.
Q Were you in contact with law enforcement?
A Yes.
Q Were you attempting to contact Aliyah Hill?
A Yes.
Q And how were those efforts? Was she trying call you back?
A She answered, but she was saying that she wasn't around.

Q Okay. Did you ultimately learn at some point thereafter that on August 4th she was found or pinged down in Florida?
A Yes.
Q Okay. Were you also privy to Facebook Messenger exchange between Aliyah Hill and your mother, Faten Smith?
A Yes.
Q Were you present during the entirety exchange?
A Yes.
Q Did you at some point during that Messenger exchange did you also attempt contact her own Facebook Chat?
A Yes.
Q Now, is Facebook Chat include audio?
A Yes.
Q And on your end or your mother's end was that phone on speaker?
A Yes, my mother phone was on speaker.
Q On two incident -- instances rather, did you have occasion to hear the voice of Aliyah Hill?
A Yes.
Q And it was through that Facebook Messenger?
A Yes.
Q And was that Facebook page the name, the user name Ayo Leelee Queen?
A Yes.

Q Do you recognize that to be the Facebook account of your cousin Aliyah Hill?

A Yes, I conversate with her on there.

Q Okay. So you had communicated with her on that Facebook page before?

A Yes.

Q Okay.

MR. WHITE: I appreciate. Mr. Smith. I know that was difficult. Please answer any questions defense may have.

THE COURT: Ms. Parrott.

MS. PARROTT: I have no questions, your Honor.

THE COURT: All right. Mr. Smith, thank you for your testimony.

Any objections to him being excused?

MR. WHITE: No, sir, Judge.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Mr. White.

MR. WHITE: Judge, at this time the State could call Faten Smith.

THE COURT: Ms. Smith, can I get you to come forward. Ms. Smith, if I can get you to place your left hand on the Bible and if you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: Faten Smith.

THE COURT: Ms. Smith, would you spell your first name for us please.

THE WITNESS: F-A-T-E-N.

THE COURT: Thank you, ma'am.

Your witness, sir.

MR. WHITE: Thank you, Judge.

WHEREUPON,

Faten Smith,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Ms. Smith, good morning. Thanks for you being here with us. I can already tell you're emotional. You got tissues right there, okay. We'll get through it together just take your time, all right.

A Uh-huh.

Q Ms. Smith, where do you live?

A Pennsylvania.

Q How long you live there?
A Four years.
Q And before you lived in Pennsylvania, where were you living?
A East Orange, New Jersey.
Q Now, did you grow up in East Orange?
A Yes.
Q And how much time in East Orange?
A All my life until I moved to Pennsylvania.
Q And your family members also from East Orange?
A Yes.
Q Now, what relation do you have to the victim in this case Ms. Qamar Ramadan?
A My mother.
Q She also from East Orange?
A Yes.
Q How long did she live in East Orange, New Jersey?
A All her life until she move to Florence.
Q And she did work up there?
A Yes.
Q Where did she work?
A Clara Maass Medical Center.
Q How long?
A Years, 25 plus years.
Q Now, it's my understanding and it's kind of unique

situation fortunate situation, you had an opportunity to work with her, did you not?

A Yes.

Q And how long did you all work together?

A Seventeen years.

Q And y'all were working at the same facility?

A Yes.

Q How often would y'all see each other?

A Every day.

Q Did y'all have lunch together?

A Yes.

Q Were y'all close?

A Very.

Q Okay. Now, at some point she takes into her custody Aliyah Hill, is that correct?

A Yes.

Q Who is Aliyah Hill to her?

A Her granddaughter.

Q But she raised her ---

A As her daughter.

Q Did you during that time have occasion to spend a lot of time with both your mother and Aliyah?

A Yes, we were together all the time.

Q And what kind of mother was she?

A My mother was a sweet person, didn't have -- never

had an enemy. She was a sweet person. She got along with a lot of people. Just if you got a bad vibe or she felt you was a threat to her and her people, she didn't want to be bothered with you.

Q And what kind of parent was she to Aliyah? I mean, she going to parent-teacher conferences when she was little?

A Yes, got her into track.

Q Was she involved in her life?

A Yes.

Q Were you involved in both of their live?

A Yes, very much so.

Q Okay. And when did your mom move down the South Carolina?

A 2015.

Q And did she bring Aliyah with her?

A Yes.

Q Now, and I know this a difficult topic, but I understand your mother she had been diagnosed with cancer at one point, is that correct?

A Yes.

Q But she beat it, is that right?

A Yes.

Q But she still decided to go ahead and retire. And was that a major influence behind her retirement?

A Yes.
Q Now, she move down to South Carolina to Florence with Aliyah. Was she trying to get Aliyah away from a bad scene?
A Yes, try to better her.
Q Okay. Now, if I could, I want to jump ahead to August 3rd 2018. At that time back in August that summer, how often were you speaking to your mother?
A Multiple times a day.
Q Okay. So you didn't hear from her, would that have been odd?
A Yes, very much.
Q On August 3rd 2018, did you hear from her?
A Repeat that question, I'm sorry.
Q On August 3rd 2018, did you hear from your mother?
A Not that I can remember.
Q Okay. Was that weird?
A Yes.
Q And did you reach out to law enforcement to get them to do a welfare check?
A Yes.
Q Okay. Now, when you speak to law enforcement, do you give them information about your mother including her vehicle?
A Yes.

Q Did you tell them what kind of vehicle she had?
A Yes.
Q And I asked your son, but I want to ask you too, did she take good care of her vehicle and property?
A Yes.
Q Okay. Was she picky about who she let drive her car?
A Yes.
Q Okay. Do you see any scenario where she would loan her vehicle to Aliyah Hill?
A No.
Q Okay. Do you see any scenario where if she did loan her vehicle she would have had means to then go get a rental car and drive the rental car instead?
A No.
Q Okay. And I want to talk a little about her means. Was she on a fixed income?
A Yes.
Q Okay. Now, prior to August 3rd, it's my understanding that your mother and Aliyah spent a good bit of time in New Jersey, is that right?
A Yes.
Q What were they doing up there?
A Visiting, babysitting her brother son.
Q And Mr. Smith said he thought the baby was about three months old, is that right?

A It was some months, I'm not sure how many months.
Q Okay. And she was taking care of the baby for a couple weeks?
A Yes.
Q Giving the parents a little break?
A Yes.
Q And did you speak to her while she was there?
A All the time, yes.
Q That included while she was in New Jersey taking care of the child?
A Yes.
Q And what -- was the baby a male or a female?
A A male.
Q And she was taking care of the male little boy all by herself?
A Yeah, with Aliyah Hill, that's it.
Q Would that include changing diapers?
A Yes.
Q Maybe getting thrown up on?
A Possibly.
Q And having a bottle and that sort of thing. All the things that go into taking care of a baby, is that right?
A Right.
Q Are you aware when they returned back to Florence?
A The end of July.

Q Okay. So on August 3rd when you hadn't heard from your mom and you called law enforcement. Did they ultimately go by and check on her?
A Yes.
Q And is that when you found out that she had ultimately been murdered?
A Yes.
Q Okay. Did you try to reach out to Aliyah Hill?
A Instantly.
Q Okay. Were you able to get her?
A Yes.
Q Okay. And did you try to get her to go by the house?
A Yes.
Q Was she evasive?
A Yeah, she had excuses of when she was going to go by the house.
Q Okay. And did you immediately start making your way down to Florence?
A Yes.
Q Okay. Were you in contact with investigators on this scene?
A The whole time.
Q Okay. Did they encourage you to keep trying to reach out to Aliyah Hill?
A Yes.

A I'm sorry, yes.
Q You doing great no problem, okay. Now, several times you try to reach her over face chat or facetime, is that right?
A Yes.
Q And on two occasions you actually speak to her?
A Yes.
Q And did you hear her voice?
A Yes.
Q And did you recognize the voice on the other end as that of Aliyah Hill?
A Yes.
Q Now, I'm going to show you in just a second some messages and they're messages between you and Ayo Leelee Queen. Is that the Facebook user name that we're referring to when talking about Aliyah Hill?
A Yes.
Q And is that the same Facebook page where you heard her speaking essentially through your phone?
A Yes.
Q I'm going to show you what's been marked for identification purposes only, Ms. Smith, as State's Exhibit 93. If you could, all I want you to do is just flip through here. I'm going to sit it right here for you, okay. You flip through them and take your time. And

Q Did they tell you that they wanted you to try and to, you know, get information from her?
A Yes.
Q Did that include where she was at the time?
A Yes.
Q Did that include her knowledge of what had happened?
A Yes.
Q Did you attempt to contact her on her Facebook page or Facebook Messenger?
A Yes.
Q Did you ultimately make contact with her?
A Yes.
Q Now, we're going to talk a little bit about that contact. We're going to go through that, but it's my understanding that there's several ways you can talk or communicate with someone on Facebook. And one of those ways is messaging, right?
A Yes.
Q But another one of those ways is Facebook Chat or you can kind of facetime, is that right?
A Yes.
Q And apart of facetime is that also can you hear audio?
A Uh-huh.
THE COURT: You have to say yes or no.

I'm going to ask you if you recognize those, okay?

A Yes.

Q And is that a fair and accurate representation of the communication, the exchange that you had with Aliyah Hill on Facebook Messenger?

A Yes.

MR. WHITE: Judge, at this time I move State's Exhibit 93 into evidence.

THE COURT: Ms. Parrott.

MS. PARROTT: No objection.

THE COURT: Without objection, so admitted.

(WHEREUPON, State's Exhibit No. 93 was admitted into evidence.)

MR. WHITE: Permission to publish to the jury, Judge.

THE COURT: Yes, sir.

MR. WHITE: Bear with me one second, Ms. Smith. Can you all see that in the jury box? It's on in the jury box.

THE COURT: Folks, can y'all see that screen? Everybody nods their head, yes.

MR. WHITE: I'm also going to turn around this screen here if any members can take a look this way.

THE COURT: Mr. Viering, can you see anything back there, sir? He indicates he can. All right. Okay.

There's one back there.

MR. WHITE: Judge, thanks for bearing with me.

BY MR. WHITE:

Q All right. Ms. Smith, now the first page is just to show that this is in fact your niece's Facebook page Ayo Leelee Queen, is that correct?

A Yes.

Q And you recognize that belong to Aliyah Hill, is that right?

A Yes.

Q State's Exhibit 93 and it's just marked simply as State's Exhibit 93, but I'm going to show you the second page and that's on August 4th 2018 at 1:40 p.m. if you could tell me what that first box indicates?

A That I tried to call her.

Q Okay. And did she answer?

A No.

Q And on August 4, 2018 at 2:44 p.m. what is that box indicate?

A I tried to call her again.

Q And did she answer?

A No.

Q Okay. And then 3:52 p.m. what is that box indicate?

A Me calling her again.

Q And did she answer?

A No.
Q Now, at this time are you in touch with law enforcement?
A Yes.
Q I know you've already made a welfare call. Are you also in touch with investigations?
A Yes.
Q Okay. Now, this maybe a repeat at the top, but that's 4:40 p.m. Could you tell me what that box indicates?
A Me trying to call her again.
Q And did she answer?
A No.
Q All right. The next message is at 10:04 p.m. And can you see that okay?
A Yes.
Q What I'm going to ask you to do, Ms. Smith, as we go along and I'm going to stop you ever so often, but I want you to read these messages into the record and that's going to be difficult, okay?
A Yes.
Q Now, 10:04 p.m. August 4th, had you spoken with Investigator John Davis at this point?
A Yes.
Q Now, did he advise you, instruct you, ask you to

carry on this conversation?
A Yes.
Q Now, at this point do you know that your mother ---
A Yes.
Q --- has been murdered? Do you also -- I apologize. Do you also know that at this point law enforcement has been to the house?
A Yes.
Q Do you know that investigations and crime scene has been to the house?
A Yes.
Q Do you know that the coroner has been to the house?
A Yes.
Q Okay. Are you aware that the body has been removed at that point?
A Yes.
Q Okay. If you could, Ms. Smith, read that first text message or that first Facebook message and tell me who that's from?
A Faten, my phone is off. I'm using store Wifi right now from Aliyah Hill.
Q And your response?
A So you can't call me.
Q Now, why was she saying that bit about Wifi?
A Because she had a minute phone.

Q Okay. And she was basically saying she's out of data and she couldn't call?

A Correct, yes.

Q But I understand that there's something she didn't realize about that particular message that she sent and what was that?

A That I put data on her phone.

Q So she did have data?

A Yes.

Q So you knew that to be a lie?

A Yes.

Q If you could read that next message and tell me who that's from?

A No, not on my phone number. I have to be around Wifi that's open. Faten, I'm scared.

Q And your response?

A Scared of what, where are you.

Q Okay. At this point other than speaking to investigators had she any knowledge that you knew of the scene and what happened? Did she in your mind ---

MS. PARROTT: Objection speculation.

BY MR. WHITE:

Q Did it surprise you ---

THE COURT: Sustained.

MR. WHITE: My apologies, Judge.

BY MR. WHITE:

Q Did it surprise you that she said she was scared?

A Yes.

Q All right. I'm going to show you the next page, Ms. Smith. If you could skip down, you finish where are you are you home and what was the next message?

A That something happen to her, but I'm not trying to think like that cause she still not replying to my text messages from Aliyah Hill.

Q And your response?

A Did you check home or did you go to Rosa's house. She has to be somewhere.

Q And your next response?

A Hello.

Q And, again, you're just kind of playing along, is that right?

A Yes.

Q Is that difficult?

A Yes.

Q Did you at this point suspect that she knew more than she was letting on?

A Yes.

Q I'm going to show you the next page of State's Exhibit 93. And we finished up with that message hello. If you could read the next one.

A Leelee, hello.
Q Then the next one?
A Yeah, I'm at Taco Bell using their Wifi now from Aliyah.
Q And your response?
A You're home yet. Oh, are you going home, so you can't check and let me know something.
Q And her response?
A Yeah, I did all that before.
Q I'm going to flip to the next page because it kind of cut a little bit off. If you'll pick right up, I did all that before?
A Are you far from home, do you have a ride to the house, are you the only one that could go see what's up, did you call the cops.
Q You can stop right there. At this point do you learn where she is in fact?
A Yes.
Q And where was she?
A Taco Bell in Florida.
Q And her next response?
A I knocked on the door and her car is still not there.
Q So at this point she is essentially pretending to be at your grandmother's house?
A Yes.

Q And you know that to be a lie, is that right?
A Yes.
Q And do you also know and you were here when we discussed it and you were in the courtroom. You know that Aliyah was found in a vehicle, your grandmother's vehicle in Florida, is that right?
A Yes.
Q Okay. And I think did you read that last message, Ms. Smith?
A When earlier.
Q Thank you. The next page 93 if you could read?
A I went back like two hours ago from Aliyah.
Q Okay. The next one?
A How about Rosa.
Q And who is Rosa?
A One of her only friends she had here in South Carolina.
Q And what are you saying there?
A How about Rosa. Aliyah stated she didn't see her car.
Q Okay. Are you asking her if she's check with Rosa?
A Yes.
Q Are you just trying to further get her to give you information?
A Yes.

Q Is law enforcement also monitoring these messages?
A Yes.
Q Is law enforcement are they aware that she is in Florida ultimately they find her with Donald Smith?
A Yes.
Q Okay. And the next message?
A She got to know, she has to be home by now.
Q And the next one?
A Aliyah, but I'm going to see if I can catch her at church.
Q And I want to back up. I think we skipped one do you see the message I didn't see her car?
A She didn't see her car.
Q Now, she's saying that she went to grandma's house where she lives and she didn't see your grandmother's car?
A No, in the statement, she stated that she didn't see Rosa's car.
Q I see. And the next message?
A But I'm going to see if I can catch her at church.
Q Now, this is a -- by now this is a Saturday, correct?
A Sunday -- yeah Saturday.
Q And she's saying that she is going to even though the family's frantic, she's going to wait until the next day to see if she can find her at church?
A Yes.

Q And your response?
A You want me to wait until tomorrow, really.
Q All right. And if you'll start right after really?
A Yeah, please, Aliyah.
Q And she's saying, yeah, allow me to wait another 24 hours before I check on your grandmother?
A Yes.
Q But you know, again, I hate to belabor the point, but you already know what has happened, correct?
A Yes.
Q Okay. All right and the next message?
A All those friends you have nobody can drive you around.
Q Her?
A I'll catch up with Rosa.
Q Okay. And then the next two messages?
A Call me as soon as you can. Are you still going to the church.
Q All right. Now, is this on a Sunday?
A Yes.
Q And are you in Florence now?
A Yes.
Q Okay. Next page 93 if you'll start underneath are you still going to church?
A Not yet I'm just now getting up. I'll be on my way

in a few. I stated okay call her. Okay, tell her to call me. She stated okay when I get there I have to find Wifi. I stated use her phone. She said okay.

Q And I want to stop you right there. Did you find that particular message peculiar?

A Yes.

Q And why is that?

A Because my mom has a house phone and Rosa has a house phone, so it doesn't matter if you have Wifi you can still use the phone when you get to the house.

Q And I want to take a minute right there to ask you about that phone. When you call and you talking to your mom on any given day, would you call her on your house phone?

A If I know she's in the house, I will use a house phone.

Q Did she also have a cell phone?

A Yes.

Q Would you call her on that?

A Yes.

Q On the day that you ask law enforcement to do a welfare check, did you call the house phone several times?

A Yes.

Q Would be unheard of to say that you called the house phone seven times?

A No, that's not unheard of.
Q Okay. And I think we left off of on use her phone?
A Uh-huh.
Q And you'll read her next message?
A How long would it take you.
Q And I'm going to flip over here for you next page State's Exhibit 93?
A Aliyah stated not long, but I'm going to go home first to make sure she came back home. If not, I'll try to pick the lock again.
Q And what did she mean by that?
A Breaking into her own home.
Q But it's her house, right?
A Correct, yes.
Q And she had keys, correct?
A Yes.
Q And then you say?
A Okay, let me know.
Q And her response?
A All right. If I can't pick the lock, I'm busting the windows.
Q And you respond?
A Do what you have to do.
Q And I see a little emoji there. What is that indicate?

A Meaning she thumbed up like okay.
Q And then her response?
A You ain't got to tell me twice.
Q And, again, when she sends that message you know that she's in Florida and not in fact at the house, correct?
A Yes.
Q Okay. The next message on August 5th 2018 11:51 a.m.?
A I'm almost there.
Q And you respond with?
A A thumbs up.
Q Okay. I know this is going to be difficult, Ms. Smith. Okay.
A Yes.
Q But if you can just walk us through it the best you can.
A Someone has been here the door is unlocked, Faten. WTF.
Q And your response?
A Go in. She stated I did.
Q And then?
A WTF.
Q Okay. Now, again, you are in contact with law enforcement right now, correct?
A Yes.

Q You know that grandmother's been murdered. You know Donald Smith and Aliyah Hill are suspects, correct?
A Yes.
Q Are you attempting to get her to give you as much information as possible?
A Yes.
Q And the next message?
A What, oh my God what?
Q And she said?
A Aliyah stated someone killed her man. I said what. She in her room face down on the side of the bed.
Q I want to stop you right there. None of that information had been put out, correct?
A Yes.
Q The only person who could have known that that's the way the body had been found are the people who responsible for it, correct?
A Yes.
Q Okay. If you could start?
A Stay there and call the cops. Aliyah stated okay.
Q Your response?
A Now, I'm going to call too, call me if you could talk, can you call me later.
Q Again, are you just trying to play along?
A Yes.

Q Okay.
A Call me on the house phone hurry. They took it, I can't Aliyah stated. Then she threw a thumbs up. And then I stated took what the house phone.
Q That house phone was in fact at the house, correct?
A Yes.
Q Okay. But it wouldn't matter because she wasn't at the house, was she?
A Yes, correct.
Q And she was just simply describing the scene from memory. If you could pick up?
A She said -- stated, yeah, with crying emojies.
Q All right. At this point it says you missed a call from her?
A Because the call didn't come all the way through.
Q Okay. So you attempted to?
A I tried to answer it she hung up before I got to answer the call.
Q And you immediately called back, is that right?
A Correct.
Q And what happened during that call?
A She didn't answer.
Q Okay. Now, at some point you do have a phone call with her at this time?
A Yes.

Q Is that correct?
A Correct.
Q Was that over Facebook chat?
A Yes.
Q Now, you -- there's video with Facebook chat, correct?
A Yes.
Q Could you see anything?
A No, she didn't turn her camera on.
Q Could you hear?
A Yes.
Q And you recognize her voice?
A Yes.
Q As that of Aliyah Hill?
A Yes.
Q Okay. If you will pick up please?
A I have to find Wifi, it stop working at home.
Q Okay.
A Did you call the cops? She stated, yes, I did all of that. I said I will try to call them too. Oh, my gosh this is not happening. Did they come yet I'm trying to get a train ticket.
Q Okay. Now, it's clear that you playing along here because you know that she has not called cops, is that right?

A Yes.
Q And you're not trying to get a train ticket because you already in Florence, is that right?
A Yes.
Q Okay. The next message?
A Yeah, I'm talking to them now, give them my number. Okay. Call me now please, hello, Leelee. Hello, what happened.
Q Now, are you giving all this information as it comes in over to law enforcement?
A Yes.
Q Are they actively searching for Aliyah?
A Yes.
Q Okay. If you will pick up?
A I said where are you. What happened to them calling. Hello, send me mom's address. She said the address. I say you're there, will you -- you been -- can you and your friends pick me up when I get there from the train, why the cops hadn't called me yet, what did he say.
Q Okay. And is that at that point?
A She stop talking.
Q Okay.

MR. WHITE: Judge, I beg the Court's indulgence.

THE COURT: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

BY MR. WHITE:

Q And, again, as this text exchange, this messaging is going on and two phone calls you know that at that time that your mom has been murdered, correct?

A Yes.

Q And that Aliyah and Donald Smith are in Florida?

A Yes.

MR. WHITE: Ms. Smith, thank you so much. Please answer any questions the defense may have.

THE COURT: Ms. Parrott.

MS. PARROTT: I have no questions for Ms. Smith.

THE COURT: All right. Thank you. All right, Ms. Smith, you can step down. Thank you for your testimony, ma'am.

(WHEREUPON, the witness leaves the witness stand.)

MR. WHITE: Judge, may we approach?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen of the jury, we're going to get into what likely will be a lengthy witness and it does involve some technology issues that we're working through. In just a nod of the head, the

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affirmative when I ask you. Everybody okay at this point or because, if not, then we can take a quick break and then bring you back out. Is everyone in a good place right now? I see heads nodding, yes. No one saying no. All right. I got one thumbs up. We'll take a break in a little while either way, our mid-morning break, but this will involve this next witness likely be lengthy. It will not run through lunch. You're going to have your lunch break either way, so don't fret over that. If anyone needs to stand and stretch, you're welcome to do that kind of in this little lull in the trial.

(WHEREUPON, a pause in the proceedings.)

MR. WHITE: May we approach?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

MR. WHITE: Judge, at this time the state would call George Clark to the stand.

THE COURT: All right, Mr. Clark. Mr. Clark, if I can get you to place your left hand on the Bible and if you would raise your right.

Madam clerk.

THE CLERK: Do you swear or affirm the testimony you give in this case to be the truth, the whole truth,

and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: George Clark.

THE COURT: Thank you, sir.

Your witness.

MR. WHITE: Thank you, Judge.

WHEREUPON,

George Clark,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHITE:

Q Investigator Clark, you're no longer Investigator Clark, are you?

A No, I'm not.

Q And what are you doing now?

A I'm enjoying retirement.

Q But prior to your retirement, where were you employed?

A Florence City Police Department.

Q And how long were you employed there?

A Almost 16 years.

Q And in what capacity were you employed?

A I finished up being a supervisor, sergeant over

criminal investigations divisions.

Q Now, in summer of 2018, were you employed in investigations?

A Yes.

Q And were you in your supervisory capacity?

A Yes.

Q Are you aware that your office and specifically investigations was looking into the murder of Qamar Ramadan on August 3rd 2018?

A I was on vacation on August 3rd. I found out about it when I returned.

Q Okay. What was your role as supervisor?

A I supervised ten detectives and I made sure their case assignments were complete. If they needed assistance from other detectives, I would assign the detectives to help them out and complete their jobs, make sure everything was done as thoroughly as possible.

Q And who was the lead on this particular case?

A Corporal John Davis.

Q And where is John Davis now?

A He's in the Navy reserve. He's been activated. He's in South Africa.

Q Now, as supervisor, you become familiar with each case especially a case like this that comes in the door?

A Most of them, yes.

Q And did you participate in interviews that were conducted in this particular case?
A Yes.
Q And did you participate in interviews that was conducted with the defendant in this case Donald Smith?
A Yes.
Q I want to ask you a little bit about interview techniques. Are you trained in kind of the art of giving an interview of a defendant?
A Yes, throughout your career in investigations, you go to several different classes that teach you techniques on how to interview people and what to look for.
Q Now, some of those techniques do they include, you know, making a suspect feel comfortable?
A Yes.
Q Does it include letting a suspect believe that you believe everything he's saying?
A Yes.
Q Does it include letting a suspect identify a third party as a perpetrator?
A Yes.
Q Now, specifically when someone does that, you kind of just let that go?
A We try to get as much information that they might know about that suspect if we can pull up a DMV photo or

Facebook photo of them, we get them up and then identify them, so we can -- after we get done interviewing, we can further investigate and try to locate that person so we can see what their side of the story is.

Q Are you hoping that they get comfortable in identifying a third party?

A It doesn't really matter. It's just part of the investigation.

Q Are you hoping that they will give ---

MS. PARROTT: Objection leading.

THE COURT: Sustained.

BY MR. WHITE:

Q Are you trying to establish a timeline?

A Yes.

Q Now, on this particular case, are you aware when the excuse me -- the interview of Donald Smith was conducted?

A I believe it was on the 20th.

Q Okay. And where was it conducted?

A In our interview room at the Florence police department.

Q And what's the lighting conditions there and we're going to play a video in just a minute?

A Well, the room is about 10 by 11 somewhere around in there, sheetrock walls. It's got a normal four foot fluorescent lightings in it. And it's got video and audio

recording devices. There's a desk in there with a computer and a printer, so we can access certain records that we need to while we're doing an interview.

Q It's not like a dungeon or anything?

A Absolutely not.

Q And did you Mirandize the defendant in this particular case?

A Yes.

Q And could you tell us what does that mean?

A It just reads -- we have a standard form with the police department call the waiver of rights form, which is your Miranda. And we just read it to them word for word. And it just goes over his rights as a United States citizen what he can and wish to do during an interview with law enforcement.

Q And did you present him with one of these waiver forms?

A Yes.

Q Investigator Clark, I'm going to show you what's been marked for identification purposes only as State's Exhibit 95. Can you tell me if you recognize that form?

A Yeah, that's the waiver of right form we read to Mr. Smith prior to the interview.

Q Does it have all of his Miranda rights contained on that form?

A Yes, it does.
Q Did he acknowledge all of those rights?
A Yeah, he stated he understood them.
Q And did he waive all those rights?
A Yes, he did.
Q And did he sign that document and agreed to speak to you?
A Yes, he did.
MR. WHITE: Judge, at this time I move State's Exhibit 95 into evidence.
MS. PARROTT: Ryan, may I see it.
MR. WHITE: Oh, I'm sorry.
MS. PARROTT: Without objection.
THE COURT: Without objection so ordered.
(WHEREUPON, State's Exhibit No. 95 was admitted into evidence.)
BY MR. WHITE:
Q Now, we said August 20th and that was in 2018, correct?
A Yes.
Q Now, at the time that you speak to Mr. Smith, had you already spoken to the co-defendant in this case?
A Yeah, we spoke to her a couple days prior.
Q Okay. And is that Aliyah Hill?
A Yes.

Q Did you conduct a similar interview?
A Yes.
Q And when you sat down with Donald Smith on this particular occasion, did you believe that this was the man who murdered Qamar Ramadan?
A Based on what Ms. Smith told us, yes.
Q Miss Hill?
A Miss Hill I'm sorry.
Q That's okay. Now, I'm going to show you what's been marked for identification purposes only as State's Exhibit 94. Could you tell me do you recognize that?
A Yes, I do.
Q Now, is that the interview as recorded in your interview room on August 20th 2018?
A It appears to be.
Q And is that the interview of Donald Smith?
A Yes.
Q And is it a fair and accurate depiction of the interview that you conducted with him on that day?
A Yes, it is.

MR. WHITE: Judge, I would move State's Exhibit 94 into evidence.

MS. PARROTT: Your Honor, that would be subject to the objections previously stated this morning prior to court actually beginning as well as the redactions we

discussed.

THE COURT: Yes, ma'am. Court notes your objection and we'll allow this to go forward. And we'll take up your objection and address that at the appropriate time within this exhibit, okay. I think I've addressed that clear enough for the record.

(WHEREUPON, State's Exhibit No. 94 was admitted into evidence.)

MR. WHITE: And, Judge, might we approach for just one second?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen of the jury, a video is going to be played as an exhibit by the State if you see any breakage in the video, it might be a jump in time. Those matters just not relevant for purposes of this trial, so disregard any kind of breakage that you may see.

MR. WHITE: Thank you, Judge.

THE COURT: Yes, sir, Mr. White.

BY MR. WHITE:

Q Now, can you see the video there, Investigator Clark?

A Yes.

Q Is this the room that you were discussing is this the interview that you conducted with Mr. Smith?

A Yes.

MR. WHITE: Judge, at this time I would ask to publish the video?

THE COURT: Yes. Do you want to be heard?

MS. PARROTT: Just the same objection.

THE COURT: All right. I'll note your objections.

Mr. White, you may publish the video.

(WHEREUPON, video played for the jury.)

MR. WHITE: Judge, this probably a good place to stop.

THE COURT: All right. Let me get counsel to approach.

MR. WHITE: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen of the jury, this is a good breaking point for us. I have some matters to take up. We're going to break -- take an early lunch. And by time you get out of here, take you a few minutes to get out and about. So we're going to come back and if you can get here before one o'clock so that we can start.

We'll resume with this witness, continue not to have any conversations with anyone about the trial, okay. So we'll will see you at one -- get here before one o'clock. We're going to start back at one o'clock sharp, okay. Bailiff, if you'll take care of the jury. Thank you, sir.

(WHEREUPON, the jury excused for a lunch break.)

THE COURT: All right. Mr. Clark, you're an old hat. I know that I don't have to tell you this, but you can't talk to anybody about your testimony during the break.

THE WITNESS: Yes, sir.

THE COURT: All right. Any matters we need to take up before we come back at one?

MR. WHITE: No, sir, Judge.

THE COURT: All right. Thank you. Good luck with getting the redactions done. You can step down, sir.

(WHEREUPON, a lunch break was taken.)

THE COURT: All right. Court come to order. Anything before we bring the jury back in folks?

MR. WHITE: Judge, we got the redacted video just in time. We ready to roll.

THE COURT: All right.

MS. PARROTT: Actually, I'm sorry just for clarification do we need to do an admission of this one actually being the redacted one or because of the way we

admitted it before it's okay.

THE COURT: Just substitute the disk that's the appropriate one into evidence.

MS. PARROTT: Okay. Thank you, your Honor.

THE COURT: No objection to that.

MR. WHITE: I already did it, Judge.

THE COURT: Mr. White indicates he's already done that, so we have that on the record that we done that and so, I think, we good.

MS. PARROTT: Yes, sir.

THE COURT: All right. Honorable bailiff, if you bring the jury back, sir. Thank you.

(WHEREUPON, the jury came into open court.)

THE COURT: All right. Come will come to order. Ladies and gentlemen of the jury, thank you for properly being back here. Certainly, the Court appreciates it. I hope you had a pleasant lunch and break. I think we ready to start back with the -- we have the witness back on the witness stand. And, Mr. White, are you ready to resume with the video that you were -- you had playing before we broke?

MR. WHITE: Yes, sir, Judge.

THE COURT: All right, sir.

MR. WHITE: Thank you very much.

THE COURT: You may approach.

(WHEREUPON, video being played for the jury.)

MS. PARROTT: Objection.

THE COURT: Ms. Parrott.

MS. PARROTT: Your Honor, just that would be my objection that I would like to renew from my prior previous discussions.

THE COURT: All right. Okay. Anything, Mr. White, anything?

MR. WHITE: Judge, I believe the Court's ruled. We accept the Court's ruling.

MS. PARROTT: All right. I note your objection.

THE COURT: Yes, sir.

MR. WHITE: Thank you, Judge.

(WHEREUPON, video being played for the jury.)

MS. PARROTT: Can we approach, Your Honor?

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen of the jury, you're listening to the video. There were some sounds that were emanating from the video and I think we just want some clarifications. I'm going to let Mr. White ask the witness some questions related to that.

Mr. White.

BY MR. WHITE:

Q Investigator Clark, some unfortunate timing with noises in the video. Do you recall what that noise was?

A They were working on the building.

Q And that's been going on for sometime right around the Florence City Center, is that right?

A That's correct.

Q And so it was construction noises that were coming from outside?

A Right. When you see me grab my phone, I'm texting somebody to try to get them out there to stop.

MR. WHITE: Thank you, Judge.

THE COURT: May I ask a question?

MR. WHITE: Yes, sir.

THE COURT: Does this jury have to continue to hear that or is it going to stop in a little while?

THE WITNESS: It stops momentarily.

THE COURT: Okay. All right.

THE WITNESS: It doesn't go on the rest of the way.

THE COURT: Okay. Ms. Parrott, did you want to address anything?

MS. PARROTT: No, your Honor.

THE COURT: And, ladies and gentlemen of the jury, the lawyers were concerned that may be you were --

it was creating some confusion. I think that's been addressed and I apologize to you for that.

Mr. White.

MR. WHITE: Thank you, Judge.

THE COURT: All right.

(WHEREUPON, video played for the jury.)

THE COURT: Can I get you all to approach?

MR. WHITE: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen of the jury, before we resume with this witness, I'm going to give y'all a break and y'all go refresh yourselves and then we'll come back here for ten minutes or so. All right. Thank you all. Thank you for your attention too.

(WHEREUPON, the jury retire to the jury room.)

THE COURT: All right. We take a ten minute recess and then we'll come back and resume with this witness.

(WHEREUPON, a break was taken.)

THE COURT: All right. Court will come to order. Anything before we bring the jury in?

MR. WHITE: No, sir, Judge.

MS. PARROTT: No, sir.

THE COURT: All right. We will resume with this witness. Mr. Bailiff.

(WHEREUPON, the jury came into open court.)

THE COURT: Thank you, ladies and gentlemen of the jury. All right. After a quick recess, Mr. White, you ready to go forward with this witness?

MR. WHITE: Yes, sir, Judge.

THE COURT: Okay. Thank you, sir.

MR. WHITE: Thank you, Judge. May it please the Court.

THE COURT: Your witness.

BY MR. WHITE:

Q Investigator Clark, at the time of this interview had you already spoken with Aliyah Hill?

A Yes.

Q If you could describe what's her stature, she met with you in the interview room what size is she?

A She's very petite. She's four foot five, six something like that probably 80 pounds.

Q In comparison to the Defendant Donald Smith, is she considerable smaller?

A Absolutely, yes.

Q Now, I noticed in your -- well, let me back up. And despite the size discrepancy, correct me if I'm wrong, I think I've heard Donald Smith say that he did all this

because she threatened his life, is that right?
A That's what he said.
Q Now, during the interview, you guys used mom and grandma kind of interchangeably, is that right?
A Yes.
Q In both instances both mom and grandma, are we to understand that that means the victim in this case Qamar Ramadan?
A Yes.
Q Okay. During the interview, did Donald Smith gave inconsistent statements relating to his trip to Florida?
A Yes, he did.
Q Did he give inconsistent statements in regard to his timeline or as he traveled down to Florida?
A Yes, he did.
Q Now, I noticed you asked him to recount the events that transpired on August 2nd which would have been the day before the murder and he mentioned going to his homeboy's house. Were you able to ascertain that that was his homeboy was Myheem Montgomery who testified here earlier this week?
A Yes.
Q Okay. Now, correct me if I'm wrong, but did he in his interview and he being, Donald Smith, admit to discussing killing grandma prior to the murder?

A Yes, he did.
Q Did he admit to being at the scene when Qamar Ramadan was murdered?
A Yes, he did.
Q Did he admit to coming in the back door just prior to Qamar Ramadan being murdered?
A Yes.
Q Did he admit to knowing the way in which ---
MS. PARROTT: Object to leading.
MR. WHITE: I think it's a direct question did he.
THE COURT: I overrule the objection. Go ahead.
BY MR. WHITE:
Q Did he admit to knowing the way in which Qamar Ramadan was murdered?
A He knew that she was beaten, yes.
Q Did he admit to knowing the time when she was murdered?
A Yes.
Q Did he admit to cleaning the scene after she was murdered?
A Yes.
Q Did he to admit wiping everything down after she was murdered?
A Yes.

Q Did he admit the plan was to kill, get her keys and I think what he said and then slide?
A Yes.
Q Now, I believe you also said that he was in front of the room -- in the front room the whole time, is that correct?
A That's what he said.
Q Is it also correct that he said after the murder Roscoe just left?
A Yes.
Q Did he say also that Roscoe didn't talk or anything?
A Correct.
Q Did he say he didn't see anything?
A That's what he said.
Q Did you find it odd then that he could describe how Qamar Ramadan was murdered?
A Yes.
Q Did you find it odd that he could give such detail about the murder weapon?
A Yes.
MS. PARROTT: Objection. He's misstating the evidence.
THE COURT: I'm sorry I couldn't hear.
MS. PARROTT: Misstating the evidence.
THE COURT: Rephrase your question.

MR. WHITE: I will. Thank you, Judge.

BY MR. WHITE:

Q When you say do you know what the murder weapon is, what did he tell you the murder weapon was?

A Well, I said did you see a murder weapon or two or three. He immediately said he saw a lamp out of all the things in the room, that's his first thing he picked out which we believe is the murder weapon.

Q Now, I want to ask you about interview techniques. Do you often let the suspect defendant believe you know more than you actually do?

A Yes.

Q And, in fact, I believe two times once you say that you -- and let me ask you this. The other investigator in the room with you who is that?

A That's Corporal John Davis.

Q And is that lead investigator on this case?

A Yes, it is.

Q And did he ask Donald Smith about his bloody hands on the blind?

A Yes, he did.

Q Now, is that interview technique in order to get him to put himself in the actual crime scene?

A Yes, we often do stuff like that.

Q Okay. He also says that Aliyah Hill's hair is found

in the lamp. Was that also a technique to put her inside the crime scene?

A Yes.

Q And he admitted to deposing evidence in the woods in Columbia, is that right?

A Yes, he did.

Q Okay. Now, twice you ask him about cut marks on his arm, is that right?

A Well, I noticed injuries he had on his fingers and then later on he said that he had cut marks that she had done to him prior.

Q Okay. And did those stick out to you?

A The cut marks on his arm, no, but the injuries on his hands, yes?

Q Were you aware at that time that there maybe defensive wounds in this particular case?

A I did not know that at that time.

Q Are you aware and were you here when the DNA analyst testified that Donald Smith DNA was recovered from the victim's fingernails?

A Yes.

Q Okay. And you were aware that the curtains from the bedroom were found in the closet, right?

A I wasn't there, so I don't know. I just know what I been told.

Q Were you here and present in the courtroom when Investigator Scottie Williamson testified that both bloody sheets and curtains were found in a bedroom closet?
A Yes, I was.
Q And were you also here when he testified that curtains were found on top of the bloody sheets?
A Yes.
Q Did you find it odd then that Donald Smith admits to putting the bloody sheets in the closet, but then says that Roscoe puts the curtains on top of the bloody sheets prior to him leaving?
A Yes, that's very odd.
Q Okay. I'm going to show you ---
MR. WHITE: If I may approach, Judge?
THE COURT: Yes, sir.
BY MR. WHITE:
Q Show you what's been marked and entered into evidence as State's Exhibit 92 ask you if you seen that letter before?
A Actually I seen, but I never read it.
Q Now, are you aware that that was a letter sent to our office specifically me from the defendant in this case Donald Smith?
A That's what I was advised, yes.
MR. WHITE: Judge, at this time I would ask if

Investigator Clark maybe permitted to read that letter into the record.

THE COURT: All right. Ms. Parrott.

MS. PARROTT: No objection.

THE COURT: Without objection.

BY MR. WHITE:

Q If you could go ahead and read that for us Investigator Clark as best you can?

A It is from Donald Smith to the Solicitor's office. It states I was arrested on August 15th 2018 at 11 o'clock in Jacksonville, Florida because Florence County put out a warrant for my arrest on an account of accessory after the fact of murder. Florence City Police Department in fact Investigator John Davis and another police officer and that was a female officer transferred me and co-defendant, Aliyah Hill, to Florence County Sheriff's department on August 17th 2018. When we arrived, it was around 5:30 and the female officer served me a warrant, which was accessory after the fact of murder. Investigator John Davis told me he will be back the next day to talk with me which was the 18th 2018. On the 18th 2018, he didn't talk to me instead he talk to Miss Hill. He talk to me on the 19th, that's when I made a statement which place me at the scene and now I need to recant my statement. I was scared in the investigation when I was told I never see my son

again, so I made up a story off of the information they had already given me about the case. Can I please get a recanted statement form so I can fill it out. I swear that the statement was false. I was very traumatized when they put my son in the equation. I didn't mean to falsely accuse anyone or myself, even though I'm being falsely accused of this crime by my co-defendant. I'm still willing because my statement not only for my sake but for my co-defendant and the person I falsely accuse sake. I really didn't or don't know absolutely what happened or what's going on. I gave Mr. McKinsey almost three-page letter of the truth to give to my public defender Ms. Cortoren Parrott. I believe he means Ms. Karen Parrott and that's it.

Q Now, you been doing this a long time have you, Investigator Clark?

A Yes, sir.

Q It's not uncommon for a defendant to attempt to recant, is it?

A No, it's not.

Q But what I find particularly interesting is that he says he falsely accused that third party, that Roscoe, isn't that right?

A That's what the letter states, yes.

Q And he also says Aliyah Hill had nothing to do with

it too, isn't that correct?
A He said his co-defendant put him in it, but he doesn't know anything about the murder.
Q Okay. Now, he wasn't there, how would he know that they weren't involved?
A If he wasn't there, he wouldn't know, unless she told him while they were in Florida.
Q Okay.
MR. WHITE: Beg the Court's indulgence.
(WHEREUPON, a pause in the proceedings.)
BY MR. WHITE:
Q Other than just mentioning his son briefly, did he discuss his son in any other way?
A No.
Q But he didn't express any concern for his son at that time, did he?
A No, he did not.
Q Did he seem to be distraught or unduly coerced?
A During the interview?
Q Yes.
A Absolutely not.
Q I mean, in fact, he seemed quite comfortable, didn't he?
A Yes, he did.
Q He was sipping on a drink that you provided him,

right?
A Yes.
MR. WHITE: Judge, I have nothing further.
THE COURT: Ms. Parrott.
MS. PARROTT: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. PARROTT:
Q Investigator Clark, I wanted to clear up a couple things. In the video, I remember you were talking -- whenever you were talking with Mr. Smith, you actually talked with him about the fact that he was charged with a burglary or an attempted burglary from June of 2018, that's incorrect, right? He was actually charged with malicious injury to personal property?
A Right.
Q Okay.
A But it came over from what I understand as being a burglary in process.
Q That's how it was called out for y'all to respond, right?
A That's correct.
Q But the actual charge ended up being malicious injury to personal property?
A And trespass, yes.
MS. PARROTT: Your Honor, may I approach?

THE COURT: Yes, ma'am.

BY MS. PARROTT:

Q Investigator Clark, just for reference, I'm going to hand you these two pieces of information. Can you identify those for me?

A Florence City police reports.

Q Okay. And those are consistent with what you know to be Florence City Police department incident reports, correct?

A Correct.

Q Okay. If I could refer you to excuse me -- this June the 3rd incident report and the last page on that I've handed you. There's some information up at the top and that's regarding Ms. Aliyah Hill?

A Right.

Q What is it describe her height as?

A Five foot.

Q Okay. And if I could also refer you to the second incident report which is from this August incident. If I can refer you to Miss Hill's information on that one, what is her height described as there?

A Five foot.

Q Okay. So it would appear that she's actually more about five feet instead of what you're saying is maybe four foot five somewhere along in there?

A No, actually that's the officer's interpretation because we don't take tape measures out there to measure people.
Q Right.
A So he interpreted her this time when he put her in the system at this five foot and 100 pounds. And then when they found her name here, they just clicked on it and it automatically fills in without even doing another, you know, evaluation of her height and weight.
Q Okay. All right. Thank you.
A You welcome.
Q If I could have those back please. Thank you, sir.
A You welcome.
Q Okay. When you were talking with Mr. Smith again during this interview, you actually said to him that you actually don't expect somebody to kind of tell you everything right at first. You actually don't expect them to come and tell you here's the full story, is that correct?
A That's correct.
Q Okay. So as part of what your interview techniques are that you either learned from school or learned from experience, you actually kind of try and talk with him a little bit and get him warmed up a little bit as to what's going on and being able to talk with you and tell you

things, correct?

A Right. We warm up with them and try to get them a little more comfortable and we let them tell us their version of the story at first.

Q Okay. But as part of this what you just testified to, you're also lying to them, correct?

A Sometimes, yes.

Q You're also misstating information to see whether or not it get -- whether or not they'll correct you?

A Yes.

Q So you're playing games with them a little bit?

A If you want to call it that.

Q Okay. As part of this information, didn't you tell him about this guy name -- who he's referred to as Roscoe, but he's actually his real name is Eric Dials? I'm sorry this is old, use to doing things this way. Know him to be Eric Dials?

A Yeah, I believe John Davis pulled him up on Facebook during when he mentioned it and he identified him as that subject.

Q Okay. Did you talk with Eric Dials or did you let them know that actually the time line was that she had just been to the beach with Eric Dials the weekend before this incident?

A John Davis would have done all of that, I wouldn't

have known it, so I have no knowledge of that.
Q Okay. Let me clear up the time line, I believe that was being presented because you're there with Investigator Davis, but you never went to the scene, right?
A That's correct.
Q And you were consulted about what the information was for an interview, but you didn't necessarily go over all the pieces of information that had been gathered, correct?
A That is correct.
Q Okay. So what has been alleged is that they actually went to New Jersey for about two weeks maybe around July 10th, is that correct?
A That I don't know. You have to ask the family for that. They were there, I wasn't.
Q Okay. Mid July?
A That's about what they said, yes.
Q Okay. You don't have independent knowledge of that?
A I know that she was in Jersey, I don't know the dates.
Q Okay. All right. So she stays in Jersey for two weeks. She comes home for a few days and then she goes to the beach with her other boyfriend that Donald Smith doesn't even know about, is that right?
A I don't know.

Q Okay. And within a couple days of having returned from the beach, then this murder occurs?

A I guess.

Q At furthermore as part of your investigation in this part of your interrogation of Mr. Smith, you talk with him about submitting his DNA. He didn't balk whenever you asked him for his DNA, did he?

A No, he agreed.

Q He immediately agreed?

A Yes.

Q Okay. And you asked him about the cut on his hand and he told you that it was done by the screen door. Did you bother to actually take a picture of that wound?

A I don't think we did, no.

Q Okay. Whenever you kept on talking with him and the story keeps on evolving, you tell him she threw you under the bus. She actually backed up and ran over you again or something along those lines, is that correct?

A That's correct.

Q Okay. You ask him or you tell him if you're covering for her, you really need -- basically you need to come clean because she's not covering for you, right?

A Yes.

Q She's covering for Eric Dallas, who's also covering for her because he was lying to police, correct?

A I don't know.
Q As part of your investigation or as part of your interrogation here, did it cross your mind that maybe Aliyah Hill had done everything that he was blaming Roscoe for and he just didn't want to blame Aliyah like that because he loved her?
A You asking me my opinion?
Q You didn't you say something like that are you covering for her because you love her?
A Right, my opinion is that they both contributed to the murder and there was no other party involved.
Q But you're saying though that he covers for her because he loved her in that interview, didn't you?
A Yes.

MS. PARROTT: Nothing further.

THE COURT: Mr. White.

MR. WHITE: Thank you, Judge.

REDIRECT EXAMINATION

BY MR. WHITE:

Q Needless to say Aliyah Hill is much smaller than Donald Smith, is that right?
A Absolutely.
Q And in this letter even though they're trying to point to other parties, in this letter Donald Smith saying that that party, that third party, Roscoe Eric

Dallas, he saying in that letter that that person had nothing to do with it, right?

A That's what he said.

Q Okay. Now, the investigation in its entirety revealed anyone else in the department the night of the murder aside from the victim, Ms. Ramadan, Donald Smith and Aliyah Hill?

A According to crime scene, no other prints or other evidence was found other than the three of them.

Q Okay. And he had an explanation for those cuts, but they stood out to you enough for you to ask about them, right?

A Yes.

Q In fact, he tried to attempt an explanation for just about everything, didn't he?

A Yes, he did.

MR. WHITE: Judge, I have nothing further.

THE COURT: Okay. Already nothing further of this witness?

MR. WHITE: No, sir, Your Honor.

THE COURT: Mr. Clark. Thank you for your testimony, sir. You may step down.

(WHEREUPON, the witness leaves the witness stand.)

MR. WHITE: Beg the Court's indulgence for just

one moment.

THE COURT: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

MR. WHITE: Judge, at the time the State would rest.

THE COURT: All right. Okay. We likely need to take up matters of law at this time, is that correct?

MR. WHITE: Yes, sir.

THE COURT: Ladies and gentlemen of the jury, there's some issues that the Court needs to take up with counsel, so I'm just going to ask that you step to the jury room and no deliberations don't discuss the case. We'll bring you back out here shortly, okay. Thank you for your patience.

(WHEREUPON, the jury retire to the jury room.)

THE COURT: All right, I believe the jury is retired. All right, Mr. White, the State rest?

MR. WHITE: Yes, sir, Judge.

Ms. Parrott.

MS. PARROTT: Thank you, your Honor -- excuse me may it please the Court. At this point I would like to renew all motions made here in regards to all objections and any motions regarding suppression at this time.

THE COURT: All right. So objections noted for the record, Court maintains its prior rulings.

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MS. PARROTT: Thank you, Your Honor. Secondly, your Honor, at this time I believe it appropriate to also do the motion for directed verdict, fully understanding that the matter is whether or not there is any evidence. It's not about whether or not the weight of the evidence is sufficient. And in this case I would argue your Honor that the motion for directed verdict should be granted because there's been no evidence of malice your Honor, which is one of the issues regarding murder. And there's been no information regarding conspiracy that would sustain that conviction as well regarding this your Honor.

THE COURT: Thank you. Mr. White, you wish to be heard?

MR. WHITE: Judge, I think it's overwhelming evidence of malice, sounds like they plan this thing out the night before. He's mentioning to Myheem Montgomery that he's intending on killing Ms. Ramadan. It's simple brutality with which this is carried out and then fleeing the scene in the victim's car with little to no remorse. Judge, I think there's overwhelming evidence of malice.

And as far as conspiracy, I think in his statement alone he gives, you know, overwhelming evidence of conspiracy. And, in fact, he creates a conspiracy that's bigger than what actually was. The conspiracy is that he and Aliyah Hill conspired on several occasions

leading up to this and then that evening to kill her grandmother, Ms. Ramadan. And then they fled the scene in her vehicle and headed to Florida. Judge, I think there's overwhelming evidence of both.

THE COURT: All right, sir. All right. Nothing further on Ms. Parrott's motions. All right. With regard to both the conspiracy as well as the homicide, a murder charge, the Court does find that there are facts sufficient to submit this matter to the jury. So I respectfully deny both motions.

MS. PARROTT: Thank you, your Honor.

MR. WHITE: Thank you, Judge.

THE COURT: It's noted for the record, Ms. Parrott.

MS. PARROTT: Thank you.

THE COURT: Okay. Anything else before -- I do need to have a conversation with -- okay. All right. Mr. Smith, if I can get you to please stand, sir. Mr. Smith, I want you to understand my conversation with you at this time. I have to inform you of some things your lawyer may have explain to you previous to the trial of this case. I'm not saying this to intimidate or threaten, just make sure on the record you understand, okay. All right. Mr. Smith, at this time I'm going to explain to you certain rights that you're entitled to. If you do not

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understanding anything I say, please let me know. If you want me to explain anything in more detail, please let me know. Do you understand that, sir?

THE DEFENDANT: Yes, sir.

THE COURT: We have now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. This amendment states in part that no person shall be compelled in any criminal case to be a witness against themself. This mean you cannot be required to testify in this case. You have the right to testify on your own behalf. However, no one can make you testify. This is a personal right. No one can waive this right except you. If you decide to testify, you will be subject to the same rules that govern other witnesses and you may be examined and cross-examined on any relevant issue in this case. In addition, if you have any convictions involving dishonesty or false statement for crimes punishable by imprisonment for more than one year and this court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you. The Solicitor will be able to introduce your record to attack your credibility.

If you decide to testify, this decision on your part must be freely and voluntarily and intelligently made

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with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify. If you decide not to testify, I'll instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever. And that there's to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify. You may talk with your attorney, your family, friends or anyone else, but the final decision be left entirely up to you. Do you understand what I explain to you, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about what I've explain to you, sir?

THE DEFENDANT: No, sir.

THE COURT: Have you discussed with your lawyer whether you should or should not testify?

THE DEFENDANT: Yes, sir.

THE COURT: Do you wish to talk to your lawyer any more at this time?

THE DEFENDANT: No.

THE COURT: And do you wish to offer any testimony, sir?

THE DEFENDANT: No, sir.

THE COURT: All right. Let the record reflect

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Mr. Smith indicates he does not wish to offer testimony. All right, sir, you may be seated. Ms. Parrott, do you -- is there anything you wish to add at this point?

MS. PARROTT: No, Your Honor. Simple question of defense would rest at this time. Do you want us to also do it on the record whenever the jury comes?

THE COURT: Yes, ma'am. Yes, ma'am. All right. Any other matters before we bring the jury back out? Well, just for scheduling purposes, we bring them back out, we put on the record that the defense rest. What other matters do we need to take up? It will be -- by the time we get them out here, it's 3:15 right now. We have to have a jury charge conference at some point this afternoon.

MS. PARROTT: Your Honor, I'm sorry. I do need to back up for a second. I know we just ruled on it. It's simply a matter of renewing the same ruling regarding the same motion as I rested. And I know you just ruled, so be simply repeating that information but to protect the record.

THE COURT: All right. Yes, ma'am, so noted. All right. Mr. White, what matters we need to take up?

MR. WHITE: Judge, I have no matters. I would just simply ask that the jury be brought back in for the defense to rest, be cut loose until in the morning. I'll

be ready to go as early as 8:30 whenever the Court's ready to go. We discussed the charge and then we all retire to prepare for our closings in the morning.

MS. PARROTT: I'm not an 8:30 person.

THE COURT: Ms. Parrott, what say you?

MS. PARROTT: I'm not an 8:30 person, your Honor.

THE COURT: Beside from 8:30, anything else you wish to offer?

MS. PARROTT: No, Your Honor.

THE COURT: All right. Okay. Thank you. Honorable bailiff, if you will bring the jury back in, sir.

(WHEREUPON, the jury came into open court.)

THE COURT: Okay. All right. Thank you, ladies and gentlemen of the jury. All right. Ms. Parrott, be happy to hear from you.

MS. PARROTT: Your Honor, at this time defense rest.

THE COURT: All right. Okay. All right. Ladies and gentlemen of the jury, it is after three o'clock and my clock says 3:18. I believe that video was probably -- probably I know took your attention and it was lengthy, so I appreciate you focusing your attention. I'm going to release you at this point for the rest of the

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afternoon. There's some issues of law that the Court needs to take up with counsel that's going to take a significant part of the rest of the afternoon. I hate to keep you around for that and then bring you out here, not sure how long that's going to take. I believe right now will be a good time to let you go. You come back fresh in the morning, we should conclude matters in the morning and so I think we're getting very close. Once again, please don't discuss this case with anyone. And we'll see you we're going to shoot like for you -- we like to start at nine o'clock in the morning, so I will see you then, okay. All right. Have a good evening. Thank you.

(WHEREUPON, the jury was excused for the day.)

THE COURT: Ms. Parrott, for purposes of the record, your motion for directed verdict.

MS. PARROTT: Yes, your Honor.

THE COURT: All right. And you renew that motion?

MS. PARROTT: That's exactly, your Honor.

THE COURT: All right. Okay. All right. Prior ruling of the Court would stand and I note your objection for the record.

MS. PARROTT: Thank you, your Honor.

THE COURT: Okay. All right. Mr. White.

MR. WHITE: Yes, sir.

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THE COURT: Anything we need to -- I know we need to discuss jury charges. Anything else that you anticipate?

MR. WHITE: I don't see any other issues to take up at all, Judge, just jury charge and close in the morning.

THE COURT: All right. So you'll be ready to go?

MR. WHITE: Yes, sir.

THE COURT: You have Mr. Godbolt ready to go?

MR. WHITE: We working on it right now. We'll be locked and loaded. And Mr. Tucker brings up a good point. Would it be your preference to charge first and then close or close first and then charge?

THE COURT: My preference would be for you all to close and then charge.

MR. WHITE: That sounds great.

THE COURT: And you anticipate -- I'm not going to give you a specific time how long you anticipate?

MR. WHITE: In a case like this, you know, 45 minutes, that's what I'm shooting for.

THE COURT: I understand. And you may have, I think, you said some PowerPoint or something like that?

MR. WHITE: Yes, sir.

THE COURT: All right. Ms. Parrott, and you be

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ready to go in the morning as well?

MS. PARROTT: Yes, Your Honor.

THE COURT: Any expectation or anticipation as to the time for your closing argument?

MS. PARROTT: Your Honor, I would guess probably 30 minutes or so.

THE COURT: I'm just trying to get a feel for, okay. Co-counsel indicates the jury charges we should have the -- make sure that's clear on the record for everybody. If you all will just listen carefully, I'll be happy to hear from you with regard to the charges. The charges that we have prepared would be the charge of arrest, an indictment of the evidence, multiple charges, presumption of innocence, reasonable doubt, direct and circumstantial evidence, the credibility of the witness, failure of defendant to testify, and prior inconsistent statements, prior records of witnesses, statement of defendant, both the charge on conspiracy and homicide and murder. What else would you like the Court to consider?

MR. WHITE: I like the Court to consider homicide accomplice liability and the one hand of all, Judge.

THE COURT: Ms. Parrott.

MS. PARROTT: Your Honor, of course, if he's going to ask -- if he's asking for that, I think I'm

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entitled to mere presence as well.

THE COURT: All right.

MR. WHITE: Sound goods.

THE COURT: Okay. The Court has no objections to either -- none of those. All right, so that matter resolved. Any other matters that we need to take up before we conclude for the afternoon?

MS. PARROTT: Your Honor, I believe there also should be something about expert witnesses.

THE COURT: Yeah, I have that I'm sorry.

MS. PARROTT: I'm sorry.

THE COURT: That is included as well. Thank you for noting that. What else is there?

MR. WHITE: I think that's it.

THE COURT: All right. Be ready to go at nine o'clock, okay.

MR. WHITE: Yes, sir, Judge.

THE COURT: All right. Thank you all. Thanks everybody for your patience today.

MR. WHITE: I would request is there any way I can take a look at the jury charge this evening?

THE COURT: Let's take that up in the morning.

MR. WHITE: Okay.

THE COURT: Sounds good. You all have a nice afternoon. Court's adjourn.

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(WHEREUPON, the proceedings were concluded for the day to be reconvened on May 20, 2021.)

THE COURT: Okay. Counsel, can I get you to approach please?

MR. WHITE: Yes, sir, Judge.

(WHEREUPON, a bench conference was held.)

THE COURT: Court will come to order. The Court has ask counsel to come forward and they've reviewed the verdict form and they have no objection to what's been prepared. Counsel, anything before we bring the jury back in?

MR. WHITE: No, sir, Judge.

THE COURT: Ms. Parrot.

MS. PARROTT: No, Your Honor.

THE COURT: All right, thank you. Honorable bailiff.

(WHEREUPON, the jury came into open court.)

THE COURT: Good morning, ladies and gentlemen of the jury, I appreciate you being here on time. We had a couple matters that we took up. We were here working on this. I apologize for the delay getting you in here. All right. We are at the juncture where -- I'll ask counsel is there anything else that we need to address before we get into closing arguments?

MR. WHITE: No, on behalf of the State, Judge.

MS. PARROTT: None, Your Honor.

THE COURT: All right. All right. Is the State ready to go forward?

MR. WHITE: Yes, sir, Judge.

THE COURT: All right, be happy to hear from you.

MR. WHITE: Thank you, Judge. She tried to protect her granddaughter and Donald Smith killed her because of it. She tried keeping him away from the house, Donald Smith killed her because of it. She tried to keep him away from her granddaughter the best way she could and Donald Smith killed her because of it.

Ladies and gentlemen, Qamar Ramadan was a resident of this town. She went to church here. She was a devote Christian. She was a grandmother. She was a mother. She was a great grandmother. She leaves behind family members who love and miss her dearly. And on August 3rd 2018, make no mistake about it, ladies and gentlemen, she was brutally, brutally murdered. And the motive for that murder began to surface on June 13th 2018.

And you heard from Investigator Herman, ladies and gentlemen, he was working patrol on June 13th. He gets a call an attempted burglary in progress at [redacted] North Franklin, that's the home of Qamar Ramadan. He arrives on scene. Donald Smith is taken into custody and he's

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charged with malicious injury to property and he's trespassed from the property. And that's important, ladies and gentlemen, because at the time of the murder, he had no legal right to be at that home, none. And, in fact, if law enforcement would have arrived on that night, he could have been taken custody immediately. Speaks to Ramadan who indicated that Smith was not to be at the property, also speaks to Hill, that's the granddaughter that Ms. Ramadan is raising as her own. Hill says she didn't know Smith was coming over. He just shows up in the early morning hours of June 13th. Trespass notice remained in effect for six months and like I mention was still in effect.

You heard from Officer Boseman. He was also working patrol. He was the first officer excuse me -- first officer on scene that evening. He gets a call, same call. He arrives on scene. Donald Smith is taken into custody, but when he arrives, he sees Donald Smith, although he tells law enforcement, you know, they know I'm supposed to be here. Well, he dives under Ms. Ramadan's car. The same car he steals with Aliyah Hill and flees to Florida. He does that to evade law enforcement, to hide.

He also heard from Jahid Smith, that's Ms. Ramadan's grandson, that was some emotional testimony, that was tough. But he testified that right after this

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happens, he's at work. He works late shift. He gets a call from Ms. Ramadan and he thinks that's strange. She usually goes to bed -- she's a type of lady who goes to bed early and wakes up early, but he gets a call from her in the early morning hours and she's concerned. She tells him what had just occurred. She identifies Donald Smith to him on Facebook and says, hey, he got me worried and I'm worried about this situation.

You also heard from Myheem Montgomery. Now, less than two months later, okay, think about this, ladies gentlemen, less than two months later after Donald Smith he's tried to get into the window of Qamar Ramadan's house. Law enforcement pulls up, he dives underneath the car trying to hide. Less than two months later, Myheem Montgomery says on August 7th 2018, the night before the murder. I mean, really the night of the murder. He sees Donald Smith knowing him for 16 years.

Smith comes to Montgomery's house on the night of August 2nd describes him as agitated, angry, sweating. I think he said he was sweating bullets. He says, hey, man, what's going on. He says the reasons he's angry is because his girlfriend's grandmother won't let her out the house to see him and he's mad and he's had enough. He says I'm going to kill her. And we asked him, we said why didn't you call law enforcement. He said I thought I

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could pull him down and that he was just venting. So they hang out for a couple hours and he thought he had just done that, but then they part ways and where did he say Donald Smith was heading Franklin. He was heading back to grandma's house. Hours before the murder, he tells Myheem, I'm angry, I'm mad at her, I'm going to kill her. He walks towards his house what does Myheem say, hey, man, don't do anything stupid.

(WHEREUPON, video played for the jury.)

MR. WHITE: Now, defense counsel when Myheem was up here on the stand wanted to say isn't it true you just saying that because you want to get favorable treatment. I mean, that's the whole reason, but I want to let you know he admits to seeing him that night. He says I'm heading to my homeboy's house and law enforcement tries to get him to say exactly where that homeboy lives. And who did they find over there Myheem Montgomery and that's when he tells the story.

He also heard from Faten Smith and that was also some really emotional testimony, daughter of Ms. Ramadan. They were extremely close. We're all close with our family members, but they had a really unique relationship, very fortunate relationship in that back in New Jersey they worked together for 16 years, ate lunch together. Found it very strange when she did not hear from Ms.

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Ramadan on August 3rd of 2018. She said they talk several times a day. Calls law enforcement to conduct a welfare check, continues to call Ms. Ramadan on her cell phone and house phone. And you'll see in a minute there's seven missed calls on that house phone. She was trying to reach her, continues to check on Ramadan's welfare by reaching out to Aliyah.

Law enforcement does arrive and the worst is found. A brutal murder as your family members are trying to figure out where you are. They're several states over and a beautiful life is reduced to being rolled off a bed and left in the corner.

Crime scene comes. The first thing they see no sign of force entry, that's because Aliyah live there. She let him in. No sign of a struggle in the living room. Everything that happened that night happens right here in the bedroom of Qamar Ramadan. The evidence is all contained inside of this room. Blood on the mattress, a clean comforter is thrown over after they stripped the sheets, the bloody sheets, and throw them in the closet They roll her body off the bed into the corner and you can tell because her knee makes an impression in the wall. And then they throw this blanket on top to try to hide the blood getting themselves sometime if anybody looks through the window or anybody stops by.

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You can see on the body-worn camera that law enforcement almost turns around. They do a terrible job of it, but they trying to buy themselves some time. You can see right there somebody loves her. Somebody's looking for her. And she is found in the corner of her bedroom balled up in a fetal position, the victim of a brutal murder.

You saw that injury to the back, to the upper back and that scratch to the side of the back. And the pathologist testified all of it every single injury consistent with this lamp right here, the base of it. The corner tested positive for Qamar Ramadan's blood. It was used as a blunt force object. I mean, there's no easy way to say it, they cave her face in. And as the lamp began to come apart as he beat her brutally, he use this brass piece inside and he stabbed her with it, puncture wounds. She testified, are consistent with the width of this brass piece, that was Dr. Angelina Phillips cause of death blunt force trauma. She said this is a homicide, extremely brutal wounds consistent with a lamp base, wounds to the back consistent with the brass lamp shade bracket.

(WHEREUPON, video played for the jury.)

MR. WHITE: But she put up a fight, right. She was a fighter we know that. She beat cancer. She's a 66 years old lady whose raising her granddaughter as her

daughter. She fought back and we know because there was evidence on her fingernails, wasn't it. Law enforcement's looking at that in that interview and it jumps out to Investigator Clark. I want to play it one more time if you'll listen close.

(WHEREUPON, video played for the jury.)

MR. WHITE: He has injuries to his hands. She was missing fingernails. His DNA is found underneath her fingernails, injuries visible enough to the naked eye and that's important because on this piece, this enter inside of this lamp, all right, importantly he said he had for two months he had never been in that room, right. And he says until there was -- he was cleaning up the sheets, he never touched her. He never stepped foot in that room, but his blood is on the murder weapon. There was a mixture of blood on this lamp and it contained only two individuals Qamar Ramadan and Donald Smith. They're her fingernails and there you can see the injuries. Ladies and gentlemen, she was really fighting back. All these are completely broken off.

And you heard from Sarah Goodman DNA. Donald Smith's DNA found under Qamar Ramadan's fingernails. Donald Smith's blood found on the murder weapon. I can't emphasize that enough. I mean, that's just something that doesn't happen every day especially when you say time and

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time again I never touched that lady. I never touched her not once.

Now, you did hear that Donald Smith is excluded from several items. Well, he admits to cleaning up the crime scene, but these items you wouldn't expect to find his DNA on because it's her blood. Her blood spread all over that bedroom from a vicious attack. Ramadan's blood on the corner of the lamp, that corner piece that's consistent with that wound to the back. Her blood on the lamp shade, the inner part of the lamp shade. Testimony was blood spatter, high velocity blood spatter that occurs when you bring an object down and bringing it back and the blood leaves a trail. High velocity blood spatter it was hers, her blood on the bedroom wall, on her mattress and her sheets.

(WHEREUPON, video played for the jury.)

MR. WHITE: You know, I didn't touch that F'ing lady, bruh. Really. Didn't touch her. How's the DNA end up under her fingernails.

(WHEREUPON, video played for the jury.)

MR. WHITE: He says it again, I didn't touch grandma. In fact, he said Aliyah didn't touch grandma somebody else did it, that's common sense, right. He's had some time to think about it. He gets caught up in this Florida lie. And he says I got to think of something

to get myself out of it, so he starts pointing the finger at a Roscoe, but make no mistake about it, he says I never touched her. Aliyah Hill never touched her, but his DNA is on the murder weapon. His DNA is under her fingernails. He says Aliyah never touched her, but Aliyah would have had to have seen something, right. We know that.

Ladies and gentlemen, this is as bad as it gets August 4th a day after the murder, Ms. Faten Smith -- I mean, can you imagine how tough you have to be to play along to try to help law enforcement get as much information as possible as your niece describes the murder scene. I'm almost there to my crib. Someone been in here. The door's unlooked, Faten. WTF. Go in. I did. She's dot, dot, dot. What the F. What OG what? Someone killed her. What. She in her room face down on the side of the bed August 4th. That is detail that only law enforcement knows.

Nobody else knows that, not even Faten because the body has been removed by the coroner. No reports been generated, only someone who is in the crime scene could have that detail on August 4th and it's Aliyah Hill. But where is Aliyah Hill. Her cell phone pings down in Florida and who's she with. Is she with Donald Smith? Are they living out of the victim's car? Towels on the

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windows, pillows covering the backseat. Donald Smith's debit cards found inside. Qamar Ramadan's -- I mean, they took her car and he says I had permission. She was going to get a rental. How? You got her debit card. Wallet contains Aliyah Hill's information and also contains Qamar Ramadan's debit card. Donald Smith's information and another debit card, her checkbook. Qamar Ramadan's checkbook. Donald Smith's ID all found in the car. The car they're living in. Ms. Ramadan's mailing envelope address to that murder scene. Donald Smith's ID and in that bag. It's an interesting trip they took isn't it. I mean, are they going on vacation, are they going down there to live, when did they plan it, when did they decide to leave. Not a whole lot in that bag, is it.

(WHEREUPON, video played for the jury.)

MR. WHITE: He says he's got permission, right. They leave on August 3rd, that's funny, that's when she's murdered, going down there to meet up with a brother.

(WHEREUPON, video played for the jury.)

MR. WHITE: Who did he tell they left?

(WHEREUPON, video played for the jury.)

MR. WHITE: Went straight to Florida.

(WHEREUPON, video played for the jury.)

MR. WHITE: Late August 2nd, he tells Myheem Montgomery I'm going to go kill Qamar Ramadan. Early

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morning hours in Columbia on August 3rd, he makes a surprise visit to his mom's house where his uncle lives and his grandfather lives. They weren't expecting him. They were surprise to see him and Aliyah show up in a car they didn't recognize, stay for about an hour with no explanation for the trip. Witness see Donald Smith taking items out of the vehicle placing it in the woods. And then when they leave, he tells them nothing about where he's going. They had no idea until he's eventually picked up and charged with the murder of Qamar Ramadan.

(WHEREUPON, video played for the jury.)

MR. WHITE: Says that Aliyah who we know from this witness stand can't drive, is a terrible driver. Ms. Ramadan would never loan her car to, picks him up from his house, that's what he said and they drive to Florida.

(WHEREUPON, video played for the jury.)

MR. WHITE: He calls Arthur Gregg his brother. He lives with him. He doesn't tell him where he's going at all.

(WHEREUPON, video played for the jury.)

MR. WHITE: He realizes at this moment that law enforcement knows that it's odd for her to be in possession of the car, so what does he say. How did you get that car. He says, well, grandma came a week before. A week before grandma and Aliyah Hill are in New Jersey.

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He's just digging himself deeper and deeper.

(WHEREUPON, video played for the jury.)

MR. WHITE: Time changes.

(WHEREUPON, video played for the jury.)

MR. WHITE: So now it's changes. He's saying we were just going on this vacation. We planning this vacation, I didn't ask grandma. She show up with the car. She said I got grandma's permission, but now its changed. Now, we were moving down their permanently. I got a job, that's where we were going to live. Well, what about grandma's car. Well, I didn't think about that. I don't know how we going to get that back to grandma.

We know all that's ridiculous because we heard a lot of testimony about Ms. Ramadan's vehicle. Faten and Jahid both testified that she was particular about her vehicle, right. She kept it clean. Did it look clean in those pictures. She never loaned her car out. She did not have means for a rental, would not have let Aliyah use the car. And, in fact, Jahid said in 28 years of him living, he had only been able to use the car one time, but we also know all this is ridiculous because eventually when he realizes -- and this is why all this is important. He realizes through this Florida exchange that law enforcement knows a lot more than he thinks they do and so eventually he creates this other character pointing at.

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But make no mistake, he admits eventually that he stole with Aliyah Hill, Ms. Ramadan's vehicle from her home the morning of August 3rd. So this whole elaborate charade is a lie.

(WHEREUPON, video played for the jury.)

MR. WHITE: She was a good lady. The defense wants to point a red herring. The red herring is just basically look over here, don't look at the important stuff and what are they. Aliyah Hill did it and Donald Smith tried to stop it, but we know that can't be right because he sends me a letter. You can go back there and read it and in it he says Aliyah Hill didn't do it. He also says that third party, that Roscoe, he didn't do it either.

Now, he recants his statement and that happens a lot once they realize, oh, I made a mistake here. I admitted more than I should have, but he admits that Aliyah Hill and Roscoe had nothing to do with it. Well, the only way he could have known that they had nothing to do with it, is that he did it, right. I mean, that's the negative implication there. That's how that works.

We also know by the just sheer brutality of this murder to cave -- and my apologies to cave a human beings face in takes brute force. And Aliyah Hill there was some is she five foot, is she four foot five. Either way, I

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mean, five foot tall not even 100 pounds, she didn't do it. How else do we know? Well, it's his blood right here on this murder weapon. It's his DNA under her fingernails. The other red herring is the DNA under the fingernails. So on the one hand, the DNA is solely Donald Smith. The other hand is two unidentified individuals is easily explainable, okay. It can be easy to get DNA under your fingernails if you keeping up with a child. You changing diapers and you getting, you know, thrown up on. And baby is a male and you're spending time with family, you know, for two weeks, that's easily explainable. What's not explainable is how Donald Smith can say I never touched the person who has my DNA under her fingernails. I like for him to explain that. Let's call this what is, ladies and gentlemen, this is murder and this is as brutal and as heinous as it gets. And you'll hear from the judge in just a minute.

Murder is defined as the willful, felonious killing of a human with malice aforethought. Malice is hatred, ill will, the wrongful intent to injure another person. Malice signifies a depraved or wicked spirit intent on doing wrong. Malice can be conceived at the very moment that the act occurs. So right before you about to murder somebody, you can have in your mind malice, but let me tell you something, ladies and

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gentlemen, malice was cooking in Donald Smith's mind for a long time. Myheem Montgomery says it. In fact, in his own statement, he says that he and Aliyah Hill discuss killing grandma on several occasions.

(WHEREUPON, video played for the jury.)

MR. WHITE: He knows exactly what's going on. You know how we know he points the finger at Roscoe and he says Roscoe never met him before in his life, right, comes in the back door. Roscoe's just laying on the couch. Then he gives up and says about to go take care of something real quick and goes in back and murders grandma. And Donald Smith says he leaves the house and they never say another word to one another about what transpired in that room. Yet, he knows exactly how she was murdered. I mean, I find that odd and it's easily explainable, that Donald Smith is Roscoe.

When he realizes that his story is closing in on him and that they getting him closer and closer and closer to that crime scene and you can see him on that interview. He's says that somebody else did it and ask him who. And he hangs his head to what seems like forever and eventually he says Roscoe. They ask him who's Roscoe and he hangs his head and eventually he comes up with a name, but it's him. He admits to being there when the murder occurs. He admits to cleaning up the murder scene. He

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admits to hearing Ramadan scream for help. Didn't we just hear him say, she was a good lady, screaming for help and what does he say. He said he was just hanging out on the couch. He didn't see nothing. He don't know nothing. Admits to stealing and fleeing in Ramadan's vehicle. When asked what he thinks the murder weapon is, that's peculiar, right. Says he didn't see it occur, has no idea what happened to her, how she died. He ask law enforcement several times I don't know, I don't know how she died, but when they say, what do you think the murder weapon is first thing he says lamp, lamp. Give details of the murder even though he says someone else did it and he didn't see it and his blood right there and his blood right there.

(WHEREUPON, video played for the jury.)

MR. WHITE: They try to clean this up. They did a terrible job. He took the brass piece, wiped it down, hid it in another room in a laundry basket. They knew that this was key, but, again, they just did a terrible job. I want to take this opportunity to let you know, ladies and gentlemen, that Aliyah Hill is going to be seated right here real soon. Donald Smith is on trial today, but her time's coming, I can promise you that.

(WHEREUPON, video played for the jury.)

MR. WHITE: He makes his first slip up right out

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the gate and then once they Mirandize him, he tries to backtrack explain some things. But he says without even being questioned, I know why I'm here.

(WHEREUPON, video played for the jury.)

MR. WHITE: Thirty minutes, 30 minutes and then he didn't hear her screaming no more, but he knows how she was murdered. And he's describing -- he's trying to remove the responsibility from himself, but he's describing the exact way in which he murdered Qamar Ramadan for 30 minutes and then he didn't hear screaming no more.

(WHEREUPON, video played for the jury.)

MR. WHITE: That's a lot of detail for somebody who says they're in the living room don't know anything, that's a ton of detail. He says Ms. Ramadan wakes up, confronts Roscoe in the hallway, what are you doing here says stay right here, I'm going to get my clothes on. Donald Smith knows he ain't suppose to be there. He's been trespass and resentment, hate has been building up quite a while. What does he say, bum-rushed her with the force of his body and it hits her with some shit, excuse my language.

Ladies and gentlemen on June 13th 2018, Donald Smith was trespassed from the home where this murder occurred and it probably start way back before that, but

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that's the frustration and the anger. And Mr. Tucker referred to in his opening statement began to bubble up to the surface. And on August 2nd hours before the murder, he shows up at Myheem Montgomery's house sweating. He's angry. He's frustrated. He's agitated. Myheem tries to calm him down. He says I'm going to kill her because apparently he went to the house, the house that he's trespass from and wasn't allowed to see Aliyah Hill. So they spend sometime together.

Donald Smith, Roscoe, Donald Smith and Myheem and then when he parts ways with Myheem he's headed to [redacted] North Franklin Drive. Myheem says don't do anything stupid. When he arrives, there's no signs of forced entry. And he knows that crawling through that window is going to -- he got in trouble last time. He might get in trouble this time, so Aliyah lets him in the back door. And he's been, she's been, they been planning, talking about wanting to remove Qamar Ramadan from their lives for a long time.

He's thinking about it. He wants to kill her and the opportunity presents itself. She comes out. And we know she's woken up, because she's not the kind of lady who, you know, comes around, walk around in her undergarments, but that's how she's found. And he bum-rushes her. He attacks her on the bed, but she's not

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going down without a fight. She scratches his hands. He begins to bleed. His DNA is under her fingernails. He's on the bed, he strangles her. It's hard to strangle another human, ladies and gentlemen. He strangled her. She's fighting back. He reaches for the lamp on the left side of the bed. He raises it above his head and he begins to hit her and then he takes this piece for 30 minutes that goes on. Then he rolls her off the bed like she's trash and leaves her in the corner of the bedroom, that is one brutal way to die. My apologies to the family.

Then what did they do. They clean the scene. They tried to clean this. They know these items are spread all over the place. I mean, I did that for what a few seconds, so they start cleaning these items. They try their best. They realize he's made a real mess of it, so they do the best they can and they leave evidence everywhere. Then what do they do. They get in her car without her permission, they drive to Columbia. They tell nobody. They get to Columbia, his people like what you all doing here. Witnesses sees him hiding stuff in the woods and they go to Florida. They tell nobody. He tells law enforcement it was vacation. Wait a second now, hold up, I messed up. I misstated something. No, it's a work trip. I'm going down there permanently. Oh, grandma's

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car how you going to get that back. Oh, I didn't think about that. Where do they find them together living out of grandma's car. You brutally murder a woman, you steal her vehicle, her debit cards and you living in her car with the girl that she swore to raise as her own. The evidence in this case is overwhelming. She tried to protect her granddaughter and she was brutally murdered for it. She did everything she could. She brought her down here away from New Jersey to give her a better life. You heard from the witness stand she was a great parent, went to parent-teacher conferences, went to track meets and this man brutally murdered her. Today's his day. Aliyah Hill's day is coming. Ms. Ramadan deserves justice. Please go back there and give it to her.

THE COURT: Ms. Parrott, before we turn to you. I'm going to give this jury just a moment to kind of refresh themselves. Folks, I'm going to give you a break. We'll get you back out here in just a little bit, okay. I don't want you to have to sit there too long. We come back we'll start with closing, so about a ten minute break. All right.

(WHEREUPON, the jury retire to the jury room.)

THE COURT: Okay. All right. Let's take a break and recess and then we'll come back.

MR. WHITE: Yes, sir, Judge.

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(WHEREUPON, a break was taken.)

THE COURT: Court will come to order. We're going to bring the jury out in a moment, but before I get to that, obviously we're getting to the end of this trial and just let me remind everybody, that we understand that these are emotional matters and I don't make light of that, but this is a dignified place and we have to maintain our dignity. And so I am gone ask that everybody certainly be reminded of that. If there any outburst and certainly law enforcement will take matters into their hands. If you feel you cannot control your emotions, certainly you have to make this decision, but I would suggest that you not be in the courtroom if you're not able to handle your emotions. I'm not trying to be ugly, but we have to maintain decorum and dignity in the courtroom. Anything before the jury comes back out?

MR. WHITE: No, sir, Judge.

THE COURT: All right.

MS. PARROTT: No, Your Honor.

THE COURT: All right. Thank you. Honorable bailiff.

(WHEREUPON, the jury came into open court.)

THE COURT: Okay. All right. Thank you, ladies and gentlemen of the jury, we are ready to pick up with Ms. Parrott. Are you ready for closing?

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MS. PARROTT: Yes, Your Honor.

THE COURT: Thank you.

MS. PARROTT: Mr. Solicitors. Ladies and gentlemen of the jury, thank you so much for all of your attention in regards to this case. I know its moved rather quickly and there's been a lot of information, but one of the things I do is I trust that you been paying attention. So I'm not going to go through everything and make a highlight of every single thing that's been here before you for the past day and a half, two days.

I will say right from the start that I do agree with the Solicitor on part of what he said. Ms. Ramadan by all accounts does seem to have been a wonderful grandmother who did not deserve to die this way. I don't know that anybody deserves to die that way quite honestly. And she did try and do apparently what was best for her family and her granddaughter. The problem is and where we disagree is that Aliyah didn't appreciate it.

Aliyah was a hell-raiser. Aliyah Hill was in New Jersey causing problems and so for that purpose, Ms. Qamar Ramadan left her family to try and save this young girl, to try and make her a better person. And thanks for that unfortunately and very sorrowfully that she's dead at the hands of her granddaughter because her granddaughter is a malicious, almost arguably horrible

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person who wanted her grandmother dead because her grandmother loved her, because her grandmother tried to protect her, because her grandmother tried to tell her what she could do with her life to be a better person.

She didn't want boys coming over to her house. And make no mistake about it June 13th of 2018 at 1:55 in the morning, that's a booty call, call it whatever you want. If you want to think of it in other ways, but that's a call for a boy to come to your house and see you, knock on your window, oh, crap I'm caught. Now what? Well, we're going to interview you. We're going to do it with your grandmother standing beside. You're already in trouble. You got a boy coming to your house. You probably up to something you shouldn't be up to since it's after midnight. Are you going to sit there and say, grandma, that's my new boyfriend or that's the guy I kind of been seeing, so, hey, please don't do anything. Well, that probably would have been the rightful thing to do, the righteous thing to do, but that's not Aliyah Hill. She's liar. She's a manipulator.

You know why you know that because if you listen to the tape Investigator Davis says we're looking at your Facebook accounts, we see that you're all over each others accounts. We know you're in a relationship, that's your girl. Yeah, that's my girl bro. It had been that way,

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but what Donald didn't know was that she also had somebody else and she was seeing him too. And, in fact, the time line is they went to New Jersey. They came back. It's been a few days. She's gone to the beach with the other boyfriend. She comes back and all of sudden it's time to do something.

Ladies and gentlemen, my interpretation of that and you are free to agree with it or disagree with it, but my interpretation of that is she went and spent two weeks up in New Jersey under her grandmother's thumb, with her family, wasn't allowed to do what she wanted to because she was babysitting. So she wasn't allowed to see the friends that they tried to get her away from to begin with, comes back gets a taste of freedom again with boyfriend number two, who's really number one and Donald Smith is number two. He's expendable. He can be blamed and she can go live the life she wants to because grandma's going to be dead. He's going to be locked up and I got my life again. I don't have to worry about grandma taking my money any more, being on a fixed income because I get it now. I'll have a way to live with my boyfriend. The one I really love who also covered for her. So I'm not sure what sign and song she sings, that gets men to lie for her, but make no mistake, the person in charge of all of this is Aliyah.

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Another way you know that she was up to no good and that she was lying, and you got this picture as part of your evidence which will be submitted to you. But on State's Exhibit 26, this is a picture of her room on the chest of drawers is a bag of pads, feminie pads, menstrual pads right here on her wall is a calender. If you look at how it is marked, you will see that there are marks going one way and then about the end of the month right before all of this happens because it's in July, the mark goes the other way maybe this states a female mind. That's her clock and her period. She's never been pregnant. She's a liar. She's a manipulator. She's playing everybody. She's playing her grandma. She's playing Donald. She's playing Eric, who's also Roscoe. She is a liar and a horrible person who killed her grandmother. She planned it. She asked him for a gun. She was going to do it by asking him for the gun. He didn't give her a gun when he is suppose to be going there that night, you listen to Myheem. If you believe him, he says Donald had a gun. Donald could have kill her with a gun if he had wanted to. Instead, Investigator Clark says this was a personal way of death.

Ladies and gentlemen, guns are quick, guns are easy to access. Guns would be a very quick moment of sound and then you're out. Instead, it was a personal way

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to kill somebody. And I apologize for what I'm about to say, but using a lamp on someone, you take the lamp and you hurt someone with that, you're within inches of their feet maybe, but probably inches. You're right up on that person, that takes a level of intimacy and rage, that I submit to you Donald couldn't have had, that's a female thing.

They want to say that she's too small, she's too young or she's too little. If she's five feet possibly on her period. Mad as fire about the fact that she's been like caged up for so long, can't do what she wants to do, saying is hell have no furry like a woman scorned. There's a reason why that's a saying. I'm 5'1 on a good day, very much I probably can't do if I don't want to except maybe play for the NBA, but size does not determine the amount of fuhrer, the amount of emotion, the amount of anger. And the only person who really was affected by all of that was Aliyah Hill.

They didn't submit her DNA. You heard the actual person from SLED read directly off her report in bold writing. Further testing can be done with Aliyah Hill's information. You don't have the whole story.

So like when I told you at the start of this case, I like to do puzzles. Sometimes pieces don't look exactly the same whenever you have to move them around to

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figure out where they fit. You don't even have all of the pieces of the puzzle here. You don't have the information on Aliyah Hill.

What you do have is also what they're referring to as a red herring, but it's true. Her left hand has three broken nails with two male DNA in it not Donald Smith. She's got one bit of DNA on her right hand, that is Donald Smith. He's told you he was scratched. I'm telling you that that was part of what he said at the time. They didn't take a picture of it. That DNA from his scratch wasn't submitted as far as looking for her, but that scratch is from the screen door. You don't have a picture to tell the level of healing, what kind of scratch it was. They're asking you to trust them. They also told you they lie, but Donald told you he was there. Donald says I clean up. Donald says I love her. Donald says she may be pregnant. She told me she was pregnant. I don't know if she's pregnant as we go on. He starts doubting that his situation is with her.

They say Roscoe's him. I submit to you Roscoe is her. They say that he had been part of it because he knows the manner of death. Well, ladies and gentlemen, if it had been a gunshot, he heard it. He hears a struggle. He knows it's a struggle. You don't have to see that to know it, to hear it. If you're a mom, you know when your

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children are doing something in another room and you need to look. You don't have to see it for your eyes to know it's time to go check. The knife is her weapon of choice. You even heard him say she's cut me before, that's what she does. It's just not the picture that's been painted.

They printed the house. They say they printed the whole house. The only place that was disheveled was Ms. Ramadan's room. Who would know best where everything is in that house, but the person who lives there. So if you need to clean it up, she's getting that for him. She is the connection at all times. She is the manipulator. She is the liar.

We talked about the phone. It's got seven missed calls on. Nobody access that phone to see if anybody was trying to call 9-1-1. Maybe, one was trying to call 9-1-1 and the daughter got mad because boyfriend's there again. We don't know and you shouldn't have to guess.

Ladies and gentlemen, when they asked him for his DNA, yes, go ahead. He volunteered and said that's fine, take it. His DNA is not on that lamp on the corner where they're saying it was hit. His DNA is on the area of bulb where it separates. It's not even from a cut because that bulb is actually not broken. Does it make sense more that there's a reason why he might have been

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cut elsewhere and then his blood gets transferred there. I submit to you that's correct.

Ms. Ramadan's info was in the wallet. They wanted to say that, you know, he's responsible for her wallet being stolen. He's responsible for her car being stolen. He's the only one who could drive. Well, ladies and gentlemen, I submit to you that there are people who are arrested for driving without a license every day. So not having a driver's license doesn't mean you don't know how to drive. And, again, her information, Ms. Ramadan's information, was in Aliyah's wallet.

They made a big deal about a statement that he gave right at the beginning. I know why I'm here. Ladies and gentlemen, he already been served with one warrant that was for accessory after the fact. He'd already been given the opportunity to read that, that wasn't about him knowing about the murder, that was him knowing about the accessory after the fact, that is a mistake on their part. They're trying to mislead you with that information.

I submit to you that everything I had told you about today is malice on Aliyah's part. There is no malice in cleaning up a scene. There is no malice in lying to protect the person that you love. There is no malice which is an element of murder in trying to help someone. Stupidity absolutely, misguided certainly, but

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the malice in this case which is necessary for murder is all Aliyah Hill.

They say that he's helped him done this with conspiracy as well. There is no agreement which is necessary for a conspiracy. She asked for a gun. He said, no, didn't give her one. You don't have the evidence for conspiracy. For those reasons, ladies and gentlemen, I trust you to review the evidence and decide the facts as you see them, but I submit to you that the only rightful verdicts in this case are not guilty on both counts of Donald Smith. Thank you.

THE COURT: Thank you, Ms. Parrott. All right. Ladies and gentlemen of the jury, we have reached the point where you've heard the closing arguments, heard all the evidence. It's now necessary for the Court to charge you with the law in this case, okay. So I do want you to listen carefully. I need you to be attentive during this moment, okay. I'm going to read to you several jury charges. The first one would be when a defendant is charged with multiple charges. In this case, we have murder and criminal conspiracy. The indictments in this case alleged several different offenses against the defendant. The defendant the charges are murder, criminal conspiracy. Each indictment charges a separate and distinct offense. You must decide these indictments

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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 indictment.

You've heard me speak to you about expert witnesses. You'll hear that again. With regard to expert witnesses, the rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exist for witnesses we call expert witnesses. A witness who by education and experience has become an 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. If you decide that the opinion of an expert witness is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or are that the opinion is outweighed by other opinions -- other evidence, you may disagree with the opinion entirely.

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An expert witness' testimony to be given no greater weight then that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion even though it is not contradicted.

The burden of proof in a criminal trial is reasonable doubt and I'm going to read to you the law on reasonable doubt. What is a reasonable doubt in the law. A reasonable doubt is the kind of doubt that could cause a reasonable person to hesitate to act. The State has the burden of proving the defendant guilty beyond a reasonable doubt.

Some of you may have served as jurors in civil cases where you were told that it's only necessary to prove that a fact is more likely true than not true such as by the greater of the weight or a preponderance of the evidence. In criminal cases, the States proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime

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charged, you must find the defendant guilty. If on the other hand you think there is a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty.

With regard to aiding and abetting accomplice liability, a person who is present at the scene of the crime and intentionally or through a common plan aided and abetted or assisted in the commission of that crime through some overt act is guilty as an accomplice. To be liable as an accomplice, the defendant must have knowledge of the principal's criminal conduct. Mere presence at the scene of the crime is not sufficient to establish guilt as an accomplice. Intentionally mentions willfully intending the result which actually occurs not accidentally or involuntarily.

Hand of one. If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person which happens as a probable or natural consequence of the acts done in carrying out the common plan and purpose. For example, two people can be guilty of killing another person when only one of the two had a gun. It was only one bullet and only one of two fired the shot that cause

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the death. If two or more people are together acting together assisting each other in committing the offense, the act of one is the act of all or as it is sometimes said hand of one is the hand of all.

Prior knowledge that a crime is going to be committed without more is not sufficient to make a person guilty of that crime. Mere knowledge that another person is going to commit a crime even if the defendant is present when the crime is committed is not sufficient to convict the defendant as a principle. Guilt as a principle is shown the actual or constructive presence at the scene as a result of a prior arrangement. Therefore, a finding of prior arrange plan or common scheme is necessary for a finding of guilt as a principle.

The State must prove beyond a reasonable doubt by competent evidence the theory of hand of one is the hand of all. A principal in a crime is one who either actually commits the crime or who is present aiding, abetting or assisting in committing the crime. When a person does an act in the presence of and with the assist of another, the act is done by both or where two or more acting with a common plan or intent are present at the commission of a crime, it does not matter who actually commits the crime all are guilty. The hand of one is the hand of all. Present at the commission of a crime means

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to be sufficiently near to aide and abet and assist in commission of the crime. However, mere presence at the scene of the crime is not sufficient to convict one as a principal on the theory of aiding and abetting.

Intent is also a necessary element where there must have been a common design or intent to commit the crime and the crime must have been committed pursuant thereto with the person aiding and abetting by some overt act. Intent means intending the result which actually occurs not accidently or involuntarily. Intent may be shown by the acts and conduct of a defendant and other circumstances from which you may naturally and reasonably infer intent. The State must prove these elements beyond a reasonable doubt.

Mere presence. Mere presence at the scene is not sufficient to prove someone guilty of a crime. A defendant's present where a crime is being committed or mere association with a person who commits a crime, does make a defendant an accomplice or an aider and abettor of the person committing the crime. The person on -- the burden is on the State to prove every element of the crime charged. If you find after reviewing all the evidence, that the State has prove that the defendant was only present at the scene of the crime and that they have not prove beyond a reasonable doubt any other participation of

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the crime, then you must find the defendant not guilty. The law is that proof of at the scene of the crime is not sufficient to find someone guilty.

With regard to charge, arrest, indictment not being evidence. The indictment charges the defendant with murder and criminal conspiracy. I remind you that the fact that the defendant was arrested, charged and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case nor does it create any presumption or inference of guilt. This document is simply the formal written instrument which contains the charges made against the defendant. It is the formal document by which this case is brought into this court.

With regard to presumption of innocence. The defendant has pled not guilty to these indictments and that plea puts the burden on the State to prove the defendant guilty. Any person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of the law that the defendant in a criminal trial no matter what the seriousness of the charge may be will always be presumed to be innocent of the crime for which the indictment was issued, unless guilt has been proven by evidence that satisfying you of that guilty

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beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt. The presumption of innocence is like a robe of righteousness placed about the shoulders the defendant, which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

With regard to direct and circumstantial evidence. There are two types of evidence which are 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

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either direct or circumstantial evidence.

However, to the extent the State relies on circumstantial evidence, all the circumstances must be consistent with each other and when taken together point conclusively to the guilt of the accuse 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 rest with the State regardless of whether the State relies on direct evidence or circumstantial evidence or some combination of the two.

I'll speak to you about the credibility of witnesses. Necessarily, you must determine the credibility of witnesses. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth. In determining the believability of witnesses who have testified, you may believe one witness over several witnesses or several witnesses over one witness. You may believe apart of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider

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whether any witness has exhibited to you any interest, bias, prejudice or other motive. You may also consider the appearance and manner of a witness while on the witness stand.

Failure of a defendant to testify. I instruct you and emphasize that the fact that the defendant did not testify is not a factor to be considered by you in any way in your deliberation and in your consideration on the question of the guilt or the innocence of the defendant. It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent and the assertion of this right must not be considered by you in your deliberations. I repeat under your oath you are to draw no conclusion whatsoever from the fact that the defendant did not testify. The fact that this defendant did not testify should not even be discussed in the jury room. The burden of proof as I have stated to you is on the State. The defendant is not required to prove his innocent. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

As it relates to prior inconsistent statements. There has been evidence presented that witnesses have made prior statements which are not consistent with the witnesses present testimony. You may use this evidence to decide whether to believe the witness. You may also use

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evidence of the earlier contradictory statements to determine the truth of those statements. It is up you to decide whether to believe the earlier statements or the testimony. If a witness is shown to have knowingly testified untruthfully concerning any matter, material matter, you may consider this and determine whether to trust the witnesses testimony as to other matters. You may reject all testimony of that witness or give all or part of the testimony the way you think it deserves.

A prior record of a witness. A person who has a past criminal record is competent to testify during a trial. A past record does not affect the ability of that witness to testify. The past record may only be considered by you, if at all, in determining the witnesses believability. Remember you are the sole judges of the facts in the case and of the believability of any and all of the witnesses.

A statement of a defendant I'm going to read to you. A statement allege to have been made by the defendant has been admitted into evidence in this case while the Court has determined that the statement is admissible. I instruct you that you make the ultimate decision of whether or not the defendant made the statement. If the defendant did make the statement, you must determine whether the statement was made by the

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defendant voluntarily in and of its own freewill. This means that the statement was not caused by pressure, force, fear, threats, coercion or intimidation or by hope or a promise of leniency or a reward of any kind. In determining whether the statement was voluntary, you should consider both the characteristics of the defendant and the details of the question. Some of the factors you must consider are the age of the defendant, the defendant's education or lack of education, the defendant's mental ability or capacity, the defendant's IQ or intelligence, the defendant's background and environment, the place and length of detention, the nature of the questioning and the advice or lack thereof to the defendant of his constitutional rights including but not limited to the right to remain silent and any statement could be used against him in a court of law. The right to have a lawyer present. And if he could not afford a lawyer, a lawyer be appointed to represent him without any cost and that he could stop making a statement at any time. You must carefully consider all surrounding circumstances before you give weight to an alleged statement.

The State has the burden of proving beyond a reasonable doubt that the allege statement was voluntary. If you determine it was, you may give the statement any

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further consideration that you deem proper. You must decide what weight, if any, should be given to the alleged statement. If you determine the allege statement was not the free and voluntary statement of the defendant, you should not consider the statement at all.

I'm going to charge you on conspiracy. The defendant is charged with criminal conspiracy. The State must prove beyond a reasonable doubt that the defendant combined with one or more persons for the purpose of committing an unlawful act or of committing a lawful act by an unlawful means. There must be a mutual understanding, agreement or common intention and plan. Mere passive knowledge of or consent to the criminal conduct of another is not enough to make a person conspirator. There must be guilty knowledge and participation.

Similarly, the mere fact that the defendant may have associated with another person or met with another person and discuss common names and interest does not necessarily establish proof of the existence of a conspiracy or that the defendant was involved in a conspiracy. On the other hand, it is not necessary that the agreement be a formal one, that it be in writing, that the persons holding meeting and expressly state the terms of the common plan or that the agreement be stated in

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words between them.

The agreement of a criminal conspiracy may come into being through an implied mutual understanding. The willful intentional and knowing adoption by two or more persons of a common plan are sufficient. No overacts need to be shown to establish a conspiracy. A conspiracy may be shown by circumstantial evidence and the conduct of the parties. In order to convict the defendant of conspiracy, the State must prove beyond a reasonable doubt not only that the defendant knew of the unlawful conduct, but that the defendant agreed to combine with the other person for the purpose of accomplishing the unlawful conduct.

Homicide or 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 refer an evil intent. Malice aforethought does not require that malice exist for any particular time before the act is committed, but malice must exist in the mind of the defendant just before and at the time of the act is committed. Therefore, there must be a combination of the previous evil intent and the act.

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Malice aforethought may be expressed or inferred. These terms express and inferred does not mean different kinds of malice, but merely the manner in which malice may be shown to exist, that it is either by direct evidence or by inference from the facts and circumstance which are proved. Express malice is shown when a person speaks words, which express hatred or will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in weight for a person or any other acts in preparation going to show that the deed was within the defendant's mind would be express malice. Malice may be inferred from conduct showing a total disregard for human life.

Ladies and gentlemen of the jury, that's going to conclude the Court's jury charge to you. At this time I'm going to step from the bench and address a few additional matters.

(WHEREUPON, a pause in the proceedings.)

THE COURT: All right. If I can ask the foreman to please stand, sir. I appreciate your service. Mr. Foreman, before we get started, I am going to ask that the alternates of the jury I'm going to ask that you remain in the courtroom for further instructions when I excuse the jury. You've been given a great responsibility, Mr. Foreman. It is going to be necessary for you to preside

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over the deliberations in this matter. It's going to be necessary for you to wait to be begin your deliberations and until the Court expresses that through the bailiff, do not start your deliberations until the bailiff has given you express instruction that you may start. At any point during the deliberation, somebody is excused to go to the restroom or there's some reason for them not to be part of the deliberations, it's going to be necessary that you stop until that person returns and is able to participate.

Your verdict must be unanimous. It's going to be -- you may have questions. I don't think that you will. I think that you have been very attentive and you certainly watch the evidence, but in the event that you do, you can reduce to those questions, if there questions of law to the Court through the bailiff. You are to resolve any questions of fact. You are the fact determiners in this matter and that is your responsibility.

Once again, there will be -- your verdict shall be unanimous and I'm going to ask that you please do not begin discussing the case or deliberating in this matter until given instruction. I'm going to hand to you a verdict form. Mr. Foreman, the verdict form outlines murder. You have not guilty, guilty. You have criminal

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conspiracy guilty or not guilty. At the bottom you will sign your name and you'll date. And as it indicates, the verdict must be unanimous and please notify the bailiff upon reaching a verdict. It is important that you knock on the door when you are -- when you have reached a verdict, okay, or if you have to communicate something to the bailiff, otherwise we will not know that you have a question or that you reached a verdict, okay. Folks, at this time I'm going to excuse the jury. If the alternates will remain with us for further instruction, I believe some lunch arrangements have been made for you as well. So honorable bailiff at this time if you will escort the jury to the jury room.

(WHEREUPON, the jury retire to the jury room at 11:38 a.m.)

THE COURT: Ms. Martin and Mr. Viering. Ms. Martin, did you have anything in the jury room that you needed to retrieve?

JUROR: Pardon.

THE COURT: Did you have anything in the jury room that you needed to retrieve?

JUROR: No, sir.

THE COURT: Cell phone or anything like that?

JUROR: Yeah, my cell phone he's got it.

THE COURT: We'll have that return to you in a

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moment. Mr. Viering, anything in the jury room that you need to retrieve?

JUROR: No, sir.

THE COURT: Is your cell phone ---

JUROR: Mine's outside.

THE COURT: All right. Ms. Martin, Mr. Viering, I appreciate your participation in this trial as alternates. As alternates, it's not permissible for you to participate in the deliberations. You been patient with us. And you made it this far, but we're going to deny you that opportunity. You are -- you have -- your duties are discharged in this manner. Now, you have further service to this court. You are free to leave when the bailiff returns, I'll make sure that your cell phone is return to you. But you're free to go at this time. And if you wish to remain, you're welcome to. This is a public forum. In the event that anybody wishes to talk to you regarding the trial, that's your decision if you wish to you're welcome to. If you don't wish to, just instruct them that you care not to discuss these matters with anybody. If you have any trouble or issues with that, just alert the Court to your concerns, okay. Ms. Martin, do you have any questions?

JUROR: No, sir.

THE COURT: Mr. Viering, do you have any

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questions?

JUROR: No, sir.

THE COURT: All right. Thank you for your patience and your service to the State of South Carolina. You're state's very grateful. All right. You're free to go. Madam clerk, you'll take care of it?

THE CLERK: Yes, sir.

THE COURT: Thank you.

(WHEREUPON, a pause in the proceedings.)

THE COURT: All right. Counsel, with regard to the charges made to the jury, any exceptions need to be noted or any questions?

MR. WHITE: Judge, I do have a question just in terms of prior inconsistent statements. I may be missing. I wasn't aware of any prior inconsistent statements made by witnesses that the State called in its case in chief. Now, I do know the defendant obviously made some inconsistent statements, but I don't think any other inconsistent statements were pointed out.

THE COURT: All right, yes, sir.

Ms. Parrott, anything?

MS. PARROTT: No, sir.

THE COURT: All right. Well, based upon those statements, the Court gave notice to you all yesterday that that was going to be a charge that will be read to

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the jury. There were no objections at that time and so that's why that was announce to the jury. As co-counsel notes, there were things that may have been said by investigators that may have not been consistent with other statements that they made, but nevertheless that was provided notice to counsel. All right. Anything else before we break?

MS. PARROTT: I don't believe so, your Honor.

MR. WHITE: No, sir, Judge.

THE COURT: I do need you all to be sure you go over all the exhibits before the -- to be sure that everything -- I'll ask you on the record if everything is in order. If you will take a moment to look at that and take your time before we submit that to the jury.

(WHEREUPON, a pause in the proceedings.)

THE COURT: All right. Court will come to order. Solicitor, Ms. Parrott, you all had an opportunity to review the exhibits? Mr. White, everything in order?

MR. WHITE: Yes, sir, it is.

THE COURT: Ms. Parrott.

MS. PARROTT: Yes, Your Honor.

THE COURT: Okay. All right. As soon as the bailiff available, I'll have him present that to the jury and ask them to begin their deliberations. And I'll tell you this why we're here. I'm not sure if it will be

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formally put in writing, but the jury may want a copy of the jury charges, which I'm not comfortable giving them, but I want to put that on the record that they've not formally requested that, but I was informed that may be requesting that. I'm going to give them just one moment to see if they do appear with that question.

MR. TUCKER: And, Judge, would it be your preface at that point is to bring them out and recharge them on ---

THE COURT: If they have -- my specific I'm going to give instruction that -- I don't know if I'm going to bring them out to recharge them on anything. If they have specific question of a charge, then I can bring them out to recharge on that. But I'll put you on notice of that before we bring them out. And any questions that are handwritten, I will provide an opportunity to review that as well.

MS. PARROTT: Thank you, Your Honor.

MR. WHITE: Thank you, Judge, that sounds great.

THE COURT: All right. We will stand at ease madame court reporter.

(WHEREUPON, a pause in the proceedings.)

THE COURT: All right. Court will come to order. We're back on the record. Counsel, it does appear that the jury -- the foreman of the jury sent out to the

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Court a note asking that could we please have a copy of the definition of law for murder, conspiracy and burden of proof. The Court's reluctant to provide such copy to them. Should they wish to be recharged, I can bring them back out to charge them further on those three jury charges. Mr. White, you wish to be heard on that?

MR. WHITE: I'm fine with that, Judge.

THE COURT: Ms. Parrott.

MS. PARROTT: That's fine, your Honor.

THE COURT: And I'm going to ask that you all approach the bench and just look at the note make sure you're satisfied with what's on the record.

MS. PARROTT: Thank you, your Honor.

THE COURT: All right. Okay. Both counsel indicate that they're satisfied. All right. What I would further instruct if the bailiff would let the jury know that the Court's not incline to provide the jury charge -- a copy of the jury charge. If they need me to bring them back out and recharge them on those three items, the Court will be happy to do so. Are you comfortable providing such information?

THE CLERK: And I just want to let you know, Judge, I ran it by Judge Nettles and let y'all know we're going to move the jury from the jury room they're in now to jury room A because it is way bigger than what they're

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in and there's a lot of them standing up in this room because it's so small. So that one is not being used, so we're just going to move them down the hall.

THE COURT: Okay.

THE CLERK: And then we'll give them the evidence.

THE COURT: Mr. Bailiff, you good to go?

BAILIFF: Yes, sir.

THE COURT: All right. Thank you, sir. Just report to the Court what their response is. We'll stand at ease.

(WHEREUPON, a pause in the proceedings.)

THE COURT: Let the record reflect that the question that was put before the Court, the bailiff instructed the jury that they wasn't going to be provided a copy of that. That when they begin deliberations that in the event they need any additional information from the Court, they'll put us on notice, okay. All right. Mr. Bailiff, the jury understand they been provided with the evidence. Have you given them instruction when they deliberate?

BAILIFF: I haven't told them to start deliberating yet.

THE COURT: You have not.

BAILIFF: We're going to move them down to

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another jury room.

THE COURT: I understand the bailiff to indicate that he's going to -- they're moving them to a larger jury room. And that if you just alert the Court when you do -- once they get settled is that you're expectation that you will then?

BAILIFF: Yes.

THE COURT: Okay. So have everything?

BAILIFF: Yeah.

THE COURT: All right. Thank you, sir. Just alert the Court when you give that instruction.

BAILIFF: All right.

THE COURT: Okay. All right. Anything else?

MS. PARROTT: No, Your Honor.

THE COURT: All right. We'll stand at ease.

(WHEREUPON, a pause in the proceedings.)

(WHEREUPON, Court's Exhibit No. 1 was marked for the record.)

(WHEREUPON, the jury began deliberations at 12:01 p.m.)

THE COURT: Okay. Court will come to order. All right, counsel, we gotten a note from the jury. I'm going to read it on the record and I'm going to present it to you and let you look at it. And then I will hand it to madam court reporter so she don't get mad at me. The

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question that was presented to the Court from the jury foreman is could we please hear the legal definition of conspiracy again? And I'll show that to counsel and let you look at that. And then I'll hear from you on that matter before I bring the jury back in.

MR. WHITE: Okay.

MS. PARROTT: Okay.

THE COURT: Madam court reporter, I'm going to hang on to it until I -- all right, honorable bailiff, would you bring the jury back in, so I may charge them on conspiracy. Thank you, sir.

(WHEREUPON, the jury came into open court at 1:33 p.m.)

THE COURT: All right. Court will come to order. Thank you, ladies and gentlemen of the jury. It has come to the Court's attention, Mr. Bailiff, that the jury had a question. I'm going to read it on the record. The question was could we please hear the legal definition of conspiracy again. Mr. Foreman, that is your question, correct, sir?

FOREMAN: Yes, sir.

THE COURT: All right. The jury charge read previously that I'm going to reread to the jury is as follows for conspiracy. The defendant is charge with conspiracy. The State must prove beyond a reasonable

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doubt that the defendant combined with one or more persons for the purpose of committing an unlawful act or of committing a lawful act by unlawful means. There must be a mutual understanding, agreement or common intention and plan. A mere passive knowledge of or consent to the criminal conduct of another is not enough to make a person a conspirator. There must be guilty knowledge and participation. Similarly, the mere fact that the defendant may have associated with another person or met with another person and discussed common things and interest does not necessarily establish proof of the existence of a conspiracy or that the defendant was involved in a conspiracy.

On the other hand, it is not necessary that the agreement be a formal one, that it be in writing, that the person holds a meeting and expressly state the terms of the common plan or that the agreement be stated in words between them. The agreement of a criminal conspiracy may come into being through an implied mutual understanding. The willful, intentional and knowing adoption by two or more persons of a common plan is sufficient.

No overt acts need to be shown to establish a conspiracy. A conspiracy may be shown by circumstantial evidence and the conduct of the parties. In order to convict the defendant of conspiracy, the State must prove

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beyond a reasonable doubt not only that defendant knew of the unlawful conduct, but that the defendant agreed to combine with the other person for the purpose of accomplishing an unlawful conduct. Ladies and gentlemen, that is the conspiracy charge read to you earlier, okay.

All right. At this time the Court will excuse the jury for further deliberations. And when you have a reached a verdict, if you would knock on the door notifying our bailiff of your verdict, okay. Don't discuss that until you come back out and, Mr. Foreman, you will be the one who will be in possession of the verdict form, okay. Thank you, sir. All right. I'll excuse the jury at this time. Everybody remain seated.

(WHEREUPON, the jury retire to the jury room to begin deliberations at 1:36 p.m.)

THE COURT: All right. Just let the record reflect that the Court's handing to the court reporter the question of the jury. Counsel, anything else before we stand in recess or stand at ease?

MR. WHITE: Would that be Court's Exhibit 1, Judge?

THE COURT: The Court will qualify that as two.

MR. WHITE: Yes, sir, Judge.

THE COURT: Ms. Parrott.

MS. PARROTT: Nothing further, Your Honor.

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THE COURT: All right, stand at ease.

(WHEREUPON, Court's Exhibit No. 2 was marked for the record.)

THE COURT: All right. Court will come to order. I understand that the jury has a verdict. Bailiff, if you will bring the jury back in please. Folks, as he is doing that, I just ask that everybody maintain their dignity in the courtroom. And if you're not able to ask that you maintain your emotions, I would ask that you leave at this time.

(WHEREUPON, the jury came into open court with a verdict at 2:00 p.m.)

THE COURT: Okay. All right. Jury's back in the courtroom. Mr. Foreman, has the jury reached a verdict, sir?

FOREMAN: We have.

THE COURT: All right, sir. If you would present to madam clerk please. Madam clerk, if you would publish the verdict, ma'am.

THE CLERK: State of South Carolina County of Florence in the Court of General Sessions Twelfth Judicial Circuit State of South Carolina vs. Donald Dayquan Smith indictment number 2019-GS-21-00159. We, the jury -- as to the count of murder, we, the jury, find by unanimous consent the Defendant Donald Dayquan Smith is guilty. As

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to the offense of criminal conspiracy, we, the jury, by unanimous consent find the Defendant Donald Dayquan Smith guilty. Signed Brian Naylor, foreperson, dated May 20th 2021. Members of the jury, if this is your verdict, please raise your right hand.

(WHEREUPON, all jurors' hands were raised.)

THE COURT: Thank you. You may put your hand down. All right. Ms. Parrott, is there a request to poll the jury.

MS. PARROTT: No, Your Honor.

THE COURT: All right. Thank you. All right. Ladies and gentlemen of the jury, the Court is grateful for your service. Your state is grateful. I appreciate the manner in which you paid attention during the trial and your service. At this time I'm going to excuse you. You have three-year exemption on -- for jury duty service and so be mindful of that. At this time your duties are discharge. Mr. Foreman, thank you for your service as well, sir. If you wish to -- the choice is yours whether you talk to anyone regarding your service as a juror. You're free to -- or if you choose not to. In the event that you feel that, you instructed someone that you don't want to talk about it, you can continue -- they further that conversation just let the Court know and the Court can address that. All right, if there's nothing further,

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you're excused. Good luck to you.

THE CLERK: Judge, I have their work excuses, I'll meet them in the back hallway.

THE COURT: All right. Madam clerk will meet you in the back hall. Thank you bailiff.

(WHEREUPON, the jury is dismissed)

THE COURT: Okay. All right. So after the Court excuse the jury, members of the jury had expressed an interest to be observers for the sentencing phase of this trial. Since, they were in the back hallway as a matter of convenience, the Court just brought them back into the courtroom and they've assembled where they sat during these proceedings. But their duties are discharged at this point and the Court certainly is happy to have them present, okay. Ms. Parrott, if your client come forward.

Mr. White. Mr. Tucker.

MS. PARROTT: Your Honor, do you want us to stand over there or would you rather stand at the desk?

THE COURT: In light of the way that we have everybody spread out, maybe right there would be appropriate. Are you comfortable from that advantage point?

MS. PARROTT: Yes, sir.

THE COURT: Mr. White, are you comfortable from

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that vantage point?

MR. WHITE: Yes, sir, Judge.

THE COURT: Okay. All right. Mr. White, for purposes of sentencing, sir. I'll be happy to hear from you at this time, sir.

MR. WHITE: Thank you, Judge. And I do want the Court to know Ms. Ramadan's family is present in the courtroom. There, I think, three individuals who do wish to address the Court and ask that you hear from them at the appropriate time. I like to first start by going over Donald Smith's record. Judge, in 2015, he was convicted of public disorderly conduct. In 2016, he was charged but not convicted of an arm robbery. In 2016, he was convicted of two counts of burglary in the third degree first offense. In 2017, he was convicted of transportation of alcohol by violation as well as an unlawful carrying of a weapon. 2018, of course, he was convicted of that malicious injury to personal property, that was referenced throughout the trial.

Judge, Ms. Ramadan was a 66 year old woman, who lived majority of her life in New Jersey. She chose to raise as her own her granddaughter and the co-defendant in this case Miss Aliyah Hill. Miss Aliyah Hill will go on trial sometime in the very near future.

She did everything right. She was a great

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parent, retired from a job that she worked for, I believe, over 30 years. She was serving others. She was working in the hospital system. She retired for a number of reasons, but mainly because she had just gone through a difficult battle with cancer, ended up beating it and deciding to come down here to bring Aliyah Hill away from kind of a troublesome life that she was getting herself into in New Jersey.

They come down here, but she continues to be that model parent, citizen. She was a church goer. She can be found at church every Sunday. She would attend regularly Aliyah Hill's track meets at South Florence high school. She was just a good person. And it is hard to believe that an innocent victim such as this could be beaten in such a brutal way.

Judge, I believe the sentencing guidelines for murder 30 to life are in place for a reason. I believe the life aspect of this is set for a case just like this one. I think life is appropriate. In fact, we would ask for a life sentence on the murder charge and a max of five years on the criminal conspiracy with those sentences running consecutive. Judge, we would ask at this time if you will hear from the victim's family.

THE COURT: All right. Yes, sir. And would you, Mr. White, do you have their names, so that you can

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announce to the Court.

MR. WHITE: Our victim advocate does have those.

THE COURT: If the victim's advocate could approach, could you give me your name please?

MS. SINGLETARY: Your Honor, Vickie Singletary with the Solicitor's office victim advocate.

THE COURT: Vickie Singletary.

MS. SINGLETARY: Yes, sir.

THE COURT: Ms. Singletary, who do you have first, ma'am?

MS. SINGLETARY: The family members they do want to speak. They're very emotional at this time. So while they are planning to speak, they may not be able to go through with it, but I like to first start off with Ms. Sadiqa Roe. She's the victim's mother -- I mean, sister.

THE COURT: Could you repeat that name, Ms. Singletary?

MS. ROE: It's Sadiqa S-A-D-I-Q-A Roe.

THE COURT: Roe?

MS. ROE: Roe, yes, R-O-E.

THE COURT: Ms. Roe, I understand there's emotion. I'm just going to ask you that you direct your comments to the Court, okay.

MS. ROE: Okay.

THE COURT: I'll be happy to hear from you, Ms.

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Roe.

MS. ROE: I just wanted to say that my mom like, Ryan, said that she retired. She raised my niece, Aliyah, since she was born. And she came down just here just to have a good life. This is also unexpected. She was a good parent. And, you know, just for this to happen, my mom -- all of this unexpected. And just for someone just to take her life like that to -- she didn't deserve it. You know, she raised us well. She has beautiful children. And for us to do a welfare check and then to found out someone just took her life for no reason, I can't wrap my head around it. I mean, it's been difficult for me because I had to leave my job. I had to come back, I was living in Florida. I had to leave my job come back with my family and get the support of my brother because I can't deal with if someone took my mother for no reason.

She was a sweet lady. She doesn't have an evil bone in her heart. So for that your Honor I'm asking to take the life of that person if they have to spend the rest of their life in jail, then that's what should happen to that person because my mom didn't deserve life for her life to be taken for no reason because she wanted to protect her granddaughter. I mean, I'm just asking that that be taken into consideration because my mother gave service for her life. She worked for the hospital for

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years and she took care of her family and that's all she wanted good for her family. That's all I'm asking, Your Honor. Thank you.

THE COURT: Thank you, Ms. Roe.

MS. SINGLETARY: This is Mr. Leo Bunion.

THE COURT: Would you spell your last name, sir?

MR. BUNION: B-U-N-I-O-N.

THE COURT: Thank you, Mr. Bunion. I'm happy to hear from you.

MR. BUNION: I would just like to say that regardless of how much time that he gets, it's not going to bring my mother back. But, I mean, he definitely doesn't deserve to have freedom again, you know, so I would like to see him just stay in jail the rest of his life and have time to think about, you know, the actions that he took taking my mom's life. You know, the way that he did it for no reason at all, no reason at all. It will never make sense. Like I said, it wouldn't change anything, you know, but he definitely deserves to sit in jail for the rest of his life, you know. At the end of the day he's going to have to answer to God for what he's done. You know, that's pretty much it. Thank you.

THE COURT: Thank you, Mr. Bunion.

MS. SINGLETARY: Your Honor, Ms. Faten Smith the other daughter of the victim is here. She's too emotional

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to speak at this time. However, she does want the Court to know that she does request life in prison. She doesn't want him to ever be released. Thank you.

THE COURT: Thank you, Ms. Singletary. All right. Anything further, Mr. White?

MR. WHITE: Judge, Donald Smith deserves to spend the rest of his life in the department of corrections.

THE COURT: Thank you, sir. Okay.

Ms. Parrott.

MS. PARROTT: Thank you, Your Honor. May it please the Court. Your Honor, I do stand here beside Donald Smith who is 23 years old age. He actually turned 23 on Monday. At the time of this incident your Honor, he was 20 years of age. He does have one child your Honor who is now six years of age. He attended schools here in Florence and went through the 11th grade, your Honor, but did attend special classes your Honor or what are called resource classes. He was not in the regular curriculum.

I would note your Honor that he has been down in Effingham for 1007 days as of today. There were three days in Florida that were the arrest there as well as transport to South Carolina. That would be in your discretion as to whether or not you chose to give him credit for those three days.

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As for the sentencing your Honor, I would ask you if you would consider less than life in this case, your Honor. There's been many reports and evidence journals that have reported that a brain is not even possibly not even fully formed until the age of 25, but the decision making process is not necessarily at its best until that time. And that obviously we had case law even in the past few years about what exactly is a possible sentence or an appropriate sentence for someone who commits a serious crime whenever they are of a younger age, not above a juvenile age, but not necessarily -- younger adult, I guess, is the way to say it, your Honor, and whether or not some sentences become cruel and unusual punishment because of the length that gets imposed.

I would ask your Honor if you would consider that in whatever sentence you impose today because of the fact that he is only 23. If you were to give him a life sentence, obviously that is a very long time if he was to live in a normal circumstance. In jail, they don't tend to live as long obviously.

I have gone over with him prior to today what this possible sentence was for both of these offenses. I have gone over with him that they are -- obviously carry a day-for-day sentence on a life or excuse me -- on a murder on 30 years to life, but that is not something where you

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get any kind of good time credits or any other kind of benefits and credits as you go through that sentence. So this is something that a person will actual serve every single day of whatever sentence you chose to impose here today.

I would ask if you would also consider concurrent sentences on these two things because whatever sentence you may impose, but the five years is really not the issue. It's obviously the life issue that's out there, your Honor. I just basically beg for whatever mercy you can have for him because of the fact that he has lived not a normal life. You heard on that statement that he was taken from his mother when he was five years of age. She lives in Columbia. He doesn't have that much contact with her. He has lived with his aunt here in Florence since he was young and lived with his cousins, but as far as having any kind of great family support your Honor from his mother, it has not been there. So I just basically beg for whatever mercy you can give on his behalf your Honor. Thank you.

THE COURT: Thank you, ma'am. Does your client wish to be heard?

MS. PARROTT: Do you wish to say anything?

THE DEFENDANT: Yeah, I would say I apologize to y'all back there.

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MS. PARROTT: Just talk to the, Judge.

THE DEFENDANT: I apologize. I apologize to the victim, you know what I'm saying. I ain't kill their mama. You know, I really didn't kill their mama. Like, I don't get down like that, you know what I'm saying. Like the whole time me and Aliyah was together, I was telling her, no, bruh, we not doing that to your people. Like, and they feel like I killed they people, but I didn't kill they people. It might look that way, you feel me, but at the end of the day, I didn't kill their people. I was breaking up their fight. They was fighting, not me. I ain't had nothing to do with that, for real. Now, my life tooken away because of something I ain't even did.

THE COURT: Thank you, sir. Mr. Smith, I started this trial on the day of your birthday, your 23rd birthday. And you were 20 years old roughly about when this matter -- this violent murder occurred and you see the tragedy and that it caused and there's nothing that can bring the victim back and heal this family. And I understand your position now, but it certainly was not your position during the course of the trial.

You are of young age and I'm certainly sympathetic to the life that you've lived and when you're a child was not your fault, but at some point it does become your responsibility to conform and to know right

minute recess. Ladies and gentlemen of the jury, as noted, your services been discharged. Court's going to take a recess, but I do appreciate your service in this matter. All right, we're in recess.

(WHEREUPON, a break was taken.)

THE COURT: All right. Court will come to order. We have everybody back in the courtroom and I wanted to hear from Ms. Parrott after we took a brief recess. Ms. Parrott.

MS. PARROTT: Your Honor, simply just that at this time at the end of the trial I would like to renew all motions that have been made previously and object to the rulings as made previously against my client and also make motion for a new trial in this case.

THE COURT: All right. You want to be heard on your motion for new trial?

MS. PARROTT: No, Your Honor.

THE COURT: Okay. All right. Mr. White, anything you want to add, sir?

MR. WHITE: No, sir, Judge.

THE COURT: All right. With regard to renewing your motions, I note your objections and your motion. I'll deny the motion. And with regard to the motion for new trial after trying this case, I find that everything I'm satisfied and I'm not going to grant the request for a

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 450, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Florence County, South Carolina, on the 17-20 day of May, 2021.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 6th day of October 6, 2021.

Keshia Reed

Keshia Reed, Court Reporter

From: Donald Smith
To: SOLICITORS Office



JRW 10/31

I was arrested On August 15, 2018 at 11:00 in Jacksonville FL. Because Florence county put out a warrent for my arrest on a account of accessory after the fact of murder. Florence city olice Department in fact investigator John Davis and another olice officer and that was a female officer Transferred me and odefendent Aliya Hill to Florence county Sherriff department on ugust 17, 2018. When we arrived it was around 5:30 and the Female fficer served me a warrent which was accessory after the fact f murder. Investigator John Davis told me he will be back the next ay to talk to me which was the 18, 2018. On the 18, 2018 he didnt talk e instead he talked to M.s Hill. He talked to me on the 19. Thats hen i made a statement which placed me on the scene. nd now i need to recant my statement. I was scared in the estigation when i was told i'll never see my son again. So i ade up a story off of the information they already have given e about the case. Can i please get the Recantual Statement orm so i can fill out? I swear that statement was false i was st very tramatized when they put my son in the equation. I didnt ean to falsly accuse anyone or my self. Even though im being lsly accused of this chime by my co-Defendent im still willing ecant my statement not only for my sake but for my co-Defendent nd the person i falsly accused sake. I really didnt or dont know bsolutely what happened or whats going on. I gave Mr. Mckenzie almos ree page letter of the truth to give my public Defender Mr. S Harrel arott.

NAME Donald Smith
FLORENCE COUNTY
DETENTION CENTER
6719 FRIENDFIELD ROAD
EFFINGHAM, SC 29541 Bars



NEOPOST FIRST-CLASS MAIL
10/31/2018
US POSTAGE $000.47⁰

ZIP 29541
041M11292039

12th Circuit Solicitors Office
180 N. Irby Street, MSC-N
Florence, SC 29501

29501$3456 C004

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

MURDER;
CRIMINAL CONSPIRACY

At a Court of General Sessions, convened on JANUARY 3, 2019 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010,0020

That DONALD DAYQUAN SMITH did in Florence County, on or about August 3, 2018, willfully, feloniously, and intentionally kill the victim, Qatar Ramadan, with malice aforethought, either express or implied, by means of blunt forced trauma, and the victim did die as a proximate result thereof on or about August 3, 2018 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO- CRIMINAL CONSPIRACY

CDR: 0049 16-17-0410

That DONALD DAYQUAN SMITH did in Florence County on or about August 3, 2018 combine with Aliyah Azhane Hill, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Murder, in violation of Section 16-17-410, S. C. 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.

E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

John S. Davis — Florence Police Department

Ryan White

ARREST WARRANT NUMBER

2018A2120201715 2018A2120201717

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 1/3/2019

VERDICT

TRUE BILL

Foreperson of Petit Jury *Date:*

DOCKET NO. **2019-GS-21-00159**

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JANUARY TERM 2019

THE STATE

vs.

DONALD DAYQUAN SMITH

Indictment for

MURDER;
CRIMINAL CONSPIRACY

FILED
2019 JAN -3 PM 2:56
DORIS POULOS GRAHAM
CLERK & CC
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence)
STATE VS.)
Donald Dayquan Smith)
AKA:)
Race: Black Sex: M Age: 23)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Pitty Pat Dr.)
City,State,Zip: Florence, SC 29501)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2019-GS-21-00159
A/W#: 2018A2120201715
Date of Offense: 8/3/2018
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Murder / Murder (30 - LIFE)
in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor | 162584 SC Bar# | Defendant | Kara cBarnett 15636 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 38 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2019-GS-21-159
☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
1,010 CONSECUTIVE DAYS CREDIT.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114 (BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

Clerk of Court/ Deputy Clerk
Court Reporter: K Reid

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel,
§Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge
Judge Code: 4154
Sentence Date: 5-20-2024

SCCA/217 (04/2018)

454

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence)
STATE VS.)
Donald Dayquan Smith)
AKA:)
Race: Black Sex: M Age: 23)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Pitty Pat Dr.)
City,State,Zip: Florence, SC 29501)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2019-GS-21-00159
A/W#: 2018A2120201717
Date of Offense: 8/3/2018
S.C. Code § : 16-17-0410
CDR Code #: 0049

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined (0 - 5)
in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
☒ 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. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

D. Bluhm — Solicitor — 102584 SC Bar# — Defendant — Karen Cafaro — Attorney for Defendant — 15636 SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2019-GS-21-159
☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.
3 DAYS + 1,007 = 1,010 DAYS CREDIT.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
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§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

Clerk of Court/ Deputy Clerk Y. Bellamy
Court Reporter: KDeal

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel,
§Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge Michael Holt
Judge Code: 4154
Sentence Date: 5-20-2021

SCCA/217 (04/2018)

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."

RECEIVED
Apr 08 2022
SC Court of Appeals

Respectfully Submitted,

s/David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of April, 2022.