

VOLUME I of II

STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT

V.

MONTRELLE LAMONT CAMPBELL,

APPELLANT

APPELLATE CASE NO 2018-000115

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S NO. 95 (SURVEILLANCE VIDEO FOOTAGE)
STATE'S NO. 118 (HOME SURVEILLANCE VIDEO FOOTAGE)

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY OF CHARLESTON) CASE NO.: 2016-GS-10-2070,
2071, 2072

STATE OF SOUTH CAROLINA)

v.)

MONTRELLE LAMONT CAMPBELL)

TRANSCRIPT OF RECORD

ORIGINAL

Monday, January 8 , 2018 - Friday, January 12, 2018

COMMENCING AT:

Charleston County Courthouse

Charleston, South Carolina

Before The Honorable Deadra L. Jefferson, Judge

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Official Court Reporter

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STATE'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>
1 (ID)	Image of ■ Norman Street
2	Image of ■ Norman Street (Not labeled)
3 (ID)	Image of ■ Norman Street
4	Image of ■ Norman Street

(State's Exhibits Continuing)

5	Gadsden Green Diagram
6	Floor Plan Diagram
7-24	Photographs
25-36	Shell Casings
37-42	Rear Photographs
43	Photograph (Close-up of marked bullet holes)
44-51	Front View Photographs
52-55	Photograph of Bullet Marks
56	Photograph (View back across courtyard of [REDACTED])
57 (ID)	Photograph (View through entirety of residence)
58-68	Photographs of Kitchen Area
69	Photograph (Damage on refrigerator)
70	Photograph (Bullet hole, top of refrigerator)
71	Photograph (Damage to front of refrigerator)
72	Photograph (Damage to side of refrigerator)
73 (ID)	Photograph
74-80	Photographs
81 (ID)	Photograph
82	Photograph
83-89	Autopsy Photographs
90	CD of Body Cam Video
93	Photograph
94-108	Lee Lee's Video and Still Images
109	Photograph

(State's Exhibits Continuing)

110 (ID) Cigarette Butt
111 (ID) Cigarette Butt
112 (Withdrawn)
113-117 City Video Stills
118 Video (█ Nunan Street)
119-122 Video and Stills (█ Nunan Street)
123 (ID) Report of Timothy O'Leary
124 Map of CPD Cameras
125 (ID) External Hard Drive
126 T-Mobile Phone Certs
127 Sprint Phone Certs
128-129 Photo Stills
130 (Withdrawn)
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135 (ID) Photograph
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137 Phone Records, Montelle Campbell
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139 Phone Records, Trivell Richardson
140 (ID) Search Warrant
141 (ID) FBI Demonstrative Aid
142-145 Cell Phone Analysis Documents
146 (ID) Marked Copy of State's 145
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(State's Exhibits Continuing)

148 (ID) Handwritten Document
149 (ID) 911 Call
150-151 Cell Phone Records
152 Photograph (Peggy Blake House)
153 (ID) Folder of Images

DEFENSE EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>

(No exhibits introduced.)

COURT'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>

1	Jury Note
2	State's Exhibit 57, Original
3	State's Exhibit 74, Original
4	State's Exhibit 83, Original
5	State's Exhibit 84, Original
6	State's Exhibit 85, Original
7	State's Exhibit 86, Original
8	State's Exhibit 87, Original
9	Jury Note
10	Demonstrative Aid (State's Exhibit 141)
11	Jury Note
12	Jury Note

- 13 Jury Note
- 14 Jury Note
- 15 Jury Note
- 16 Judge's Response.
- 17 Jury Note

1 your seat and we do that to make sure there is no premature
2 temptation to deliberate regarding any matter in the trial.
3 Also, I remind you that any note taking are for your
4 purpose. They are only to be used to refresh your memory.
5 They are not to be shared with anyone else. And also, I
6 remind you that your notes are not to be considered anymore
7 reliable than a fellow juror's memory. Their memory should
8 be considered as reliable as notes that may have been taken.

9 In order to preserve everyone's rights, I'm going to
10 give counsel the opportunity to take exception to anything
11 the Court has said in m opening instructions. Any exception
12 from the State?

13 AST. SOL. SIMPSON: No, Your Honor.

14 THE COURT: Any exception from the defense?

15 MS. FORD: No, Your Honor.

16 THE COURT: Ladies and gentlemen, I would ask that you
17 give counsel your undivided attention in opening arguments.

18 MS. FORD: Your Honor, may we approach, first?

19 THE COURT: Sure.

20 (A bench conference is held off the record and out of
21 the hearing of the jury.)

22 THE COURT: THE COURT: You may proceed.

23 OPENING STATEMENTS

24 AST. SOL. SIMPSON: Thank you, Your Honor. Ladies and
25 gentlemen, good afternoon. My name is Chad Simpson. I

1 represent the State of South Carolina through the office of
2 the Solicitor of the 9th Circuit in Charleston and Berkeley
3 Counties.

4 I want to start as I start every trial, by thanking you
5 sincerely on behalf of my office and the sacrifice that you
6 are making this week by giving up your time. That means a
7 little bit more this week because I understand that most of
8 you didn't get to go about your life as normal last week; I
9 know we didn't either. So it's a special thank you this
10 week for taking the week after the weather event to spend
11 your time here.

12 And on that point, if we look a little frazzled, we
13 normally have quite a busy week leading up to a trial. Like
14 you, we were out of pocket last week at home with children.

15 Anyway, what is this case about? To start with, I was
16 at the office last night and I understand that last night,
17 the Golden Globes, it was sort of a thing. That thing was
18 women and disrespect towards women. I thought how striking
19 it was how women of such wealth and privilege would have
20 such meaningful tales of disrespect, but what about women
21 who don't have that kind of wealth and that stardom and that
22 privilege. And that's really what this case is about and
23 how when they confront a certain type of man in a certain
24 type of way, and specifically what happens and specifically
25 what happens, what tragic events can happen and horrifying

1 events can happen when Montrelle Campbell feels
2 disrespected. That's what this case is about. It's also a
3 case about a place and the place in this case that we are
4 about to here is the Gadsden Green house. For those of you
5 familiar with Charleston, that's the public housing behind
6 Spring Street and the Citadel. From here to Crosstown, it's
7 probably a place you've driven by many times whether you
8 knew it or not. And you know, there's no two ways about it,
9 the Gadsden Green housing project is not a place for the
10 privileged. It's a public housing community.

11 But what you are going to learn in this trial is it is
12 still a community. It is a place of love, it is a place of
13 neighbors that take care of one another and care about each
14 other. A place where people raise their children; a place
15 where people care. And with some of this -- one group of
16 those people particularly that you are going to meet, and
17 that's the Brown family. They lived at a specific apartment
18 in Gadsden Green Housing Project, it was ■ Norman Street,
19 Apartment ■. We're going to talk about that apartment for
20 most of this trial. Ms. Katrina Brown's apartment, where
21 her main job is a mother to her son. The Gadsden Green,
22 again, is a place of caring, doors are often left open,
23 where neighbors know one another, where people often spend
24 years of their life. On nice evenings, people walk around
25 and say hello, families come to visit.

1 So we begin this case on a Thursday night where that's
2 happening, what would normally be happening at Gadsden Green
3 in that community. Standardly, the neighbors and friends
4 are walking around and talking to one another and
5 socializing. And so Katrina has some family that came over
6 to talk, her sister Kerri Brown and Tiara. They're
7 socializing and Kerri knows Montrelle Campbell's sister,
8 Kadeshia. So it wasn't like a planned party or social event
9 but when Kadeshia comes by and they see Kadeshia, and Kerri
10 and her see one another, they begin to socialize and
11 Kadeshia comes in to [REDACTED] Norman Street. You'll hear that
12 Montrelle Campbell is somewhere at this time likely outside,
13 and perhaps he's getting a little annoyed that his sister is
14 in the apartment and ain't coming out. And so he goes in to
15 [REDACTED] Norman Street, but he also -- you'll hear from Katrina,
16 with kind of a sense of entitlement. He kind of walks in
17 the place like it's his place, you know, and that rubs
18 Katrina the wrong way. She doesn't like it, she doesn't
19 know Montrelle. Katrina knows who Kadeshia is, but doesn't
20 know her brother and just sees this guy walk in. And so
21 words are exchanged. Probably happened a hundred times at a
22 social event, you know, two people exchanging words that
23 maybe aren't so nice. Not that big of a deal. But it's a
24 big of a deal when you disrespect Montrelle Campbell though,
25 because Katrina does something; she throws him out. She

1 doesn't like the attitude, she doesn't know him, and she
2 doesn't like his attitude. So she does what any homeowner
3 we believe is entitled to do, she throws him out of her
4 apartment. A short time after doing so she walks out and
5 Montrelle shows her exactly what happens to somebody that
6 disrespects him; and he punches her, in the head, to the
7 ground. Knocks her to the ground for showing him that kind
8 of disrespect. But there's a problem. Like I said, this is
9 a social place, people see it, a crowd starts to gather.
10 And so what you have is Montrell's disrespect he was shown
11 by Katrina becomes something else and even arguably more
12 powerful, it becomes public embarrassment, because now the
13 whole neighborhood has seen him hit a female; has seen him
14 knock a girl to the ground. Luckily, at least at this time,
15 words are exchanged and Montrell's sister tries to get him
16 to leave, she leaves and he leaves separately, and at least
17 for the time being the situation is closed.

18 But Montrelle isn't going to let that disrespect, which
19 has now become public shame and embarrassment, end there.
20 He's going to take it to horrifying levels of violence, and
21 he's going to do it the next night. The next night, Friday
22 night carrying into Saturday morning was more of a social
23 event. Yeah, it wasn't some huge party or anything like
24 that, but there were more people coming over -- to hangout,
25 have some drinks, it's the weekend. And so Saturday night

1 they do that. Family members come over, you'll hear from
2 several of them. Again, Kerri Brown, Tierra Brown, they
3 come out and they hang out. Kinard Brown, their cousin.
4 Now as the night gets on, the kids go to sleep, but there is
5 a seven year old there sleeping in the bed, a child sleeping
6 in the bed. And it's at this point in our story where I
7 have to introduce somebody else to you, and I want to
8 introduce to you someone who is no longer with us. His name
9 was Antwan Frost. He was a guy that liked to write poetry,
10 and he liked to talk; he was an eloquent person. And so he
11 sort of had a nickname, they called him "Brother Dusty."

12 MS. FORD: Objection, Your Honor.

13 THE COURT: Overruled.

14 AST. SOL. SIMPSON: He was known not to most people by
15 his name Antwan Frost, he was known to most people as Dusty,
16 and sort of a jokey name of Brother Dusty -- he had a sort
17 of a ministerial personality, kind of like a Reverend,
18 Brother Dusty. What did Brother Dusty have to do with
19 Montrelle Campbell and his rage? Nothing. Nothing
20 whatsoever. He just came over to see some friends of his at
21 [REDACTED] Norman Street, and he wasn't hanging out there all
22 night. You're going to hear he got there, fifteen or twenty
23 minutes he had only been there, just coming up doing what
24 Brother Dusty did and saying hello, socializing, but he was
25 in the apartment. He was in the apartment at about 6:30

1 A.M. when Montrelle Campbell, for a brief moment, turned
2 [REDACTED] Norman Street into hell on earth, and he did it because
3 he approached the back door, with an assault rifle, and
4 unloaded the assault rifle into the back door window of an
5 apartment that contained Brother Dusty, Tierra Brown, Kinard
6 Brown, Kerri Brown, Katrina Brown, Kerri Brown's grandson,
7 Katrina Brown's teenage daughter. An assault rifle into the
8 back of [REDACTED] Norman Street, a storm of metal, because even
9 though to the best we can tell he unloaded fourteen bullets
10 into that apartment, and when bullets hit center blocks
11 you'll see, when bullets hit microwaves, refrigerators and
12 book shelves, they splinter into a storm of metal.

13 Antwan Frost, sadly -- took a bullet to his right
14 chest, shot and fatally killed just for stopping by. Two of
15 the females in the apartment, also injured, one with a
16 bullet lodged to this day in her arm. The other with metal
17 fragments injuring her head. We're here to recount for you
18 through the end of this week the investigation. Obviously,
19 the first question the police are going to ask in a
20 situation like this to the residents of [REDACTED] Norman Street
21 is "Who do you think did this -- is there someone who had a
22 problem with you?" Only one name. Campbell. The nickname
23 of Montrelle Campbell, a person they barely knew, but who
24 within twenty-four hours had punched and knocked one of them
25 down. Investigation leads to local surveillance videos

1 which show a car pulling up, right around the time a car
2 would want to pull up to do this, and the driver flicking a
3 cigarette butt out of the window. That cigarette butt was a
4 piece of evidence found and investigated; that butt leads
5 not to Montrelle but a guy named Trivell Richardson.

6 The video shows that it's pretty unlikely Trivell did
7 this, and we'll go through it in this trial, but afterwards
8 who comes running back to the car holding an assault rifle?
9 Montrelle Campbell. What is that car their in? Montrelle
10 Campbell's girlfriend. Where is Montrelle Campbell's phone
11 at 6:30 A.M. when this happens? Well, it should be in North
12 Charleston because that's where he lives now, but it's in
13 this place at the apartments.

14 That and other evidence this week will prove to you
15 beyond a reasonable doubt that when Montrelle Campbell is
16 disrespected, he took an assault rifle to the rear of an
17 apartment and unloaded into that apartment. And that,
18 ladies and gentlemen, when it leads to a death is murder.
19 And that, ladies and gentlemen, when it leads to an injury
20 is attempted murder.

21 So at the conclusion of this week, I am going to ask
22 each and everyone of you, not out of revenge or anger, but
23 to reach a just and fair conclusion that having been
24 convinced beyond a reasonable doubt that Montrelle Campbell
25 did that, that he is a guilty of the crime he is charged

1 with. Again, a sincere thank you for your time this week
2 and we'll be talking to you again. Thank you.

3 THE COURT: Counsel for defense.

4 MS. FORD: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 MS. FORD: Good afternoon. We are here today because
7 the police, they just didn't know where else to go, where
8 else to look. But the conclusion that they want you to buy
9 into, that Montrelle Campbell murdered Antwan Frost, that he
10 shot up that apartment, it just doesn't make any sense.
11 There is no doubt, at all, that tragedy struck [REDACTED] Norman
12 Street back in September of 2015. Someone shot into
13 Katrina's apartment, several people were hit and one man
14 tragically died. We are here not to determine if someone
15 wrongly, and sadly, lied but we are here to determine who
16 did it. The State is saying that it's Montrelle Campbell,
17 and Mr. Simpson did a good job of speaking to you like he
18 knows it's him, that Montrelle is the one who did it. But
19 that's not the situation. You are here today to determine
20 if the State can prove to you that Montrelle is the one who
21 did this horrible act. And they will not be able to prove
22 that because it is not true.

23 On the morning that Antwan Frost died, there had been a
24 party going on all evening. It was about 6:30 in the
25 morning when it happened and people had been at Katrina's

1 house all night. Her house is displayed, the Solicitor went
2 into it a little bit, people congregating there a lot.
3 There are a lot of parties, get together's, things of that
4 nature. Some people were family, there was a lot of family
5 members, but that's not all that was in that house. There
6 were also a lot of -- several young men, and people in the
7 household didn't even know their names. They came with a
8 man named Kinard. Kinard is a cousin to Katrina and to
9 Kerri Brown, her sister. But no one even really knew their
10 names, but they were hanging out all night. Other people
11 had been in that apartment throughout the night, on and off,
12 earlier in the evening as well. Again, some family,
13 Katrina's mom came by at some point, and some people who
14 weren't family came by. The people in the apartment
15 couldn't even remember everybody who had come by that night.

16 When shots were fired into [REDACTED], none of the people
17 inside could actually see anything, unfortunately, so they
18 were not able to see who shot into the apartment, they were
19 not able to see what the person looked like, what he was
20 wearing or anything of that nature. So none of the people
21 in that apartment are going to be able to say it was
22 Montrelle Campbell.

23 So the police go out after the shooting and they do
24 their best to talk to not only the people inside but anybody
25 who might have information. Several people have called

1 9-1-1 because it's a very scary thing, it was 10:30 and a
2 lot of people were woken up by the shots. Kinard Brown
3 actually called 9-1-1 and so did a lady named Mrs.
4 Patterson, she was upstairs, and another neighbor across the
5 way, Mrs. Peggy Blake. Mrs. Peggy Blake had indicated to
6 9-1-1 and to an officer on the scene that she saw the
7 shooter get into the lime green car.

8 Now, the police talked to everyone they could, but they
9 didn't get a chance to talk to everyone because for some
10 reason, some of the gentleman inside of the apartment that
11 night, they ran away; they got lost. So they were not
12 actually able to talk to everyone that night. This area is
13 a fairly high crime type of area - drugs, violence, guns and
14 there's live security cameras everywhere. Those through the
15 city and there are several businesses that have security
16 cameras, and actually several personal homes that have
17 security cameras. And so because of those cameras, and now
18 they obviously don't catch anything, there's no footage
19 unfortunately showing who exactly shot into that apartment,
20 but they come to Trivell Richardson and he was driving a
21 gold colored car that evening. So police are able to find
22 Trivell and talk to him and he is adamant that he was not
23 downtown at all that day. That he doesn't even go downtown
24 anymore, but as he's confronted with certain information he
25 changes his story a little, says "Well I was downtown but I

1 was walking. I walked all the way from West Ashley." You'll
2 learn that over the course of this case, since 2015, he has
3 changed his story numerous times. And he is going to tell
4 you that some footage that you'll see is Montrelle Campbell.
5 Nobody else says that, but Trivell Richardson is going to
6 tell you that. Trivell has also been charged with murder,
7 just so you know that.

8 So Trivell ends up telling the State this information
9 well into the case long after Montrelle was even arrested.
10 So how did the police get Montrell's name? Well Mr. Simpson
11 went a lot into that. There had been this incident the
12 night before at Katrina's house. When the people were asked
13 who could have done this, they were just thinking, well
14 there was this thing the night before. It's not as if they
15 were certain that oh yes, I know he was coming back, it's
16 just they're like well it may be a coincidence but this
17 happened the night before. And what happened is that
18 Katrina had people over, she had her door open, Montrell's
19 sister is there and you'll hear the witnesses say that
20 Montrelle came in, but he didn't speak, Katrina asked him to
21 leave and he did leave. Katrina then just got into an
22 argument with Montrell's sister, Kadeshia, and Kadeshia left
23 on her own.

24 Katrina followed her out and at this point, supposedly,
25 was when Montrelle popped. There were no words said, there

1 is no threat made, any kind of verbal threat, he doesn't say
2 I'm going to come back, he doesn't point or present a gun to
3 them at all, that's the end of it. Katrina doesn't even
4 call the police. It's that simple. So it's just that when
5 the shooting happened the next night, they just thought of
6 this because it happened the night before. But it doesn't
7 make any sense that Montrelle Campbell would come back to do
8 something like the State is saying just because something so
9 trivial.

10 When you are listening to evidence of this trial,
11 please pay attention to what you will not hear, to what the
12 State will not be able to present to you. There will be no
13 forensic evidence actually tying Montrelle Campbell to the
14 shooting in this case, there is no witness saying that they
15 saw Montrelle Campbell shoot anyone or at anything or at any
16 building on that night. Please pay attention to who you
17 will not be hearing from. Please pay attention to not just
18 Katrina, who was in the residence of [REDACTED], but to all of the
19 people inside of that apartment. There were at least eight
20 people there at the time the shooting, and more earlier in
21 the evening. Please pay attention to credibility. Judge
22 Jefferson gave you some instruction on that earlier today,
23 not too long ago, about how one job that you have is to
24 determine credibility. What reason would somebody have to
25 lie, or could be lying for a certain reason. So we ask you

1 to please consider that when you are hearing from certain
2 witnesses such as Trivell Richardson.

3 The State has to prove to you that Montrelle Campbell
4 is guilty beyond a reasonable doubt. That is not some
5 casual legal term, it's a very important part of our
6 criminal justice system and is a very high burden.

7 In this case, there is not just a reasonable doubt,
8 there is a lot of doubt. You are going to see evidence that
9 will show that the shooter was someone else completely and
10 you take that with the fact that the State motives, Mr.
11 Simpson did a good job of really elaborating on this minor
12 incident the night before. It doesn't make any sense that
13 Montrelle Campbell would come back to do such a horrible
14 thing for something like that. Ladies and gentlemen of the
15 jury, as your listening to the evidence, to the witnesses in
16 this trial and at the end of this trial, we are going to ask
17 you to find Montrelle not guilty, and we're going to ask you
18 to find that because he, in fact, is not guilty. Thank you.

19 THE COURT: The State may proceed.

20 AST. SOL. SIMPSON: Thank you, Your Honor. The State
21 calls Katrina Brown.

22 (KATRINA BROWN, was duly sworn and provided the
23 following testimony.)

24 CLERK: Spell your first and last name for the record.

25 THE WITNESS: K-A-T-R-I-N-A, B-R-O-W-N.

Direct Examination of Katrina Brown by Ast. Sol. Simpson

1 THE COURT: You may proceed with the witness.

2 AST. SOL. SIMPSON: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY AST. SOL. SIMPSON:

5 Q. Mrs. Brown, good afternoon. Can you tell the jury
6 where you live?

7 A. [REDACTED] Norman Street.

8 Q. And how long have you lived at [REDACTED] Norman Street?

9 A. Five years.

10 Q. Can you describe to the jury a little bit about what's
11 Norman Street like. What kind of place is it?

12 A. Mmm, it's not like a bad, bad place, but it's not great
13 either.

14 Q. Do you know your neighbors down on Norman Street?

15 A. Yes.

16 Q. Do you have friends that live in the neighborhood?

17 A. I wouldn't say friends, just associates.

18 Q. Okay. What do you mean by associates?

19 A. Just kind of walking past going to the store. We don't
20 really talk.

21 Q. Okay. Where did you grow up?

22 A. On the east side of town.

23 Q. And how long had you lived on the east side of town?

24 A. All of my life.

25 Q. Okay. And did you live at [REDACTED] Norman Street back in

1 September of 2015?

2 A. I did.

3 Q. And who lived there with you at [REDACTED] Norman Street?

4 A. Me and my kids.

5 Q. Okay. And how many kids do you have?

6 A. I have four but it was just three that resided there at
7 that time.

8 Q. Okay. And who were they?

9 A. Rashonda Brown, Anthony Cobbs and Michael.

10 Q. What were their ages back in 2015?

11 A. Rashonda was 20 -- they was 20, 16 and 12.

12 Q. Twenty, 16, and 12?

13 A. Uh-huh. Fourteen, I'm sorry.

14 Q. Are you guys a pretty close family?

15 A. Yes.

16 Q. What kind of things did y'all like to do together as a
17 family?

18 A. Play games ---

19 BY MS. FORD: Objection. Relevance?

20 THE COURT: Overruled.

21 Q. Katrina, I'm showing what it's been admitted into
22 evidence, by consent, State's Exhibit 2 -- can you take a
23 minute and look over that?

24 A. Yes.

25 Q. Does that look familiar to you?

1 A. Yes.

2 Q. And what is that?

3 A. It's apartments.

4 Q. It's an image of the area we're talking about where you
5 lived at?

6 A. Right.

7 Q. This is an accurate description of the area we're
8 talking about here?

9 A. Yes.

10 Q. There is a screen in front of you that allows you to
11 feel -- you can touch it, it's a touchscreen. Where is ■
12 Norman Street?

13 A. (Witness points.)

14 Q. Okay. Now where is apartment ■?

15 A. (Witness points.)

16 Q. Would that be considered the rear entrance to
17 apartment? Would you call that the front or the back?

18 A. I would call that the back.

19 Q. Okay. And does ■ go all the way to the street once
20 you get inside there?

21 A. I would actually have to the street and walk all the
22 way around to get into the front entrance.

23 Q. Okay. Got it. But from where you circled all the way
24 over is apartment ■, right?

25 A. Yes.

1 Q. It is the upstairs and downstairs?

2 A. Just downstairs.

3 Q. Okay. And how many bedrooms?

4 A. Three.

5 Q. Could you describe a little bit for the jury the basic
6 layout of the apartment?

7 A. Looking at this, this looks like what I would call the
8 back door. When you walk inside this door, it would be the
9 kitchen and if you keep going to the other room. If you
10 walk in the back door and then you go to the kitchen, make a
11 left, that would be a hallway, to the left of the hallway
12 would be the bathroom, coming out the bathroom to the left
13 would be my son's room, and to the far left would be my
14 daughter's room and then coming out of the back room.

15 Q. Okay. I'm going to show you what's been admitted as
16 State's Exhibit Six. Does that look familiar to you?

17 A. Yes.

18 Q. Is that an accurate depiction of the apartment you were
19 describing?

20 A. Yes.

21 Q. Okay. Publishing State's 6. Again, where is the
22 backside of the apartment?

23 A. Uhh ---

24 Q. How about this, which side has the patio on it, the
25 porch?

Direct Examination of Katrina Brown by Ast. Sol. Simpson

1 A. You want me to circle this?

2 Q. Yes.

3 A. This would be like the back porch.

4 Q. Okay. So you have the kitchen, the living room and the
5 three bedrooms.

6 A. Yes, coming from the back.

7 Q. Okay. Katrina, you know why you're here this week,
8 right?

9 A. Yes.

10 Q. Okay. I want to take you now to the Thursday night
11 before the shooting and talk about the incident that
12 occurred that night. Can we talk about that?

13 A. Sure.

14 Q. Just describe, and I'm going to stop you from time to
15 time, or ask you for clarification, just describe for the
16 jury how that Thursday evening went and to the best you can
17 recall about what times?

18 A. That Thursday night Burke High School had a game and
19 for some odd reason the kids was out of school and I
20 remember that because my sister and my neighbor came.

21 Q. Okay. What is your sister's name?

22 A. Kerri Brown.

23 Q. And what is her sons's name?

24 A. Jabar.

25 Q. Do you remember about how old Jabar was at that time?

1 A. Six.

2 Q. Six? Okay. And is Kerri your older sister or your
3 younger sister?

4 A. Younger.

5 Q. Okay. So you said the kid's were out of school. Were
6 they out of school that day or the following day?

7 A. I can't recall. I believe they were out of school the
8 next day as well.

9 Q. Okay.

10 A. But anyway, so she came over there like 5-ish or
11 something like that. I know that like around about six, my
12 cousin and some other people came over just to stop by and
13 different things like that. And later on ---

14 Q. When the other people came, was that before or after
15 the game you mentioned?

16 A. The game was going on; I think the game was over, I
17 think a little bit after 10:30 or 11:00, because my son went
18 to the games that day.

19 Q. Okay.

20 A. And we was out -- there was a friend over with me and
21 Kerri that night as well. After they went home, we was all
22 sitting on the porch, just sitting outside on the porch
23 talking. I would say 11:30 going into 12, everything had
24 already died down. My son had already come back from the
25 game and my nephew, too. They had just gone to bed. Me and

1 Kerri was sitting in the kitchen.

2 Q. Okay. Let me interrupt you for a minute. Is this a
3 party atmosphere going on?

4 A. No, sir.

5 Q. Okay. So this is just you and your sister and ---

6 A. And a friend.

7 Q. Okay.

8 A. And my son and my nephew.

9 Q. And you said your son and nephew had already gone into
10 the bedroom?

11 A. Yes.

12 Q. Okay. And this is your approximating around midnight?

13 A. Yes. Me and Kerri were sitting down in the kitchen
14 talking, because actually we was about to go to bed, also.

15 And a young lady walked inside of the house. Her name is
16 Kadeshia. I don't know her last name.

17 Q. At this time, did you know Kadeshia?

18 A. I did, a little.

19 Q. Did you know her well or was she more Kerri's friend?

20 A. She was more Kerri's friend, but I did know her. She
21 used to go with my best friend.

22 Q. Okay.

23 A. She walked in or whatever and me and Kerri was excited
24 to see her, because we hadn't seen her in a while; and she
25 was excited to see Kerri, because she hadn't seen Kerri in a

1 while. So we was just sitting there and she was talking
2 about going to the store and get some drinks or whatever.
3 Someone knocked on the door and told her that her brother
4 was outside.

5 Q. At this time, did you know who her brother was?

6 A. No, never seen him.

7 Q. Okay. But someone identified that her brother was
8 outside?

9 A. Right. He was outside. She told the gentleman at the
10 door to tell him she was coming, or whatever, but she never
11 made it out there to him. So we continued on after that,
12 our conversation kept going on. I walked out of the kitchen
13 and walked towards the bathroom. So me and Kerri's friend
14 who was already there, she was in another room by the radio,
15 doing something to the radio, so I was walking back coming
16 out of the back room. When I walked to the right that would
17 be me walking into the kitchen, so I saw her kind of like
18 pop her eyes open or whatever and she was like, "Who is that
19 walking in your door?" So when I go to the right, it was a
20 guy named Troll.

21 Q. Okay. You were introduced this person as Troll?

22 A. I never ---

23 Q. You were told that this person's name was Troll?

24 A. Right. Right. And he walked in or whatever, so I'm
25 looking like, you know, I don't know you. Why you just

1 sitting here? You know, in my house or whatever. I asked
2 him, maybe in two or three minutes, to leave. He was just
3 sitting there. He never said nothing. He didn't get up.
4 After a while, he decided he was ready to leave. He got up
5 and walked out of the kitchen door and went outside. So I
6 was asking Kadeshia, like, okay, if you know him, and I'm
7 asking him who he is, why didn't you tell me who he is?

8 Q. So this interaction, you didn't know this was
9 Kadeisha's brother?

10 A. I didn't know that was Kadeisha's brother. I found
11 this out the next day.

12 Q. So you thought it was just a person walking into your
13 house?

14 A. I honestly -- I knew it was someone she knew, but I
15 didn't know anything until they told me the next day. When
16 she came in or whatever, like that, so I went outside by the
17 kitchen door -- by the living room door and went outside to
18 go and smoke a cigarette. I walked around to go toward the
19 back door, where the living room is at, or whatever, and
20 then I was on the ground.

21 Q. Okay. And what did you see then?

22 A He knocked me. He was over me like he was about
23 to knock me again. My sister came to the kitchen door and
24 was like, "No, no, what you doing?" He left and went to the
25 middle of the street and that's when I got up and her and my

1 friend helped me. I was getting up off the ground. The
2 neighbor ran over there; I had on some slippers and the
3 grass was wet that night when he knocked me. He kind of
4 caught me on the left side of my head or whatever. So me,
5 my sister and my friend, we all went to the middle of the
6 street, or whatever, and we had a few words. To me, it
7 looked like he was about to reach for something because he
8 was backing up. It looked like he was going to the car. So
9 I told my friend and my sister, "Let's go back inside the
10 house." That night, I couldn't remember anything because I
11 had all the windows out and I remember when we went back to
12 the house, my sister and my friend, we talked about what
13 happened that night for a little while.

14 Q. So when you came out around the corner and you were
15 knocked to the ground?

16 A. I walked around the building. I was almost ---

17 Q. Okay.

18 A. I was walking around and going toward the kitchen and
19 he came in front of me.

20 Q. Were you outside or inside?

21 A. I was outside.

22 Q. Okay.

23 A. I was outside walking around. Like I said, I was
24 smoking a cigarette. I went outside to smoke a cigarette.
25 But he went out the kitchen door and I had gone out the

1 living room door. I heard Kadeshia saying, "Come on, get in
2 the car. Let's go. Get in the car, let's go." And then
3 Kerri and my friend went back inside the house. We talked
4 about it for a little while.

5 Q. Okay. Did you call the police that night?

6 A. I didn't.

7 Q. Did you seek medical attention?

8 A. I didn't.

9 Q. You just know you got hit and went to the ground?

10 A. Yes.

11 Q. Looked up and again, what did you see when you looked
12 up?

13 A. He looked like he was about to knock me again, but my
14 sister and my friend was at the door and they was asking
15 him, you know, they was all frantic and saying, "What are
16 you doing? What are you doing?" He walked away at that.

17 Q. And you say there were words exchanged between you and
18 Montrelle?

19 A. It really wasn't no words, like, me and my sister and
20 friend, we was all just asking him, what's going on? Why
21 did you just do that?

22 Q. Okay.

23 A. He didn't say anything -- he didn't say anything to us.

24 Q. Okay.

25 A. I still haven't heard him speak at this point.

1 Q. Okay. Now, we're talking a lot about "this person".

2 Is this person in the courtroom today?

3 A. Yes, sir.

4 Q. And where is that person?

5 A. Sitting over there.

6 Q. Over here at this table?

7 A. Yes, sir.

8 Q. Was that -- that was the first time you had met him?

9 A. Yes.

10 Q. Did this commotion garner attention from anybody else
11 in the community? Was there anybody else coming outside to
12 see what was going on?

13 A. Actually, nobody was coming outside that night. There
14 was people out there, but the people that was already out
15 there, they was just over there. Some guys were out over
16 there, but nobody actually came out their house or whatever,
17 cause it really didn't -- everything happened so fast. It
18 really didn't even last that long or whatever. After me and
19 my sister and friend were walking to him or whatever, we was
20 just asking why you did this, because I didn't do anything
21 to you. But like I said, I saw him and he looked like he
22 was reaching back behind him. I told Kerri and my friend,
23 "Come on, let's go back inside to the house." It was cool
24 outside and I remember downing the windows that night.

25 Q. Why do you close your windows that night?

Direct Examination of Katrina Brown by Ast. Sol. Simpson

1 A. I just felt like it was the right thing to do after
2 what had happened with him. Me not knowing who he is, you
3 know.

4 Q. Okay. When did you learn that this person had a name
5 that he went by?

6 A. I heard that ---

7 Q. Was it that night?

8 A. Not that night. It was the next day.

9 Q. Okay. So let me ask you a question, and please just
10 speak freely and honestly. Why didn't you call the police
11 that night?

12 A. I didn't call the police because, you know, he knocked
13 me and I said what I said or whatever, you know. That was
14 that and I didn't feel like I should call the police or
15 whatever. And where I'm from, it's not something that you
16 do.

17 Q. Okay. So is it looked upon favorably in Gadsden Green
18 to involve the police ---

19 BY MS. FORD: Objection. Relevance.

20 THE COURT: I'm going to give him a little latitude.

21 Q. Is it considered favorably in this community to involve
22 the police in every problem that comes up?

23 A. Usually the police don't get called, unless it's
24 somebody inside the apartment looking out trying to figure
25 out, you know, what's going on. But the police really

1 parole the area around there, too. That particular night, I
2 guess they were not.

3 Q. Okay. You mentioned you closed the windows, you talked
4 about the incident a little bit, and then went to bed?

5 A. Uh-huh.

6 Q. And that would have been around after midnight on ---

7 A. I would say we probably layed down like a little bit
8 after 1:30 or 2:00 in the morning..

9 Q. Okay. And that's going into Thursday -- just to get
10 our dates right, that's Thursday going into Friday morning?

11 A. Right.

12 Q. Okay.. So let's go to the next day. Waking up for the
13 day, on Friday, if you could, just sort of explain to the
14 jury about how Friday went.

15 A. Friday, usually, me and my friend or whatever, we get
16 together and play cards or we get drinks and stuff and
17 that's what we was planning on doing. The kids was all going
18 to be with their other parents and things like that. We was
19 going to get some drinks and everything, so that's what we
20 was doing. So earlier that Friday, I went to the store and
21 that's when they start saying, oh, Troll knocked you last
22 night. And that's when ---

23 Q. So people are talking about it?

24 A. Right.

25 Q. Okay. And it's come back to you?

1 A. Right. That's what happens. It was the thing to talk
2 about; it was something to talk about.

3 Q. Okay. So how did your day go then?

4 A. We was all -- me, my sister, and my friend was still
5 there and maybe about 3-ish or 4-ish the kids went off or
6 whatever. Me and my sister got dressed and we was just
7 sitting around, you know, because we don't start our day
8 until maybe like evening time, like around 6 or something
9 like that. So my cousins and all my friends, you know, we
10 talk to them and they start coming over and they bring some
11 drinks or whatever.

12 Q. So Friday nights are more kind of planned social
13 events? People are coming by?

14 A. Right.

15 Q. They are going to bring snacks and drinks?

16 A. Yeah.

17 Q. And y'all are going to socialize?

18 A. Right.

19 Q. That was the plan?

20 A. Right.

21 Q. Okay. Who all was planning on staying there last night
22 to the best of your recollection?

23 A. Well, actually, nobody really had intentions on staying
24 there that night. Me, my sister, my cousin, and my friend
25 who was there the night before.

1 Q. And who was your friend?

2 A. Her name is Tonya.

3 Q. Okay. Do you know her last name?

4 A. I believe her last name was Moseley.

5 Q. Okay. So Tonya, Tierra Brown, your cousin, and Kerri
6 Brown, your sister, were there. You said the kids went off,
7 right?

8 A. Well, at the time, my son was there and my nephew.

9 Q. Okay. What is your son's name?

10 A. Anthony.

11 Q. Any your nephew's name?

12 A. Lavar Talbert.

13 Q. And how old are they?

14 A. 16 and six.

15 Q. Okay. So what about people that came to the party that
16 night?

17 A. There wasn't even a party.

18 Q. Oh, I'm sorry.

19 A. You said what about the people?

20 Q. Yeah, who all do you recall coming?

21 A. It was a good bit of people that came by. It was just
22 some friends. I had one more family member that was there
23 besides me. It was still like early in the night. All of
24 those people didn't come there until like -- up until this
25 point, me, Kerri, Tonya are the only ones there, I'd say up

1 until like 11 or 12.

2 Q. Okay. And after midnight, who joins you?

3 A. After midnight, it was my cousin, Kinard, two of his
4 friends.

5 Q. Okay. Do you know his friends?

6 A. I know -- I forgot those guys names, but they are nice
7 guys. .

8 Q. But Kinard is a younger guy?

9 A Yeah.

10 Q. He is your cousin?

11 A. No, they is my cousin's friends.

12 Q. No, is Kinard your cousin?

13 A. Oh, Kinard, yeah, that's my cousin.

14 Q. So your younger cousin and a couple of his friends?

15 A. Right.

16 Q. Tell me about Antwan Frost. How do you know him?

17 A. We growed up together on the east side of town.

18 Q. Okay. And what did you call him?

19 A. Brother Dusty.

20 Q. Okay. Why did you call him that?

21 BY MS. FORD: Objection, relevant?

22 THE COURT: Overruled.

23 A. That's like a nickname. We would all call him Brother
24 Dusty. He was a very nice, loving, kind, sweet guy. And I
25 miss him dearly.

1 Q. Did he come to your house that night?

2 A. Yes, he came to my house that night, but it was like
3 hours after that.

4 Q. Let's talk about that. This socializing and playing
5 cards and hanging out goes on throughout the night, right?

6 A. Right, uh-huh.

7 Q. It goes well into the next morning. Pretty much the
8 same group of people that you've described there?

9 A. Uh-huh.

10 Q. About what time is it when Antwan comes by?

11 A. He -- we was all -- well, me and Kerri was sitting in
12 the other room and Tierra and my cousin and his friends they
13 were at the kitchen table playing cards and we was listening
14 to music and me and -- let me see -- I want to say it was
15 maybe like 5:30 or 6:00 in the morning and Dusty came, he
16 walked in to the house. I was so happy to see him.

17 Q. When was the last time you saw him?

18 A. I haven't seen him in so long, until that night maybe a
19 few years.

20 Q. So this person you're fond of, you haven't seen in
21 years?

22 A. Yeah, right. So I was all excited. I ran up to him
23 and gave him a hug. He picked me up and spun me around. I
24 can't remember, but I want to say that Kerri was standing
25 outside; I can't recall, but I remember I wanted to surprise

1 everyone that he was there. I said, "Guess who is here?"
2 and Dusty walks in with me and everybody was so happy to see
3 him. Dusty and everybody was talking and hugging and that
4 went on for about 20 minutes, and then after that, gunshots.

5 Q. Okay. Slow down a little bit. I want to set the
6 scene. I believe you said it was around 6 A.M. when he gets
7 there. People were happy to see him?

8 A. Right.

9 Q. And he's only there -- you had just been there about 20
10 minutes or so?

11 A. Twenty minutes.

12 Q. So to the best that you can recall, again, you know we
13 got this diagram right in front of you that you can use if
14 you want -- when gun shots start, what's going on to the
15 best that you can recall. Who all is there and where are
16 you?

17 A. It was me, Kerri, Tierra, my cousin Kinard, two of his
18 friends . . . There was a couple other people that was
19 there too, I guess there was maybe like one or two . . .

20 Q. Okay. And where were you in the house?

21 A. In the living room.

22 Q. In the living room. And what were you doing?

23 A. Sitting down.

24 Q. Okay. What were the other people doing?

25 A. They were all standing around the table. Me, Kerri and

1 Daphney were inside of the living room talking. Kerri was
2 sitting, I was sitting, and Daphney was standing. Everyone
3 else who was in Rachel's car was in the kitchen at the card
4 table playing cards.

5 Q. Playing cards?

6 A. Playing cards.

7 Q. Okay. And I know it's not easy, but to the best you
8 can describe to this day, what happened?

9 A. To be honest with you, we all just got down on the
10 floor and we heard gun shots start dropping. At this point
11 we weren't paying attention because you're about to die and
12 hide for safety. I know me, Kerri, and Daphne were inside of
13 the living room over there, though. When we heard the first
14 gun shot everybody just started diving and there were
15 bullets flying all over the place. I had my hand over my
16 face and was crouching down on the floor.

17 Q. So you said there were more gun shots after the first?

18 A. Yes.

19 Q. Were they happening fast or at what rate were they
20 coming?

21 A. It was coming fast.

22 Q. You said -- gun shots flying over your head?

23 A. Well, yeah.

24 Q. Could you tell the shots were coming into your house?

25 A. Yes.

1 Q. It wasn't like gun shots in the distance?

2 A. No.

3 Q. How could you tell they were coming in your house?

4 A. Because I could hear them going through things, like
5 hear them going through the microwave, I could hear them
6 going through the refrigerator and going through the wall,
7 penetrating through the refrigerator through the wall. My
8 sisters dived and I had a chair that I had put over me. Me,
9 her, and Tierra was all hiding up underneath the chair. My
10 sister dived underneath the chair and I hear her say, "Oh,
11 I'm hit." When Tierra dived under there she had heard her
12 say oh I'm hit.

13 Q. Okay. Now where did your first kind of -- obviously,
14 initially you hit the floor but where does your concern go?

15 A. I'm just like all over the place right now. I'm
16 actually looking at Kerri because I'm trying to figure out
17 why these bullets are flying in, and she got in the back and
18 then maybe when she got halfway down the hallway, I thought
19 about it and said "Oh, the kids!"

20 Q. Okay. So in your perception, she's up endangering
21 herself to get back to the bedroom?

22 A. To get to the kids. Right.

23 Q. Okay.

24 A. But she obviously -- she didn't think about it. She
25 was like, "Oh, I'm hit." Tierra dived down and she was

1 like, "Oh I'm hit, too." And my sister got out of the way
2 to get to the back. By the time I got back she had already
3 down pulled my son and her son out the way and had them
4 covered up. All I could remember seeing was blood
5 everywhere.

6 Q. Okay. So, I'm sorry I know this is disturbing. You're
7 at one of the back bedrooms at this point?

8 A. Kerri and Tierra were sitting in the hallway, Kerri was
9 sitting in between Tiara's legs and I was crawling over
10 there as I'm coming down the hallway to go see where the
11 kids were but Kerri had already pulled them out of the way.
12 And at this point someone yelled, "Call the cops! Call the
13 cops! Call the cops!"

14 Q. So do you know if anybody was able to make that call?

15 A. I think my cousin Kinard had a phone and called the
16 cops. I don't really remember hearing. Tierra was on the
17 phone calling the cops.

18 Q. I think you said at some point you think realized that
19 Kerri had been injured in some way.

20 A. Mm-hmm.

21 Q. How was that?

22 A. Because when I was crawling towards the hallway I
23 couldn't even see her face but I think Tierra -- and after I
24 found out that they were okay then they helped me back in
25 the hallway.

1 Q. Okay. Did you at any point make it back from this
2 hallway to the bedrooms, bathrooms, to the living room?

3 A. I did.

4 Q. You had stayed back there until when?

5 A. I stayed back there until the cops came. My cousins
6 had made it to the hallway and I was holding my nephew and
7 my son. I was telling them to just calm down. I didn't want
8 them to see everything. And I was thinking whoever this
9 person was could come back around and start shooting again.
10 I can remember Kinard saying, "Oh, my God, he's not moving."

11 Q. Did the police and ambulances eventually arrive?

12 A. They did.

13 Q. Okay. So this is happening after 6 A.M. so it was
14 coming up at that time. That must have been a very hard day
15 for you ---

16 A. Yes, it is still very hard.

17 Q. Do you remember what happened after they arrived?

18 A. Like I said, I stayed in the back until after I found
19 out what was going on or whatever. They came to take Kerri
20 out. I remember seeing them put a brace around Kerri's neck
21 and walking her outside to the ambulance.

22 Q. So the injured, they walked them out of the kitchen
23 around to the ambulance out on the street?

24 A. Uh-huh.

25 Q. Okay. Did the police try to speak to you that day?

1 A. I didn't spoke to the cops until after I got to the
2 hospital.

3 Q. At the hospital, that's it?

4 A. Right.

5 Q. Okay. You were uninjured?

6 A. Uh-huh.

7 Q. And how long had you lived at [REDACTED] Norman Street?

8 A. Five years.

9 Q. Now, what if I asked you -- did you have enemies in the
10 neighborhood?

11 A. I didn't, no. I got along with everyone.

12 Q. Okay. There was no known conflict, in your mind, going
13 on at that time?

14 A. No.

15 Q. Except for what had occurred the night before.

16 A. Right.

17 Q. Were you asked by the police, that question, generally?

18 A. What?

19 Q. Do you know of anybody who would want to hurt you?

20 A. Of course. Yes.

21 Q. Okay. What did you tell the police?

22 A. I told them I didn't --

23 BY MS. FORD: Objection. Hearsay.

24 THE COURT: Sustained. Rephrase your question.

25 BY AST. SOL. SIMPSON: Yes, Your Honor.

1 Q. Do you having had now -- two years to consider this, do
2 you know of anyone in that neighborhood that had any sort of
3 conflict with, other than Troll?

4 A. No.

5 BY AST. SOL. SIMPSON: Court's indulgence.

6 Mrs. Brown, please answer any questions that Ms. Ford
7 has for you.

8 THE WITNESS: AYes, sir.

9 CROSS-EXAMINATION

10 BY MS. FORD:

11 Q. Hi, Ms. Brown. I want to go over who all was there at
12 your apartment the evening of the shooting. Okay?

13 A. Uh-huh.

14 Q. So you've had some difficulty remembering everybody who
15 was there exactly?

16 A. I believe one or two. I don't know.

17 Q. You told us that -- obviously, you were there of
18 course, and your sister Kerri was there?

19 A. Yes.

20 Q. And Tierra?

21 A. Yes.

22 Q. You actually have -- this may be someone you forgot,
23 your cousin, Nick?

24 A. Nick, was, yeah.

25 Q. Yeah. And Tonya was there you said?

- 1 A. Tonya wasn't there during the shooting.
- 2 Q. Okay. She wasn't there during the shooting?
- 3 A. Tonya wasn't there during the shooting, no.
- 4 Q. And Tonya, just so we know, she also goes by Tonka?
- 5 A. Yes.
- 6 Q. Your son, Anthony, was there; correct?
- 7 A. Yes.
- 8 Q. And he was a high school student at the time?
- 9 A. Yes.
- 10 Q. And your nephew was there?
- 11 A. Yes.
- 12 Q. And your brother -- I'm sorry, not your brother, your
- 13 cousin, Kinard, was there?
- 14 A. Yes.
- 15 Q. And you said two of his friends were there?
- 16 A. Yes.
- 17 Q. Does Delano ring a bell?
- 18 A. Yes.
- 19 Q. Was that one his friends?
- 20 A. Yes.
- 21 Q. Delano McPherson. Does Jarrell Risher ring a bell?
- 22 A. I don't know a Jarrell.
- 23 Q. Okay. But there was another boy there that was friends
- 24 with Kinard, correct?
- 25 A. Yes. There were two of Kinard's friends there.

1 Q. And you didn't necessarily know them that well,
2 correct?

3 A. Right.

4 Q. Earlier in the evening, your mom had come by, correct?

5 A. She did.

6 Q. And her boyfriend Michael Frasier was there, as well?

7 A. Yes.

8 Q. And you actually, earlier in the evening, had watched a
9 few kids for Dominique and Boo-boo?

10 A. Yes.

11 Q. And so Dominique and Boo-boo were there earlier in the
12 evening as well?

13 A. Yes. They dropped their kids off earlier.

14 Q. And then a lady named Nadine was there?

15 A. Earlier.

16 Q. And then, at one point, a guy either Kunta --

17 A. He stopped by, yes.

18 Q. He stopped by and there was also a guy named Edwin
19 Taylor, correct?

20 A. Yes. That's the guy who came with Dusty.

21 Q. Okay. Did he come with Dusty or he came actually
22 before Dusty?

23 A. They walked out together -- well, I was -- when Dusty
24 came, Dusty came alone. We told him to leave because he was
25 making too much noise and they put him out from there.

1 Q. Okay. When Dusty got there he was not with Eddie at
2 that time -- and just to be clear, Eddie is actually Edwin
3 Taylor, correct?

4 A. Right.

5 Q. Okay. And he's kind of known as a drunk, is that fair
6 to say?

7 A. Yeah.

8 Q. So when Dusty got there he was by himself; correct?

9 A. Yes.

10 Q. And you were very happy to see him, correct?

11 A. Uh-huh.

12 Q. But you were not actually the one to invite him?

13 A. He just showed up.

14 Q. He just showed up?

15 A. Yes, but I didn't invite him.

16 Q. So you don't know how he knew to show up at your house,
17 correct?

18 A. Right.

19 Q. So you don't know if there was anything on Facebook,
20 for example, talking about your house?

21 A. Nope.

22 Q. And this get-together, it had been going on -- the
23 shooting happened around 6:30, in the morning, correct?

24 A. It was around then, yes.

25 Q. And y'all had been all together having a good time

1 since the prior weekend, correct?

2 A. Right.

3 Q. There was a lot of drinking, correct?

4 A. No, there wasn't a lot of drinking.

5 Q. There wasn't a lot of drinking?

6 A. No, there was drinking going on but -- considering what
7 you call a lot of drinking? I mean there wasn't a lot of
8 people there, so I mean three or four beers was enough.

9 Q. So you were not intoxicated?

10 A. I wasn't.

11 Q. Y'all were also listening to music?

12 A. Right.

13 Q. You were outside dancing at one point?

14 A. Maybe I was; I don't recall.

15 Q. Okay. So at one point do you recall having to say we
16 need to go inside and close the doors because we're going to
17 get complaints.

18 A. No. I remember them saying we need to close the door
19 because something didn't set well with me, but I didn't hear
20 anything about getting any complaints.

21 Q. Well do you remember talking -- you talked to multiple
22 detectives, correct?

23 A. I did.

24 Q. And they reported all of your ---

25 A. Uh-huh.

1 Q. Yeah. And you never said you didn't have a good
2 feeling, you just said that you wanted to make sure there
3 wasn't ---

4 A. Okay, maybe, maybe I didn't. I don't recall. It was
5 two years -- I talked to a lot of detectives and a lot of
6 people.

7 Q. You told us earlier you talked about -- or with the
8 Solicitor you talked about the Thursday night at your house.
9 Okay. And that night, you were with your sister Kerri and
10 Tonya, and then some of the kids were around as well?

11 A. Yes.

12 Q. A lady came at some point, actually does Linda ring a
13 bell, she came and told you that Kadeisha's brother was
14 outside?

15 A. That was not Thursday night.

16 Q. That was not Thursday night?

17 A. That was Thursday night, it was later on Thursday
18 night. Yes. But Dominique had come back to take her kids
19 back at this time. This was Thursday night. Friday night
20 was the knock on the door.

21 Q. Okay. So Linda was there Friday night?

22 A. Linda came to the door the night that I got knocked,
23 which was Thursday night.

24 Q. Okay. So a man walks in and you told us you didn't
25 know who he was.

1 A. Right.

2 Q. But it was clear he and Kadeshia knew each other,
3 correct? I'm thinking that they knew each other when she
4 told him that he was outside. You had just heard that her
5 brother was there, correct?

6 A. Yes.

7 Q. And Kadeshia kept saying, "You don't remember him?"

8 A. She sure didn't. She sure didn't.

9 Q. Okay. All right.

10 A. She never said who he was.

11 Q. Okay. But you're telling us you didn't assume it was
12 her brother, even though someone had just said her brother
13 was outside?

14 A. I didn't know his name until the next day.

15 Q. So you knew it was her brother, just you didn't know
16 his name?

17 A. I didn't know him. She still has yet to this day to
18 tell me who he was. That's what I'm saying.

19 Q. You knew it was her brother, though?

20 A. Yes.

21 Q. Okay. So he left without ever saying anything,
22 correct?

23 A. Right.

24 Q. You told us today that after he left, a little bit
25 later you decided to go outside to smoke a cigarette,

1 correct?

2 A. Uh-huh.

3 Q. But actually before that, you went outside and you had
4 a little verbal altercation with Kadeshia?

5 A. Yes. Inside the house, right.

6 Q. You were pissed at her because you thought she should
7 be apologizing for her brother?

8 A. Uh-huh.

9 Q. You told her to leave?

10 A. I didn't.

11 Q. Okay. But she did leave?

12 A. Right.

13 Q. And after she left, that's when you left?

14 A. After she left -- when she left she walked out of the
15 kitchen door and I went outside to smoke a cigarette.

16 Q. You went to go talk to her.

17 A. I went to go smoke a cigarette and I walked around the
18 building going towards the kitchen door and I was on the
19 ground. All I know is that Kadeshia was standing at the car
20 and -- all the attacking -- after he knocked me, he was
21 about to knock me again. My sister and Tonya came to the
22 door saying -- and that's when he walked away.

23 Q. But when you left, you left -- but you left to go talk
24 to Kadeshia.

25 A. I talked to Kadeshia in the house.

1 Q. No. She left, you said you went -- you talked to many
2 detectives?

3 A. Right.

4 Q. And everything's recorded.

5 A. Right.

6 Q. And you told Detective Tuttle in 2015 that you left to
7 go apologize to her.

8 A. That's what I told -- I went to go and apologize to
9 her? I wouldn't be going to apologize to her because I
10 didn't have any reason to apologize to her.

11 Q. Kerri had actually at one point looked at you like you
12 were making too big of a deal of things.

13 A. Right.

14 Q. Okay. And when -- you were saying Montrelle hit you
15 after you followed Kadeshia.

16 A. I didn't follow Kadeshia, I went outside.

17 Q. To talk to her?

18 A. Listen, Kadeshia was standing at the car. When I went
19 outside I didn't even get a chance to say anything to
20 Kadeshia. Kadeshia was hollering and screaming and when I
21 came outside, I walked around to go to -- I may have said
22 some words to Kadeshia, but I was smoking a cigarette when I
23 turned the corner -- Kadeshia was almost right there.

24 Q. Uh-huh.

25 A. When I was walking around the building, I was on the

1 ground. I was smoking a cigarette. He just came up out of
2 nowhere like lightning and just knocked me.

3 Q. It's possible that he thought you were going after
4 Kadeshia? That's what you told Detective Tuttle.

5 A. Well, he might have thought that.

6 Q. You testified a little earlier -- Mr. Simpson was
7 asking you about the area he was in. And you said that you
8 don't really have friends, you just have associates,
9 correct?

10 A. A lot of associates, yes. I have one friend.

11 Q. You have one friend in that area?

12 A. In this whole world, One friend.

13 Q. Okay. A lot of people in the area are bad news, is
14 that fair to say?

15 A. I mean I can't really tell you because I don't
16 communicate with a lot of people.

17 Q. There are some people who are some really bad news in
18 that area; is that fair to say? And you try not to
19 associate with them if possible?

20 A. If a person speaks, I speak.

21 Q. Now, Kinard, he's your first cousin, correct?

22 A. Uh-huh.

23 Q. But you're not as close to him as you are to your
24 sisters, for example; is that fair to say?

25 A. Uh-huh.

1 Q. And the boys, you know, whether it's male family
2 members -- they don't necessarily tell you or the other
3 females what their business is. Is that fair to say?

4 A. Uh-huh.

5 Q. They keep the lines separate if they can. Is that
6 fair?

7 A. Right.

8 Q. So you don't know what was going on with Kinard.

9 A. Maybe you can be a little more specific.

10 Q. You don't know all of Kinard's dealings, correct?

11 A. I don't even see Kinard every day.

12 Q. And you don't even remember the twins names, so you
13 didn't even know their names, correct?

14 A. Right.

15 MS. FORD: Beg the Court's indulgence.

16 (Brief pause.)

17 MS. FORD: I have no further questions for this
18 witness, Your Honor.

19 THE COURT: Any redirect?

20 BY AST. SOL. SIMPSON: Yes.

21 THE COURT: THE COURT: You may proceed.

22 REDIRECT EXAMINATION

23 BY AST. SOL. SIMPSON:

24 Q. First, we're going to talk a little more about these
25 associates. You're not talking about having business

1 dealings with other people, right?

2 A. No.

3 Q. As you stated first, you used kind of interchangeable,
4 acquaintances?

5 A. Right.

6 Q. People you know?

7 A. Yes.

8 Q. Ms. Ford was asking questions as to could Mr. Campbell
9 have thought you were going after his sister in some way?

10 A. Uh-huh.

11 Q. So how far, and again if it makes sense to you, you can
12 use sort of this diagram or the other diagram. How far away
13 -- you said Kadeshia was standing by the car. How far away
14 was Kadeshia from you when you got knocked to the ground by
15 Mr. Campbell?

16 A. Actually, it's as far as we are now.

17 Q. So about this far?

18 A. Uh-huh.

19 Q. And you said that you had come around the corner and
20 then you just, boom, right to the ground?

21 A. Uh-huh.

22 Q. Okay. Now, let me ask you this. You speak your mind,
23 right?

24 A. Right.

25 Q. You have a fiery personality; is that a fair statement?

1 A. Yes.

2 Q. Okay. Ms. Ford, I have to point out that maybe -- and
3 Montrelle's sister did exchange some words in the house. Is
4 that fair enough?

5 A. Yes.

6 Q. And that maybe Montrelle exchanged some words in the
7 house?

8 A. No, me and Montrelle didn't. He never spoke to me
9 period.

10 Q. Okay. But maybe some words were spoken by you about
11 his presence at the house. Is that okay to say?

12 A. Right.

13 Q. Okay. And maybe, even, this is where I made a point
14 that they did. Maybe he thought that you were going after
15 his sister?

16 A. Okay.

17 Q. Is that fair that maybe he thought that? Or let's make
18 it clear. Were you going after Kadeshia in any way?

19 A. No.

20 Q. Okay. But could he might have thought that? I think
21 Ms. Ford asked you that, maybe.

22 A. He may have thought that. I don't know.

23 Q. Okay. And might that really make a person angry?

24 A. It could. Yes.

25 Q. Does your personality, if someone can't take it, can it

1 make people angry sometimes?

2 A. Yes.

3 Q. Can it piss people off?

4 A. Yes.

5 Q. Do you think maybe all this all together might have
6 made Mr. Campbell kind of mad that night?

7 MS. FORD: Objection. Speculation.

8 THE COURT: Sustained. Rephrase.

9 AST. SOL. SIMPSON: I don't have anything else, Your
10 Honor.

11 THE COURT: Anything else from the Defense?

12 MS. FORD: No, Your Honor.

13 THE COURT: Ladies and gentlemen, we're going to take
14 advantage of this break and break for the day. We're going
15 to break a little early. We're going to resume in the
16 morning at 9:30. If you come directly to your jury room, at
17 that time we will resume testimony. You all have been
18 troopers today and the Court as well as Counsel appreciate
19 you all being so very accommodating with us.

20 If you all would stack your notebooks for me on that
21 ledge, we'll secure them during this evening recess. Hope
22 you all have a great evening and we'll see you in the
23 morning at 9:30. Please do not discuss this case, please
24 don't make any comments on any internet, social networking
25 sites and do not have any contact with anyone in or about

1 first alternate.

2 MS. FORD: That's fine with me, Your Honor.

3 (Brief pause.)

4 THE COURT: Okay. (To Bailiff) I need you to give a
5 number 274 a notes to see if she wants to destroy them or if
6 she wants y'all to do that. And then the first alternate,
7 number 304, will now be seated with the main panel and
8 number 24 will remain in the alternate position.

9 All right. Is there anything else we need to take up
10 before we resume testimony? From the State?

11 AST. SOL. SIMPSON: No, Your Honor.

12 THE COURT: From the Defense?

13 MS. FORD: Your Honor, just so you're aware, it may not
14 come up until after lunch, but beginning this morning the
15 State was testing a video they intend to play. I had
16 already indicated stated to Mr. Simpson that I would be
17 objecting to that being played. It's a body cam video of
18 when one of the first officers arrived. And it's just him
19 being in the apartment. Obviously, there are people
20 screaming, crying. It's very chaotic in there. I believe
21 it's six minutes long, so ---

22 THE COURT: How long?

23 MS. FORD: About six minutes, Your Honor. And we just
24 think it doesn't establish anything of value other than
25 obviously ---

1 THE COURT: Yeah. I can't make a ruling in isolation.
2 You'll have to make a contemporaneous objection. I'll view
3 it in-camera and then I can rule then. I can't rule on
4 something I haven't seen yet.

5 MS. FORD: Yes, Your Honor. I was just bringing to
6 your attention ---

7 THE COURT: And I need to hear it in the context of the
8 testimony. I don't know. It might be relevant; it might be
9 res gestae. They put everything in context, I'm not
10 certain. So what I need you to do is just make a
11 contemporaneous objection before it's played.

12 MS. FORD: Okay.

13 THE COURT: And then I'll watch it in-camera. We'll
14 create the proffer and so . . .

15 MS. FORD: Yes, Your Honor.

16 THE COURT: You're welcome. All right. Is there
17 anything else we need to take up before we begin? From the
18 State?

19 AST. SOL. SIMPSON: No, Your Honor.

20 THE COURT: From the Defense?

21 MS. FORD: No, Your Honor.

22 THE COURT: Who's going to be the State's next witness?

23 AST. SOL. GINSBERG: Kerri Brown, Your Honor.

24 THE COURT: Is she present?

25 BY AST. SOL. GINSBERG: Yes, she is, Your Honor.

1 THE COURT: I mean is she in the courtroom?

2 AST. SOL. GINSBERG: Yes, she is, Judge.

3 THE COURT: Okay. Perfect. All right. Tell Mr. Fryar
4 to bring in the jury.

5 (Brief pause.)

6 (The jury enters the courtroom at 10:15 a.m.)

7 THE COURT: You may be seated. Good morning, ladies
8 and gentlemen. I hope everybody had a pleasant evening.
9 We're not going to resume testimony. We appreciate your
10 patience. The Court needed to deal with some matters of law
11 before we resumed this morning. The State may proceed.

12 BY AST. SOL. GINSBERG: Thank you, Your Honor. The
13 State calls Kerri Brown.

14 THE COURT: Ms. Brown, if you would come forward to be
15 sworn, please.

16 (KERRI BROWN, was duly sworn and provided the following
17 testimony.)

18 THE CLERK: Spell your first and last name, speak
19 directly into the microphone.

20 THE WITNESS: K-E-R-R-I, B-R-O-W-N.

21 THE COURT: You may proceed.

22 BY AST. SOL. GINSBERG: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 DIRECT EXAMINATION

25 BY AST. SOL. GINSBERG:

1 Q. Good morning, Ms. Brown?

2 A. Good morning.

3 Q. I know you, but I just want the jury to get you a
4 little better. Ms. Brown, how old are you?

5 A. Thirty-five.

6 Q. And where do you work?

7 A. -- parking garage.

8 Q. In the parking ---

9 THE COURT: I need you to speak up for me and speak
10 directly into that microphone.

11 A. -- parking garage.

12 Q. And, Ms. Brown, do you have any children?

13 A. I do.

14 Q. How many children do you have?

15 A. One.

16 Q. One child?

17 A. Yes.

18 Q. And you might have to move that microphone a little
19 closer to you. And how old is your child?

20 A. He's eight.

21 Q. He's eight. We met Katrina Brown. What's your
22 relationship with Katrina Brown?

23 A. She's my sister.

24 Q. And we'll meet Tierra Brown. What's your relationship
25 to Tierra?

Direct Examination of Kerri Brown by Ast. Sol. Ginsberg

1 A. She's my cousin.

2 Q. And did you often visit Trina's house?

3 A. Yes.

4 Q. And I'm sorry. Is that what you call Katrina, Trina?

5 A. Yes.

6 Q. Okay. Back in September of 2015, were you still
7 visiting Trina?

8 A. Yes.

9 Q. And where did she live then?

10 A. Norman street. ■ Norman Street.

11 Q. I'm going to show you on the ELMO, it's already been
12 marked and admitted, State's 2. And, Ms. Brown, can you
13 locate where Trina lives in this picture?

14 A. Yes.

15 Q. In front of you that you can mark. Do you mind marking
16 around the approximate area where Ms. Brown lives?

17 A. (Witness complies.)

18 Q. And that's where you often visit your sister Trina?

19 A. Yes..

20 Q. I want to draw your attention to the evening, Thursday
21 evening, September 17, 2015. Did you recall visiting Trina
22 that night?

23 A. Yes.

24 Q. And why were you going there?

25 A. To visit my sister.

1 Q. Yeah. Just to hang out?

2 A. Yeah.

3 Q. Do you recall when you got to Trina's house that night?

4 A. Yes.

5 Q. Around what time?

6 A. I would say, like, around 4- or 5-ish.

7 Q. And who was with you when you went to Trina's house
8 that Thursday night?

9 A. My son.

10 Q. In 2015. So how old would he have been at that time?

11 A. Six.

12 Q. Okay. And when you made it to Trina's, who was there?

13 A. It was my sister and her friend was there.

14 Q. And what was her -- do you call her ---

15 A. Tony.

16 Q. Tony. And what were you guys doing at Trina's? Just
17 chilling with the family?

18 A. Yeah.

19 Q. Okay. What happened, Ms. Brown, that evening that
20 involved this case?

21 A. Involving this case?

22 Q. Right.

23 A. Well, we were just hanging out with -- We just was
24 hanging out. And Kadeshia, she came in the room, whatever.

25 Q. And I might have to stop you just to -- and who is

1 Kadeshia?

2 A. She was a friend of mine at the time.

3 Q. Okay.

4 A. I hadn't see her in while. Because I was living in
5 Columbia for like ten years at the moment, and I came back
6 home. After I moved back home, or whatever, so it was like,
7 kind of, we was both excited to see each other.

8 Q. Okay. So Kadeshia came over?

9 A. Uh-huh. She came over, whatever. She wasn't there
10 that long. And we was all just sitting in the kitchen at
11 the time. And someone came to the door and was like, you
12 know, "Kadeshia someone outside" -- she was like, "Okay.
13 Tell them I'm coming." So she went never went outside or
14 whatever. So that's when her guy came to the door and he
15 just walked in.

16 Q. Okay. So Kadeshia, you haven't seen her in a long
17 time?

18 A. I hadn't seen her in a while.

19 Q. Did you know she that she had a brother?

20 A. Well, yeah. I knew she had a brother. I didn't know
21 who it was.

22 Q. Okay. And so he comes into the door?

23 A. Uh-huh. He just walked in.

24 Q. And what was everyone's demeanor when this person came
25 into the door?

1 A. Well, at that point, that's when my sister friend, she
2 was like, "Okay, who's this guy just walking inside your
3 house?" That's what she told my sister. And then she
4 looked over there and she was like, "Who are you," or
5 whatever. And he never said anything. And she just kept
6 saying, "You don't know him," whatever. She was, like, "No,
7 I don't know him," like or whatever, "but he got to leave."

8 Q. And so Trina was saying, you know, "He has to leave.
9 He has to leave." How did she appear to? Frustrated?
10 Happy?

11 A. I mean, she wasn't happy at that time. She was just
12 like bothered.

13 Q. Bothered?

14 A. Yeah. Well, strange guy just came inside her home,
15 just walked in.

16 Q. Okay. And you just explain that she was telling him to
17 leave. Is that ---

18 A. Yeah.

19 Q. Who did you eventually learn was that guy that came
20 into the house? What was his name?

21 A. Troll.

22 Q. And is that what you knew him as?

23 A. I don't know him. But that night that's what I knew
24 who he was.

25 Q. Okay. After Trina was telling him to leave, leave,

1 leave, what happened next?

2 A. Eventually, he just got out. He just left.

3 Q. Okay. And then after he left, what happened after
4 that?

5 A. My sister said a few words to Kadeshia, whatever. And
6 they went back and forth. It wasn't nothing like, you
7 know -- or anything. That's when my sister asked her to
8 leave. And so she got up and she went through the back
9 door.

10 Q. Okay. So Kadeshia leaves, Troll leaves. What happens
11 after that?

12 A. Maybe a couple of minutes later, or whatever, my sister
13 had caught here. She going through the front door. And she
14 went outside to go smoke a cigarette. At this time, I'm
15 still in the house.

16 Q. Okay. And while you're in the house and Trina is
17 outside smoking a cigarette, what happens after that?

18 A. I just suddenly went on the back porch or whatever.
19 And she -- I guess she was walking around the building --
20 and she was like almost close to the back porch whereas I
21 could like see her. So all I saw when -- she just fell on
22 the ground.

23 Q. She fell to the ground?

24 A. Uh-huh.

25 Q. And what did you do after that?

1 A. When I saw her, I just ran around like, okay, like,
2 "What are you doing?" Like, you know, what happened, you
3 know, so

4 Q. And when you ran around and saw your sister on the
5 ground, who did you see there?

6 A. I saw Troll over her as if he were to hit her again.

7 Q. You saw him over her like he was going to hit her
8 again?

9 A. But he didn't.

10 Q. But he didn't. Was he saying anything to her?

11 A. No. He never said anything.

12 Q. I know you mentioned this before. Had you met Troll
13 prior to this evening?

14 A. No.

15 Q. Did you have any issues with him in the past?

16 A. No.

17 Q. Once your sister was on the ground, you came to her
18 aid. What happened after that?

19 A. I was like, "What are you doing?" Like, "Why did you
20 do that?" Like, "What happened," or whatever? And, like I
21 said, he never said a thing. That's when my sister Trina
22 came outside or whatever and like they both fighting --
23 like, "Why you did that," or whatever? And as we was in his
24 face, he was like backing up. We were like -- his hands
25 still got, you know, like -- I guess as if we was coming

1 after him like -- we just wanted to ask him like why would
2 you just hit a female, you know, and my sister, so, you
3 know. So as he was backing up, my sister, she was getting
4 up off the ground. But she was -- like her ear a little
5 bit. And she was holding her ear or whatever. And that's
6 then when she kind of like noticed that he was looking -- he
7 was reaching for something. But she was like, "Just go in
8 the house. Let's leave it alone. Let's go in the house."
9 And that's what we did. We went in the house after that.

10 Q. Okay. Did you call the police to report what happened?

11 A. No, we didn't. No, I didn't.

12 Q. And why is that? Just be very honest.

13 A. I mean, at that time the police wasn't even -- at that
14 moment. And, you know, like, that's just something, you
15 know, kind of hard to do.

16 Q. It's hard to ---

17 A. Where we from. So, yeah.

18 Q. Okay. I kind of now want to just move forward to
19 Friday night getting into Saturday morning. That's why
20 you're here.

21 A. Yeah.

22 Q. And what we're going to do is -- I might have to pause
23 you and that kind of stuff. But do you recall that evening?
24 The evening of September 18, 2015, into the morning
25 September 19, 2015?

1 A. Yes.

2 Q. And can you tell the jury where you were that night?

3 A. I was at my sister's house.

4 Q. Right there at [REDACTED] ---

5 A. Yes.

6 Q. Do you know around what time you got to Trina's house?

7 A. I was still there.

8 Q. Oh, you were still there.

9 A. I stayed the night at her house that night. So I never
10 left.

11 Q. And your son as well?

12 A. My son is well, yeah.

13 Q. Okay. And y'all typically -- you typically get
14 together Friday night as a family anyways?

15 A. Well, for me, no because I work constantly. Usually, I
16 don't go over there that much. When I do, it's always like
17 maybe over the weekend. So we always -- never inside the
18 weekday.

19 Q. Okay. I've got times when you were ever there when you
20 said you just spent the night. But who is at Trina's house
21 then when you were there?

22 A. It was just me my sister, my friend, Tanya, and my
23 neighbor at the time. Because he went to the game with me
24 earlier that day, so he was at the house that evening.

25 Q. Okay. And what was everyone doing at the house at that

1 time?

2 A. Just being normal. Just, you know, hanging out.

3 Q. So later in the night, who eventually came to the
4 house?

5 A. My sister and I, my son, and my cousin Tierra. A
6 friend of hers named -- then my cousin came, Kinard, and a
7 few friends. That's it.

8 Q. And then did Dusty, Antwan Frost, also come?

9 A. Yeah. He came later on that night also at the -- prior
10 to incident.

11 Q. Okay. What time do you think that Antwan Frost came?

12 A. I would say like around 5:00, maybe 5:30.

13 Q. Okay. And can you describe your relationship with
14 Antwan. How did you know Antwan Frost?

15 A. Well, he was like a good friend -- so like I knew . . .

16 Q. Okay. So now I'm going to show you it's been
17 previously marked and admitted as State's 6. What do you
18 recognize this diagram as?

19 A. That's my sister's house.

20 Q. Your sister's house. Okay. SO we're now at 5:30 a.m.
21 So Dusty is there, your sister, your cousin Tierra, your
22 child, Trina's child, your cousin Kinard?

23 A. Yes.

24 Q. Two or three of his friends?

25 A. Right.

1 Q. What are y'all doing in the house?

2 A. Well, a few of them are playing cards.

3 Q. You can mark on the screen, actually, if you'd like, if
4 that's easier for you, where they were playing cards.

5 A. That's the kitchen right here.

6 Q. Okay. So a few of them are playing cards in the
7 kitchen. Where were you at?

8 A. I was in the living room.

9 Q. Who else is with you in the living room?

10 A. It was me and my sister in the living room at the time.
11 Dusty was in the living room as well standing by the back
12 door.

13 Q. Okay. So you guys were in the living room, Tierra was
14 playing cards. What were you guys doing in the living room?

15 A. I was controlling the music. Just trying to find music
16 for my cousin at the time. And I was just sitting in the
17 living room on the cooler. Because at that time, my sister
18 just had like not really modern furniture because she was
19 getting some new furniture. So there's was like maybe one
20 chair, like a wingback chair. And she was sitting -- she
21 was sitting in a folding chair, and I was like sitting on
22 the cooler.

23 Q. Okay. So y'all ---

24 A. I had the radio . . .

25 Q. Okay. So at this time, Dusty is here?

1 A. Uh-huh.

2 Q. You guys are listening to music. You're sitting on a
3 cooler. In regards to this case, what happened next?

4 A. That's when just out of the blue I was just -- I
5 remember just sitting on the cooler or whatever. And just
6 randomly we just started hearing gunshots. And we
7 immediately -- just talking about or whatever. It was like
8 me, my cousin Kinard, and Tierra. And I remember seeing my
9 sister as well. Like, we all, like, just tried, like, get
10 under that one chair or whatever. So practically the chair
11 was just sitting on our backs as we were just trying to go
12 hide and and dive for cover at the time.

13 Q. So you're sitting and enjoying music with your family
14 and then you hear gunshots. Can you tell the jury kind of
15 what -- did you see gunshots coming in?

16 A. It was like (descriptive sound). And as that was going
17 on, I kept hearing glass shattering or whatever. And it
18 wasn't like real loud, like, boom, boom, guns. It was like
19 bing, bing; like pellets or something.

20 Q. And you heard the glass shattering inside the home?

21 A. Yes. It was shattering everywhere.

22 Q. So you're behind the chair with your sisters. What you
23 do after that?

24 A. I was -- I was under the chair at that moment. Like, I
25 realize like, okay, my son is in the room. So that's when I

1 was -- I was crawling towards the back or whatever. And at
2 that time, my hand was -- I been on my knees and everything
3 because, you know, glass was on the floor. And as I was
4 going to back room -- I never got out. I was just like --
5 on my hands or whatever. So I was like trying -- under the
6 bed. But he's a hard sleeper, so he wouldn't get up. I
7 just like practically wrapped him, like when we were on the
8 floor, and I grabbed a blanket. So I was just, like, trying
9 to grab my son. I really didn't want to wake them up
10 because I didn't want them to see what was going on. So I
11 just, like, grabbed my son and I put him on top of -- bag.
12 I just take the blanket and wrapped them up in the blanket,
13 and I was just, like, laying on top of him.

14 Q. While the shooting

15 A. Yeah.

16 Q. When you got to the back bedroom as you were covering
17 your son and your nephew, what did you notice about
18 yourselves?

19 A. You said about myself?

20 Q. Yeah.

21 A. At that time, I never noticed anything. I was just
22 trying to keep them safe.

23 Q. Okay. Were you shot in the incident?

24 A. I was.

25 Q. And where were your injuries?

1 A. In my head.

2 Q. In your head. So you're saying you had -- I guess your
3 motherly instinct -- when did you realize you were injured?

4 A. When my cousin Tierra when she was -- I guess when
5 after all the shooting was over, or whatever, that's when
6 I'm thinking that she noticed the -- like, as he was coming
7 down the hallway, you know, she saw all the blood over there
8 going into the room. And so, at that time, I was still
9 over, you know, my nephew and my son and whatever. And
10 that's when she rolled me off of them. But I didn't know if
11 the gun was still going on at the time. Because I was just,
12 like, you know -- so I couldn't hear -- I had the door
13 closed. So that's when she rolled me off him or whatever
14 and she saw the blood . . .

15 Q. Do you mind, on that diagram, which bedroom did you
16 crawl to from the living room? You can just draw a line.
17 Like the pathway of where you crawled.

18 A. (Witness complies.) Right here.

19 Q. Okay. So you crawled from the living room, down that
20 hallway, into the first bedroom?

21 A. Uh-huh.

22 Q. After the shooting, was 911 called?

23 A. Yeah.

24 Q. Okay. And what happened next? Did they -- did the
25 police and EMS arrive?

1 A. Yeah.

2 Q. And were you treated at the hospital for your injuries?

3 A. I was.

4 Q. Can you recall what happened at the hospital when the
5 doctor was trying to figure out what happened to you?

6 A. I remember being at the hospital whenever they had me
7 and my cousin Tierra and they had Dusty. We all was in the
8 same room. But you had curtains separating each one of us.
9 So at the time, my cousin Tierra was just like talking to me
10 trying to keep me alert just not knowing, you know, the
11 severity of my injuries or whatever. She was just talking
12 to me, talking to me, talking to me. So she heard the
13 doctors talking do Dusty or whatever, and she kept going --
14 and I was like, "What's going on over there?" And she just
15 was, like, crying and crying real bad so that made me cry
16 even more. That's when she was like, "Oh my God, Kerri.
17 Dusty is dead," or whatever.

18 MS. FORD: Objection. Hearsay and relevance.

19 AST. SOL. GINSBERG: I'll move forward, Judge.

20 THE COURT: It's hearsay. That objection is sustained.

21 AST. SOL. GINSBERG: I'll move forward, Your Honor.

22 Q. Did you have any enemies in the neighborhood at that
23 time?

24 A. No.

25 Q. And the police spoke to you later that day in the

Direct Examination of Kerri Brown by Ast. Sol. Ginsberg

1 hospital. Is that right?

2 A. They did.

3 Q. And you told them what you said today?

4 A. Yeah.

5 Q. And when they asked you who could have done it, the
6 incident on ---

7 MS. FORD: Objection. Hearsay and bolstering.

8 THE COURT: I didn't hear the whole question.

9 AST. SOL. GINSBERG: I didn't finish the whole
10 question.

11 THE COURT: Yeah.

12 AST. SOL. GINSBERG: Sorry, Judge.

13 THE COURT: That's all right. If you can repeat the
14 whole thing.

15 AST. SOL. GINSBERG: Absolutely.

16 Q. You spoke to the police?

17 A. Yes.

18 Q. And you explained what you explained today?

19 A. I did.

20 AST. SOL. GINSBERG: No further -- beg the Court's
21 indulgence.

22 Q. Just briefly, Ms. Brown. The incident Thursday with
23 Troll.

24 A. Uh-huh.

25 Q. Do you see him in the courtroom today?

1 A. I do.

2 Q. Where is he today?

3 A. He's right there.

4 Q. Where is right there? I'm sorry.

5 A. At that table.

6 Q. Oh, at that table.

7 A. (Nonverbal response.)

8 MS. FORD: Thank you. Please answer any questions

9 Ms. Ford has for you.

10 THE COURT: You may proceed.

11 MS. FORD: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 MS. FORD: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 CROSS-EXAMINATION

16 BY MS. FORD:

17 Q. Good morning. So, Kerri, you were inside the apartment
18 at the time of the shooting, correct?

19 A. Uh-huh.

20 Q. Okay. And you never saw anyone with the gun that
21 night?

22 A. No.

23 Q. And you never saw Montrelle Campbell that night?

24 A. I didn't.

25 Q. And you didn't see an Italia jersey that evening?

1 A. What's that?

2 Q. Just a shirt with language on it, Italia; a blue
3 jersey. Did you see anybody wearing that evening?

4 A. Not that I can recall right now.

5 Q. The night before on Thursday, you were at your sister's
6 house that evening?

7 A. I was.

8 Q. And you spent the night with your son?

9 A. Yes.

10 Q. And that is when you met Montrelle?

11 A. Not personally, but that's when I saw him.

12 Q. Okay. So you didn't have any interactions with him
13 that evening then?

14 A. At all.

15 Q. Okay. And you never met him before?

16 A. No.

17 Q. But you knew Kadeshia?

18 A. Yes.

19 Q. And I know you said you lived in Columbia for about ten
20 years?

21 A. Yes.

22 Q. So you had just moved back to Charleston that year,
23 2015, correct?

24 A. Yes.

25 Q. And so you had not seen Kadeshia in a while. Is that

1 fair to say?

2 A. Right.

3 Q. But y'all had been pretty good friends ---

4 A. --- good friends. Yeah. She used to always come to my
5 house and visit me and stay the weekend sometimes or
6 whatever. We was pretty good friends.

7 Q. And Montrelle is her brother, correct?

8 A. Yes.

9 Q. And you had testified that someone came in and said
10 that someone wanted to talk to Kadeshia?

11 A. Right.

12 Q. And they said it was her brother?

13 A. Yes.

14 Q. So you knew when a man came in that it was Kadeshia's
15 brother?

16 A. No. Because I never knew who he was. But, I mean,
17 after she said that's her brother that's when I knew that
18 was her brother.

19 Q. Okay. So when there was a man there, it's fair to say
20 that people knew that was Kadeshia's brother?

21 A. (Nonverbal response.)

22 Q. And your sister did not like that he was there and they
23 had -- Montrelle never said anything though, correct?

24 A. He didn't.

25 Q. So your sister just went off on him about leaving her

1 home?

2 A. She asked him, like, why did he just walk in her house,
3 yes.

4 Q. Okay. And she was upset?

5 A. I mean, at the moment she was just -- she just wanted
6 questions.. At that time she really wasn't upset. She just
7 wanted to know why he just walked in our house.

8 Q. Okay. She was agitated?

9 A. She was.

10 Q. Okay. And Montrelle left?

11 A. He did.

12 Q. But Kadeshia was still there?

13 A. She was.

14 Q. And then Kadeshia and your sister had some words,
15 correct?

16 A. Right.

17 Q. And Trina was upset with Kadeshia for not apologizing
18 on behalf of her brother, correct?

19 A. Uh-huh.

20 THE COURT: Ma'am, if you would say yes or no.

21 A. Yes.

22 Q. So Trina asked Kadeshia to leave?

23 A. Yes.

24 Q. And then after Kadeshia left, she was still saying some
25 words about -- they were both still a little irritated. Is

1 that fair to say?

2 A. Yes.

3 Q. And Trina left after Kadeshia, correct?

4 A. Yes.

5 Q. And you told us how you went outside after your sister.

6 But you actually never saw Montrelle hit your sister,

7 correct?

8 A. I just saw her on the ground.

9 Q. Okay. And there had not been -- or the next day -- I
10 know you had not talked to Kadeshia in a while before this
11 night, correct?

12 A. Yes, ma'am.

13 Q. But Kadeshia told you that she worked at Pizza Hut?

14 A. She did. Yeah.

15 Q. You actually talked to Kadeshia the next evening as
16 well?

17 A. I remember talking to her that night of the incident,
18 you know, when he punched my sister to the ground. But I
19 didn't talk to her that night -- I mean the next day.

20 Q. Okay. It was earlier in the evening well before the
21 shooting, correct?

22 A. I don't remember talking to her. I remember talking to
23 her Thursday night. I don't remember talking to her Friday
24 at all.

25 Q. Didn't you talk to her possibly about working at Pizza

1 Hut? Talk to her on the phone for about 30 minutes?

2 A. Like I said, I don't remember that call. I remember
3 her telling me that she worked at Pizza Hut, but I don't
4 remember talking to her that Friday.

5 Q. Okay. Well, you and Kadeshia didn't have any
6 difficulties with each other the next day or anything,
7 correct?

8 A. No. Because we talked that night. And she apologized
9 for all what happened, you know, as far as her brother
10 hitting my sister earlier. And she left.

11 Q. You don't remember talking to her Friday evening before
12 the shooting?

13 A. I don't.

14 Q. She was possible the last person you spoke to on the
15 phone prior to ---

16 A. I don't remember.

17 Q. Okay. You talked to several officers about this case,
18 correct?

19 A. Uh-huh.

20 Q. You've spoken to Detective Tuttle, correct?

21 A. Yes.

22 Q. Detective Bailey?

23 A. I could have, but I don't remember talking to him.

24 Q. Okay. Well, September 23, 2015, you had indicated to
25 Detective Bailey that you had talked to Kadeshia the next

1 evening for about 30 minutes.

2 A. Okay.

3 Q. Okay. Do you remember that?

4 A. I don't.

5 Q. So just a little back to what we were discussing
6 earlier. You lived in Columbia for ten years, correct?

7 A. Uh-huh.

8 Q. So you're not really -- and you didn't live personally
9 in those apartments, correct?

10 A. (Nonverbal response.)

11 Q. You lived in another area of town, didn't you?

12 A. (Nonverbal response.)

13 Q. So you're not necessarily familiar with everything that
14 goes on over there ---

15 A. ---

16 Q. --- correct? Okay. And you don't necessarily know
17 all the people who live over there in the way that your
18 sister knows, correct?

19 A. No.

20 Q. But she often has a lot of people over?

21 A. No.

22 Q. She doesn't often have a lot of people over?

23 A. No.

24 Q. So this was a rare thing?

25 A. I wouldn't say rare. But she don't often have a lot of

1 people over . . .

2 Q. Would you hang out with her sister every day?

3 A. No.

4 Q. The evening that this shooting happened there were
5 multiple people in and out of that apartment all night. Is
6 that fair to say?

7 A. What you mean multiple people?

8 Q. Well, there were people there at the time of the
9 shooting, but there had been other people there throughout
10 the night before that, correct?

11 A. Right.

12 Q. One person who was there was a the guy, Hetty(ph). He
13 came before Dusty ---

14 A. He came by there. Yes, he did.

15 Q. Okay. And then there's a guy named Kunta (ph)?

16 A. I don't know him.

17 Q. But there was a man over there?

18 A. Could have been. But I don't know who you're talking
19 about.

20 Q. Several -- your mom came at one point?

21 A. She was there.

22 Q. Okay. Dusty, you were telling us how y'all grew up and
23 were close, correct?

24 A. (Nonverbal response.)

25 Q. But you had actually not seen him in ten years,

1 correct?

2 A. I haven't seen him. That was my first time seeing him
3 in ten years.

4 Q. Your cousin Kinard was there. Is that correct?

5 A. He was.

6 Q. And you said that he brought with him either two or
7 three boys?

8 A. He did.

9 Q. But you didn't know any of them?

10 A. I mean, not personally. But I knew who they were . . .

11 Q. Okay. But you don't even know their names?

12 A. I know Delano was with him ---

13 Q. Okay.

14 A. --- over there. But there were two other guys there.

15 Q. And you don't really -- and I think you had pretty much
16 already said this. But you don't really know all of the
17 Green people?

18 A. Absolutely not.

19 MS. FORD: Beg the Court's indulgence.

20 THE COURT: Yes, ma'am.

21 MS. FORD: No further questions for this witness, Your
22 Honor.

23 THE COURT: Any redirect?

24 AST. SOL. GINSBERG: Just briefly, Your Honor.

25 THE COURT: You may proceed.

1 AST. SOL. GINSBERG: Thank you.

2 THE COURT: You're welcome.

3 REDIRECT EXAMINATION

4 BY AST. SOL. GINSBERG:

5 Q. Kerri, just briefly. Ms. Ford just asked you about
6 conversations that you had with Kadeshia in the past over
7 two years ago.

8 A. Uh-huh.

9 Q. You said you don't recall those conversations. Is that
10 right?

11 A. That Friday. I mean, I remember talking to her
12 Thursday night.

13 Q. Okay. But that doesn't mean -- you're not hiding
14 anything. You just don't remember?

15 A. Right?

16 Q. Just to clarify, that Thursday when you met Montrelle
17 for the first time, you testified that you were in the
18 living room or in the bathroom when he saw your sister fall
19 to the ground?

20 A. Uh-huh.

21 Q. Okay. And just to clarify, can you explain to us once
22 you saw your sister fall, what did you do again?

23 A. I, like, stood over her or whatever, and I was like,
24 "What are you doing? Like, what did you do? Why did you do
25 that?"

1 MS. FORD: Objection. Outside the scope.

2 THE COURT: I'll give her some latitude. It's still
3 within the scope of cross. Overruled.

4 Q. So you were standing over her. Who also was standing
5 there?

6 A. At that time, my sister's friend.

7 Q. Was the defendant standing there?

8 A. Yes, he was. Yeah.

9 Q. And explain what the defendant looked like when he was
10 standing over your sister?

11 A. He had ---

12 MS. FORD: Objection. Again, this is way outside the
13 scope.

14 THE COURT: No speaking objections. What's the basis
15 of your objection?

16 MS. FORD: Outside the scope of cross-examination.

17 THE COURT: Overruled.

18 Q. You can go ahead and answer.

19 THE COURT: Ma'am, you can answer the question.

20 A. His stance was as if he was arrogant.

21 AST. SOL. GINSBERG: No further questions for this
22 witness.

23 THE COURT: Any objections to the witness being
24 excused? From the State?

25 AST. SOL. GINSBERG: None, Your Honor.

1 THE COURT: From the Defense?

2 MS. FORD: No, Your Honor.

3 THE COURT: Ma'am, you're excused. Call your next
4 witness.

5 AST. SOL. GINSBERG: Thank you, Your Honor. The State
6 calls Tierra Brown.

7 THE COURT: The witness can come forward, please.

8 (TIERRA BROWN, was duly sworn and provided the
9 following testimony.)

10 THE CLERK: Please take your seat. Spell your first
11 and last name speaking directly into the microphone.

12 THE WITNESS: It's Tierra, T-i-e-r-r-a, Brown,
/ 13 B-r-o-w-n.

14 THE COURT: You may proceed.

15 AST. SOL. GINSBERG: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 DIRECT EXAMINATION

18 BY AST. SOL. GINSBERG:

19 Q. Good morning, Tierra?

20 A. Good morning.

21 Q. How old are you?

22 A. Twenty-eight.

23 Q. Twenty-eight. And where do you work, Tierra?

24 A. Burger King.

25 Q. Burger King?

- 1 A. Uh-huh.
- 2 Q. And you really like it, don't you?
- 3 A. No.
- 4 Q. Where are you from, Tierra?
- 5 A. New York.
- 6 Q. And when did you move here to Charleston?
- 7 A. Right before the shooting happened.
- 8 Q. Right before the shooting happened. So in 2015?
- 9 A. Uh-huh.
- 10 Q. And why did you move to Charleston?
- 11 A. My mother had relocated here. She's -- my family is
- 12 from here, so.
- 13 Q. So you came to be with your ---
- 14 A. Yeah.
- 15 Q. You were at the incident that happened on ---
- 16 A. No. I no nothing about the incident.
- 17 Q. Okay. So I'm just going to start talking to you about
- 18 and draw your attention to September 18, 2015.
- 19 A. Is that . . .
- 20 Q. So from the night of September 18 through the morning
- 21 of September 19, 2015.
- 22 A. Right.
- 23 Q. Do you recall that evening?
- 24 A. Yeah.
- 25 Q. Can you tell the jury where you were at that night?

1 A. That night, I was at Katrina's house.

2 Q. And I'm just going to show you what's been marked and
3 previously admitted as State's 2 just so we're on the same
4 page here. And on this diagram, can you tell where
5 Katrina's house is?

6 A. Uh-huh.

7 Q. Do you mind using the screen. You can circle around
8 the approximate location where she lives.

9 A. (Witness complies.)

10 Q. Okay. So you were at Katrina's house?

11 A. Uh-huh.

12 Q. Around what time do you think you got to Katrina's?

13 A. Well, I went there a little bit after work because I
14 really wasn't supposed to be there. I was supposed to go to
15 a -- concert, but I got off work too late. So me and my
16 cousin Nick went over there to see what Katrina and Kerri
17 doing. We went over there, picked up Kerri. We went to get
18 something to eat, dropped her back off. I went back home.
19 And we came back over to Trina's house.

20 Q. Do you know around what time ---

21 A. It was like nine-ish, ten-ish.

22 Q. Okay. And you said we. Who else was with you ---

23 A. My cousin Nick.

24 Q. Your cousin Nick. And when you got to Trina's house,
25 who was at Trina's house?

1 A. Just Kerri, her son. My cousin was next door. They
2 had a card game. There was nobody really there.

3 Q. Okay. What were you doing at your house in the early
4 hours?

5 A. We was just cooling and listening to music.

6 Q. Later in the evening towards the morning hours, who
7 started showing up to Trina's house?

8 A. My cousin Kinard, his two friends. I don't know the
9 other people.

10 Q. Okay. Did Antwan Frost show up?

11 A. Yeah.

12 Q. Do you recall around what time Antwan came?

13 A. It was like about five o'clock in the morning; like
14 5:30.

15 Q. Okay. At that time around the early hours, what were
16 you doing then?

17 A. I was in the bathroom; in the restroom. And then I
18 came out the restroom and we started back playing cards.

19 Q. Okay. And where were you playing cards?

20 A. In the kitchen.

21 Q. I'll show you what's been marked and admitted as
22 State's 6. So let's talk about -- when Mr. Frost got here,
23 you said you were in the bathroom and you came out and you
24 went back into the kitchen to play cards. Is that right?

25 A. Uh-huh.

1 Q. Where was everyone else?

2 A. We was all in the kitchen. Trina and Kerri and

3 Mr. Frost was in the living room.

4 Q. Did you know Mr. Frost beforehand?

5 A. No.

6 Q. Okay. Not like Katrina or Kerri?

7 A. Huh-uh.

8 Q. So you're sitting in the kitchen area playing cards?

9 A. Uh-huh.

10 Q. What happened next in regards to this case?

11 A. Next, there was a bullet coming through the window,
12 bullets coming through the kitchen window. And they told me
13 to lay -- and I got shot in the arm. And I flew underneath
14 the chair where Kerri and my cousin -- and Trina was at.

15 Q. Okay. So you were playing cards, and the next thing
16 you know you just hear shots?

17 A. Uh-huh.

18 Q. And you knew the shots were coming to your house, the
19 house that you were in ---

20 A. At first I didn't know. I was just standing there like
21 in shock because I just heard gunshots and just standing
22 there. And the next thing I know, like, you start hearing
23 all the glass shatter and just you can see the bullets
24 coming, like, through the house.

25 Q. You were in the kitchen and then where did you go right

1 after you hear ---

2 A. In the living room underneath the chair.

3 Q. With Kerri -- and Katrina?

4 A. Uh-huh.

5 Q. How many shots do you think did you hear?

6 A. It was a lot. I couldn't tell you.

7 Q. And were they -- can you explain to the jury if it was
8 like a rapid succession?

9 A. Yeah. It was consistent.

10 Q. Okay. So you're behind that chair with your cousins?

11 A. Uh-huh.

12 Q. What do you do next?

13 A. Next thing, I get up and I just started walking to the
14 back. All I see is a bunch of blood pooling to the back.
15 And I was trying to see if somebody was dead.

16 Q. Okay. So you see a bunch of blood ---

17 A. Uh-huh.

18 Q. --- towards the back. When you get to the back, what
19 do you see?

20 A. Kerri.

21 Q. Who else was ---

22 A. And the kids.

23 Q. So Kerri with her head bleeding and the kids.

24 A. Uh-huh.

25 Q. Can you describe to the jury how you saw Kerri?

1 A. She was laying on top of the kids, head down, and just,
2 like, blood just dripping from her face.

3 Q. And you mentioned you were shot. When did you realize
4 you were shot?

5 A. I didn't realize it until my cousin Nick had told me I
6 was shot. I was in so much shock. I didn't even see the
7 holes or nothing in my arm.

8 Q. Were you treated for your injury?

9 A. Uh-huh.

10 Q. Did the bullet -- do you still ---

11 A. Uh-huh. I have the bullet in my arm.

12 Q. You still have the bullet in your arm?

13 A. Uh-huh.

14 AST. SOL. GINSBERG: Beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 Q. Just to backtrack, Tierra. You mentioned that your
17 cousin Nick was with you?

18 A. Uh-huh.

19 Q. Is Nick short for anything?

20 A. Yeah. That's her nickname.

21 Q. Her nickname?

22 A. Yes.

23 Q. Okay. So Nick is a female?

24 A. A female, yes.

25 Q. And does Nick still live here in Charleston?

1 A. No. After that she moved back to Virginia.

2 Q. Okay. And last thing, can you show us where you were
3 shot?

4 A. Yes. (Witness complies.)

5 Q. And can you point to it?

6 A. Uh-huh.

7 AST. SOL. GINSBERG: Nothing further for this witness.

8 But, Tierra, if Mary has anything, please answer.

9 THE WITNESS: Okay.

10 AST. SOL. GINSBERG: Thank you.

11 THE COURT: You may proceed.

12 MS. FORD: Thank you, Your Honor. May it please the
13 Court?

14 THE COURT: Yes, ma'am. You may proceed.

15 CROSS-EXAMINATION

16 BY MS. FORD:

17 Q. Hi, Ms. Brown?

18 A. Hi.

19 Q. So you told us you are not from the Charleston area,
20 correct?

21 A. No, I'm not.

22 Q. You just moved to Charleston recently before the
23 shooting?

24 A. Yes.

25 Q. So you're not familiar the Gadsden Green area where

1 Trina lived?

2 A. No.

3 Q. And you've never met Montrelle Campbell, correct?

4 A. No.

5 Q. You did not see Montrelle Campbell that night?

6 A. No.

7 Q. You were inside the apartment, obviously, during the
8 time of the shooting, correct?

9 A. Yes.

10 Q. So you didn't see who was shooting into the apartment?

11 A. Of course not.

12 Q. There were a lot of people inside the apartment with
13 you?

14 A. I mean, I wouldn't say a lot of people. It was six,
15 seven, eight of us. Not a lot of people.

16 Q. Okay. Other people had been in and out of the
17 apartment throughout the evening?

18 A. Not really. Really us in and out of the apartment.
19 You can't smoke a cigarette inside her house. So you have
20 to go outside to smoke a cigarette if you want to smoke --
21 you have to go sit outside.

22 Q. But a few other people came throughout the evening?

23 A. I guess.

24 Q. Okay. Another gentleman had come just before Mr. Frost
25 arrived. Do you remember that?

1 A. No.

2 Q. Okay. And you told us your cousin Kinard was there?

3 A. Yeah, Kinard.

4 Q. Kinard?

5 A. Yes.

6 Q. And some of his friends were there?

7 A. Uh-huh.

8 Q. How many friends? Do you know?

9 A. It was two.

10 Q. Two. And you don't know their names, right?

11 A. Not really. I mean, I just met them not too long ago
12 before. So, you know.

13 Q. Okay. So you didn't know them?

14 A. Not really, no.

15 MS. FORD: Beg the Court's indulgence.

16 THE COURT: Yes, ma'am.

17 MS. FORD: No further questions, Your Honor.

18 THE COURT: Any redirect?

19 AST. SOL. GINSBERG: Nothing, Your Honor.

20 THE COURT: Any objection to the witness being excused?

21 AST. SOL. GINSBERG: None from the State, Your Honor.

22 THE COURT: Any from the Defense?

23 MS. FORD: No, Your Honor.

24 THE COURT: Ma'am, you're excused. Call your next
25 witness.

1 AST. SOL. SIMPSON: Thank you, Your Honor. The State
2 calls Officer Timothy O'Leary with the Charleston Police
3 Department.

4 THE COURT: If the witness will come forward, please,
5 to be sworn.

6 (TIMOTHY O'LEARY, was duly sworn and provided the
7 following testimony.)

8 THE CLERK: Please take your seat. Spell your first
9 and last name for the record.

10 THE WITNESS: Timothy O'Leary, T-I-M-O-T-H-Y,
11 O-L-E-A-R-Y.

12 THE COURT: You may proceed.

13 AST. SOL. SIMPSON: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 DIRECT EXAMINATION

16 BY AST. SOL. SIMPSON:

17 Q. Mr. O'Leary, where do you work?

18 A. Charleston City Police Department.

19 Q. And how long have you been in law enforcement?

20 A. I've been in law enforcement with the City of
21 Charleston for approximately four and a half years.

22 Q. If you could, just kind of introduce yourself to this
23 jury. Where are you from?

24 A. I'm from Massachusetts.

25 Q. And what brought you Charleston?

1 A. Coast Guard. I'm in the military -- North Charleston
2 training of the area. So I moved down here.

3 Q. I understand. You came here and decided to stay.

4 A. Yes.

5 Q. What kind of educational background do you have?

6 A. I have a bachelor's degree in criminal justice and a
7 minor in business management.

8 Q. Okay. And following that education, did you then
9 continue on to further law-enforcement specific training in
10 education?

11 A. Not law enforcement specific, just the military
12 training.

13 Q. Okay. And that background allows you to enter law
14 enforcement?

15 A. Yes, sir.

16 Q. Okay. Do you continue to have training and education
17 throughout your job as a law enforcement officer?

18 A. Yes, sir.

19 Q. Again, if you could, recount that law enforcement
20 experience to this jury.

21 A. Approximately four and half years here with the City of
22 Charleston. I was in the prison system in Massachusetts for
23 probably five years prior to that.

24 Q. And what is your current rank, role, and duties with
25 the Charleston Police Department?

1 A. I'm a regular patrol officer in the City of Charleston.
2 I work now in the traffic division. I've worked traffic for
3 about a year and half now. Ride motorcycles, so.

4 Q. Okay. And what was your role and some of your duties
5 in September of 2015?

6 A. In September of 2015, I was in patrol -- regular
7 patrol. I responded to calls, 911 calls and any calls for
8 service that my specific PO would respond.

9 Q. Okay. And Charleston Police Department is sort of
10 broken down geographically. Is that correct?

11 A. Yes, sir.

12 Q. And how is that done?

13 A. Each team has different areas. Team 1 is downtown;
14 Team 2 is south of Broad; 3 is James and Johns Island; 4 is
15 West Ashley; 5 is Daniel Island.

16 Q. And what team were you working on in September of 2015?

17 A. Team 1.

18 Q. Okay. Were you working in that capacity on
19 September 19, 2015?

20 A. Yes.

21 Q. And what -- do you recall what shift you were working
22 at that time?

23 A. I believe at that time, I was working the overnight
24 shift. It would be 10:30 at night to 8:30 in the morning.

25 Q. So you were working from 10:30 on the 18th to 8:30 in

1 the morning on the 19th?

2 A. Yes.

3 Q. Okay. And you described sort of your duties as being a
4 patrol officer. Is first responder one of those duties?

5 A. Yes, sir.

6 Q. And just tell a little bit to the jury as a first
7 responder on the scene, what are sort of your priorities
8 when you get there?

9 A. First thing on the scene, make sure it's safe for
10 everyone, for EMS and fire personnel to get in there.
11 Patrol the scene; make sure there are no other threats for
12 us when we get in there. Try to assess the situation.
13 Notify dispatch of what is needed -- what else is needed as
14 part -- they ask us what do we need when we arrive on the
15 scene.

16 Q. And so, fair to say that safety is your number one
17 priority when you get there?

18 A. Yes, sir.

19 Q. Getting the appropriate people there is an important
20 priority?

21 A. Yes. Yes, sir.

22 Q. Not necessarily preserving a scene or rendering any
23 aid, right?

24 A. No.

25 Q. But certainly rendering aid comes pretty ---

Direct Examination of Mr. O'Leary by Ast. Sol. Simpson

1 A. Yes. Yes.

2 Q. Okay. Is safety number one?

3 A. Yes.

4 Q. Do you recall during that shift from the 18th through
5 the 19th having the occasion to respond to [REDACTED] Norman
6 Street?

7 A. Yes.

8 Q. And if you could, I want you, to the best of your
9 recollection, just recount to this jury what you observed in
10 that response. About what time was it?

11 A. I believe it was about 4:30, 5:00 in the morning. I
12 don't remember the exact time.

13 Q. Did you write a report in this case?

14 A. Yes, I did.

15 Q. Would the time of response be something you would note
16 in that report?

17 A. Yes, sir.

18 Q. Okay.

19 AST. SOL. SIMPSON: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 Q. Officer O'Leary, possibly to fresh your recollection of
23 the more specific time of your response to [REDACTED] Norman
24 Street, can I get you to read your report?

25 A. Yes.

1 AST. SOL. SIMPSON: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes.

4 Q. I'm handing you what's been marked for ID only as
5 State's 123. That is something you would note here at the
6 beginning of your report?

7 A. Yes.

8 Q. What is that exhibit in the front of you?

9 A. My incident report that I wrote on the day of the
10 incident..

11 Q. Okay. Does that the incident report note the time of
12 your response?

13 A. Yes, sir.

14 Q. Approximate time?

15 A. Approximate time.

16 Q. Okay. And what was the approximate time?

17 A. Approximate time was 6:37 in the morning.

18 Q. Okay. And if you could, describe to the jury what you
19 observed when you arrived there. First describe where is
20 Norman street?

21 A. Norman Street is in the Gadsden Green area of downtown
22 Charleston. Close proximity to Burke High School, The
23 Citadel, or the Charleston Police Department.

24 Q. And what sort of housing is there in Gadsden Green?

25 A. Government housing.

1 Q. Okay. When you responded there, what did you observe?

2 A. According to my recollection --

3 Q. Your recollection. If you need to refer to your
4 report --

5 A. I remember walking through the back door the residence.
6 I come in and there was an individual lying down in the
7 front living room of the residence. His head was towards
8 the front of the door. He was lying face down. There was a
9 lot of screaming going on. As I continued to enter the
10 apartment, there was a hallway to my left to which there
11 were two females in there screaming that they had also been
12 shot. Through the back hallway there was a bedroom. There
13 was two children in there. I tried to check on the children
14 to see if they were injured at all. They said they were
15 fine. They were hunkered down underneath the bed at the
16 time. As I entered down the hallway to assess the gentleman
17 at the front, he was bleeding. I flipped him over. He
18 was -- individuals there telling him to keep breathing, to
19 keep breathing. I told them get a cloth or something to put
20 pressure on the wounds and that the ambulance was on the
21 way. I went back inside to double check the address.
22 Notified dispatch at that time individuals there -- to
23 ambulance, fir. Fire arrived on scene. The ambulance
24 arrived on scene.

25 Q. To the best of your knowledge, were you the first

1 nonresident or nonguest to arrive at that scene?

2 A. Yes, sir.

3 Q. Okay. Pretty chaotic?

4 A. Yes. A lot of screaming. A lot of yelling.

5 Q. A lot of moving people?

6 A. Yes.

7 Q. Okay. So did it come pretty apparent to you quickly
8 that EMS would be required?

9 A. Yes.

10 Q. And the accuracy of that location, was that something
11 that you wanted to double check?

12 A. Yes.

13 Q. Officer O'Leary, what's a body camera?

14 A. A body cameras is video camera that we use that we wear
15 around our chest. We activate it anytime we go into a
16 scene. The body camera that day was a different -- than
17 what we use now. You turn it on and it just records the
18 entire until you physically turn it off.

19 Q. And the body camera is on a wide scale of officers.
20 That's a fairly recent development?

21 A. Correct.

22 Q. Okay. But were you wearing a body camera back in
23 September 19, 2015?

24 A. Yes.

25 Q. You say the officer -- the officer to engage it?

Direct Examination of Mr. O'Leary by Ast. Sol. Simpson

1 A. Yes.

2 Q. Did you at some point in your response to this scene
3 engage that body camera?

4 A. Yes.

5 Q. What goes into that decision to engage a body camera?

6 A. Just something -- just to record anything that you
7 witness. It's not -- we have it on our chest. So if we
8 look to our left, it's not going to pick up stuff. It will
9 pick up other things that we may or may not see.

10 Q. Is a purpose of a body cam to preserve in the most
11 accurate way what the officer experiences at the time?

12 A. Yes.

13 Q. For recounting at a later day? Say two hours -- two
14 years later at a trial?

15 A. That's correct.

16 Q. Did it capture some of your response that morning?

17 A. Yes.

18 Q. Okay.

19 AST. SOL. SIMPSON: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 Q. Showing you what's been marked for ID only as State's
23 Exhibit 90. Do you recognize that exhibit?

24 A. Yes.

25 Q. What is that?

1 A. A CD. A copy of the body camera footage.

2 Q. And you've reviewed this for trial?

3 A. Yes.

4 Q. How do you know that this is the same CD that you
5 reviewed?

6 A. Because I put an initial on one form.

7 Q. Is that a fair and accurate representation of some of
8 what you described to the jury during your testimony as to
9 your response to [REDACTED] Norman Street?

10 A. Yes.

11 Q. Okay.

12 AST. SOL. SIMPSON: Your Honor, at this point, the
13 State would seek to admit State's Exhibit 90 as an exhibit.
14 Understanding that there is a matter of law.

15 MS. FORD: Yes, Your Honor. There is a matter of law.

16 THE COURT: Mr. Foreman, ladies and gentlemen, I need
17 to take up a matter of law. During this break, please do
18 not discuss the case, and please leave your notepads in your
19 seats.

20 (The jury exits the courtroom at 11:10 a.m.)

21 THE COURT: You may proceed.

22 AST. SOL. SIMPSON: Thank you, Your Honor. At this
23 time the State would, for your judicial review ---

24 THE COURT: Proceed as if the jury were here and
25 question your witness.

1 AST. SOL. SIMPSON: Your Honor, may the State proceed?

2 THE COURT: Yes.

3 AST. SOL. SIMPSON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 (Direct examination of Officer O'Leary resumes in the
6 presence of the jury.)

7 BY AST. SOL. SIMPSON: (continuing)

8 Q. Officer O'Leary, your jurisdiction on Team 1, the area
9 you described earlier, is that in Charleston County?

10 A. Yes, sir.

11 Q. In its entirety?

12 A. Yes, sir.

13 Q. And before we broke, we were discussing body camera
14 footage. Is that correct?

15 A. Yes, sir.

16 Q. And you viewed what we marked for ID only as State's
17 Exhibit 90?

18 A. Yes, sir.

19 Q. And is that your body camera footage, or at least a
20 portion of it, from this response?

21 A. Yes, sir.

22 AST. SOL. SIMPSON: Your Honor, at this time the State
23 would seek to admit State's 90 into evidence.

24 THE COURT: Admitted subject to the objection which has
25 been overruled.

1 (State's Exhibit No. 90, Body Camera Video, was
2 received into evidence.)

3 AST. SOL. SIMPSON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 (Vide played at 11:55 a.m.)

6 Q. Officer O'Leary, does that fairly and accurately
7 reflect the scene that as you arrived to it on the morning
8 of September 19, 2015?

9 A. Yes, sir.

10 AST. SOL. SIMPSON: I have no further questions for
11 this witness.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Briefly, Your Honor.

14 THE COURT: You may proceed.

15 CROSS-EXAMINATION

16 MS. FORD:

17 Q. Officer O'Leary, that evening that you went out there
18 you did not see a man with a gun there, correct?

19 A. Correct.

20 Q. And non one you came across had a blue jersey Italia
21 shirt on that evening, correct?

22 A. Correct.

23 Q. And your job was to try to contain the scene. Is that
24 what I heard you say?

25 A. Yes.

1 Q. So you didn't necessarily talk to people, correct?

2 A. Correct.

3 MS. FORD: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 MS. FORD: I have no further questions, Your Honor.

6 THE COURT: Any redirect?

7 AST. SOL. SIMPSON: No, Your Honor.

8 THE COURT: Any objection to this witness being
9 excused? From the State?

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: From the defense?

12 MS. FORD: No, Your Honor.

13 THE COURT: Sir, you're excused. You may call your
14 next witness.

15 BY AST. SOL. SIMPSON: Thank you, Your Honor. The
16 State calls Sarah Gladwell.

17 (SARAH GLADWELL, was duly sworn and provided the
18 following testimony.)

19 CLERK: Please take your seat. Spell your first and
20 last name for the record.

21 THE WITNESS: My name is Sarah Gladwell, S-A-R-A-H,
22 last name Gladwell, G-L-A-D-W-E-L-L.

23 THE COURT: You may proceed.

24 BY AST. SOL. SIMPSON: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 DIRECT EXAMINATION

2 BY AST. SOL. SIMPSON:

3 Q. Good morning, Ms. Gladwell.

4 A. Good morning.

5 Q. How are you?

6 A. I'm good. How are you?

7 Q. Very well. Could you describe a little bit to the jury
8 and just kind of introduce yourself. Where do you work
9 currently?

10 A. I work for the City of Charleston Police Department in
11 the crime scene unit.

12 Q. And what occupation do you have for that?

13 A. My title is crime scene investigator.

14 Q. And what sort of education, training, experience does a
15 person go through to become a crime scene investigator?

16 A. Myself, I went to college; a four-year bachelor degree
17 in forensic investigation. And whenever I got a job at the
18 police department in the crime scene unit we go through
19 usually a three-month training process before you go to
20 crime scenes by yourself.

21 Q. So you have a college degree in forensic processing?

22 A. Yes, sir.

23 Q. Okay. And you come in and do an in-house training too?

24 A. That's correct. Yes, sir.

25 Q. Okay. And as far as experience goes, how long have you

1 been working in crime scene investigations?

2 A. I worked for the police department for seven years and
3 ten months.

4 Q. So nearly eight years with CPD?

5 A. Yes, sir.

6 Q. Okay. In the same unit?

7 A. Yes, sir.

8 Q. Okay. If you could, just explain to the jury -- I'm
9 sure they have some knowledge of this -- but just the basic
10 role that a crime scene investigator plays when you come
11 onto the scene. What's your job? How do you see your
12 occupation?

13 A. So as a crime scene investigator, we respond to various
14 calls. They can be anywhere from a car break-in to a murder
15 in which we go, we see, you know, what happened. We walk
16 through the scene. We usually document the scene with notes
17 with photographs. Usually there is some type of latent
18 print processing or evidence collection. And if there's any
19 further processing that needs to be done, we have the
20 equipment and the means to do that as well.

21 Q. Okay. Do you always have a whole lot of information
22 when you respond to a scene?

23 A. No, sir.

24 Q. Okay. So it's sort of a blank canvas, if you will,
25 when you get there?

1 A. Yes, sir.

2 Q. Is it uncommon then for a crime scene investigator to
3 maybe document and then collect a lot of that evidence that
4 later proves unmeaningful?

5 A. Yes, sir.

6 Q. Were you working in that capacity on September 19,
7 2015?

8 A. Yes, sir.

9 Q. And did you have the occasion on that day to respond to
10 [REDACTED] Norman Street?

11 A. I did, yes.

12 Q. Could you describe a little bit about this location to
13 the jury.

14 A. The location on Norman Street is a multiunit city
15 housing complex. And that, you know, pretty much is a lot
16 of apartment buildings and courtyards and sidewalks and
17 grassy areas in between.

18 Q. I'm going to show you it's been entered as State's 2.
19 Do you recognize this image?

20 A. Yes, sir.

21 Q. And are you able to point out where [REDACTED] Norman Street
22 is on that image?

23 A. Yes, sir. Would you like me to use the --

24 Q. Yeah. That's a touch screen in front of you. I'm
25 sorry. You can just touch the screen.

1 A. Okay.

2 Q. It's ready to go. Where is [REDACTED] Norman Street?

3 A. (Witness complies.)

4 Q. Show you what's been an admitted as State's 4. Do you
5 recognize this area?

6 A. Yes, sir.

7 Q. Okay. Is that the same area but from a different
8 perspective?

9 A. It is. Yes.

10 Q. Can you identify for us [REDACTED] Norman Street for that?

11 A. Yes.

12 Q. I'll show you what's been admitted by consent as
13 State's 5. Do you recognize that exhibit?

14 A. Yes, sir.

15 Q. And what is that?

16 A. It's a diagram of the apartment buildings with the
17 individual apartment units.

18 Q. And I think you can see there [REDACTED], that's the crime
19 scene in this case?

20 A. Yes, sir.

21 Q. And it sort of -- what would we call the back of that?

22 A. The back of these are going to be ever here in the
23 front on this side.

24 Q. Now, I guess we should go ahead and address this. You
25 read a report, obviously ---

1 A. Uh-huh.

2 Q. --- and everything. What did you refer to as the front
3 and the rear and the reports?

4 A. When I responded on scene, the majority of what we were
5 doing was near this area because I worked it this way going
6 in. I refer to this area -- this as the front and this as
7 the back. However, the front door living room would be on
8 this side, and in the kitchen, dining area, and the patio
9 area would be on this side. So it's actually reverse than
10 what I have it referred to as in my report.

11 Q. And State's 6. What's that?

12 A. This is another diagram of the individual apartment
13 unit?

14 Q. Okay. And is this a fair and accurate diagram, to the
15 best of your knowledge, of [REDACTED] Norman Street?

16 A. Yes, sir.

17 Q. So do you remember approximately what time you
18 responded?

19 A. Yes. I responded to this location at 6:55 in the
20 morning.

21 Q. Okay. And if you could, just describe sort of what you
22 observed when you arrived on scene and how your job started
23 there.

24 A. When we arrive on scene, we pull in. We find the first
25 responding officer or a high-ranking officer so we can get

1 the information that we need as we only know what has
2 happened based off what we've heard on the radio. I knew
3 that I was arriving to a shooting. I knew that much. So
4 when I got there, I write down the address, what time I get
5 there, what the weather is like. And then I find that first
6 responding officer or a high-ranking officer so I can get
7 the information that I need to do my job. When I get that
8 information, that's when I began crime scene processing.

9 Q. And that's just information that you get that people
10 know that are already on scene?

11 A. Yes.

12 Q. And that can often be incomplete information too,
13 correct?

14 A. Yes.

15 Q. Okay. But that allows you to at least start somewhere
16 for you work?

17 A. Absolutely. Yes, sir.

18 Q. And is it uncommon for patrol officers or arriving
19 officers to have seen items that they know you might be
20 interested in?

21 A. Uh-huh. Yes.

22 Q. Okay. And did that happen in this case?

23 A. Yes. A lot of times when we have shootings that we
24 respond to, the officers always get there before we do. So
25 a lot of times if they see an item that they know is of

1 evidentiary value, they will mark it somehow. Usually they
2 do it with their business cards that they hand out; cards
3 that you would give to someone, you know, if you have a
4 business or something. And they put -- place those beside
5 the items that they know are going to be of value to us so
6 that we know that they're already there. In this case, they
7 had already marked some of the cartridge cases.

8 Q. Did the scene -- when you arrived there, did it appear
9 secure?

10 A. Yes. I wrote in my report that the crime scene showed
11 the properly secured crime scene tape. And I believe that
12 they encompassed all evidence that was located by the
13 officers at that time.

14 Q. And when you say you're going to process a certain
15 area, what is meant by that phrase?

16 A. Processing is just a general term for all of the things
17 that we can do when we get to a crime scene. In this case,
18 processing all these cartridges -- getting the information
19 and then you progress to photographs, overall photographs.

20 Q. Is it a goal of a crime scene investigator to be able
21 to depict that crime scene as it is when you arrived in the
22 most accurate way possible?

23 A. Absolutely. Yes.

24 Q. Okay. So how do you go about doing that? You hit on
25 that before.

1 A. Yeah. We take overall photographs first. And those
2 are -- basically, it's an overall representation of what's
3 at the scene. So you take photographs of the crime scene
4 from different angles. You know, from far away, from
5 midrange, so that you can see, you know, what you have been
6 but not focusing on anything yet. So in this case, I
7 photographed the exterior of the scene, the yard, the grassy
8 area, the overall photographs, before any additional
9 processing was done.

10 Q. And following those photographs, do you then process
11 how you mark things that the you might want to point out in
12 the photograph?

13 A. Absolutely. The photograph, the evidence, how it is,
14 how we see it, like you said. And after that, we go back
15 and we place placards or evidence markers -- I call them
16 evidence markers. They're yellow and they're numbered. And
17 I place those on the evidence that I found or that's been
18 found before me. And then the items are photographed a
19 second time. And that's where the close-up and more
20 specific photographs are taken.

21 Q. After the area and items have been photographed first
22 unmarked then marked, what's typically done with the items
23 that you think might be important?

24 A. After they've been photographed and rephotographed,
25 items are always in a case like this. They're always

1 measured and, you know, diagrammed and, you know, rough
2 sketch sort of like before they're collected.

3 Q. Let's tell the jury little bit -- you say it's
4 collected. How are items of evidentiary value typically
5 collected?

6 A. After they are photographed, we take an evidence bag
7 -- after we're completely done with everything, then we put
8 them in evidence bags. And then they are -- after we secure
9 the scene, we go back to our office and that's where they
10 are packaged and submitted to the places where they need to
11 go.

12 Q. And are they packaged in a way that allows you to
13 later, say a trial, to look at something and readily
14 identify it?

15 A. Yes.

16 Q. And readily identify that you collected that as --

17 A. Yes.

18 Q. -- what we believe it to be?

19 A. Uh-huh.

20 Q. So did you go right inside the residence when you got
21 there in this case?

22 A. No, sir.

23 Q. And why was that?

24 A. We were told that a search warrant was going to be
25 obtained for the actual apartment. So that always usually

1 takes some time. So I went ahead and processed the scene on
2 the outside, everything on the exterior, before going into
3 the apartment to continue processing.

4 Q. And you stated that you were directed to a particular
5 area on the outside to start your work. Where was that?

6 A. Yes. The back of the apartment where the rear porch
7 was and the sidewalk and the courtyard area, like it was on
8 the diagram, that's where the majority of the evidence was,
9 particularly fired cartridge cases.

10 Q. Okay. For this -- are you familiar with -- did you
11 receive some basic training through all that education and
12 training you talked about the basics of how a firearm works?

13 A. The basics, yes.

14 Q. Okay. Can you share with the jury a little bit about
15 what a fire cartridge casing is, how a bullet works ---

16 MR. WILLIAMS: Objection.

17 THE COURT: Basis?

18 MR. WILLIAMS: This witness is not an expert in this.

19 THE COURT: She doesn't have to be. It's in the ambit
20 of what she does for a living. She can describe it as long
21 as it's based on her rational perception and her education
22 training and experience. She's not offering expert
23 testimony. The objection is overruled. But keep it within
24 the lines, Mr. Simpson.

25 AST. SOL. SIMPSON: I will, Your Honor.

1 Q. Without stating sort of opinions that you formed in
2 this case or any general opinions, can you explain to the
3 jury through your training and experience the basics about
4 how a firearm functions.

5 A. Yes. The firearm trigger is pulled. The firing hits
6 the back of the cartridge case. The bullet goes forward in
7 the direction that it's been fired goes, you know -- is
8 fired, goes outside the actual firearm itself. And then the
9 cartridge case that houses the bullet is then ejected from
10 the firearm. \

11 Q. So when you say you saw fired cartridge casings, what
12 part of that whole dynamic are you talking about?

13 A. The fire cartridge case houses the bullet. So the
14 bullet is in the front of the item. The bullet moves
15 forward, the cartridge case stays behind.

16 Q. Okay. And you said that in some firearms it's ejected
17 from the firearm?

18 A. In some, yes.

19 Q. Okay. Do some stay in the firearm?

20 A. Yes.

21 Q. And what typically -- what type of firearm is that?

22 A. A revolver, the firing cartridge case stay in the
23 firearm.

24 Q. Okay. And did you observe any -- did it appear to you
25 to be any fired shell casings in this area that you're

1 talking about?

2 A. Yes.

3 Q. Is that directly to the rear of [REDACTED] Norman Street?

4 A. Yes.

5 Q. I'm going to show you what's been entered into evidence
6 as State's 7 through 24 and give you a second just a sort of
7 familiarize . . .

8 A. (Witness complies.) Okay.

9 Q. What are exhibits 7 through 24?

10 A. Those are all photographs that I took of the evidence
11 that I saw in the rear of the apartment.

12 Q. State's 7. As we go through these, I'll just have you
13 sort of describe for the jury what we're looking at here so
14 they understand.

15 A. May I mark on the photos?

16 Q. Yes.

17 A. Okay. This is Norman Street. And this is [REDACTED] and all
18 the evidence is moving forward this way.

19 Q. Okay. And what's that -- you see the yellow, something
20 yellow going across here. What's that?

21 A. That's crime scene tape.

22 Q. Okay. What purpose does that serve?

23 A. The purpose of the crime scene tape is to keep
24 everything secure where it is, how it's found, without
25 disturbing anything.

1 Q. Okay. Moving to State's 8.

2 A. This is another photograph that I took. This is
3 looking the opposite direction. So Norman Street is going
4 to be this roadway right here. The [REDACTED] is going to be
5 right here. And the crime scene tape is right there above
6 that.

7 Q. Okay. State's 9.

8 A. This is a photograph similar to the first one. It's
9 just close up moving inward from Norman Street. And the
10 apartment is going to be on this side. And it's just a
11 close-up everything. And then you can see a little bit more
12 clearly some of the evidence that's been marked with the
13 yellow markers.

14 Q. Okay. And you testified previously, depending on which
15 photo we use, we've got some that aren't marked and some
16 that are marked?

17 A. Yes.

18 Q. Are these marked with placards? This is what you
19 referring to?

20 A. Yes.

21 Q. Moving on to State's 10.

22 A. This is just another overall photograph. It's moving
23 in a little bit closer with all of this in view.

24 Q. Okay. And see here at the beginnings, you typically
25 place the markers chronologically as you find the items?

1 A. I do. Yes.

2 Q. Okay. And so what do we have here?

3 A. This would be the first item and the second item that was
4 identified as an item of evidentiary value.

5 Q. State's 11. Do you recognize that item marked with the
6 1 next to it?

7 A. Yes.

8 Q. Would that number then correspond later to how you mark
9 a piece of collected evidence?

10 A. Yes. Our unit uses the 100 series for our evidence.
11 So in this case, our item number 1 would be evidence marker
12 1. If that makes sense to you all.

13 Q. And what is that item?

14 A. That is a fired cartridge casing.

15 Q. Okay. And State's 12?

16 A. Like I was speaking about earlier, a close-up, that
17 would be considered a close-up photograph of that item.

18 Q. Okay. the same item we just saw?

19 A. Yes.

20 Q. For both your sake and the jury's, we will not be doing
21 that with every -- with every item. State's 13. I'm sorry,
22 let me go back just very briefly to State's 11. We also see
23 the second placard in that picture. Is that correct?

24 A. Uh-huh.

25 Q. And what is that marking?

1 A. That is another fired cartridge casing.

2 Q. Okay. State's 13. We see other placards here?

3 A. Yes, sir.

4 Q. And what are 3, 4, and 5 marking?

5 A. Evidence markers 3, 4, 5 correspond to three more fired
6 cartridges.

7 Q. State's 14?

8 A. These are ---

9 Q. Are we able to zoom in and see more clearly that . . .

10 A. Yes. It's closer -- closer photographs of the items.

11 Q. State's 15. State's 16; I believe this is State's 16.

12 We see some more placards there?

13 A. Yes; 6, 21, and 7.

14 Q. What are 6 and 7?

15 A. Six and 7 are also fired cartridge casings.

16 Q. Okay. Now, what is 21?

17 A. Twenty-one is also a fired cartridge casing.

18 Q. And why the break in the numbering there? Was it

19 just . . .

20 A. It's very common, especially when we as shooting and we
21 have these cartridge cases, the officers and me when we do a
22 walk-through and, you know, we identify what we see. Later
23 on, evidence is sometimes found later. And in this
24 occasion, it would've been later on in the numbering
25 process. So that's why it has a number that is not in

1 consecutive after 7.

2 Q. So 6, 7, and 21 are shell casings. You just came back
3 and found 21?

4 A. Yes.

5 Q. We also see some item markers further away down the
6 sidewalk here.

7 A. Uh-huh.

8 Q. You've already discussed 6 and 21. Is that just a
9 closer view?

10 A. It is. Yes.

11 Q. Like we saw in item number 1, you took a dead close-up
12 view of all these items. Is that correct?

13 A. Yes.

14 Q. Again, is this 7 marking this item here?

15 A. It is. It's another fire cartridge casing.

16 Q. You're working your way down the sidewalk, you see here
17 placards 8, 9, 10, and 11. What do those indicate?

18 A. Eight, 9, 10, and 11 are also additional fired
19 cartridge casings.

20 Q. And, again, just because it's in the grass there, it's
21 hard to see, State's 20 here.

22 A. It's a close-up of a fire cartridge casing.

23 Q. State's 21.

24 A. Nine, 10, 11, and 12, evidence markers correspond to
25 four more fired cartridge casings.

1 Q. And 22.

2 A. A closer photograph of the ---

3 Q. I'm sorry. State's 22, marker 12. And I'm almost
4 finished here. Finally, State's 23, we see that a lot of
5 the markers have been removed. Is that accurate?

6 A. Yes.

7 Q. But there is 22 here. What does that indicate?

8 A. This one -- after we locate what we see and we identify
9 it and we photograph it, we mark it. Like I said before in
10 the previous -- with the previous evidence marker number 21,
11 it is one that we had found later. The areas are always
12 searched again. And in a case of a shooting, they always
13 search with a canine and a metal detector. In this case,
14 another crime scene investigator utilized a metal detector.
15 And that is an additional fire cartridge case that was found
16 while she was doing that.

17 Q. And, again, State's 24. Is that just a close-up
18 picture of what you were describing?

19 A. Yes.

20 Q. And these things aren't really super easy to find
21 sometimes, are they?

22 A. They are not always super easy to find.

23 Q. Okay. So if I understand your testimony, Ms. Gladwell,
24 items marked on your photographs 1 through 12 are fired
25 shell casings. Is that correct?

1 A. Yes.

2 Q. And then 21 and 22 are also fired shell casings. Is
3 that correct?

4 A. Yes.

5 Q. So how many fired shell casings were found in the area
6 in the area of the rear of [REDACTED] Norman Street that day?

7 A. A total of 14.

8 Q. Okay.

9 AST. SOL. SIMPSON: May I approach the witness, Your
10 Honor? Judge, may I ---

11 THE COURT: Yes. I'm sorry. I apologize.

12 Q. Ms. Gladwell, giving you a bag that's been marked as
13 State's 25 through 36 for ID only. Can you look in there
14 see if you recognize the items that are contained in there?

15 A. (Witness complies.)

16 Q. Would you like gloves as well?

17 A. Do you want me to pull them all out?

18 Q. Yeah. Or if you would just look at the markings on the
19 bag. Do you recognize the markings on the exterior of the
20 bag?

21 A. Yes. On the exterior of the bag, the bag has -- the
22 exterior of the bag has the case number information. It has
23 my name. It has what the evidence is marked as and the
24 seals have my initials and my reporting number on it. On
25 the inside, each cartridge case is in a separate box. And

1 they are all marked with the case number and the item number
2 and my initials.

3 Q. Does that bag contain all 14 shell casings that you
4 collected that day at [REDACTED] Norman Street?

5 A. Yes.

6 Q. Are you able to look at a fired shell casing and
7 determine what caliber of shell casing it is?

8 A. Most of the time, yes.

9 Q. Okay. Were you able to determine what caliber of shell
10 casings these 14 shell casings were?

11 MR. WILLIAMS: Objection, Your Honor.

12 THE COURT: Basis?

13 MR. WILLIAMS: The witness doesn't qualify as an expert
14 in ballistics.

15 THE COURT: Approach, please.

16 (A bench conference was held off the record and out of
17 the hearing of the jury panel.)

18 THE COURT: The objection is overruled pursuant to rule
19 701. As long as her testimony is based on her rational
20 perception within the ambit of what she does as a crime
21 scene investigator. You may want to lay some foundation in
22 that regard.

23 AST. SOL. SIMPSON: Thank you, Your Honor.

24 THE COURT: Uh-huh.

25 Q. Ms. Gladwell, you're not a ballistics expert, are you?

1 A. No, I'm not.

2 Q. Any specific realm of identifying say striations or
3 projectiles or things of that nature, right?

4 A. Yes, sir.

5 Q. But in your training experience, have become across a
6 lot of fired shell casings in your day?

7 A. Yes.

8 Q. Okay. What is a caliber of a bullet? What does that
9 mean?

10 A. The caliber of a bullet is just how -- how the bullet
11 is measured and you shoot it. A particular caliber
12 corresponds to the firearm that it fits inside to be fired.

13 Q. Caliber is the size of the bullet?

14 A. Uh-huh.

15 Q. Okay?

16 THE COURT: Ma'am, if you can say yes or no.

17 THE WITNESS: Yes, ma'am.

18 Q. And what was the size of these shell casings?

19 A. I don't know the size of these here.

20 Q. Is the manner of these shell casings unusual to come
21 across in your training and experience?

22 A. Yes. In my experience various issues that we respond
23 to, this is the first time I've ever come across this
24 caliber of cartridge casing.

25 Q. Okay. So it's unusual.

1 A. For me, yes.

2 Q. And why that?

3 A. It's very large compared to what we usually collect.

4 We usually see much smaller ones.

5 Q. Okay. And is this type of ammunition -- again, if you
6 can answer this through your training and experience, as is
7 often associated with a certain type of weapon?

8 A. Yes. The rifle.

9 Q. Okay. We're all the shell casings from the same
10 manufacturing -- manufacturer?

11 A. Thirteen of the 14 were from the manufacturer DAG. And
12 one of the fired cartridge cases was from FC. These are
13 represented on the head stamp of the cartridge casing.

14 Q. And do different manufacturers make calibers of the
15 same size?

16 A. Yes.

17 Q. Okay. That's just the company that makes the
18 ammunition?

19 A. Yes, sir.

20 Q. Okay. Not the caliber?

21 A. Yes.

22 Q. So some companies will stamp just like a logo or some
23 indication of what company they are?

24 A. Yes.

25 Q. And there are some inconsistencies here. You sure it

1 was 13 and 1 of the 14?

2 A. I'm sorry. I'm sorry. Can you rephrase the question?

3 Q. How many -- you indicated to manufacturers, the DAG
4 company and the FC company?

5 A. Yes.

6 Q. And how many -- you testified -- you've document which
7 ones were DAG which ones were FC, correct?

8 A. Yes.

9 Q. You testified that 13 were DAG one was FC. And I'm
10 just wondering if you can review one more time to make sure
11 you're confident with that number?

12 A. I have one as FC; 2 through 12 is DAG; 21 and 22 is
13 DAG?

14 Q. Okay. Obviously, I can be mistaken. Thank you. Is it
15 possible to load a single gun with bullets of different
16 manufacturers?

17 A. Yes.

18 Q. Okay. Thank you.

19 AST. SOL. SIMPSON: Your Honor, at this time, the State
20 seek to admit State's 25 through 36 into evidence.

21 THE COURT: Any objection? (Brief pause.) Please
22 approach.

23 (A bench conference was held off the record and out of
24 the hearing of the jury panel.)

25 THE COURT: 25 through 36 is marked and admitted

1 without objection.

2 (State's Exhibit Numbers 25 through 36, Shell Casings,
3 were received into evidence.)

4 Q. After you processed this area in the rear of [REDACTED],
5 where did your investigation lead from there?

6 A. After the rear of this area was processed, we moved to
7 the side of Norman Street where the sidewalk runs alongside
8 the roadway and around to the front of the apartment.

9 Q. Okay. I apologize. After the rear of the yard there,
10 did she then moved to the rear of the actual apartment
11 building? I guess is what I was trying -- the rear of [REDACTED]
12 Norman Street, the actual building, did you take a look at
13 that area?

14 A. Yes.

15 Q. Okay. And what was immediately apparent to you about
16 the rear of [REDACTED]?

17 A. (No response.)

18 Q. Did you notice any bullet holes in the rear of [REDACTED]
19 Norman Street?

20 A. Yes.

21 Q. Okay. And did you document those?

22 A. Yes..

23 Q. Okay. And how did you document those?

24 A. The bullet holes I also documented also with
25 photographs. And I believe most of them were in 7.

1 Evidence marker, we use stickers that resemble a ruler on
2 them so that they can be identified and measured as well.
3 So they were photographed and photographed again.

4 Q. Now, given the damage, were you able to clearly
5 identify each bullet hole with certainty that allowed you to
6 count how many bullet holes to assert your conclusion?

7 A. With certainty, no.

8 Q. Okay. Were you, nevertheless, allowed to make some
9 observations as to numbers of the bullet holes?

10 A. Yes.

11 Q. And what were those observations?

12 A. On the lower sash of the rear kitchen window, I
13 observed 11 -- at least 11 holes. And there was on the
14 upper sash of the window one additional hole. And then on
15 the rear door to the right of that window were two more
16 bullet holes.

17 Q. And these holes were photographed?

18 A. Yes, sir.

19 Q. With or without the measuring markers that you talked
20 about?

21 A. Yes.

22 Q. And you collected how many shell casings from the scene
23 again.

24 A. Fourteen.

25 Q. And again, you can't say with certainty, but you think

1 you identified how many what would appear to be bullet holes
2 in the rear of [REDACTED] Norman Street?

3 A. I believe 14.

4 Q. I'm going to approach show you what's been marked and
5 entered State's 37 through 43 and ask that you take a minute
6 and familiarize yourself with those exhibits?

7 A. (Witness complies.) Okay.

8 Q. And what do those images reflect?

9 A. Those are all of the bullet holes that I photographed
10 of the rear of the apartment on both the windows and the
11 door.

12 Q. Showing you State's 37. What are we looking at here?

13 A. This is the rear of the apartment, the patio area.
14 This window, the bullet holes on the lower sash, the one up
15 here. And this is of the rear door where two more
16 were

17 Q. State's 38.

18 A. This is just another view from the other way of the
19 window?

20 Q. State's 39.

21 A. A close-up photograph of the lower window sash.

22 Q. State's 40.

23 A. A close-up of the bullet hole of the upper window sash.

24 Q. State's 41?

25 A. And this is the rear door, the screen door. You can

1 see the two right there.

2 Q. You said something about some measuring tools earlier.
3 State's 42?

4 A. These are the stickers that I was telling you about?

5 Q. It also indicates with specificity where you're seeing
6 the individual holes.

7 A. Exactly, yes.

8 Q. And what happened here. Do you recall what happened
9 here?

10 A. Yes. As we were placing the stickers on the window, it
11 was in a delicate state, obviously. And a portion of the
12 window detached and broke.

13 Q. That happened in the process of putting stickers on it.

14 A. Yes, sir.

15 Q. So we can go to your previous photographs to see --

16 A. Yes.

17 Q. -- with that look like?

18 A. Yes.

19 Q. State's 43. Is this just a better view what the
20 individual --

21 A. Yes, sir.

22 Q. Okay. Earlier you said the following the processing of
23 the rear of the residence, where did your investigation
24 continue to? What area?

25 A. After the rear was processed and the window and the

1 door were photographed, I traveled to the sidewalk on the
2 side of the building along Norman Street and around to the
3 front of that apartment.

4 Q. And what drew your interest in investigation around to
5 the opposite side of the apartment?

6 A. Evidence had been discovered and additional bullet
7 holes were found in the window on the front side of the
8 apartment.

9 Q. I'm going to put up again State's 6. Do you remember
10 this exhibit from before, Ms. Gladwell?

11 A. Yes, sir.

12 Q. And were you able to determine how bullet holes got to
13 the opposite side of the apartment?

14 A. Yes, sir.

15 Q. How is that? Did there appear to be bullets going into
16 the apartment from the opposite side?

17 A. Yeah. It appeared -- sorry -- that the bullet holes
18 when in here. Here's the window and the door of the rear of
19 the apartment and traveled out this way.

20 Q. Did you photograph the front part of the residence?

21 A. Yes, sir.

22 Q. I'm going to show you what has been marked and entered
23 State's 44 through 56. I want you to look through those?

24 A. (Witness complies.) Okay.

25 Q. Can you describe what we're seeing in State's 44?

1 A. I think this is the front of the apartment. This is
2 where the address reads [REDACTED]. That's the front door and
3 that's the window.

4 Q. Okay. Forty-five, State's 45?

5 A. This is the close-up of the door and window at the
6 front of the apartment.

7 Q. Okay. And which room of the house would this door and
8 window go into from the diagram we viewed before?

9 A. This door opened up to the living room area of the
10 apartment.

11 Q. State's 46?

12 A. This would be the upper window sash of the front window
13 and the bullet holes that you can see.

14 Q. State's 47?

15 A. This is the screen door covering the front door of the
16 apartment. And you can see damage right there.

17 Q. State's 48?

18 A. This is a close-up of that photo?

19 Q. Now, we see some of sort of the metal from the screen
20 there pushing -- what direction is that pushing out towards?

21 A. It appears to be pushing outward.

22 Q. From the interior out?

23 A. Yes.

24 Q. Okay. State's 49?

25 A. The screen to the door was opened exposing the front

1 door. And you can see that it's showing damage in those
2 areas.

3 Q. This would be the exterior ---

4 A. Exterior of the front door.

5 Q. All right. State's 50?

6 A. A close-up of one of the bullet holes in the exterior
7 of the front door.

8 Q. And again, we see the metal of the door appear to be
9 pushed outward.

10 A. Yes.

11 Q. What direction is that pushing towards?

12 A. Outward coming from the inside out.

13 Q. What do you see here in State's 51?

14 A. Because that hole, it clearly looks like the projectile
15 or bullet went through the entire door. We searched this
16 area and this building for any damage that would've been
17 caused from that bullet or any of the other ones that exited
18 through the window. And we noticed some damage on the
19 exterior of the building opposite of the front of the
20 apartment in which that area was searched and photograph.

21 Q. Now, in your training and experience, design damage
22 appeared to be consistent with the damage caused -- could be
23 caused by a bullet?

24 A. Could be caused, yes.

25 Q. Now, when you tested that, did it prove that it was

1 definitely caused by a bullet?

2 A. No, sir.

3 Q. Is there anyway you can date that ammo and say this
4 happened ten hours ago or anything like that?

5 A. I could not. No, sir.

6 Q. But did you document the image?

7 A. Yes.

8 Q. Moving to State's 52?

9 A. Damage to the exterior of the building.

10 Q. Actually, go back to 51 briefly. What are you guys
11 doing with the ladder that's depicted here?

12 A. The ladder was used first to search the area of this
13 awning to see if any projectiles or fragments were up there.
14 And also to get a better point of view to get closer to the
15 damage so that it could be photographed.

16 Q. Fifty-two?

17 A. A close-up of the damage on the exterior the building.

18 Q. Fifty-three?

19 A. More damage to the exterior of the building that was
20 documented.

21 Q. Fifty-four?

22 A. Again, a close-up of the damage.

23 Q. And 55?

24 A. And again.

25 Q. And 56?

1 A. This is a photograph from the ladder looking in towards
2 the front of [REDACTED] where this would be the apartment. This
3 is the door we were speaking about as well as the front
4 window.

5 Q. So it's fair to say, generally speaking, the damage on
6 this building ---

7 A. Yes.

8 Q. --- lined up with [REDACTED] ---

9 A. Yes.

10 Q. --- across the building? You mentioned earlier that
11 you have yet to go into the apartment to process the
12 interior of the apartment. Why was that again?

13 A. We were waiting on a search warrant. We can't go into
14 a residence or a vehicle until we get that search warrant
15 signed. We were waiting on that so that's why we processed
16 the outside first.

17 Q. And was that search warrant eventually obtained?

18 A. Yes, sir.

19 Q. And did you then proceed to process the interior of the
20 residence?

21 A. Yes, sir.

22 Q. And we've seen it a lot, but, you know, going back to
23 that diagram of the apartment, kind of where did you start
24 in the interior?

25 A. We started at the rear of the apartment because that's

1 where -- that's where the damage with the bullet holes, the
2 fired cartridge cases, that's where all of that originated.
3 So we begin there.

4 Q. That was the rear being the kitchen side?

5 A. Yeah. The rear door and window open up to the kitchen
6 and a small dining area.

7 Q. Okay. So let's start with State's 57 through 73. Take
8 a moment to review those documents?

9 A. (Witness complies.)

10 AST. SOL. SIMPSON: May I approach, Your Honor?

11 THE COURT: You may.

12 Q. And what are those images?

13 A. Those are the damage to the interior of the kitchen at
14 the rear of the apartment.

15 AST. SOL. SIMPSON: Your Honor, at this point, the
16 State would seek to admit 57 through 73. I understand there
17 being a matter of law pointing to 57, 69, 71, and 72.

18 THE COURT: This is a good time to take that up.
19 Ladies and gentlemen, we're going to take advantage of this
20 break in testimony, and the Court's need to take up a matter
21 of law, to recess for your lunch break. During your break,
22 please do not discuss the case in any manner whatsoever.
23 Please leave your notepads in your seats and have no contact
24 with anyone in or about the courthouse.

25 I think this will take us about 15 minutes? Give or

1 THE COURT: Ladies and gentlemen, I hope you all a
2 great lunch. I know being downtown sometimes can be a
3 little frustrating with the lines and the time that it takes
4 them to serve. So we appreciate you all -- your patience in
5 having to deal with that. We'll now resume with the
6 witnesses testimony. The State may proceed.

7 AST. SOL. SIMPSON: Thank you Your Honor.

8 THE COURT: You're welcome.

9 AST. SOL. SIMPSON: May I approach?

10 THE COURT: Yes, sir.

11 (Direct Examination of Ms. Gladwell resumes.)

12 BY AST. SOL. SIMPSON (Continuing):

13 Q. Ms. Gladwell, good afternoon?

14 A. Good afternoon.

15 Q. I believe when we left here we were discussing how your
16 crime scene investigation moved into the interior of the
17 apartment?

18 A. Yes, sir.

19 Q. And I believe you testified that you entered the
20 kitchen or the back area in your investigation?

21 A. Yes, sir.

22 Q. I'm handing you but has been marked and entered as
23 State's 57 through 73. Can you take a moment to review
24 those items?

25 A. (Witness complies.)

1 THE COURT: Before you do that . . .

2 (A bench conference was held off the record and out of
3 the hearing of the jury panel.)

4 AST. SOL. SIMPSON: Your Honor, in this group of
5 evidence, State's 57 subject to the alterations as
6 discussed.

7 Q. Do you recognize those exhibits?

8 A. Yes, sir.

9 AST. SOL. SIMPSON: May I approach, Your Honor?

10 THE COURT: Yes, sir.

11 Q. I'm showing you first State's 57. What does this
12 depict?

13 A. This is a black-and-white version of the photograph
14 that I took from the doorway opening up to the kitchen and
15 dining room area of the back of the apartment looking
16 forward.

17 Q. Okay. So this is essentially viewing through entirety
18 of the apartment?

19 A. Yes, sir.

20 Q. Through the kitchen, through the living room?

21 A. Yes, sir.

22 Q. And where would we go if we wanted to get to the
23 bedrooms and bathrooms?

24 A. Down the hallway..

25 Q. And what if in any way does this exhibit illustrate the

1 possibility of a projectile traveling through the entirety
2 of the apartment?

3 A. Yes, sir.

4 Q. It's illustrated in this image?

5 A. (No response.)

6 Q. Let me rephrase. I'm sorry. That was -- can one
7 absorb in this image -- are you standing outside of the rear
8 of the apartment when this image is taken?

9 A. Yes.

10 Q. And can you see all the way to the other side when
11 you're looking at the apartment?

12 A. I can see the front door, yes.

13 Q. And we saw some bullet holes you've already pointed out
14 in the exterior of the front window?

15 A. Yes, sir.

16 Q. Can you show the jury what window we are looking at
17 here.

18 A. This window and this door.

19 Q. Okay. Thank you. What are we looking at here in
20 State's 58?

21 A. This is the kitchen area at the back of the apartment?

22 Q. Okay. And that's giving sort of an overview of the
23 layout?

24 A. Yes.

25 Q. Okay. State's 59.

1 A. This is a picture of the back door at the rear of the
2 apartment.

3 Q. Okay. And have you marked any indications of some
4 damage to the door?

5 A. Yeah. The two holes that I spent about earlier and
6 that door are marked and labeled with the ruler sticker.

7 Q. And did those holes match up to the holes you
8 previously testified to in the screen door?

9 A. Yes.

10 Q. When you put it together?

11 A. Yes, sir.

12 Q. State's 60.

13 A. Yeah. It's really blurry.

14 Q. Sorry. Which window is this?

15 A. This is the back window.

16 Q. Okay.

17 A. Looking through the apartment.

18 Q. And we see some damage to the blinds there?

19 A. Yes.

20 Q. Sixty-one?

21 A. This is the same window that the blinds are pulled up?

22 Q. Okay. Sixty-two?

23 A. This is the back of the microwave that was sitting just
24 inside of that window.

25 Q. Sixty-three?

1 A. This is the hinge part of the microwave where the door
2 is. You can see the damage in those two spots.

3 Q. Sixty-four?

4 A. This is the water heater in the corner of the kitchen.
5 And one of the bullets -- in that. And I believe there's
6 also additional damage on the wall behind it.

7 Q. Okay. Can you mark where that damage is?

8 A. I believe right here.

9 Q. And just by way of reference, jumping back real quick
10 to 58, do you see that water heater in this image?

11 A. Yeah.

12 Q. Sixty-five?

13 A. This is just a close-up of the hole -- the holes in the
14 water heater.

15 Q. Sixty-six?

16 A. And that's damage to the wall in the kitchen.

17 Q. Sixty-seven?

18 A. It's a close-up of the same hole.

19 Q. Sixty-eight?

20 A. This is the stove in the kitchen with the cereal box on
21 top of it that most likely fell from the top of the
22 refrigerator.

23 Q. Okay. Did you notice any damage to the cigarette [sic]
24 box that ---

25 A. Yes. There are tiny holes right here.

Direct Examination of Ms. Gladwell by Ast. Sol. Simpson

1 Q. Those are tiny holes you said?

2 A. Yeah. They're smaller in size.

3 Q. Sixty-nine?

4 A. That's the front of the refrigerator and you can see
5 damage in this area is right there.

6 Q. Seventy?

7 A. That's the top of the refrigerator. This being the
8 damaged that we focused on.

9 Q. Seventy-one?

10 A. Also the top of the refrigerator. You can see these
11 damages.

12 Q. Seventy-two?

13 A. This is the right side of the refrigerator, the
14 freezer. And it would be the handle where you would pull it
15 forward and you can see a hole here and going through there.

16 Q. And 73?

17 A. These are the cereal boxes on top of the refrigerator.
18 And again, you can see smaller holes in those cereal boxes.

19 AST. SOL. SIMPSON: Court's indulgence.

20 THE COURT: Yes, sir.

21 Q. Where did your investigation proceed from the kitchen
22 area?

23 A. From the kitchen area, I believe next was the living
24 room area.

25 Q. Okay.

1 AST. SOL. SIMPSON: May I approach, Your Honor?

2 THE COURT: Yes, sir.

3 Q. Going to show you what's been marked and admitted as
4 State's, subject to some alterations, is State's 74 through
5 80 and State's 82.

6 AST. SOL. SIMPSON: May I approach?

7 THE COURT: Yes, sir.

8 Q. What are those images depict?

9 A. These would be the photographs that I took in the
10 living room area of the apartment.

11 Q. I guess the point should be made as applied to all of
12 these photos, these aren't all the photographs that you took
13 in this location. Is that correct?

14 A. Yes, sir.

15 Q. There were sizably more photographs taken?

16 A. Yes, sir.

17 Q. Okay. All of those provided to the State and the
18 defense?

19 A. Yes, sir.

20 Q. I show you State's 74.

21 A. This is, again, an altered photograph of the living
22 room area if you're looking in from the kitchen towards the
23 front of the apartment.

24 Q. So, like, you indicated earlier where you could kind of
25 take a left and go into the bedroom?

1 A. Yes. If you go this way, it will lead you down the
2 hallway to where the bedrooms and bathroom are.

3 Q. State's 75?

4 A. This is the interior of the front door.

5 Q. State's 76?

6 A. This is also a photograph of the interior of the front
7 door just closer showing all of the damage.

8 Q. State 77?

9 A. Again, another close-up photograph of the same door
10 with the damage.

11 Q. And again, we previously viewed that damage from the
12 exterior that door?

13 A. Yes.

14 Q. State's 78. What window is this?

15 A. These are the window blinds that belong to the window
16 at the front of the apartment adjacent to the door.

17 Q. And State's 79?

18 A. This is a photograph of the window of the damage with
19 the blinds pulled up.

20 Q. Okay. We see through the window another apartment
21 building here?

22 A. Yes.

23 Q. Was at that same apartment that we looked at earlier
24 where you saw some damage in photograph that?

25 A. Yes. The latter.

1 Q. State's 80?

2 A. This is a photograph standing in the living room area
3 looking forward. This is the kitchen, the rear door and
4 window. If you go this way, it takes you down the hallway
5 to where the bedrooms and bathroom are. On this particular
6 wall shelving there was damage through here. You can see it
7 in the greeting card up there.

8 Q. Okay. Did you move that greeting card?

9 A. Yes, to photograph.

10 Q. Okay. Were you able to view the damage behind that
11 greeting card?

12 A. Yes.

13 Q. Showing the State's 82.

14 A. Yeah. That would be the damage.

15 Q. That was behind the greeting card?

16 A. Yes.

17 Q. Ms. Gladwell, we mentioned earlier, did we just cover
18 photographs of every single item that you collected on the
19 scene?

20 A. No.

21 Q. Okay. You collected items of trash. Is that true?

22 A. That's true, yes.

23 Q. Some cans and things of that nature from the table at
24 the residence?

25 A. Yes, sir.

1 Q. And many other items, correct?

2 A. Yes, sir.

3 Q. Because at the time you are processing the scene you
4 really don't know what's relevant and what's not?

5 A. Exactly.

6 Q. Do you document all of the things that you collect from
7 the scene?

8 A. Absolutely.

9 Q. In their entirety?

10 A. Yes.

11 Q. Did you provide the documentation to the government?

12 A. Yes.

13 Q. Thorough pictures of everything you collected at the
14 scene?

15 A. Yes.

16 Q. Okay. Doesn't often turn out that, you know, a lot of
17 the things that are collected at the scene do not have
18 evidentiary value?

19 A. It's very common. Yes.

20 Q. So it could get quite tedious for a lawyer to sit here
21 and go through every little thing you picked up. Is that
22 true?

23 A. Quite tedious, yes.

24 Q. Okay.

25 AST. SOL. SIMPSON: Court's indulgence.

1 THE COURT: Yes, sir.

2 AST. SOL. SIMPSON: Ms. Gladwell, thank you. Please
3 answer any questions that the defense has.

4 THE COURT: You may proceed.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Good afternoon?

8 A. Good afternoon.

9 Q. You were speaking with Mr. Simpson earlier. You
10 mentioned that when he first got there he processed the
11 outside first?

12 A. Yes, sir.

13 Q. And that's because you were told by officers already on
14 the scene that they were waiting to get a search warrant?

15 A. I was told that we were getting a search warrant to
16 search and process the interior. Yes.

17 Q. Correct. And you also told by the officers there on
18 the scene to probably focus on one particular side of that
19 building, right?

20 A. They told me where the majority of the evidence they
21 had already found was. Yes.

22 Q. So you focused on the side initially.

23 A. First, yes.

24 Q. Let me grab those photos so we can take a look. All
25 right. I'm going to show you it's been marked as State's

1 Exhibit 2. Can you show me again -- can you circle where
2 [REDACTED] is, please?

3 A. (Witness complies.)

4 Q. Okay. Now, the courtyard that we're talking about is
5 this one right here, correct?

6 A. Yes.

7 Q. That's where you started processing the scene?

8 A. Yes.

9 Q. You actually processed numerous pieces of evidence
10 there, right?

11 A. Yes.

12 Q. The shell casings we talked about.

13 A. I didn't process the shell casings.

14 Q. You collected them.

15 A. I photographed and collected them.

16 Q. My apologies. You photographed the shell casings?

17 A. Yes.

18 Q. And then you collected them after that.

19 A. Yes.

20 Q. All 14 of the shell casings were located right there in
21 the courtyard?

22 A. Yes.

23 Q. And they were in a generally straight line along the
24 sidewalk?

25 A. Generally, yes.

1 Q. Two cell phones were also found right there?

2 A. Yes.

3 Q. Those we're photographed?

4 A. Yes.

5 Q. Those we're collected?

6 A. Yes.

7 Q. They were lying in the grass?

8 A. Yes.

9 Q. And they were right there next to the shell casings?

10 A. Yes.

11 Q. And then you went to the other side of the building you
12 said. After you finished in the courtyard there you went to
13 the other side, correct?

14 A. Yes. The roadway and the front of the apartment.

15 Q. And so you ended up in this courtyard, correct?

16 A. Yes, sir.

17 Q. That's the living room side?

18 A. It is, yes.

19 Q. A K-9 officer with a dog searched through that
20 courtyard?

21 A. Yes.

22 Q. And others used what you call the line search method?

23 A. Yes.

24 Q. Can you just briefly explain what that is.

25 A. Absolutely. This is a great photo to use. Multiple

1 individuals in the crime scene unit that we're there on
2 scene plus detectives plus officers, we formed a line in
3 which each person goes up beside each other and you just
4 search the path that you're walking on all the way to the
5 end. And we would've done that for all areas that were
6 searched.

7 Q. Other than the exterior damage that we've already
8 discussed, there is nothing else of evidentiary value that
9 was found in the courtyard?

10 A. On this side, no.

11 Q. Okay. So after the search warrant was obtained, you
12 when inside?

13 A. Yes, sir.

14 Q. You took photos inside?

15 A. Yes, sir.

16 Q. And you just saw some of those, correct?

17 A. Uh-huh. Yes, sir.

18 Q. You collected some of the items that were present
19 there.

20 A. Yes, sir.

21 Q. And those were processed for fingerprints?

22 A. Not by me. But at a later time, yes.

23 Q. Right. And of those items that were collected inside,
24 at least ten of those items were alcoholic beverage
25 containers?

1 A. Yes.

2 Q. And that was beer and liquor?

3 A. Yes. Beer and liquor and soda as well.

4 Q. I'm going to show you State's 57 now. And these are
5 some of the items that we're talking about, right?

6 A. Yes, sir.

7 Q. Okay. Going to switch gears here for second and talk
8 about your placards that you numbered.

9 A. Yes, sir.

10 Q. You were saying that you use those placards when you
11 take photographs?

12 A. Yes, sir.

13 Q. And each of them is numbered?

14 A. Yes, sir.

15 Q. And that's to show whenever a piece of evidence that
16 you're trying to depict in the picture?

17 A. Yes, sir.

18 Q. And to keep track of it by that number?

19 A. Yes, sir.

20 Q. And we saw how you used the placards to show those
21 shell casings, right?

22 A. Yes, sir.

23 Q. And each of those shell casings then was assigned a
24 number by use of the placards?

25 A. Yes, sir.

1 Q. Okay. But the numbering of the placards, just to be
2 clear, that doesn't mean that was the shell that was fired
3 first?

4 A. No, sir.

5 Q. Okay. Because you don't have a way to tell which shell
6 was fired first.

7 A. I don't. No, sir.

8 Q. Or which side of the courtyard the firing started from?

9 A. No. You can tell which side that the firing came from.

10 Q. You can?

11 A. Yes.

12 Q. Okay. And you testified that you're not a ballistics
13 expert, right?

14 A. I'm not. No, sir.

15 Q. And you're not a weapons expert?

16 A. I'm not. No, sir.

17 Q. You have some general knowledge?

18 A. Yes, sir.

19 Q. You said these look like rifle shell casings, right?

20 A. Yes, sir.

21 Q. A rifle is generally fired from the shoulder, right?

22 A. Yes, sir.

23 Q. It's usually not held down low, is it?

24 A. I don't fire rifles, but I assume most people fire them
25 from their shoulder.

1 Q. Okay. Most likely because if you were to hold it down
2 low, it's much less accurate that way, right?

3 A. I don't know. I guess you could fire it however you
4 want it. The safer way is from your shoulder.

5 Q. A pistol is generally not fired up against your
6 shoulder, is it?

7 A. No, it's not. But again, it can be fired lots of ways
8 and different positions.

9 Q. And you didn't actually do the testing of the shell
10 casings?

11 A. No, sir. I did not.

12 Q. Okay. Certain pistols fire larger caliber bullets,
13 don't they?

14 A. Yes, sir.

15 Q. In fact, FN57 pistol fires a bullet that looks just
16 like a rifle bullet.

17 A. Okay. I'm not an expert so I can't -- I can't say that
18 for sure.

19 Q. So you can't say for sure that this bullet was fired,
20 that the shell casings came from a rifle?

21 A. I am not a firearms expert, but that's what I would
22 believe.

23 MR. WILLIAMS: Court's indulgence (Brief pause.)
24 nothing further, Your Honor.

25 THE COURT: Any redirect?

1 AST. SOL. SIMPSON: Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY AST. SOL. SIMPSON:

4 Q. So you were directed by investigators on scene a good
5 place to start your investigation, right?

6 A. Yes.

7 Q. That was far -- you didn't stop your investigation,
8 right?

9 A. No, sir.

10 Q. Did you cover all of the ground that in your training
11 and experience you felt to be relevant to your
12 investigation?

13 A. Yes, sir.

14 Q. All investigations do you have to stop at some point,
15 right. Correct?

16 A. They do, yes.

17 Q. Hypothetically, you could stay in that location such as
18 this for weeks. Is that correct?

19 A. You could, yes.

20 Q. The practical decisions have to be made. Is that
21 correct?

22 A. Yes, sir.

23 Q. So you collect -- cast a wide net and collect all you
24 think even has a slim chance of being relevant?

25 A. Yes, sir.

1 Q. Okay. Then once the evidence is collected then
2 typically if needed sent to a more specialized department if
3 needed.

4 A. Yes, it is.

5 Q. Okay. Do you know where the two cell phones collected
6 were sent?

7 A. The two cell phones were collected not by myself. But
8 they were sent to Digital Evidence Unit and they would
9 analyze their cell phones.

10 Q. Okay. I believe you testified before, you may collect
11 a lot of evidence that in the end turns out not to be
12 relevant to the investigation, right?

13 A. Very common, yes.

14 Q. Okay. Is that evidence still available to the
15 prosecution team if we want it to make our own
16 determination?

17 A. Yes, sir.

18 Q. Is it available to the defense team --

19 MR. WILLIAMS: Objection.

20 THE COURT: Basis?

21 MR. WILLIAMS: --

22 THE COURT: Please approach.

23 (A bench conference was held off the record and out of
24 the hearing of the jury panel.)

25 THE COURT: Proceed. Rephrase. The objection is

1 sustained.

2 Q. You made it clear you are not -- you have a college
3 degree for crime scene analysis, correct?

4 A. College degree forensic investigations.

5 Q. Forensic investigations. Okay. But you don't have
6 this certain specialty of a ballistics expert, correct?

7 A. No, sir.

8 Q. But you do have training and experience in firearms.

9 A. Yes, sir.

10 Q. You have collected -- how long again have you been with
11 the CPD evidence lab?

12 A. Seven years and ten months.

13 Q. And not holding you to exact numbers. How many crime
14 scenes do you think you've responded to in those seven
15 years? Are we talking hundreds? Thousands?

16 A. More than hundreds.

17 Q. More than hundreds. How many of those crime scenes
18 involved in some way firearms, shell casings, bullets,
19 projectiles? A percentage if you can guess, if you have to
20 guess?

21 A. I say we go to quite a few shootings in our crime scene
22 unit within the City of Charleston.

23 Q. Would these shell casings -- did you observe if the
24 shell casings were unusable for you to find at a crime scene
25 in your experience? In your seven years and ten months

1 experience.?

2 A. Yes. It's the first time I had seen that type of
3 ammunition.

4 Q. Okay.

5 AST. SOL. SIMPSON: Nothing further, Your Honor.

6 THE COURT: Any objection to the witness being excused?
7 From the State?

8 AST. SOL. SIMPSON: No, Your Honor.

9 THE COURT: From the defense?

10 MR. WILLIAMS: No, Your Honor.

11 THE COURT: Ma'am, you're excused.

12 THE WITNESS: Thank you.

13 THE COURT: You're welcome. Call your next witness.

14 AST. SOL. SIMPSON: Court's indulgence. I'm sorry.

15 THE COURT: Who is your next witness?

-16 AST. SOL. SIMPSON: The State calls Rick Bassak from
17 Charleston security systems.

18 CLERK: Please take your seat. Speak directly into the
19 microphone spelling your first and last name.

20 THE WITNESS: Richard Bassak, R-I-C-H-A-R-D,
21 B-A-S-S-A-K.

22 THE COURT: You may proceed.

23 AST. SOL. SIMPSON: Thank you Your Honor.

24 THE COURT: You're welcome.

25 DIRECT EXAMINATION

Direct Examination of Mr. Bassak by Ast. Sol. Simpson

1 BY AST. SOL. SIMPSON:

2 Q. Mr. Bassak, good afternoon.

3 A. Good afternoon.

4 Q. Thank you for being here today. I will like to have,
5 if you could, introduce yourself to the jury. What's your
6 name? How old are you? Where you live?

7 A. My name is Richard Bassak. I live out in Moncks
8 Corner. I'm 60 years old.

9 Q. What you do for living ---

10 A. I work for Charleston Security Systems. I've been
11 working with them for about two and half years. Before
12 that, I was a contractor at the Air Force Base. And before
13 that, I ran a IT company and did 22 years in the Navy.

14 Q. Okay. So you have computer software experience with an
15 IT company?

16 A. Yes, sir.

17 Q. And that sort of resume allows you to gain
18 employment -- I'm sorry, what was the company may begin.

19 A. Charleston Security Systems.

20 Q. Charleston security systems. What kind of work
21 specifically does Charleston Security Systems do?

22 A. We do commercial and home security, not only alarms but
23 video cameras.

24 Q. Okay. Do surveillance video cameras make up a large
25 percentage of your work?

1 A. Yes, sir. We have I'd say about 600 a more camera
2 systems here in the Charleston area.

3 Q. Okay. Do you have a business clients?

4 A. Sir?

5 Q. Business clients?

6 A. Yes, sir.

7 Q. Okay. Say if I owned a business and was interested in
8 that sort of thing, I could call your company. What sort of
9 services would you provide?

10 A. We would put in video cameras, video recorders. We can
11 do alarm systems for intrusion, fire, theft.

12 Q. And how long have you been with this company?

13 A. Two and half years.

14 Q. Two and half years. So just to be clear, you were not
15 with this company in September 2015?

16 A. I had just started.

17 Q. Okay. Just started. Okay. When a business hires your
18 company and you guys manage the video surveillance?

19 A. We don't really do management.

20 Q. Okay.

21 A. What they'll do is call us and ask us to pull footage
22 for them where we go in and -- we'll pull in events like
23 this where either the police will approach us and ask us if
24 we can get access to a camera system.

25 Q. Because fair to say that a particular type of business

Direct Examination of Mr. Bassak by Ast. Sol. Simpson

1 person -- how do I phrase this? Not everyone is that savvy
2 with computers. Is that fair enough?

3 A. True.

4 Q. And the software and how all of this stuff works,
5 that's your expertise. Is that correct?

6 A. True.

7 Q. If I'm just the person that owns say a restaurant, I
8 may have hired you guys, but I might not be able to go into
9 your software and tape all this stuff?

10 A. True.

11 Q. Okay. So if an incident happens, say the police are
12 interested in a certain time frame, rather than contact the
13 business owner they would call you?

14 A. Normally, they would contact the business owner and
15 they would give us authorization to pull footage.

16 Q. Okay. Were you able to confirm for us that your
17 company was asked to do that involving a case downtown in
18 September 19, 2015?

19 A. Yes.

20 Q. Okay. Was this -- when you were contacted by us, was
21 this footage still assessable by you ---

22 A. Yes.

23 Q. --- independently of your own self?

24 A. Yes.

25 Q. Okay. Were you able to confirm that you provided the

1 footage to Charleston Police Department?

2 A. The footage on the CD is the exact same footage that's
3 tied to my PC and out the shop.

4 Q. Okay. And were you asked -- you mentioned a CD. Were
5 you asked to review footage that's on the CD?

6 A. Yes. I sat down and I viewed the size of the images,
7 the date stamps on the images against the ones that I have.

8 Q. Okay.

9 AST. SOL. SIMPSON: May I approach the witness, Your
10 Honor?

11 THE COURT: Yes.

12 Q. I'm showing you what's been marked for ID only State's
13 94. Do you recognize this exhibit?

14 A. Yes. That's my initials there.

15 Q. Okay. You are asked to initial that so you would know
16 that that's a CD you viewed?

17 A. Correct.

18 Q. Okay. And what's contained on this CD again?

19 A. The CD has I want to say three different camera angles.

20 Q. Okay. And I didn't even mention. What's the address
21 of this particular client of yours?

22 A. It's Lee Lee's restaurant. I'm not familiar with the
23 exact street address.

24 Q. Okay. But it was Lee Lee's restaurant?

25 A. Lee Lee's restaurant. Yes, sir.

1 THE COURT: Could you please spell that for the court
2 reporter.

3 THE WITNESS: I want to say it's L-E-E, L-E-E-S; Lee
4 Lee's.

5 THE COURT: Thank you, sir. You may proceed.

6 AST. SOL. SIMPSON: Thank you.

7 THE COURT: You're welcome.

8 Q. And again, you explained how many camera angles does
9 Lee Lee's have?

10 A. I want to say -- well, they had multiple cameras. But
11 they only wanted the outside exterior camera and I believe
12 there were three.

13 Q. And you provided what was asked for to the Charleston
14 Police Department?

15 A. Correct.

16 Q. And then since, even though you weren't involved
17 initially, since confirmed that the contents of the CD is an
18 exact fair and accurate replication of the video
19 surveillance footage that your company provided?

20 A. Correct.

21 AST. SOL. SIMPSON: Court's indulgence.

22 THE COURT: Yes, sir.

23 AST. SOL. SIMPSON: Your Honor, at this time the State
24 seeks to admit State's 94.

25 THE COURT: Any objection?

1 MS. FORD: Yes, Your Honor. At this point, we don't
2 believe they established relevancy in evidence.

3 THE COURT: Please approach.

4 (A bench conference was held off the record and out of
5 the hearing of the jury panel.)

6 THE COURT: State withdraws its request to admit 94.
7 It will be ID only.

8 AST. SOL. SIMPSON: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 AST. SOL. SIMPSON: I have not further questions of
11 this witness.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 MS. FORD: I have no questions for this witness, Your
16 Honor.

17 THE COURT: Any objection to the witness being excused?
18 From the State?

19 AST. SOL. SIMPSON: No, your Honor.

20 THE COURT: From the defense?

21 MS. FORD: No, Your Honor.

22 THE COURT: Sir, you're excused. Call your next
23 witness.

24 AST. SOL. SIMPSON: The State calls Ian Mills.

25 (IAN MILLS, was duly sworn and provided the following

Direct Examination of Mr. Mills by Ast. Sol. Simpson

1 testimony.)

2 THE WITNESS: Ian Mills, I-A-N, M-I-L-L-S.

3 THE COURT: You may proceed.

4 AST. SOL. SIMPSON: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY AST. SOL. SIMPSON:

7 Q. Mr. Mills, good afternoon. Where do you live
8 currently?

9 A. I live at [REDACTED] Nunan Street.

10 Q. And how long have you lived there?

11 A. Four years.

12 Q. Four years. Where are you from?

13 A. Originally California, outside of San Francisco.

14 Q. Okay. What brought you to Charleston?

15 A. My wife is getting a double doctorate at MUSC and a
16 PhD.

17 Q. Is this the first place you got in Charleston? You
18 moved to Nunan Street or . . .

19 A. We actually started around the corner, Fishburne a
20 little closer to Burke High School. And there this house
21 became available so I fixed it up and we moved in there
22 right from another.

23 Q. Okay. And again, this house is at [REDACTED] Nunan Street?

24 A. Yes, sir.

25 Q. Okay. And how long have you been there again?

1 A. About four years.

2 Q. Okay. So that was your residence in September 2015?

3 A. Yeah.

4 Q. Okay. So let me just ask you: Do you have any
5 personal security system at your home at ■ Nunan?

6 A. All of the houses I've had have camera systems on it.
7 The first house we had, I learned my lesson getting stuff
8 stolen, so I put a camera system on it.

9 Q. Okay.

10 A. And we redid this house, I made sure to put a security
11 system on it too.

12 Q. So did you renovate this house when you bought it?

13 A. Yeah. I gutted it. Made it how we wanted it. And
14 before we did drywall, I put in all the wires and installed
15 the security system.

16 Q. So you are this -- did everything -- internally wired
17 that whole security system?

18 A. Yes, sir.

19 Q. Okay. Well, explain to the jury a little bit how in
20 the world did you become involved in this?

21 A. It was just something happened down the street and the
22 cops -- I think the police officer came to me first and
23 said, you know, "We noticed the cameras in front of your
24 house. Do you have footage from this and this date and
25 around this window?" As I remember, it was a pretty broad

Direct Examination of Mr. Mills by Ast. Sol. Simpson

1 window.

2 Q. Okay.

3 A. And then I downloaded all of the camera shots I had
4 from the front of the house.

5 Q. Okay.

6 A. And put them on . . .

7 Q. Okay. And so, basically, they just asked you as a
8 citizen to help out and you were willing to do so?

9 A. Yeah, definitely.

10 Q. And you provided everything that they asked for?

11 A. I've done it before when we lived on Fishburne Street
12 when I had some stuff stolen from there. So it was pretty
13 normal for me to download the videos and stick them on the
14 thumb drive.

15 AST. SOL. SIMPSON: May approach the witness, Your
16 Honor?

17 THE COURT: Yes, sir.

18 Q. I'm showing you what's been marked as State's 118 for
19 ID only. Do you recognize that exhibit?

20 A. Yes.

21 Q. How do you recognize it?

22 A. It was brought over to me. We looked at the footage
23 that was on it, the video files that were on it.

24 Q. Okay.

25 A. And reviewed them -- and for me for my security system

1 and asked me to sign the DVD.

2 Q. And so does that CD contain a fair and accurate
3 identical footage that you provided to the police
4 department?

5 A. Definitely. That's from my security system.

6 Q. Okay. What about personally, how do you install all of
7 this? Do you feel like you're pretty knowledgeable of your
8 computer system?

9 A. Yes.

10 Q. It's your security system?

11 A. I was an IT guy in California.

12 Q. Okay.

13 A. So yeah. I installed it because I was just tired of
14 getting my stuff stolen. And a number of people have gotten
15 caught, and I've gotten my stuff back because of it.

16 Q. Put me out of -- and I don't need any specialized
17 opinion that you have, but just based on your experience
18 interacting with your insecurity system, are there any
19 general observations that you can make as to the time stamp
20 on your videos?

21 A. Yeah. The time stamp on -- particularly, the security
22 system that I had to install at that time, it would kind of
23 either gain or lose a minute every day until I would log
24 back into the system. I would actually have to go to the
25 screen and log in and change it using the mouse and

Direct Examination of Mr. Mills by Ast. Sol. Simpson

1 keyboard -- and it was a big pain in the butt. But I would
2 have to actually manually change the time or it would kind
3 of do random times.

4 Q. Like a watch you have to reset?

5 A. Yet. It's either slow or fast. So any time you
6 download the videotapes from it, I would have to look at the
7 time the camera system says it is and then look at the
8 actual time and then write down, okay, it's an hour and
9 seven minutes slow today.

10 Q. Okay. And you -- you've had a couple of different
11 security systems over your life?

12 A. Yeah. The one in my house I can actually read license
13 plates now.

14 Q. Okay. I'm assuming like everything, its' modernized.
15 But through one of these things have you generally known
16 that to be the case in a lot of these systems with the time
17 stamp?

18 A. Yes. Yeah. Except the system I have currently
19 installed, all of the other ones have always done that.

20 Q. Okay.

21 A. Fast or slow.

22 AST. SOL. SIMPSON: Court's indulgence. Thank you,
23 Mr. Mills, for your time. Answer any questions that
24 Ms. Ford has for you.

25 THE COURT: Any questions for the witness?

1 MS. FORD: Beg the Court's indulgence. (Brief pause.)

2 Just briefly, Your Honor.

3 THE COURT: Proceed.

4 CROSS-EXAMINATION

5 BY MS. FORD:

6 Q. Hi, Mr. Mills.

7 A. Hey.

8 Q. You downloaded this footage that the police requested,
9 correct?

10 A. Yeah.

11 Q. Did you actually watch it yourself?

12 A. They asked me to download a broad -- the short answer,
13 yes.

14 Q. Okay. So you watched it all from --

15 A. Yeah. In order to download it, you actually have to
16 watch it first and let it kind of load onto your computer
17 while you're watching it.

18 Q. Okay.

19 A. And that once it's done downloading on your computer
20 then you can move it to the CD-ROM or the USB drive.

21 Q. Okay. So you sat there and stayed while it was doing
22 that?

23 A. Yeah.

24 Q. Okay.

25 A. It was a long process.

1 Q. Did you watch it afterwards to see if it correctly
2 recorded or ---

3 A. After the files are made, yeah, you have to -- you need
4 to open them to make sure they're not corrupted or that a
5 media player can read them, that they're correct.

6 Q. So did you watch them again?

7 A. Not entirely. But, you know, you watch it. You
8 double-click it. You make sure the video file opens and
9 then you click separate, you know, points in time to make
10 sure it's all there.

11 Q. Right. Thank you.

12 A. Sure.

13 MS. FORD: No further questions.

14 THE COURT: Any redirect?

15 AST. SOL. SIMPSON: No, Your Honor.

16 THE COURT: Any objection to the witness being excused.
17 From the State?

18 AST. SOL. SIMPSON: No, Your Honor.

19 THE COURT: From the defense?

20 MS. FORD: No, Your Honor.

21 THE COURT: Sir, you're excused. Call your next
22 witness.

23 AST. SOL. SIMPSON: The State calls Lieutenant Peter
24 Farrell.

25 THE COURT: Did you say Farrell?

1 AST. SOL. SIMPSON: Farrell?

2 THE COURT: Spell that for me?

3 AST. SOL. SIMPSON: F-A-R-R-E-L-L.

4 THE COURT: He was eliminated from the list.

5 Inadvertently or . . .

6 AST. SOL. SIMPSON: Oh, is he not . . .

7 THE COURT: If you give me a number, I'm able to look
8 through it, which is possible.

9 AST. SOL. SIMPSON: Your Honor, I'm sorry, I . . .

10 THE COURT: What's his name again?

11 AST. SOL. SIMPSON: Peter Farrell. I ---

12 THE COURT: Spell his last name for me.

13 AST. SOL. SIMPSON: F-A-R-R-E-L-L.

14 THE COURT: From the Charleston Police Department?

15 AST. SOL. SIMPSON: He is. He's a lieutenant with the
16 Charleston Police Department. I did identify him -- I
17 identified him for the defense. But I don't know that . . .

18 (PETER FARRELL, was duly sworn and provided the
19 following testimony.)

20 CLERK: Please have a seat. Spell your first and last
21 name for the record.

22 THE WITNESS: I'm Lieutenant Peter Farrell. P-E-T-E-R,
23 F-A-R-R-E-L-L.

24 THE COURT: You may proceed.

25 MS. FORD: Your Honor, may we approach?

1 THE COURT: Yes.

2 (A bench conference was held off the record and out of
3 the hearing of the jury panel.)

4 THE COURT: Ladies and gentlemen, this witnesses name
5 was inadvertently omitted from the witness list. Is there
6 any member of the panel who is related by blood or marriage
7 to Lieutenant Peter Farrell. If so, please stand at this
8 time.

9 (No response.)

10 THE COURT: Does anyone have a close, personal or
11 social relationship with Lieutenant Farrell? If so, please
12 stand at this time.

13 (No response.)

14 THE COURT: Let the record reflect that the response to
15 both questions was negative.

16 Is the State ready to proceed?

17 AST. SOL. SIMPSON: We are, Your Honor.

18 THE COURT: The defense ready to proceed?

19 MS. FORD: Yes, Your Honor.

20 THE COURT: You may proceed with questioning the
21 witness.

22 AST. SOL. SIMPSON: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 DIRECT EXAMINATION

25 BY AST. SOL. SIMPSON:

1 Q. Lieutenant Farrell, what agency do you work for?

2 A. I'm with the Charleston Police Department.

3 Q. And you have kind of an interesting job for them. What
4 is that?

5 A. It is an interesting job. I am the commander of the
6 crime -- crime information operations center, actually.
7 Better known as CIO.

8 Q. Okay. What sort of responsibilities does that
9 department, that subunit, of the Police Department have?

10 A. Right. So I supervise intelligence analysts in the
11 field intelligence unit where the officers have to go out
12 gather intelligence. And then also I work with the safety
13 and security camera system here in the City of Charleston.

14 Q. Okay. So criminal intelligence is sort of an
15 information gathering function?

16 A. Yes.

17 Q. And related to that and other things, you also manage
18 the city surveillance camera system?

19 A. I do safety and security cameras ---

20 Q. Where are those monitored from?

21 A. We have a central monitoring facility within the
22 Charleston police department on Lockwood Boulevard.

23 Q. Okay.

24 AST. SOL. SIMPSON: May I approach, Your Honor?

25 THE COURT: You may.

1 Q. I'm showing you was been marked for ID is State's 124.

2 Do you recognize that?

3 A. I do recognize it.

4 Q. Would that exhibit aid and assist you in sort of
5 further explaining the role your unit plays?

6 A. It would be helpful.

7 Q. Okay. What is that exhibit by the way? What does that
8 depict?

9 A. That is a map of the locations in the peninsula of
10 Charleston where we have safety and security cameras.

11 Q. Okay.

12 AST. SOL. SIMPSON: Your Honor, at this time, the State
13 seeks to admit State's 124.

14 THE COURT: Any objection?

15 MS. FORD: Objection to relevance.

16 THE COURT: Overruled. Marked and admitted number 124.

17 (State's Exhibit No. 124, Map, was received into
18 evidence.)

19 AST. SOL. SIMPSON: Thank you, Your Honor. I'm
20 publishing State's 124.

21 Q. Obviously, I can move this wherever you like.

22 A. Right there is good.

23 Q. I can move that for you if you need me to. Describe
24 what we're viewing up here.

25 A. What you're looking at is an area -- on the left side

1 of the screen there is an area called Gadsden Green, which
2 is where we have five safety and security cameras as
3 indicated the location of the dots at.

4 Q. Are those cameras rolling and recording 24/7?

5 A. They are.

6 Q. And is that information digitally stored?

7 A. It is digitally stored in servers, yes.

8 Q. Okay. And is that footage accessible by your unit?

9 A. It is. My staff is able to retrieve it.

10 Q. Okay. Does this exhibit accurately reflect --
11 reasonably reflect the location of the five Gadsden Green
12 cameras?

13 A. It does.

14 Q. And if you could -- I'm going to zoom in a little more.
15 Be sure to review these. And are these what they're
16 commonly referred to as what's listed on the map there?

17 A. Yes.

18 Q. If someone was coming to identify a particular camera,
19 would they ---

20 A. That's exactly how they would be identified on our
21 camera system, on the display.

22 Q. Okay. So what are this cameras available to us around
23 the Gadsden Green area?

24 A. President and Orange Street, President and Bogart
25 Street, Ashton and Orange Street, Always Street, and Flood

1 Street. And then what's referred to as Line Street school
2 in the area of 231 Line.

3 Q. Okay. Let's say an incident occurs in an area and the
4 investigating officer or the lead agent or an agent and
5 detective thinks or might be a chance that one of your
6 unit's cameras might've captured something. How does that
7 work within the Police Department?

8 A. Right. Right. So our camera staff is available -- and
9 they take the requests from the detective. The detective
10 would ask for a given set of cameras that they believe would
11 be relevant to perhaps a crime that took place. And from
12 there they would ask for that to be pulled digitally from
13 our servers so that they could have a copy of it.

14 Q. Okay. And that's for whatever use they wanted ---

15 A. For investigative, whatever use that they have for it.

16 Q. Okay. Now, what is the -- what's the name of the
17 software system that's used to view these cameras?

18 A. We use Ocularis is the name of the software.

19 Q. Would all of these cameras be stored sort of like on
20 one?

21 A. They are on one central source, one server.

22 Q. We see a color code here. I'm going to turn it around
23 a little bit. Is there any meaning or anything to these
24 different colors?

25 A. They're just in different areas of town. And that's

1 simply all that is that way they're noted so that we can
2 find them easily. So the red would be Gadsden Green.

3 Q. And you recall the specific times -- was there a
4 request made in the present case?

5 A. A request was made to our staff in the present case?

6 Q. Okay. What were the parameters of that request.

7 A. They needed I believe September 18th and 19th.
8 They needed 24-hour time frame around the incident they were
9 investigating, from midnight to midnight the following day.

10 Q. Okay. Now, that's 24 hours of video footage from five
11 cameras?

12 A. Quite a bit of footage, yes.

13 Q. Is that a large digital file?

14 A. That's a very large digital file.

15 Q. Can you satisfy a request like that with a CD?

16 A. No. You wouldn't be able to fit it on a CD.

17 Q. Even most typically a thumb drive?

18 A. Absolutely not.

19 Q. Okay. What is this? Do you recognize this item?

20 A. That is an external hard drive?

21 AST. SOL. SIMPSON: May I approach, Your Honor.

22 THE COURT: You may.

23 Q. Lieutenant Farrell, I'm showing you what's been marked
24 for ID only State's 135 [sic].

25 A. Right.

Direct Examination of Mr. Farrell by Ast. Sol. Simpson

1 Q. Do you recognize this item?

2 A. I do.

3 Q. And how do you recognize this?

4 A. This is a hard drive that I looked at that was
5 containing information for this case at hand. And after
6 examining it, I put my initials on it.

7 Q. Okay. Does his hard drive contain the results of that
8 request that was made to you for this case?

9 A. Right. The pull of data or information was placed onto
10 that. As you pointed out, that wouldn't go on a CD so we
11 used, basically, a small computer drive, and external drive,
12 to hold all of that data.

13 Q. Okay. And that data would've been provided to the
14 investigators/detectives working on this particular case?

15 A. That's correct.

16 Q. And you don't have any personal knowledge of this case?

17 A. I don't. I don't.

18 Q. Okay. Tell me a little bit about the individual -- we
19 see the locations, but tell me a little bit about the
20 individual cameras that are there. How do they function?

21 A. They pan, tilt, zoom commonly referred to as PTZ
22 cameras that are in there. So what that means is that it
23 allows for the camera to look in different areas within that
24 zone. So if they're not being looked at by camera monitor,
25 they're actually put on what's called patrol. And they end

1 of looking at different areas. If you can imagine a globe,
2 like when you're in a store, you see that globe, it ends up
3 looking around and panning on what they call patrol. And so
4 assuming that there's nobody in control -- take control if
5 they see something of interest. If there was somebody
6 working then they can do that. But otherwise, it's not a
7 patrol so it swings throughout the area.

8 Q. So if a person isn't operating a specific camera at a
9 specific time -- this is going to be really -- demonstrating
10 this -- but a camera might show this. And then just at a
11 set time it would show this and then this, and it rotates?

12 A. That's correct.

13 Q. And no one's doing that? That's just ---

14 A. No. It's just -- in an effort to try to catch
15 activities in a given area.

16 Q. Okay.

17 AST. SOL. SIMPSON: Court's indulgence.

18 THE COURT: Yes, sir.

19 AST. SOL. SIMPSON: Your Honor, with the Court's
20 permission, we're actually on 125 and not 135. So I would
21 like to ---

22 THE COURT: Correct it.

23 AST. SOL. SIMPSON: Just alter the number of the
24 exhibit we referred to.

25 THE COURT: Just on second. Is that the number you

1 have Madame Court Reporter?

2 COURT REPORTER: Yes.

3 THE COURT: You may proceed.

4 AST. SOL. SIMPSON: Thank you.

5 THE COURT: You're welcome.

6 Q. Just bearing the new number 125, is the external hard
7 drive what we've been discussing?

8 A. It is.

9 Q. Okay. Thank you.

10 AST. SOL. SIMPSON: Thank you, Lieutenant Farrell. No
11 further questions.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Beg the Court's indulgence. (Brief pause.) I
14 have no questions for this witness, Your Honor.

15 THE COURT: Any objections to the witness being
16 excused? From the State?

17 AST. SOL. SIMPSON: No, Your Honor.

18 THE COURT: From the defense?

19 MS. FORD: No, Your Honor.

20 THE COURT: Sir, you're excused.

21 THE WITNESS: Thank you.

22 THE COURT: You're welcome.

23 Mr. Foreman, ladies and gentlemen, y'all have been
24 sitting right at an hour. I'm going to give you the
25 opportunity for a brief break. During the break, please do

1 (Clerk begins to swear witness.)

2 THE COURT: No, no. He needs to call his witness.

3 Call your next witness.

4 AST. SOL. GINSBERG: The State calls Dr. Lee Tormos.

5 THE COURT: Swear the witness.

6 (DR. LEE MARIE TORMOS, was duly sworn and provided the
7 following testimony.)

8 CLERK: Please take your seat. Spell your first and
9 last name for the record.

10 THE COURT: Ma'am, I'm sorry, if you would say your
11 full name for the record, and spell your first and last
12 name.

13 THE WITNESS: Yes. This is Dr. Lee Marie Tormos;
14 L-E-E, last name Tormos, T-O-R-M-O-S.?

15 THE COURT: You may proceed.

16 AST. SOL. GINSBERG: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 DIRECT EXAMINATION

19 BY AST. SOL. GINSBERG:

20 Q. Dr. Tormos, what is your occupation?

21 A. I'm a forensic pathologist.

22 Q. And can you tell the jury what forensic pathologist is?

23 A. A forensic pathologist examines the body for the
24 determination of cause and manner of death by taking into
25 consideration illnesses or injuries that may be present on

1 the body.

2 Q. And can you tell the jury any type of education or
3 training that you had to undergo to become a forensic
4 pathologist?

5 A. In order to become a forensic pathologist you have to
6 have a bachelor's degree from a university usually in
7 science or premed, followed by four years of medical school,
8 followed by four years of specialty training in the field of
9 pathology where you are learning how illnesses and
10 disease -- in the body, and then an additional year in some
11 specialty training in the field of forensic pathology we're
12 also studying how injuries bring about that.

13 Q. After all that education, Dr. Tormos, do you belong to
14 any medical or scientific groups or associations?

15 A. Yes. I am a member of the National Association of
16 Medical Examiners. I'm a board certified anatomic, clinical
17 and forensic pathologist.

18 Q. And, Dr. Tormos, where do you currently work?

19 A. I currently work as an associate medical examiner in
20 Palm Beach County, Florida.

21 Q. Back in 2015, were you working in Palm Beach then?

22 A. No. Back in 2015, I was right here at MUSC in
23 Charleston working as a forensic pathologist in the
24 pathology department at MUSC.

25 Q. And how long have you been a forensic pathologist?

1 A. I've been a forensic pathologist a total of nine years.
2 Seven of which have been after my subspecialty training.

3 Q. And you explained a little bit about this briefly
4 before. But can you please tell the -- excuse me -- the
5 jury your duties as a forensic pathologist.

6 A. As a forensic pathologist, I have to take into
7 consideration the history that is provided to me by the
8 investigators. And then I do a thorough examination called
9 an autopsy in which we examine the external aspect and
10 internal aspect of the body documenting injuries or disease.

11 Q. And, Dr. Tormos, just as an approximation, how many
12 autopsies do you believe, you know, you've been involved
13 with or have performed yourself?

14 A. Over a thousand.

15 Q. And have you ever been admitted as an expert in the
16 field of pathology?

17 A. Yes.

18 Q. And how many times? Do you recall?

19 A. Over 50.

20 Q. Over 50?

21 A. Over 50.

22 AST. SOL. GINSBERG: Your Honor, at this time the State
23 would seek to admit Dr. Tormos as an expert in the field of
24 pathology.

25 THE COURT: I'm sorry?

Direct Examination of Dr. Tormos by Ast. Sol. Ginsberg

1 AST. SOL. GINSBERG: As an expert in the field of
2 pathology.

3 THE COURT: Any objections or questions?

4 MS. FORD: No, Your Honor.

5 THE COURT: So admitted without objection. You may
6 proceed.

7 AST. SOL. GINSBERG: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 Q. Dr. Tormos, can you explain to the jury what happens
10 during autopsy? The procedure and what . . .

11 A. Yes. When we first received the body, we examine the
12 body externally including the clothing. We gather trace
13 evidence that may be in the form of hair samples, fingernail
14 clippings, DNA samples. We take samples of body fluids
15 including blood and urine and vitreous fluid for testing
16 including toxicology testing. Once we examine and document
17 the body, the outside, you synch diagrams, you synch
18 photographs, you synch X-rays. Then we proceed to do a
19 Y-incision, collect the tissues, and examine the body only
20 inside looking for correlations of injuries and the presence
21 or absence of natural disease.

22 Q. And, Dr. Tormos, do you have the occasion to perform an
23 autopsy of the victim in this case Mr. Antwan Frost?

24 A. Yes, I did.

25 Q. Where did you perform that autopsy?

1 A. I performed that at the medical University of South
2 Carolina.

3 Q. And when did you perform the autopsy?

4 A. I performed the autopsy in September 19, 2015.

5 Q. And how long did this autopsy last?

6 A. The autopsy, it lasted about two and half hours.

7 Q. And can you tell the jury what your findings were from
8 that autopsy?

9 A. Yes. The decedent, Mr. Frost, had evidence of shrapnel
10 injury on the surface of his body. I found defects on the
11 skin that are consistent with broken apart bullets entering
12 the body. There we're very small fragments embedded right
13 under the skin, in the back, in the right arm, in the upper
14 chest. And there was a bigger fragment that actually
15 entered the right chest right above the right nipple, and it
16 caused fracture of the right fifth rib. And internal
17 examination revealed that that rib, when it fractured, it
18 punctured the heart and it caused him to bleed out
19 internally.

20 Q. Dr. Tormos, you explained when you started this
21 process, you document the body, and you said you do that
22 with photographs. Is that correct?

23 A. Among other things, yes.

24 AST. SOL. GINSBERG: Your Honor, may I approach?

25 THE COURT: Yes, ma'am.

1 Q. At this time, Dr. Tormos, I'd like to show you State's
2 exhibits 83 through 89 as well as 93. Can you just
3 familiarize yourself with these photos.?

4 A. Yes. (Brief pause.) Yes.

5 Q. Do you recognize those photos, Dr. Tormos?

6 A. Yes.

7 Q. And what do you recognize on that?

8 A. These are pictures that I took during the course of the
9 autopsy.

10 Q. And those fairly and accurately represent the photos
11 that you took?

12 A. Yes.

13 AST. SOL. GINSBERG: Your Honor, may I approach?

14 THE COURT: You may.

15 Q. I believe these have already been admitted as State's
16 83 through 89 as well as 93.

17 AST. SOL. GINSBERG: May I publish?

18 THE COURT: You may.

19 Q. Dr. Tormos, I'm going to show you a few of these
20 pictures. I'm more of a visual learner. So you can help me
21 as well as the jury figure out what we're looking at here?

22 A. Absolutely.

23 Q. I'm showing you now State's 83; State's 83 that's been
24 altered. It's in black and white. Can you tell us what
25 we're looking at here.?

1 A. This is a picture of Mr. Frost's chest. As you can
2 see, this is the left nipple over here. This is the right
3 nipple over here. And this is the gunshot wound that proved
4 to be fatal. It's right on the nipple on the right side of
5 the chest.

6 Q. Okay. I'm now showing you what's been marked as
7 State's 84. Can you tell the jury what we're looking at
8 here?

9 A. This is a close-up of the same picture. Here you can
10 see the nipple right here. This is the outline of the
11 nipple. And this is the entrance gunshot wound defect where
12 the fragments entered and fractured the right fifth rib.

13 Q. Okay. Now I'm showing you State's 85. And let me know
14 if I'm orienting this the wrong way. Is this the
15 appropriate way or should it be --

16 A. No, no. That is the correct way. Yes. The numbers
17 will always be pointing towards the feet, so right side up.
18 This is hard to tell, but I know what it is. This over
19 here, that's the decedent's neck. And this is the shrapnel
20 injury. And even though it looks very similar to the defect
21 that's above the nipple, it actually doesn't penetrate.
22 There is no shrapnel in there, no significant piece of lead
23 in there. But it is something that probably hit and bounced
24 out. And here, you can see teeny-tiny little defects of
25 pieces of metal that have embedded under the skin.

Direct Examination of Dr. Tormos by Ast. Sol. Ginsberg

1 Q. Okay.

2 A. So that's the right upper chest.

3 Q. Right upper chest. Now I'm showing you State's 86.

4 A. Okay.

5 Q. Where should I ---

6 A. That's correct.

7 Q. That's correct. You said about the numbers earlier.

8 A. Yes. So this is the right arm. Again, there was a
9 picture preceding this one this should the arm so that you
10 had some anatomic relation. This is just a close-up showing
11 that little defect right there. And if you look very
12 carefully, there is a light spot right next to it right
13 here. And that would be where the piece of shrapnel was
14 under the skin and we recovered a little piece of bullet
15 fragment from that defect right there.

16 Q. Showing you now State's 88. Can you let us know what
17 we're seeing here?

18 A. Okay. Here we are seeing bullet fragments. As my
19 experience tells me, this man was shot with an intermediate
20 object. When the bullet strikes an intermediate object,
21 whatever it might be, it tends to break off into pieces.
22 And these are pieces of bullet. This is a large piece. And
23 this is from the core. This is probably jacket. That's
24 core. These pieces are all embedded in the right chest
25 muscle, the right pectoralis muscle. And, in fact, it is

1 this large piece right here that is the piece that causes
2 the fatal injury. That piece right there.

3 Q. Dr. Tormos, you collected all of these fragments. Is
4 that correct?

5 A. Yes, I did. Yes.

6 Q. And did you place them also in this envelope?

7 A. Yes, I did.

8 Q. And is this your handwriting as well?

9 A. No, it isn't.

10 Q. That's not your handwriting?

11 A. No. That is my physician assistant.

12 Q. Your physician assistant's?

13 A. Yes.

14 Q. Someone he works underneath you ---

15 A. That I supervise. That she fills out with pretty
16 handwriting.

17 Q. Okay. You wouldn't want to see my handwriting. I'm
18 showing you State's 89. This is in your assistant's pretty
19 handwriting. But what we're also looking at here?

20 A. Yes. These are even more tiny bullet fragments that
21 entered the body. These actually made it through the skin,
22 through the muscles, through the rib cage, and were found in
23 the right lung. However, they're tiny. But it just shows
24 that there was even a force to actually penetrate all those
25 layers of skin, subcutaneous tissue, muscle, the muscles

1 that are in between the ribs, and actually embed into the
2 right lung.

3 Q. Now I'm showing you State's 93. Can you tell the jury
4 what we're looking at here.?

5 A. Okay.

6 AST. SOL. GINSBERG: And if you actually don't mind,
7 could you ---

8 THE WITNESS: Turn that way ---

9 AST. SOL. GINSBERG: --- a little bit.?

10 THE WITNESS: Thank you.

11 Q. Is that better, Dr. Tormos?

12 A. Yes. Up here we have the head. The feet are down
13 here.

14 Q. Okay.

15 A. This is a chest X-ray. You can see the heart
16 silhouette. This is the heart silhouette in the chest. The
17 dark areas are where the lungs are. This dome-shaped area,
18 that is the diaphragm. And they are very hard to see, but I
19 don't know that you can see here that the large fragment
20 that was recovered shows up as a white mark. And then you
21 see all of this little stipple, those are all bullet
22 fragments that entered the body and either embedded in the
23 skin, in the muscle, or in the right lung.

24 Q. Dr. Tormos, what I can do is I can zoom in for you so
25 maybe we can . . .

1 A. Let's clear this up.

2 Q. Clear that up for you?

3 A. Okay.

4 Q. Is that better for you?

5 A. I think so.

6 Q. All right. I'm going to zoom out a little bit?

7 A. The large piece that you saw is this piece right here.

8 That is the bullet fragment that actually causes the right

9 fifth rib to break. And that break in turns punctures or

10 lacerates the heart, the right ventricle of the heart to be

11 precise, causing him to bleed into his right chest cavity

12 into his -- and a little bit into the left chest cavity. He

13 ended up bleeding out a little over a liter and a half of

14 blood into the chest.

15 Q. And, Dr. Tormos, with this fragment, this situation

16 causing the rupture of the fifth rib, was that the cause of

17 death in this case?

18 A. It is.

19 AST. SOL. GINSBERG: Beg the Court's indulgence.

20 THE COURT: Yes, ma'am.

21 Q. And what was the manner of death?

22 A. The manner of death is homicide.

23 AST. SOL. GINSBERG: No further questions for this

24 witness.

25 THE COURT: Any cross-examination for the witness?

Cross-Examination of Dr. Tormos by Ms. Ford

1 MS. FORD: Yes, Your Honor.

2 THE COURT: You may proceed.

3 CROSS-EXAMINATION

4 BY MS. FORD:

5 Q. Hi, Dr. Tormos.

6 A. Hi.

7 Q. Just briefly, you were actually -- you did your
8 examination at USC, correct?

9 A. Correct.

10 Q. So you were not at [REDACTED] Norman Street the night that
11 Mr. Frost was shot, correct?

12 A. Correct.

13 Q. So you are not here to be able to testify to who shot
14 Mr. Frost, correct?

15 A. Correct.

16 Q. Because you can't possibly say that?

17 A. Not by looking at the body, no.

18 MS. FORD: Beg the Court's indulgence.

19 THE COURT: Yes, ma'am.

20 MS. FORD: No further questions, Your Honor.

21 THE COURT: Any redirect?

22 AST. SOL. GINSBERG: Not from the State, Your Honor.

23 THE COURT: Any objection to the witness being excused?
24 From the State?

25 AST. SOL. GINSBERG: None from the State.

1 THE COURT: From the defense?

2 MS. FORD: No, Your Honor.

3 THE COURT: Doctor, you're excused.

4 THE WITNESS: Thank you.

5 THE COURT: You're welcome. Call your next witness.

6 AST. SOL. GINSBERG: Beg the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 (Brief pause.)

9 AST. SOL. GINSBERG: The State calls officer Rebecca
10 Gregg.

11 THE COURT: Please swear the witness.

12 (REBECCA GREGG, was duly sworn and provided the
13 following testimony.)

14 CLERK: Please take your seat. Spell your first name
15 and last name for the record.

16 THE WITNESS: My name is Rebecca Gregg, R-E-B-E-C-C-A,
17 last name Gregg, G-R-E-G-G.

18 THE COURT: You may proceed.

19 AST. SOL. GINSBERG: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 DIRECT EXAMINATION

22 BY AST. SOL. GINSBERG:

23 Q. Officer Gregg, can you tell the jury where you work?

24 A. I work at the Charleston Police Department in the
25 patrol division.

1 Q. And what is your current position with the Charleston
2 Police Department?

3 A. I'm currently a senior police officer with Team 1
4 patrol and a training officer.

5 Q. And what are your duties and responsibilities as a
6 senior officer and a training officer?

7 A. As a senior police officer, I'm currently assigned to
8 patrol so I respond to calls as needed. And when we don't
9 have a supervisor sometimes I perform those duties as well.

10 Q. Okay. So you're on a proactive patrol?

11 A. Yes, ma'am.

12 Q. How long have you been working for CPD?

13 A. I worked for CPD for six years.

14 Q. Did you ever have any prior law enforcement experience?

15 A. Yes, ma'am.

16 Q. Can you tell the jury where you've had prior law
17 enforcement experience?

18 A. I worked for the State of California for four years in
19 an investigative format.

20 Q. And on September 19, 2015, in what capacity were you
21 working with CPD?

22 A. I was a detective.

23 Q. Were you assigned a particular unit?

24 A. I was assigned to property, the auto theft division.

25 Q. Okay. Can you explain to the jury what some of your

1 duties and responsibilities were as a detective. Not only
2 in that unit, but in general?

3 A. Although I specialized in auto theft and white-collar
4 crime, I also responded just as any of the detectives to our
5 on-call. We took rotations so that CPD has an on-call
6 detective at all times. At the time of this, I was working
7 the 10:00 a.m. to 6:00 p.m. shift basically Monday through
8 Sunday that week as an on-call detective. So I respond out
9 to anything from missing person to an assault . . .

10 Q. Okay. And, Officer, you may have just answered this
11 question. You were working as a detective in
12 September 2015?

13 A. Yes, ma'am.

14 Q. And the day of September 19, 2015, you were working as
15 an on-call detective?

16 A. Yes, ma'am.

17 Q. In regards to this case, or any case for that matter
18 that you were the on-call detective, what you do first as
19 the on-call detective?

20 A. When you come on it all depends on what steps they are
21 at. I was not the first responding detective in the
22 situation. But when you were, you respond to the initial
23 scene; you talk to your witnesses, your victims; and you do
24 a canvas of the area of.

25 Q. Okay. So you were the first responding detective. Is

Direct Examination of Ms. Gregg by Ast. Sol. Ginsberg

1 that correct? Is that right?

2 A. Yes, ma'am.

3 Q. So what did you do instead?

4 A. I helped canvas the area to see if there were any other
5 places where we could find evidence such as surveillance
6 cameras. Because often times people will either have them
7 on their homes or businesses that have surveillance cameras.
8 They are constantly monitoring or video taping what's going
9 on.

10 Q. And you said canvas the area. What area were you
11 canvassing?

12 A. Everything in the area we considered Gadsden Green.
13 And particularly I covered President Street and Nunan Street
14 area where we found some video cameras.

15 Q. I was going to show you what's been marked as State's
16 2, if I didn't put it over here, so we can talk about what
17 areas you were covering. Showing you what's been marked as
18 State's 2. Are you familiar with this area?

19 A. Yes, ma'am.

20 Q. And is this the area that you were canvassing at that
21 time?

22 A. Yes, ma'am.

23 Q. You can actually looking front of you on that screen;
24 you can draw on. Can you show the jury where you were
25 canvassing?

1 A. I was looking at through this area and basically around
2 the park. We had various businesses that run up along
3 President Street right there.

4 Q. And was there a particular business that stood out to
5 you?

6 A. Yes, ma'am. Lee Lee's Kitchen.

7 Q. I'd also like to show you State's 4 that's already been
8 marked and admitted, if I can. This shows you a better view
9 of what we're looking at here.

10 What are we looking at here, Officer -- Gregg. Excuse
11 me. Looking at Green with Officer Gregg.?

12 A. Yes. This is going to be -- you got President Street
13 along here. And it looks like Line Street goes along here.

14 And Lee Lee's Kitchen is up in this direction.

15 Q. Okay. So you said you were canvassing the area.
16 You're canvassing Gadsden Green, President Street, Line
17 Street. And you're looking for surveillance cameras. Is
18 that correct?

19 A. Yes, ma'am.

20 Q. Did you notice that Lee Lee's had surveillance cameras?

21 A. Yes, ma'am. They had external surveillance cameras.

22 Q. And what did you do after you noticed that they had
23 cameras?

24 A. Once we noticed the business was open, I made contact
25 with the manager and asked if we could view the video

Direct Examination of Ms. Gregg by Ast. Sol. Ginsberg

1 surveillance. She helped us located that.

2 Q. And when you accessed that footage, what did you
3 notice?

4 A. Around the time of the incident, about 6:30 in the
5 morning, is the time that we were looking at. And we can go
6 plus or minus at least 15, 20 minutes initially and then
7 expand our search if needed. We located two parties of
8 interest during that time frame that crossed directly in
9 front of their cameras.

10 Q. And what did you notice? How did these individual --
11 why were they parties of interest?

12 A. One subject was clearly shown carrying a rifle as he
13 was walking up from President Street towards Lee Lee's
14 Kitchen and around the corner at Nunan.

15 Q. Can you actually should to us?

16 A. So it's going to be coming out of this direction. And
17 the corner is kind of actually right here.

18 Q. Okay. So you saw one suspect carrying what you believe
19 is a rifle?

20 A. Correct.

21 Q. And who was the second subject of interest?

22 A. The second subject was someone driving a vehicle that
23 the along Nunan Street, which would have been back over this
24 way, and appeared to be waiting and discarding a cigarette,
25 or a couple of cigarette butts.

1 Q. And, Officer Gregg, can you explain to the jury,
2 because of your training and experience not only as a patrol
3 officer, senior officer, and detective, why a cigarette
4 would be considered something of intense evidentiary value?

5 A. Because we have the chance of obtaining DNA off of it.

6 AST. SOL. GINSBERG: Your Honor, may I approach?

7 THE COURT: You may.

8 Q. I'm showing you what's been marked just for ID purposes
9 as State's Exhibit 94. Do you recall with this exhibit is?

10 A. Yes, ma'am.

11 Q. And can you explain what it is.

12 A. This is going to be the surveillance video in the video
13 from Lee Lee's Hot Kitchen.

14 Q. And how you know that or are there any indicators ---

15 A. My initials are on it.

16 AST. SOL. GINSBERG: May I approach, Your Honor?

17 THE COURT: You may.?

18 Q. Other than receiving this video footage as part of your
19 investigation, did you do anything else in regards to this
20 case?

21 A. We canvassed just the area where we saw the cigarette
22 butt thrown. And we went back and forth in a line motion
23 and located two cigarette butts in that area.

24 Q. And you said we. I apologize, just to clarify to the
25 jury. We is who? You and?

Direct Examination of Ms. Gregg by Ast. Sol. Ginsberg

1 A. Myself, at the time, Lieutenant Weis (ph). Crime scene
2 technicians also came back to make sure that we didn't miss
3 anything in that section.

4 Q. And to retrieve those cigarettes?

5 A. Yes, ma'am.

6 AST. SOL. GINSBERG: Beg the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 Q. Just briefly, Officer Gregg, when you were viewing that
9 surveillance footage, Lee Lee's Hot Kitchen, did you have a
10 clear view of the location of that cigarette butt?

11 A. It fell into the ground directly outside Lee Lee's
12 Kitchen.

13 Q. Okay. So when you called crime scene to assist, you
14 had what you believed was the location of that exact butt?

15 A. Yes, ma'am.

16 Q. And do you believe that crime scene picked up the butt
17 that you saw?

18 A. Yes, ma'am.

19 MS. FORD: Objection. Speculation.

20 THE COURT: Please restate the question. I didn't hear
21 you.

22 AST. SOL. GINSBERG: Your Honor, I said, "Do you
23 believe that crime scene picked up the cigarette butt that
24 you saw thrown?"

25 THE COURT: I think you need to rephrase the question

1 and bring it within the ration of perception.

2 AST. SOL. GINSBERG: Yes, Your Honor.

3 THE COURT: And not base it on hearsay.

4 AST. SOL. GINSBERG: Absolutely.

5 Q. Officer Gregg, you were with crime scene when they
6 picked up these cigarette butts?

7 A. Yes, ma'am.

8 Q. And you showed them the location of where you saw the
9 cigarette butt being thrown?

10 A. Yes, ma'am.

11 Q. And the crime scene tech who was there to collect that
12 evidence, collected the butt that you pointed out?

13 A. Yes, ma'am.

14 AST. SOL. GINSBERG: No further questions for this
15 witness.

16 THE COURT: Any questions for the witness?

17 MS. FORD: Beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 MS. FORD: I have no questions for this witness, Your
20 Honor.

21 THE COURT: Any objection to the witness being excused?
22 From the State?

23 AST. SOL. GINSBERG: None from the State, Your Honor.

24 THE COURT: From the defense?

25 MS. FORD: No, Your Honor.

1

2 (The proceedings resumed Wednesday, January 10, 2018)

3 THE COURT: Is the State ready to proceed?

4 BY AST. SOL. SIMPSON: Yes, your Honor.

5 THE COURT: Is the defense ready to proceed?

6 MS. FORD: Yes, Your Honor.

7 THE COURT: Please bring in the jury for me.

8 (Brief pause.)

9 (The jury enters the courtroom at 10:12 a.m.)

10 THE COURT: You may be seated. Good morning, ladies
11 and gentlemen. I hope everybody had a pleasant evening.
12 Again, I apologize for the delay. I had another matter I
13 needed to deal with that was unrelated to this case. And to
14 true form, I need to fall on my sword. it took a little
15 longer than expected. So I appreciate your patience. We're
16 now going to resume testimony. The State may proceed.

17 BY AST. SOL. GINSBERG: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 BY AST. SOL. GINSBERG: The State calls crime scene
20 tech Jeff Miller.

21 THE COURT: Sir, if you would come forward to be sworn.

22 (JEFFREY MILLER, was duly sworn and provided the
23 following testimony.)

24 CLERK: Please take your seat spelling your first and
25 last name for the record.

1 THE WITNESS: Jeffrey Miller, M-I-L-L-E-R.

2 THE COURT: You may proceed.

3 BY AST. SOL. GINSBERG: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 DIRECT EXAMINATION

6 BY AST. SOL. GINSBERG:

7 Q. Good morning, Mr. Miller.

8 A. Good morning.

9 Q. Can you tell the jury where you work?

10 A. I work for the Charleston Police Department..

11 Q. And what is your current position at CPD?

12 A. Crime scene investigator.

13 Q. And can you tell the jury what are some of your duties
14 and responsibilities are as a crime scene investigator?

15 A. We respond to scenes when the officers request us. We
16 take photographs and document different items. We collect
17 for physical evidence.

18 Q. And how long have you worked as a crime scene
19 investigator?

20 A. Have been for 24 years. Started in September of '94 as
21 a crime scene investigator. Back then, I was a crime scene
22 officer because I was a police officer.

23 Q. So 24 years as a crime scene investigator. Mr. Miller,
24 have you received any training or certifications to become
25 an investigator?

1 A. When I first went in as a police officer so I did one
2 month riding with a crime scene tech. And over all the
3 years I've been in there, I've attended latent fingerprint
4 photography at the FBI Academy. I've been to the
5 Northwestern Traffic Institute where I was -- the Forensic
6 Achievement Award.

7 Q. And were you working as a crime scene investigator
8 September 19, 2015?

9 A. Yes, I was.

10 Q. Did you have the occasion to respond to ■ Nunan Street
11 in reference to homicide call?

12 A. Yes, I did.

13 Q. And can you explain to the jury why you responded to ■
14 Nunan Street?

15 A. I was requested by detectives to meet them there at
16 that location?

17 Q. Why were you responding to that location?

18 A. They had located some cigarette butts that were in the
19 street, and they wanted some photographs taken of the area
20 where the cigarette butts were and for me to collect the
21 cigarettes.

22 Q. Did you take photographs of that area?

23 A. Yes, I did.

24 BY AST. SOL. GINSBERG: Your Honor, may I approach this
25 witness?

1 THE COURT: You may.

2 Q. Mr. Miller, I'm showing you what's been marked and
3 previously admitted as State's exhibits 91 and 92. Do you
4 recognize these photographs?

5 A. Yes, I do.

6 Q. And what are those photographs?

7 A. These are pictures of Nunan Street in the area where I
8 picked up cigarette butts?

9 Q. And are those the pictures that you yourself took?

10 A. Yes.

11 Q. And do they accurately and fairly represent the
12 location of ■ Nunan Street?

13 A. Yes.

14 BY AST. SOL. GINSBERG: Your Honor, may I approach?

15 THE COURT: You may.

16 BY AST. SOL. GINSBERG: And may I publish to the jury?

17 THE COURT: You may.

18 Q. Just briefly, Mr. Miller, show you State's exhibit 91.
19 And if you could tell the jury what we're looking at here?

20 A. This is a photograph showing -- to the left you can see
21 ■ Nunan Street right here.

22 Q. You can use the screen in front of you if you like.

23 A. It's here.

24 Q. Okay. That's Nunan Street.

25 A. And the reason we used that address is because it was

1 out in the street in front of the house. That's why we have
2 it listed as -- 05.

3 Q. Do you recall any of the businesses near ■ Nunan
4 Street?

5 A. The businesses are along the right side of the
6 photograph.

7 Q. Do you recall this business itself? Do you know what
8 business that is?

9 A. No.

10 Q. Okay. I'm going to show you what is now marked as
11 State's 92. Can you show us what we are looking at here?
12 And I can zoom in if you need me to?

13 A. In this photograph you can see the cigarette butts that
14 we collected. And here is one of them and here's the other.

15 Q. And what are these little white things that you have
16 right here?

17 A. Those are placards that I just wrote the number on. As
18 you can see I use number 1 and then I used a number 2. When
19 I submitted the items at into evidence, I made them 201 and
20 202.

21 Q. Okay. So, Mr. Miller, you said you photographed the
22 area and then you collected the cigarette butts. Is that
23 correct?

24 A. That's correct.

25 Q. Can you tell the jury the process of collection. What

1 is that mean? What does that entail?

2 A. Well, what we do in this case the cigarette butts are
3 collected for possible DNA. We check for DNA. So you don't
4 want to contaminate them with your DNA so you collect them,
5 seldom, place them in an envelope, and then they were taken
6 to the station to be logged.

7 Q. And did you do that with the cigarette butts in this
8 case?

9 A. Yes.

10 BY AST. SOL. GINSBERG: Your Honor, may I approach?

11 THE COURT: You may.

12 (Brief pause.)

13 BY AST. SOL. GINSBERG: Your Honor, may I approach this
14 witness?

15 THE COURT: Yes, ma'am.

16 Q. Mr. Miller, I'm showing you what's been marked for ID
17 purposes only as State's 110 and 111. Do you mind looking
18 and identifying these items. If you'd like to put gloves
19 on, you're more than welcome to, if you like. Do need
20 scissors or anything --

21 A. -- need to open it.

22 Q. Okay.?

23 BY AST. SOL. GINSBERG: May I approach the witness,
24 Your Honor?

25 THE COURT: You may.

Direct Examination of Mr. Miller by Ast. Sol. Ginsberg

1 Q. Do you recognize these items --

2 A. In these envelopes, these yellow envelopes, are the
3 envelopes that I placed the cigarette butts into. This tag
4 is the tech that I placed in the envelopes which gives it
5 the item number. You see item 202. I then seal it with
6 tape and that's my initials on there. So that was done for
7 both envelopes. (Brief pause.) This is the envelope that I
8 actually put the cigarette butt into. Item 202, case
9 number, I then initial it as well. And it's placed into the
10 bigger envelope.

11 Q. And it's sealed. Is that what you said before? It was
12 sealed.

13 A. Yes. When I place a cigarette butt into it, the
14 envelope, this enveloped is sealed. And then it's placed in
15 this envelope it is sealed again.

16 Q. And that's the same for exhibit 111 as well?

17 A. 110 and 111.

18 Q. And these are the cigarette butts that you collected at
19 ■ Nunan Street?

20 A. Yes.

21 Q. Just briefly, you've already done if I'd and you've
22 already covered this just a little bit, from your experience
23 and training as a crime scene investigator, and you also
24 said you worked in a police officer capacity before, why are
25 cigarette butts typically -- why do they have evidentiary

1 value?

2 A. Well, if a person is smoking a cigarette and places it
3 in their mouth then that's a good source for getting DNA.
4 So a cigarette but is in absorbent material so that's why
5 it's . . .

6 Q. And that is -- I'm sorry. I didn't mean to interrupt
7 you. And that's why it's collected. And then after the
8 collection process when it is all sealed to make sure
9 there's no cross-contamination, what do you do after that?

10 A. After I collect it, it's then taken to the station and
11 then stored. And the detective will decide whether or not
12 he wants it to be set off for examination for DNA.

13 Q. Thank you, Mr. Miller.

14 BY AST. SOL. GINSBERG: Beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 BY AST. SOL. GINSBERG: No further questions for this
17 witness.

18 THE COURT: Any questions for the witness?

19 BY MR. WILLIAMS: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. WILLIAMS: Just briefly, Your Honor.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q. Good morning.

1 A. Good morning.

2 Q. In addition to collecting cigarette butts, you also
3 responded to the hospital, correct?

4 A. Correct.

5 Q. And there you performed a GSR test on the victim.

6 A. That's correct.

7 Q. And that stands for?

8 A. Gunshot residue.

9 Q. Gunshot residue test, right?

10 A. Yes.

11 Q. And in addition to that test, you collected some items
12 from the doctor who performed the autopsy?

13 A. Yes.

14 Q. Collected some clothes, pack of cigarettes?

15 A. Yeah. I don't have my list in front of me. But, yeah,
16 any of his personal items that he would've had at the time
17 like clothing, yes, sir, it would've been collected.

18 Q. There was about \$450 in cash?

19 A. I don't remember the exact amount, sir.

20 Q. You wrote a report?

21 A. Yes.

22 Q. And you did not report you have detailed what you
23 collected --

24 A. Yes.

25 Q. Would taking a look at that report refresh your --

1 A. Yes.

2 BY AST. SOL. GINSBERG: Objection, Your Honor. May we
3 approach?

4 THE COURT: Yes.

5 (A bench conference was held off the record and out of
6 the hearing of the jury panel.)

7 MR. WILLIAMS: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 Q. If you could just take a look at that to yourself. And
10 the relevant part, I believe, is on the backside.?

11 A. (Witness complies.) Okay.

12 Q. And what is that piece of paper?

13 A. This is a copy of the supplemental report by myself?

14 Q. You wrote that?

15 A. Yes, I did this.

16 Q. Okay. By taking a look at it, does it refresh your
17 recollection of what you collected?

18 A. Yes.

19 Q. And so did you collect approximately \$450 in cash?

20 A. 452, so it was a little more.

21 Q. Thank you. You also -- speaking of your reports, you
22 were also the supervisor of some other individuals who wrote
23 reports in this case?

24 A. Well, no, not really. I do approve reports.

25 Q. Okay.

1 A. I do have access to do that. And it shows up as me
2 being the supervisor just approving the report.

3 Q. And so when you approved the report, you read through
4 the report?

5 A. Yes.

6 Q. And you're aware of what is in the report?

7 A. Yes.

8 Q. And so you know what the other crime scene technicians
9 did when they responded to a scene or did something in the
10 case?

11 A. Yes.

12 Q. Thank you. And in this case, you signed off as a
13 supervisor on the report about gunshot residue testing on a
14 vehicle?

15 A. I don't remember, but it's possible.

16 MR. WILLIAMS: Court's indulgence.

17 THE COURT: Yes, sir.

18 Q. Now, when you perform a gunshot residue test, just
19 generally, you're performing that test to see if there is
20 any gunshot residue, correct?

21 A. Well, what the test is is just a collection. In the
22 case we used -- it's like a little sticky -- and it's a
23 piece of -- it's almost like a tape but it's in a little
24 plastic container. You open it up and then you just dab it
25 on the hands. We had one for the back, one for the palm.

1 So you had four total. And then those are sealed into an
2 envelope. And then if the detective request it, they go to
3 SLED to be analyzed for gunshot residue. It's not anything
4 we test.

5 Q. So it's fair to say that a lot of times when you
6 perform a gunshot residue test that they come back negative
7 that there's no gunshot residue at all?

8 A. Well, that's up to an analyst to tell you. There are
9 factors which could play into there not being any residue.
10 There are certain types of ammunition that do not leave
11 residue.

12 Q. I guess what I'm trying to get to is when you go
13 perform this gunshot residue test, you're not certain that
14 there's going to be gunshot residue or not?

15 A. Correct.

16 MR. WILLIAMS: Court's indulgence. (Brief pause.)

17 Nothing further, Your Honor.

18 THE COURT: Any redirect?

19 BY AST. SOL. GINSBERG: Just briefly, Your Honor.

20 THE COURT: You may proceed.

21 BY AST. SOL. GINSBERG: Thank you.

22 THE COURT: You're welcome.

23 REDIRECT EXAMINATION

24 BY AST. SOL. GINSBERG:

25 Q. Mr. Miller, Mr. Williams keeps talking about this

1 gunshot residue. First of all, when you're collecting for
2 GSR, is that a standard collection pattern for a homicide
3 case?

4 A. Well, for homicides and then we have cases involving
5 where we might have a victim with a gunshot he survives, we
6 will do them. It's a time-sensitive collection. According
7 to SLED, from the time it happens up to four hours is the
8 best time to collect a sample from somebody. And anything
9 ever four then we might as well as not do it. Because
10 you're looking for particles and particles will fall off.
11 Now, if it's an object such as a car then there is really no
12 time frame. You can do a car anytime. But that's just
13 based on information that we've gotten from SLED.

14 Q. You just mentioned the word particles. From your
15 training and experience, if you're in the vicinity of an
16 area that's been shot up, could those particles be found on
17 you?

18 A. Well, yes. It's possible because the particles are
19 like floating around. That's more of a question for
20 somebody who actually does this test, who examines the
21 gunshot residue.

22 Q. We talked about you went to the hospital and you did a
23 GSR on the victim. You just mentioned that standard
24 collection. Did you have any specific information that the
25 victim in this case fired a gun?

1 A. I did, no.

2 AST. SOL. GINSBERG: Nothing further, Your Honor.

3 THE COURT: Any objection to the witness being excused?

4 From the State.

5 AST. SOL. GINSBERG: None from the State, Your Honor.

6 THE COURT: From the defense?

7 MR. WILLIAMS: No, Your Honor.

8 THE COURT: Sir, you're excused.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: You're welcome. Call your next witness.

11 AST. SOL. SIMPSON: Your Honor, may I approach briefly?

12 THE COURT: Sure.

13 (A bench conference was held off the record and out of
14 the hearing of the jury panel.)

15 THE COURT: Is there any member of the panel related by
16 blood or marriage to Carolyn Frost? If so, please stand at
17 this time.

18 (No response.)

19 THE COURT: Does any member of the jury panel have a
20 close personal or social relationship with Carolyn Frost?
21 If so, please stand at this time.

22 (No response.)

23 THE COURT: Let the record reflect that both questions
24 in voir dire there was no positive response. The State may
25 proceed.

1 AST. SOL. SIMPSON: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 AST. SOL. SIMPSON: The State would like to briefly
4 call Ms. Carolyn Frost.

5 THE COURT: Ma'am, if you would come to the stand to be
6 sworn.

7 (CAROLYN FROST, was duly sworn and provided the
8 following testimony.)

9 CLERK: Please take your seat. Speaking directly to
10 the microphone, spell your first and last name.

11 THE WITNESS: Carolyn Frost, F-R-O-S-T.

12 THE COURT: You may proceed.

13 DIRECT EXAMINATION

14 BY AST. SOL. SIMPSON:

15 Q. Ms. Frost, good morning?

16 A. Good morning.

17 Q. Who is Antwan Frost and his relation to you?

18 A. He was my son. He was my oldest son.

19 THE COURT: Ma'am, I need you to speak directly to the
20 microphone, please. Thank you.

21 A. He was my oldest son.

22 Q. And were you to close?

23 A. Very close.

24 Q. Where you familiar me with his habits vis-à-vis working
25 and occupations?

1 A. Yes, sir.

2 Q. Was he a hard worker?

3 A. Very hard.

4 Q. Did he maintain legal and lawful employment?

5 A. Yes, sir. He did.

6 Q. How did he typically carry the money that he made and
7 that legal and lawful employment?

8 A. He carried a lot of cash in his pocket.

9 Q. Okay. In September of 2015, where did Antwan work?

10 A. He worked in the beer garden restaurant on East Bay
11 Street.

12 Q. Okay. Is at the East Bay Beer Garden?

13 A. Yeah. East Bay Beer Garden, yes, sir.

14 Q. Okay. And would he work a lot of shifts there?

15 A. Yes, sir.

16 Q. Dino?

17 A. To my knowledge, yes, sir.

18 Q. Okay.

19 BY AST. SOL. SIMPSON: Thank you so much, Ms. Frost. I
20 don't have anything else.

21 THE COURT: Any questions for the witness.

22 MS. FORD: Just briefly, Your Honor.

23 THE COURT: You may proceed.

24 CROSS-EXAMINATION

25 BY MS. FORD:

Cross-Examination of Ms. Frost by Ms. Ford

1 Q. Ms. Frost --

2 A. Good morning.

3 Q. Good morning. Your son did not live with you, correct?

4 A. No, he didn't.

5 Q. So is it fair to say you were not with him at all
6 times?

7 A. No, I wasn't.

8 MS. FORD: No further questions.

9 THE COURT: Any redirect.

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: Ma'am, you may step down. Call your next
12 witness.

13 AST. SOL. SIMPSON: Thank you, Your Honor. The State
14 calls Tomeka President.

15 THE COURT: Ma'am, if you will come forward to be
16 sworn.

17 (TOMEKA PRESIDENT, was duly sworn and provided the
18 following testimony.)

19 CLERK: Please take your seat. Spell your first and
20 last name for the record.

21 THE WITNESS: T-O-M-E-K-A, P-R-E-S-I-D-E-N-T.

22 THE COURT: You may proceed.

23 AST. SOL. SIMPSON: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 DIRECT EXAMINATION

1 BY AST. SOL. SIMPSON:

2 Q. Ms. President, good morning?

3 A. Good morning.

4 Q. Is being here this morning and enjoyable experience for
5 you?

6 A. No.

7 Q. Do you want to be here this morning?

8 A. No.

9 Q. Okay. Your presence to be here this morning has put
10 you in a difficult spot, hasn't it?

11 A. It does.

12 Q. Okay. And this is not something you've reached out and
13 wanted to do, correct?

14 A. (Nonverbal response.)

15 Q. In fact, from the beginning of this process, I think
16 it's something everyone can understand, this is not who you
17 are getting involved in this system. Is that fair to say?

18 A. Yes, sir.

19 Q. Okay. And you have not enjoyed doing it?

20 A. No.

21 Q. Nevertheless, I'm going to ask you a few questions.

22 I'm going to try to be as brief as to the point as possible.

23 Is that okay?

24 A. That's fine.

25 Q. Okay. And we're going to start with this individual

1 seated here in the middle of the table. Do you know who
2 that is?

3 A. Yes, sir.

4 Q. Okay. He was that.

5 A. Montrelle.

6 Q. Okay. What did you called Montrelle?

7 A. Troll.

8 Q. Okay. If you could expand to the jury, I never going
9 back here to 2015, a couple of years ago, how did you know
10 Montrelle back then?

11 A. We grew up at the Green through my brother and Velle
12 (ph).

13 Q. Okay. Let's just say that -- we might hear that name.
14 Do you know Velle's full name?

15 A. Trivelle.

16 Q. Okay. Do you know his last name?

17 A. No, sir.

18 Q. Okay. But you grew up knowing Montrelle's brother and
19 Velle, Trivelle? Is that what you said? I'm sorry?

20 A. No. Through my brother.

21 Q. Through your brother?

22 A. Yes.

23 Q. I'm sorry. I got confused. Apologize. Back to Green,
24 is that downtown?

25 A. Uh-huh. Yes, sir.

1 Q. Is that where you grew up?

2 A. Yes, sir.

3 Q. All right. Did you ever leave back to Green and moved
4 to any other area?

5 A. Austin Avenue.

6 Q. Okay. Where is Austin Avenue?

7 A. North Charleston.

8 Q. Okay. Is the Austin Avenue residence where you lived
9 in September 2015.

10 A. Yes, sir.

11 Q. Okay. At some point in your life, did you win
12 Montrelle's relationship take on sort of a romantic
13 component?

14 A. No, sir.

15 Q. Were you ever his girlfriend?

16 A. Yes, sir.

17 Q. Okay. That's kind of where I was getting at. Did you
18 and Montrelle start dating sort of as boyfriend and
19 girlfriend?

20 A. Technically, not boyfriend and girlfriend. But we were
21 leaning towards that way.

22 Q. Okay. I see. Would you go out from time to time?

23 A. Just one time. Because I just got out of a
24 relationship in August.

25 Q. Okay. In August of 2015?

- 1 A. Yes, sir.
- 2 Q. Okay. So between August of 2015 -- you know of this
- 3 incident that were talking about, generally speaking, here
- 4 today, right?
- 5 A. Uh-huh.
- 6 Q. So between August of 2015 in September of 2015, that's
- 7 when your relationship started going towards being his
- 8 girlfriend?
- 9 A. Yes.
- 10 Q. Okay. Did Montrelle ever stay at your house?
- 11 A. One time. That was it.
- 12 Q. Okay. Now, let's switch from Montrelle to Rail (ph).
- 13 You knew Rail for a while?
- 14 A. Rail?
- 15 Q. Trivelle. Sorry.
- 16 A. Yes, sir.
- 17 Q. And how well did you know Trivelle?
- 18 A. Since middle school --
- 19 Q. Okay. And back in September of 2015, where did
- 20 Trivelle live?
- 21 A. I have no clue.
- 22 Q. Okay. Did you ever see him up there near --
- 23 A. In my area? He used to cut my son's hair.
- 24 Q. Okay. So you saw him from time to time in your area?
- 25 A. Yes, sir.

- 1 Q. Okay. Up in North Charleston?
- 2 A. Uh-huh.
- 3 Q. Okay. And he used to cut your son's hair?
- 4 A. Yes, sir.
- 5 Q. So he knew you?
- 6 A. Yes, sir.
- 7 Q. Did he know your car?
- 8 A. My car?
- 9 Q. Yes, ma'am.?
- 10 A. I take him places from time to time.
- 11 Q. Okay. So he was familiar with your vehicle?
- 12 A. Yes, sir.
- 13 Q. What vehicle was that back in 2015?
- 14 A. Buick Century, gold.
- 15 Q. Okay. Kind of a goldish Buick Century?
- 16 A. Uh-huh.
- 17 Q. Would you recognize photographs of your car?
- 18 A. I mean, sure.
- 19 Q. Okay. I'm showing you what's been marked for ID only
- 20 as State's Exhibit number 131, 132, 133, and 134. Take a
- 21 look through those.?
- 22 A. (Witness complies.)
- 23 Q. What do those images depict?
- 24 A. Sir?
- 25 Q. What are those images show?

1 A. The bumper, the back part of my car, -- stickers on the
2 window.

3 Q. Okay. So that's your car?

4 A. Uh-huh.

5 Q. Do one of those pictures include license plate number?

6 A. Sir?

7 Q. Do one of those pictures --

8 A. First one.

9 Q. Okay. Do you remember that as being yours at the time?

10 A. Well, at that time, I wasn't shown a warrant. So I
11 didn't have a clue what car did they have at that time.

12 Q. Oh, no. I mean, do you recognize that as your car?

13 A. Oh, yes, I do.

14 Q. Do you recognize that as your license number --

15 A. Uh-huh.

16 Q. Okay. Ms. President, I know it's been a while, but I
17 want to take you back to September 2015?

18 A. Okay.

19 Q. Actually moved to early October of 2015. Do you
20 remember the police coming to talk to you?

21 A. Yes, sir. I remember.

22 Q. And you remember giving an interview with the police
23 back then.

24 A. Yes, sir.

25 Q. Okay. And they were interested in some things having

1 to do with that car. Is that correct?

2 A. Yes, sir.

3 Q. Okay. During the course of the interview, do you
4 recall being shown some video?

5 A. It depends on which one you're talking about.

6 Q. Okay. Do you remember the interview took place in an
7 interview room?

8 A. Yes, sir.

9 Q. Okay. And do you remember them walking you out the
10 interview room to another location?

11 A. Yes, sir.

12 Q. Okay. Did they take you to a computer?

13 A. Right.

14 Q. And did they show you some video?

15 A. They did.

16 Q. And did that video have a car in it?

17 A. It did.

18 Q. And whose car was that in that video?

19 A. At that time I didn't know because I also asked them
20 too show me the warrant of that car and they never did.

21 Q. Okay. When you say warrant of that car, what do you
22 mean?

23 A. They said that they had a warrant --

24 Q. Oh, a search warrant?

25 A. Yes.

Direct Examination of Ms. President by Ast. Sol. Simpson

1 Q. Oh, okay.

2 A. But they never did show me anything.

3 Q. Okay.

4 A. So I've seen everything as of today.

5 Q. Okay. So it's your testimony today that they should
6 you that video and you are -- you did not say that was your
7 car?

8 A. Yes, sir.

9 Q. Did you say it looked like your car?

10 A. I said it looked like my car. But until I see a search
11 warrant, I can go from there.

12 Q. Okay. I understand that. Is it fair to say, though,
13 and viewing the video you said the car in the video was
14 consistent with your car? Look like it.

15 A. Yes, sir.

16 Q. Make, model?

17 A. Yeah. A lot of people have Buicks.

18 Q. Right. Okay. So let's go from there. Okay. Of
19 course in Charleston a lot of people could drive Buick
20 Centurys?

21 A. Yes, sir.

22 Q. I am not making this up. My last car was a Buick
23 Century and it was about exactly like yours. So you can use
24 me as an example.

25 A. Okay.

1 Q. It was my parents-in-law's, but anyway. So other
2 people can have cars like that?

3 A. Yes, sir.

4 Q. Of course. But in the video, I'm asking you now, the
5 video that you saw that day, that looked like a car that was
6 just like yours?

7 A. Yes, sir.

8 Q. Could be someone else's of the same make and model.
9 But it was the same kind of car that you drive by the time?

10 A. Yes, sir.

11 Q. And you saw it in that video?

12 A. Yes, sir.

13 Q. Okay. You just couldn't see anything like
14 particular --

15 A. The license plate or nothing.

16 Q. Tag?

17 A. Uh-huh.

18 Q. When you told the police, "Hey, I drive a car just like
19 that." Right?

20 A. Yes, sir.

21 Q. Okay. Later, much later, as in, you know, the last few
22 weeks, did somebody from my office come to talk to you?

23 A. Tommy --

24 Q. Tommy. Correct. Did he show you some images?

25 A. No.

Direct Examination of Ms. President by Ast. Sol. Simpson

1 Q. No. Okay. He didn't show you some pictures?

2 A. No.

3 Q. Okay. Let's now get to the day that the police were
4 asking you about, that they were talking about. It was a
5 Friday night carrying over to a Saturday morning?

6 A. Uh-huh.

7 Q. Okay. Do you recollect that evening into the next
8 morning today?

9 A. A little.

10 Q. Okay. Do you remember telling the police who stayed
11 with you that Friday night?

12 A. Yes, sir.

13 Q. Who was that?

14 A. Montrelle.

15 Q. Okay. And you -- do you remember explaining to the
16 police kind of your work schedule for that Friday?

17 A. Yes, sir.

18 Q. And what was that work schedule? Did you work Friday
19 night?

20 A. Yes, sir.

21 Q. And did you have to work on Saturday?

22 A. Yes, sir. Morning.

23 Q. And what time did you have to be to work on that
24 Saturday morning?

25 A. Seven.

1 Q. Seven o'clock?

2 A. Uh-huh.

3 Q. That's a double shift.

4 A. It is.

5 Q. I'm an old food and beverage worker. Those are kind of
6 rough on you, aren't they?

7 A. Well, I had to open the cash office, so I had to be
8 there on time.

9 Q. Had to close the night before and be there in the
10 morning?

11 A. (Nonverbal response.)

12 Q. Okay. And when you're working a double like that and
13 you get home and, you know, you have to go back in the
14 morning, what do you do?

15 A. Go to sleep.

16 Q. Okay. Did you do that that Friday night?

17 A. Yes, sir.

18 Q. Okay. Best guess -- I understand it was a long time
19 ago -- about what time do you think you went to sleep?

20 A. A quarter to 12.

21 Q. Okay. Was Montrelle with you when you went to ---

22 A. --- yes, sir.

23 Q. Okay. Friday night leading into Saturday morning, you
24 had a work at seven o'clock?

25 A. Uh-huh.

Direct Examination of Ms. President by Ast. Sol. Simpson

1 Q. Back then how did you get to work and back in the
2 mornings?

3 A. That day?

4 Q. No. Just generally speaking. Did you drive to work?

5 A. Yeah.

6 Q. In the car that we party taken a look at.

7 A. Yes, sir.

8 AST. SOL. SIMPSON: Your Honor, the State seeks to move
9 131, 132, 133 and 134 and evidence.

10 THE COURT: Any objection?

11 MS. FORD: No objection.

12 THE COURT: Marked and admitted without objection, 131
13 through 134. You may proceed.

14 AST. SOL. SIMPSON: Thank you.

15 THE COURT: You're welcome.

16 (State's Exhibit Numbers 131, 132, 133, and 134 were
17 received into evidence.)

18 Q. So that Saturday morning you were planning on taking
19 this car that we've looked at to work?

20 A. Uh-huh.

21 Q. And it was important to you that you be there.-- why
22 was it important to you that you be there on time?

23 A. Because I had to open the cash office.

24 Q. Okay. Were you in town on Saturday?

25 A. No, sir.

1 Q. Okay. Let's talk about that Saturday morning when you
2 woke up.

3 A. Okay.

4 Q. All right. Let's talk about the first thing, you were
5 late?

6 A. Yes.

7 Q. Okay. Why were you late?

8 A. I was waiting on the taxicab.

9 Q. Why were you not taking your car to work?

10 A. Because my car wasn't in the lot.

11 Q. Okay. Explain to the jury little bit -- Ashton Avenue,
12 correct?

13 A. Austin.

14 Q. Austin?

15 A. Uh-huh.

16 Q. Okay. Explained to them what's that like? Is that
17 apartments? Townhomes?

18 A. Apartment complex neighborhood.

19 Q. Okay. Fair to say you would park your car right in
20 front --

21 A. In front of my building, Building 500.

22 Q. Okay. When you woke up that Saturday morning, was your
23 car where you left it?

24 A. No, sir.

25 Q. Okay. How did that make you feel?

Direct Examination of Ms. President by Ast. Sol. Simpson

1 A. A little scary.

2 MS. FORD: Objection. Relevance.

3 THE COURT: Overruled.

4 Q. I'll rephrase that. Were you mad because you need it
5 your car?

6 A. Yes.

7 Q. Okay. Was Montrelle at your house when you woke up?

8 A. No.

9 Q. Okay. Was he there when you went to bed?

10 A. Yes.

11 Q. Okay. What about your keys? What would you do with
12 your keys --

13 A. Leave them on the counter.

14 Q. Okay. Were you keys on the counter when you woke up?

15 A. No, sir. It was inside the driver seat.

16 Q. Well, we're jumping ahead. Okay. You look outside and
17 there's no car?

18 A. Uh-huh.

19 Q. You mentioned that you called you a cab company. Did
20 you call a cab company?

21 A. Yes, sir. North Area.

22 Q. North Area cab?

23 A. Uh-huh.

24 Q. Okay. Did the cab company come pick you up and take
25 you to work?

1 A. Yes, sir.

2 Q. The cab picked you up?

3 A. Yeah.

4 Q. So when did you see your car the next time?

5 A. When I went and walked downstairs -- we have three
6 parking lots. There's one in front of my building. This
7 one right here in the middle.

8 Q. Okay.

9 A. When the cab came, I got into the cab and I told the
10 cab hold on one second. I went and looked inside and saw my
11 key on the driver seat.

12 Q. You saw your car?

13 A. Yes.

14 Q. Okay. Is at the first time you saw your car that
15 morning?

16 A. Yes, sir.

17 Q. Okay. And it was on the driver's seat?

18 A. Yes, sir.

19 Q. The key was there?

20 A. Yes, sir.

21 Q. Okay. Was your car there earlier that morning?

22 A. No, it wasn't.

23 Q. Okay. In the meantime, while you're trying to figure
24 out how to get to work, someone had brought the car left the
25 key?

Direct Examination of Ms. President by Ast. Sol. Simpson

1 A. Yes, sir.

2 Q. Okay. At that point I'm guessing you sent the cab on
3 its way?

4 A. No. I took the cab to work.

5 Q. Okay. Why is that?

6 A. Because I wanted to know why my car moved from this
7 place of that place.

8 Q. Okay. Did that fact make you nervous?

9 A. It did.

10 Q. Okay. What we're talking about nervousness, let's talk
11 about -- when the police came and talked to you about all
12 this, did you sort of just lay it all out like that right
13 off the jump?

14 A. No.

15 Q. No. Did it take some sort of talking --

16 A. It did.

17 Q. -- to you? Why is that? Being involved in stuff like
18 this, does it make you nervous?

19 A. It does. Especially with kids, it does.

20 Q. Now, that's -- I'm glad you said that. Explain that to
21 the jury, "With kids, it does." Do you have children?

22 A. Yes. Three.

23 Q. And what is your main --

24 MS. FORD: Objection. Relevance.

25 THE COURT: Overruled.

1 Q. You're here in a court of law today, and back then you
2 were in a police department. Why would that cause you a lot
3 of anxiety?

4 A. Because my kids is my first priority in life. I take
5 care of them and I make sure they're safe.

6 Q. And have you ever heard of -- or do you believe that
7 sometimes when people get mixed up in things like this that
8 that can have consequences?

9 A. It does.

10 Q. Okay. And when you first sat down to talk to the
11 police, is that on your mind?

12 A. Yeah, it was.

13 Q. And is keeping yourself away from the sort of thing
14 important to you?

15 A. Yes.

16 Q. Okay. Have you told the truth in your testimony today?

17 A. Yes, sir.

18 Q. Now, you were sort of, you know, sounds like not very
19 seriously but sort of beginning to hang out with Troll. --
20 with Montrelle. Is that fair to say?

21 A. Yes, sir.

22 Q. Okay. Would you ever communicated with him on the
23 phone that day, that September?

24 A. Yes, sir.

25 Q. Okay. Did you ever look at your phone during this

Cross-Examination of Ms. President by Ms. Ford

1 contact give his number to law enforcement?

2 A. I did.

3 Q. Okay. The number that he was using back in September?

4 A. Yes.

5 Q. Okay. You didn't memorize that number, right?

6 A. I had my phone right there in front of me.

7 Q. Okay. So you got that number off of your phone --

8 A. Yes. Uh-huh.

9 Q. And you knew Montrelle to be using that back in
10 September, back during the time that they were asking you
11 these questions?

12 A. Yes, sir.

13 AST. SOL. SIMPSON: Court's indulgence.

14 THE COURT: Yes, sir.

15 AST. SOL. SIMPSON: Ms. President, thank you. I know
16 this is not a comfortable experience. Please answer any
17 questions that Ms. Ford may ask.

18 THE COURT: You may proceed.

19 AST. SOL. SIMPSON: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 MS. FORD: May please the Court.

22 THE COURT: Yes, ma'am.

23 CROSS-EXAMINATION

24 BY MS. FORD:

25 Q. Good morning, Ms. President?

1 A. Good morning.

2 Q. Tomeka, you're not currently in a relationship with
3 Montrelle, correct?

4 A. No, ma'am.

5 Q. After his arrest, though, you continued to talk to him.
6 Is that fair to say?

7 A. Yes, ma'am.

8 Q. And Montrelle, he did not live with you?

9 A. No.

10 Q. And he did not keep any clothes at your house?

11 A. Two outfits. That was it. What he had on in that
12 picture, that was it.

13 Q. He just stayed there from time to time, correct?

14 A. Just that one night.

15 Q. The two of you, you had only been together since
16 August.

17 A. I just got out of a relationship in August.

18 Q. Okay. So that's when he started dating Montrelle?

19 A. Uh-huh.

20 Q. And you had told Detective Tuttle that he didn't
21 actually -- he didn't have access to your house, correct?

22 A. Right.

23 Q. His family home is actually on Cedar Street downtown,
24 correct?

25 A. Correct.

1 Q. The morning -- you talked about a morning that you got
2 up and Montrelle wasn't there, correct?

3 A. Correct.

4 Q. At first you did not see the car, correct?

5 A. Correct.

6 Q. But the car was out there?

7 A. It was.

8 Q. And he was inside?

9 A. Yes.

10 Q. You never saw Montrelle that morning, correct?

11 A. No, ma'am.

12 Q. You never saw Trivelle Richardson?

13 A. No, ma'am.

14 Q. In the State asked you about Trivelle, about knowing
15 him. He cut your son's hair?

16 A. He did.

17 Q. He actually -- y'all were not on good terms at the time
18 in 2015, correct?

19 A. We were.

20 Q. Didn't you say -- he was no longer cutting your son's
21 hair, correct? Because there is an incident like a
22 ringworm?

23 A. No. I didn't say that.

24 Q. You didn't tell that to Detective Tuttle?

25 A. No.

1 Q. And you did not see -- or Trivelle, there had been some
2 altercation between him and your brother?

3 A. Which brother?

4 Q. I'm not sure. Do you recall telling Detective Tuttle
5 that there's an incident between his brother -- or your
6 brother and Trivelle?

7 A. No.

8 Q. No?

9 A. No, ma'am.

10 Q. You had not seen Trivelle in any time close to that
11 morning, correct?

12 A. No, ma'am.

13 Q. The police asked you a lot of questions about your car.
14 Is that fair to say?

15 A. Uh-huh.

16 Q. And they told you that the car -- your car was used.

17 A. Yes, ma'am.

18 Q. Is that fair to say?

19 A. Uh-huh.

20 Q. So when they showed you pictures of the car, they were
21 saying your car was used and related to this?

22 A. Uh-huh.

23 Q. Okay. When you went to talk to the place, at that
24 point Montrelle had not talked to you about the place it
25 all, correct?

Redirect Examination of Ms. President by Ast. Sol. Simpson

1 A. No.

2 Q. And you told the police repeatedly just check my car,
3 go ahead?

4 A. Yes, I did. And I gave them the keys.

5 Q. Okay. And you offered to let them to see your phone?

6 A. Uh-huh.

7 Q. So you did your best to cooperate with police?

8 A. I did. As well as the US Marshals.

9 MS. FORD: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 (Brief pause.)

12 MS. FORD: I have no further questions for this
13 witness, Your Honor.

14 THE COURT: Any redirect?

15 AST. SOL. SIMPSON: Yes.

16 THE COURT: You may proceed.

17 REDIRECT EXAMINATION

18 BY AST. SOL. SIMPSON:

19 Q. Ms. President, after Montrelle was incarcerated, he
20 kept in touch with them, right?

21 A. Yes, sir.

22 Q. You guys maintained a relationship through the phone?

23 A. No.

24 Q. Or at --

25 A. I only take my brother to go and see him.

1 Q. Okay. So even after all of this, you were still
2 sociable terms with him?

3 A. Social terms to find out what was going on.

4 Q. Okay. My point is where you ever out to get Montrelle
5 in some way? I'm asking a question. I can tell by your
6 reaction your answer.

7 A. No.

8 Q. Okay. Were you out to harm him?

9 A. No.

10 Q. And are you today?

11 A. No.

12 Q. You mentioned in Ms. Ford's questions that he did not
13 keep a lot of things at your house?

14 A. Uh-huh.

15 Q. And you said just a couple of outfits. And tell me if
16 I got this right, but the one that he had on that in
17 picture?

18 A. Uh-huh.

19 Q. And what outfit was that? Do you remember?

20 A. I think it was the black shirt and the white pants.

21 Q. Okay. That was just one of several pictures that were
22 shown?

23 A. Uh-huh.

24 Q. Okay. Ms. Ford asked you about the car. So that the
25 police, you know -- you could tell when you started talking

1 to them they were interested in your car?

2 A. Yes, sir.

3 Q. They thought your car was involved?

4 A. Uh-huh.

5 Q. But in the videos you viewed that was a car like yours?

6 A. Yes, sir.

7 Q. Exactly like yours? You don't know that it's exactly
8 your --

9 A. Right.

10 Q. Okay. And your actual car was gone that morning when
11 you got home?

12 A. Uh-huh.

13 Q. And what time did you have to go to work?

14 A. Seven.

15 Q. And you said you were late at seven?

16 A. An hour and nine minutes.

17 Q. An hour and nine minutes late. So you got your work at
18 8:09?

19 A. Yeah.

20 Q. Okay. That's the delay caused by your car not being
21 there?

22 A. Uh-huh.

23 AST. SOL. SIMPSON: Court's indulgence. (Brief pause.)

24 Q. Ms. President, you also said that you cooperated with
25 both the Charleston Police Department and another agency.

1 Who was that? The US Marshals?

2 A. Yes. They came knocking on my door. And I let them in
3 and asked them if they wanted to search my house to see if
4 he had --

5 MS. FORD: Objection. Relevance.

6 THE COURT: Approach, please.

7 (A bench conference was held off the record and out of
8 the hearing of the jury panel.)

9 AST. SOL. SIMPSON: Ms. President, I know this was not
10 fun. Thank you for being here. No further questions.

11 THE COURT: Any objections to the witness being
12 excused? From the State?

13 AST. SOL. SIMPSON: No, Your Honor.

14 THE COURT: From the Defense?

15 MS. FORD: No, Your Honor.

16 THE COURT: Ma'am, your excused.

17 Mr. Foreman, ladies and gentlemen, we're going to take
18 advantage of this break in testimony to give you a brief
19 morning break. During your break please, do not discuss the
20 case. And please leave your notepads in your seats. We
21 should be in about ten minutes.

22 (The jury exits the courtroom at 11:05 a.m.)

23 (Brief recess.)

24 THE COURT: The State ready to proceed?

25 AST. SOL. SIMPSON: Yes, Your Honor.

1 THE COURT: Any from the Defense?

2 MS. FORD: No, Your Honor.

3 THE COURT: All right. Bring the jury in for me,
4 please.

5 (The jury enters the courtroom at 11:30 a.m.)

6 THE COURT: You may be seated. The State may proceed
7 with its next witness. Call you next witness.

8 AST. SOL. SIMPSON: The State calls Trivelle
9 Richardson.

10 THE COURT: Please swear the witness.

11 (TRIVELL RICHARDSON, was duly sworn and provided the
12 following testimony..)

13 CLERK: Please take your seat. Spelling your first and
14 last name speaking directly to the microphone.

15 THE COURT: Sir, if you would tell us your full name.

16 THE WITNESS: Trivell Richardson.

17 THE COURT: Do you have middle names?

18 THE WITNESS: Donte Lamar.

19 THE COURT: Spell your first name for us, please.

20 THE WITNESS: T-R-I-V-E-L-L.

21 THE COURT: And your last name.

22 THE WITNESS: R-I-C-H-A-R-D-S-O-N.

23 THE COURT: Thank you, sir. You may proceed.

24 AST. SOL. SIMPSON: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 DIRECT EXAMINATION

2 BY AST. SOL. SIMPSON:

3 Q. Mr. Richardson, good morning. You and I've met before.

4 Is that right?

5 A. (Nonverbal response.)

6 THE COURT: Sir, if he could speak up for me and I need
7 you to speak directly to that microphone. Thank you.

8 Q. We met before, correct?

9 A. Yes, sir.

10 Q. Okay. I want to get just a couple of preliminary
11 things out of the way. I see that you're wearing sort of
12 some striped clothing there. What is that -- why is that?

13 A. Incarcerated.

14 Q. Okay. You're currently incarcerated.

15 A. Yes, sir.

16 Q. Did that arise for your involvement in the case that
17 brings us here today?

18 A. Yes, sir.

19 Q. Okay. You are currently facing charges for your
20 involvement in this incident, right?

21 A. Yes, sir.

22 Q. And what charge is that?

23 A. Murder, two attempt of murders.

24 Q. Okay. Is it involved with the gentleman sitting here?

25 A. Yes, sir.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

1 Q. - Okay. You understand that those charges, you know,
2 could have consequences, right?

3 A. Yes, sir.

4 Q. Is it true to say it is your hope that through
5 cooperating with us that, you know, could benefit you in
6 that regard?

7 A. Yes, sir.

8 Q. Okay. And you don't run from that hope, right?

9 A. No, sir.

10 Q. That being said is it your intention today to be
11 truthful with this jury today?

12 A. Yes, sir.

13 Q. Is it your intention to be honest?

14 A. Yes, sir.

15 Q. And talk about the incident that we're here to talk
16 about?

17 A. Yes, sir.

18 Q. Okay. Let's talk about you a little bit. Your name is
19 Trivell. You go by any other sort of names?

20 A. Vell.

21 Q. Some people call you Vell?

22 A. Yes, sir.

23 Q. Just a short version of your name?

24 A. Yes, sir.

25 Q. Okay. What sort of things you do for occupation when

- 1 you're not incarcerated?
- 2 A. Race bikes.
- 3 Q. Okay. You ever cut hair?
- 4 A. Yes, sir.
- 5 Q. Okay. Where are you from?
- 6 A. James Island.
- 7 Q. Live in Charleston area your whole life?
- 8 A. Yes, sir. Downtown.
- 9 Q. Okay. So from James Island, moved downtown. What
- 10 areas in downtown did you live?
- 11 A. Green, Bayside.
- 12 Q. Okay. He lived both in Green and Bayside?
- 13 A. Yes, sir.
- 14 Q. Did there come a time in your life where you moved from
- 15 downtown to North Charleston?
- 16 A. Yes, sir.
- 17 Q. In what area of North Charleston did you live at?
- 18 A. Midland Park.
- 19 Q. Midland Park?
- 20 A. Yes, sir.
- 21 Q. Are you familiar with -- I don't know why I always
- 22 butcher this -- Ashton Street?
- 23 A. Ashton Avenue.
- 24 Q. Ashton Avenue. Okay. Is that near where you lived at
- 25 in North Charleston?

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

- 1 A. No, sir.
- 2 Q. Okay. But you're familiar with that area?
- 3 A. Yes, sir.
- 4 Q. Okay. You know somebody named Tomeka President?
- 5 A. Yes, sir.
- 6 Q. Okay. Is that around where she lived?
- 7 A. Austin.
- 8 Q. Austin. Okay. That's what I -- so Tomeka lived on
9 Austin?
- 10 A. Yes, sir.
- 11 Q. Okay. And how do you know Tomeka?
- 12 A. I grew up with her.
- 13 Q. Okay. So you know Tomeka pretty well, right?
- 14 A. Yes, sir.
- 15 Q. Did you ever have occasion through your friendship with
16 Tomeka to ride in her car?
- 17 A. Yes, sir.
- 18 Q. What kind of car was that?
- 19 A. A Buick.
- 20 Q. All right. Were you familiar with her car?
- 21 A. Yes, sir.
- 22 Q. Been in it before?
- 23 A. Yes, sir.
- 24 Q. About how many times? Just a guess.
- 25 A. About three or four, maybe.

1 Q. Okay. So when you saw Tomeka's car, you would
2 recognize it as Tomeka's --

3 A. Yes, sir.

4 Q. Okay. And you've known Tomeka a long time?

5 A. Yes, sir.

6 Q. One ask you do you recognize this gentleman seated at
7 the table here?

8 A. Yes, sir.

9 Q. And who is that?

10 A. Co-defendant.

11 Q. What's his name?

12 A. Troll.

13 Q. Okay. Do you know his full name?

14 A. Montrelle.

15 Q. Okay. Do you know his last name?

16 A. Campbell.

17 Q. Going to take you back -- you know, we're talking about
18 September 2015, right?

19 A. Yes, sir.

20 Q. Did you know Montrelle Campbell during that time?

21 A. Yes, sir.

22 Q. And how long have you known Montrelle Campbell?

23 A. Almost all of my life.

24 Q. Okay. And how do you know Montrelle?

25 A. The neighborhood we grew up in.

1 Q. Say that again?

2 A. The neighborhood we grew up in.

3 Q. Okay. Did you know any relatives of Montrelle?

4 A. Sister. That's it.

5 Q. And how would you describe your relationship with
6 Montrelle? Were you close?

7 A. Somewhat.

8 Q. Okay. Mr. Richardson, going to take you -- you know
9 the incident that brings you here today, right?

10 A. Yes, sir.

11 Q. So I wanted take you back to that weekend of
12 September 18 through the 19th, September 2015, okay?

13 A. Yes, sir.

14 Q. Are you spending -- during that time were you spending
15 a lot of time downtown.

16 A. No, sir.

17 Q. Okay. You chose mainly to hang out in North
18 Charleston?

19 A. Yes, sir.

20 Q. Okay. So that Thursday night, had you been downtown at
21 all?

22 A. I don't remember the exact date. No, sir.

23 Q. Okay. Now, let's get to the Friday night. You
24 remember meeting with us, right?

25 A. Yes, sir.

1 Q. Okay. So that Friday night, if you could, and I'm
2 probably going to interrupt you from time to time and ask
3 questions, but I just sort of want you to walk us through.
4 It's Friday September 18th leading up to the incident on
5 Saturday morning, early Saturday morning, September 19th.
6 Do you know the night I'm talking about?

7 A. Yes, sir.

8 Q. Let's talk about that night and what you did that
9 night, okay?

10 A. Yes, sir.

11 Q. I'm just going to let you say it in your own words, and
12 I may interrupt you from time to time, okay?

13 A. Yes, sir.

14 Q. What do you do, first of all, that evening? Friday
15 evening.

16 A. Cut hair all day.

17 Q. Okay. Cut hair all day. Okay. Did you attend some
18 kind of event that night?

19 A. We went to a party for a friend that got killed and
20 then we went to a strip club.

21 Q. Okay. And who was that friend?

22 A. Barry Kinlock.

23 Q. Okay. And was this sort of a remembrance event for
24 him?

25 A. Okay.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

1 Q. Understand that we don't always get times exact. But
2 about what times do you think you were at that party?

3 A. I couldn't give you the exact time.

4 Q. Okay. But was it Friday night?

5 A. Yes, sir.

6 Q. Okay. Do you remember going somewhere after the party?

7 A. To the strip club.

8 Q. Okay. Do you remember what strip club?

9 A. Stilettos.

10 Q. Okay. Do you remember after you got to the strip
11 club -- again, not holding you to it exactly because, you
12 know, you don't always look at the time. But you stay at
13 the strip club a long time?

14 A. Yes, sir.

15 Q. Okay. Do you remember about when you left the strip
16 club?

17 A. About four o'clock.

18 Q. Okay. So early morning hours you left the strip club?

19 A. Yes, sir.

20 Q. Where did you had from there?

21 A. To Austin Lakes.

22 Q. Okay. Your home at that time, was it Austin Lakes?

23 A. The street behind Austin Lakes.

24 Q. Okay. And I butchered this earlier, and I apologize.

25 But Austin lakes is near Austin Avenue, correct?

1 A. Yes, sir.

2 Q. Okay. And not Ashton. I don't know why I get those
3 confused. And what kind of area is Austin Lakes?

4 A. Apartment complex.

5 Q. Okay. Did you drive him?

6 A. No, sir.

7 Q. Okay. How did you get home?

8 A. I got dropped off by friend that I was with at the
9 club.

10 Q. Okay. Did he drop you off right at the front door?
11 Where did he drop you off?

12 A. At the apartments.

13 Q. He just dropped you off at the apartments?

14 A. She dropped me off at the apartments.

15 Q. Okay. She did. Okay. So once she dropped you off,
16 where did you go?

17 A. Walked towards the cut that we use go to my house. And
18 I got approached as I was going to the store.

19 Q. Okay. Let's stop for a second. You said the cut.
20 What's the cut? Describe that to me?

21 A. It's a broken down fence that we use to get to the next
22 street.

23 Q. Okay. Does that just allow you to get from the
24 apartment complex to your street?

25 A. Yes, sir.

1 Q. Okay. Now, were you approached by someone in this
2 area?

3 A. Yes, sir.

4 Q. Okay. And who was that?

5 A. Montrelle.

6 Q. Okay. You recognized him.

7 A. Yes, sir.

8 Q. All right. You guys are friendly?

9 A. Yes, sir.

10 Q. And described to the jury what was said. What was that
11 interaction?

12 A. We were supposed to go to the store to get cigarettes
13 but we never made it there.

14 Q. Well, let's just walk through that more slowly. You
15 guys had a conversation I'm guessing when he saw you?

16 A. Yes, sir.

17 Q. How did that go? What was that like?

18 A. He ride with me to the store to get some cigarettes.

19 Q. He offered -- he asked you to ride with him to the
20 store?

21 A. Yes, sir.

22 Q. Okay. So I guess he took you to a car?

23 A. Yes, sir.

24 Q. Did you recognize the car that he took you to?

25 A. Yes, sir.

1 Q. Whose car was that?

2 A. Buick.

3 Q. Is at the Buick we were talking about earlier?

4 A. Yes, sir.

5 Q. Who does that car belong to?

6 A. Tomeka.

7 Q. Okay. Is that Tomeka President?

8 A. Yes, sir.

9 Q. How long have you known Tomeka?

10 A. Almost all of my life.

11 Q. Have you been in that car before?

12 A. Yes, sir.

13 Q. All right. Where did you think you were going when you
14 got in the car with Montrelle?

15 A. To the store.

16 Q. Did you know what store? Have an idea --

17 A. Kangaroo.

18 Q. Okay. Where did you go?

19 A. Downtown.

20 Q. All right. Let's walk through that process a little
21 bit. You think you're just going to the Kangaroo?

22 A. Yes, sir.

23 Q. I'm assuming the Kangaroo was pretty close, right?

24 A. Yes, sir.

25 Q. So which way did you go? Tell the jury about what

1 you're thinking, what you're saying if anything is said, or
2 what's going on?

3 A. Pull into Austin Lakes, going down Moore Avenue. Made
4 a left down Eagle Drive. Mated left -- right off of Eagle
5 Drive onto -- I don't know the name of the street -- where
6 Budget Inn is at.

7 Q. Okay.

8 A. Kangaroo is up ahead at the end of that road.

9 Q. Okay. So up to this point, you're feeling fine. You
10 going right to --

11 A. Yes, sir.

12 Q. Okay.

13 A. We made a left and got on the I.

14 Q. Okay. When you say the "I," what are you referring to?

15 A. The interstate.

16 Q. All right. I-26?

17 A. Yes, sir.

18 Q. Any purpose of going I-26 to get to the big road?

19 A. No, sir.

20 Q. All right. So what are you starting to think and how
21 do you react at this point?

22 A. I didn't notice nothing of the time. We got halfway
23 downtown, I asked him where was we going.

24 Q. Okay.

25 A. He said just chill. It'll be all right.

1 Q. So you expressed, like, "Where the hell are we going?"

2 He says just calm down, it's going to be cool?

3 A. Yes, sir.

4 Q. Okay?

5 MS. FORD: Objection. Leading.

6 THE COURT: Sustained. Leading.

7 AST. SOL. SIMPSON: Thank you.

8 THE COURT: You're welcome.

9 AST. SOL. SIMPSON: Court's indulgence.

10 THE COURT: Yes, sir.

11 Q. So do you continue to head toward the downtown area?

12 A. Yes, sir.

13 Q. What did you think about that?

14 A. Honestly, nothing.

15 Q. Okay. All right. So when he told you to, you know,
16 just a job, you just chilled out?

17 A. Yes, sir.

18 Q. Okay. Where did he drive?

19 A. To Kennedy Street.

20 Q. Okay. Kennedy Street is downtown?

21 A. Yes, sir.

22 Q. Okay. And where did he park when he got down to
23 Kennedy Street?

24 A. On Kennedy Street.

25 Q. And can you describe sort of the area a little bit?

1. A. The corner of Kennedy and President.
- 2 Q. Okay. And what's -- what sort of that lot like? What
- 3 is it?
- 4 A. It's an empty lot.
- 5 Q. Okay. I'm going to show you it's been admitted as
- 6 State's 2. Can you look at that?
- 7 A. Yes, sir.
- 8 Q. Do you see in State's 2 the area that you're talking
- 9 about just now?
- 10 A. Yes, sir.
- 11 Q. That screen in front of you, Trivell, could you
- 12 indicate to me what area it is?
- 13 A. (Witness complies.)
- 14 Q. Are you wearing?
- 15 A. Shackles.
- 16 Q. Okay. So that's difficult to move your hands right
- 17 now?
- 18 A. Yes, sir.
- 19 Q. Show you what's been marked as State's 2. Did you just
- 20 indicate to me that this is Kennedy?
- 21 A. Yes, sir.
- 22 Q. President?
- 23 A. Yes, sir.
- 24 Q. And this is the area you're talking about here?
- 25 A. Yes, sir.

1 Q. Okay. And what is this?

2 A. That's the --

3 Q. Okay. You mentioned earlier, where did you grow up?

4 A. Right there.

5 Q. Okay. This is not an area that's foreign to you. Is
6 that correct?

7 A. No, sir.

8 Q. Okay. Did you know why you're there?

9 A. No, sir.

10 Q. Okay. What happened when you pulled up to that
11 location?

12 A. We parked the car on Nunan Street.

13 Q. Let's clarify this a little bit. Whose driving now?

14 A. Montrelle.

15 Q. Okay. Where are you seated in the car?

16 A. In the passenger side.

17 Q. Okay. You get out of the Buick when you stop on to
18 Kennedy?

19 A. No, sir.

20 Q. Okay. The whole time you are on Kennedy, are you in
21 the passenger seat?

22 A. Yes, sir.

23 Q. Okay. Do you recall Montrelle doing anything with the
24 trunk when he was driving?

25 A. No, sir.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

- 1 Q. Okay. Was anyone else there when you got there?
- 2 A. Yes, sir.
- 3 Q. Okay. Who?
- 4 A. Ace.
- 5 Q. Ace. He was there. Didn't look like he was expecting
- 6 you?
- 7 A. No, sir. I don't know.
- 8 Q. You just don't know?
- 9 A. Right.
- 10 Q. Okay. Who is Ace?
- 11 A. Andrew.
- 12 Q. Okay.
- 13 A. Another fellow that grew up under me.
- 14 Q. Okay. You say grew up under you. What do you mean? A
- 15 younger guy?
- 16 A. Yes, sir.
- 17 Q. Okay. He was present in that area when you pulled up?
- 18 A. Yes, sir.
- 19 Q. Okay. Did you recognize him?
- 20 A. Yes, sir.
- 21 Q. Do you know him?
- 22 A. Yes, sir.
- 23 Q. You know his last name by any chance?
- 24 A. Rivers.
- 25 Q. Okay. Andrew Rivers and he goes by Ace?

1 A. Yes, sir.

2 Q. So you pulled up and said --

3 A. No, sir. I actually parked the car and asked him to
4 ride over.

5 Q. Okay. Montrelle has now exited the car?

6 A. Yes, sir.

7 Q. What did Montrelle tell you to do?

8 A. Park the car on Nunan Street.

9 Q. He said parked the car on Nunan Street. You grew up
10 here, do you know where Nunan Street is?

11 A. Yes, sir.

12 Q. Okay. You say you guys were interacting at this time
13 with Ace?

14 A. Yes, sir.

15 Q. Did you say what's up, whatever?

16 A. Yes, sir.

17 Q. You're still in the car?

18 A. Yes, sir.

19 Q. Okay. Did you get out of the car walked to the driver
20 side?

21 A. No, sir.

22 Q. Okay. What did you do?

23 A. Jumped over.

24 Q. You sort of slid over to the driver's seat?

25 A. Yes, sir.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson,

- 1 Q. And then what did you say to Ace?
- 2 A. I said ride with me, parked the car.
- 3 Q. Okay. Did you follow Montrelle's instructions?
- 4 A. Yes, sir.
- 5 Q. Did you see where Montrelle went?
- 6 A. No, sir.
- 7 Q. Fair to say he walked away from the car?
- 8 A. Yes, sir.
- 9 Q. Did he walked towards back to Green?
- 10 A. Yes, sir.
- 11 Q. Okay. And you followed his instructions?
- 12 A. Yes, sir.
- 13 Q. Which where what again?
- 14 A. Park the car on Nunan Street.
- 15 Q. Okay. Showing you what's been entered as State's 4.
- 16 Take a minute to orient yourself, but do you recognize that?
- 17 A. (Indicating.)
- 18 Q. Okay. Your pointing at an area. What street is that
- 19 you're pointing to?
- 20 A. Nunan Street.
- 21 Q. Okay. And you're pointing to a corner there. That's
- 22 Nunan and President?
- 23 A. Yes, sir.
- 24 Q. Was there a business right here? Did you know at the
- 25 time?

1 A. Something Kitchen.

2 Q. Something Kitchen was right there?

3 A. (Nonverbal response.)

4 Q. Okay. Did you just indicate to me that this was Nunan?

5 A. Yes, sir.

6 Q. This is President?

7 A. Yes, sir.

8 Q. And this area here is where you moved the car?

9 A. Yes, sir.

10 Q. Okay. Did you smoke cigarettes back then?

11 A. Yes, sir.

12 Q. And will just get to it. Have you viewed some video in
13 this case?

14 A. Did I view a video?

15 Q. Or a still -- what appeared to be pictures from video?

16 A. Yes, sir.

17 Q. Are you depicted in those pictures?

18 A. Yes, sir.

19 Q. Okay. Do you remember seeing in those pictures or
20 video someone flicking a cigarette butt out of the driver's
21 side of a Buick?

22 A. Yes, sir.

23 Q. Okay. Who is was?

24 A. Me.

25 Q. Okay. Any hesitation of you looking at that saying

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

1 that's me?

2 A. No, sir.

3 Q. Okay. So when you pulled up to Nunan Street, now

4 you're driving?

5 A. Yes, sir.

6 Q. And you're smoking?

7 A. Yes, sir.

8 Q. You flick the butt?

9 A. Yes, sir.

10 Q. Who is in passenger side?

11 A. Ace.

12 Q. Ace. Okay. Any talk between you and Ace as you're
13 driving around as to like, you know, what the hell is going
14 on here?

15 A. No, sir.

16 Q. Going around, parked at Nunan Street?

17 A. Yes, sir.

18 Q. At whose instructions?

19 A. Montrelle's.

20 Q. Okay. Once you park the car on Nunan, where do you go?

21 A. I walked towards -- but I never made it. I ducked into
22 the car seat.

23 Q. Okay. We've seen a lot of maps. So let's just talk ,
24 through it. You walk out from Nunan to President, right?

25 Which way do you turn to go towards the Projects?

- 1 A. I made a left on President.
- 2 Q. Made a left on President. Okay. This is you and Ace
- 3 together?
- 4 A. Yes, sir.
- 5 Q. Is Ace with you this whole time up to now?
- 6 A. Not the whole time.
- 7 Q. But right now --
- 8 A. Yes, sir.
- 9 Q. Okay. And Gadsden Green projects down in this
- 10 direction?
- 11 A. Yes, sir.
- 12 Q. Okay. What happened?
- 13 A. We heard gunshots --
- 14 Q. How far did you get down President?
- 15 A. Almost to the office.
- 16 Q. Okay. Great. The¹ offices -- what you mean by the
- 17 office? The office is what?
- 18 A. The housing office.
- 19 Q. Okay. I know we're doing this a lot. You know about
- 20 where the housing office is?
- 21 A. (Indicating.)
- 22 Q. Okay. Did you just indicate to me that this is the
- 23 housing office?
- 24 A. Yes, sir.
- 25 Q. Okay. Fair to say that Nunan Street is up this way?

- 1 A. Yes, sir.
- 2 Q. You walk and you say you get about here?
- 3 A. --
- 4 Q. About to here?
- 5 A. Yes, sir.
- 6 Q. Okay. What happened -- is he still with you when you
- 7 get there?~
- 8 A. Yes, sir.
- 9 Q. Okay. What happens when you get there?
- 10 A. Hear gunshots.
- 11 Q. Hear gunshots. More than one?
- 12 A. Yes, sir.
- 13 Q. Best guess, about how many?
- 14 A. More than five.
- 15 Q. Okay. Now, are you supposed to be walking towards the
- 16 projects or what you doing with this car? This isn't even
- 17 your car, right?
- 18 A. I was supposed to take the keys back.
- 19 Q. Okay. So what you do -- all right. Once the gunshots
- 20 start, what does Ace do?
- 21 A. He went ran all the way --
- 22 Q. Okay. He ran?
- 23 A. Yes, sir.
- 24 Q. Okay. You went the other way. What direction did you
- 25 go in?

1 A. Back to the car.

2 Q. Back to the car?

3 A. Yes, sir.

4 Q. Okay. Back to the car that is parked on Nunan Street?

5 A. Yes, sir.

6 Q. Okay. You got back there?

7 A. Yes, sir.

8 Q. All right. Did anybody else join you back at the car?

9 A. At the moment, no, sir.

10 Q. Okay. So what did you do when you got back to the car?

11 A. Tried to start it. The car didn't start.

12 Q. Did you want to leave that area?

13 A. Yes, sir.

14 Q. Okay. Did you want to get out of there?

15 A. Yes, sir.

16 Q. Okay. So you say trying to start it. Describe that to

17 the jury.

18 A. The first key didn't work. It was a spare key. The

19 second key worked.

20 Q. Are these your keys?

21 A. Come again?

22 Q. Are these your keys?

23 A. No, sir.

24 Q. The keys are foreign to you, right?

25 A. Right.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

- 1 Q. Okay. The first key doesn't work.
- 2 A. Right. The second he worked. By the time I got the
- 3 car cranked, the door opened.
- 4 Q. All right.
- 5 A. Montrelle back there.
- 6 Q. What direction was the car facing?
- 7 A. The wrong way.
- 8 Q. Okay. Is Nunan a one-way street?
- 9 A. Yes, sir.
- 10 Q. And it was sort of parked facing the wrong way.
- 11 A. Yes, sir.
- 12 Q. Okay. So I could visualize it, that means the
- 13 passenger door was close to the sidewalk?
- 14 A. Yes, sir.
- 15 Q. All right. So you said the passenger door opened.
- 16 A. Uh-huh. The codefendant got in.
- 17 Q. All right. The gentleman seated here got in?
- 18 A. Yes, sir.
- 19 Q. Okay. Did he have something with him when he got in?
- 20 A. A gun.
- 21 Q. Okay. What kind of gun?
- 22 A. Rifle.
- 23 Q. All right. Do you know a lot about guns?
- 24 A. Somewhat.
- 25 Q. All right. Any more detail you can give that --

1 A. AR-15.

2 Q. Okay. Might somebody refer to that as is like an
3 assault type rifle?

4 A. Yes, sir.

5 Q. Okay. Anything about that rifle that you noted before
6 or observed.

7 A. I never seen it before.

8 Q. Okay. Was there any indication to you -- have you ever
9 been around firearms before?

10 A. Yes, sir.

11 Q. Was there any indication to you that that rifle had
12 recently been fired?

13 A. No, sir. But it was smoking.

14 Q. It was smoking?

15 A. Yes, sir.

16 Q. Okay. That didn't mean to you it had been recently
17 fired?

18 A. (Nonverbal response.)

19 Q. Had you seen that gun before that evening?

20 A. No, sir.

21 Q. Okay. I've just got ask you, what are you thinking at
22 this point time?

23 A. Clueless.

24 Q. What did Montrelle say to you when he gets in the car?

25 A. Go.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson ,

1 Q. Go. Okay. And where did you take that to mean where
2 he wanted to go?

3 A. I didn't ask him.

4 Q. Where did you think he wanted you to head?

5 A. Out of the scene. Out of the area.

6 Q. Okay. Did you do that?

7 A. Yes, sir.

8 Q. All right. Where did you go?

9 A. Back to Austin Lake Apartments.

10 Q. Okay. All right. Just to back up a little bit. Would
11 you have known Montrelle's phone number back in that time?

12 A. Yes, sir.

13 Q. Okay. Would it have been your phone?

14 A. Yes, sir.

15 Q. Would you know it by heart?

16 A. No, sir.

17 Q. Okay. But you would've been able to contact him by
18 phone?

19 A. Yes, sir.

20 Q. To the best of your recollection through this whole
21 series of events we've been talking about, is there any
22 moment that you might have had a brief phone conversation
23 with Montrelle?

24 A. Yes, sir.

25 Q. Okay. You remember calling him?

1 A. He called me.

2 Q. Okay. Do you remember about when in this -- you talked
3 about where. What were you doing when that happened?

4 A. What was I doing when I got the phone call?

5 Q. Yeah. When y'all talked --

6 A. I was home when I got the phone call.

7 Q. Oh, after?

8 A. Yes, sir.

9 Q. Okay. I mean while you were downtown.

10 A. I don't know. When I left the car, I think I called
11 him and my uncle.

12 Q. Okay. When you left the car?

13 A. Yes, sir.

14 Q. When you got out of the car walking towards back to
15 Green?

16 A. Yes, sir.

17 Q. Okay. And what was your purpose of calling Montrelle
18 at the time?

19 A. I was going to give him the keys and I was going.

20 Q. Okay. So you had parked the car on Nunan Street as
21 instructed?

22 A. Yes, sir.

23 Q. Were walking with Ace down?

24 A. Yes, sir.

25 Q. And thought you would hit him up and say, "Hey, where

1 do I take these keys?"

2 A. Yes, sir.

3 Q. Now, after you experienced this -- back in 2015 before
4 this happened, September 2015, did you talk to Montrelle on
5 the phone every now and then?

6 A. When he wanted a haircut?

7 Q. Okay. So it wouldn't be weird for you guys to talk on
8 the phone prior to this incident?

9 A. No, sir.

10 Q. Did that phone contact kind of dissipate after this
11 incident?

12 A. I believe it did. After that? Oh, yeah -- phone
13 calls.

14 Q. Okay.

15 A. -- and I stay on the phone --

16 Q. Okay. Did there come a point time where the police
17 came to talk to you about this?

18 A. Yes, sir.

19 Q. Where you --

20 A. I went to them. I went to my mom's and then I went to
21 them.

22 Q. Okay. Thank you for clarifying that. You heard the
23 police wanted to talk to?

24 A. Yes, sir.

25 Q. Okay. And you went to them. Is that right?

1 A. Yes, sir.

2 Q. Now, let's be frank. Did you layout the story
3 immediately to the police the same way you've just laid it
4 out to us?

5 A. No, sir.

6 Q. Okay. Did you have a feeling that there is some
7 consequences that could arise from all of this?

8 A. Yes, sir.

9 Q. Okay. Did you hope maybe to avoid these consequences?

10 A. Yes, sir.

11 Q. Okay. So what did you eventually tell the police? I
12 mean initially tell the police right in the beginning?

13 A. I told him that I wasn't there.

14 Q. Okay. And then that sort of changed to to a middle
15 version, didn't it? And what was that version?

16 A. He showed me the pictures and I was like, "Yeah, that's
17 me."

18 Q. Okay. But you still didn't admit to quite everything
19 you told us here today. Is that correct?

20 A. Yes, sir?

21 Q. Okay. And you were hoping to avoid where you're at
22 right now. Is that fair to say?

23 A. Yes, sir.

24 Q. Okay. Nevertheless, have you told us what occurred --
25 have you been honest and frank with us today as to what

1 occurred that evening and into the next day?

2 A. Come again?

3 Q. Have you been forthcoming with us, honest with us
4 today?

5 A. Yes, sir.

6 AST. SOL. SIMPSON: Your Honor, may I approach the
7 witness?

8 THE COURT: You may.

9 Q. You mentioned earlier that you had seen what appeared
10 to be still photographs from video?

11 A. Yes, sir.

12 AST. SOL. SIMPSON: Court's indulgence. My apologies.

13 Q. Mr. Richardson, I'm going to get through some pictures
14 and just say the number of the picture, and ask you a couple
15 of questions about them, okay?

16 A. Yes, sir.

17 Q. And all of these numbers that I'm going to say are
18 evidence markers that have been marked throughout the
19 beginning. State's 96, ID only, do see that vehicle I'm
20 indicating here?

21 A. Yes, sir.

22 Q. Do you recognize that vehicle?

23 A. Yes, sir.

24 Q. And what vehicle is that?

25 A. That's a --

1 THE COURT: You're come over this the other way so you
2 can . . .

3 AST. SOL. SIMPSON: Sure.

4 Q. So that's the Buick?

5 A. Yes, sir.

6 Q. Whose Buick?

7 A. Tomeka's.

8 Q. State's 97, who is this?

9 A. That's me.

10 Q. What are you wearing?

11 A. A white T-shirt.

12 Q. Okay.

13 A. Cowboy hat.

14 Q. Not a cowboy hat, but it's --

15 A. Dallas Cowboys hat.

16 Q. Dallas Cowboys. Is that a baseball hat?

17 A. Yes, sir -- football.

18 Q. Who is this?

19 A. ACE.

20 Q. State's 98 for ID only. Who's this?

21 A. That's me.

22 Q. Okay. Who's this?

23 A. Ace.

24 Q. State's 102. Who is this?

25 A. That's me.

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

- 1 Q. Who is this?
- 2 A. That's my codefendant.
- 3 Q. Is this Montrelle Campbell State's 103?
- 4 A. Yes, sir.
- 5 Q. Who is this?
- 6 A. Response.
- 7 Q. State's 104. State's 105?
- 8 A. Response.
- 9 Q. And just so when we all see these, what is your
- 10 codefendant, Montrelle Campbell, wearing that evening?
- 11 A. A blue polo shirt.
- 12 Q. Okay. Does he have anything on this head?
- 13 A. A T-shirt.
- 14 Q. Okay. 106?
- 15 A. Blue polo shirt.
- 16 Q. Okay. Who is that?
- 17 A. My codefendant.
- 18 Q. Okay. Does it have anything on the back of the shirt
- 19 and back number?
- 20 A. -- 115?
- 21 Q. Okay. You see something in his hand at this image?
- 22 A. A gun.
- 23 Q. Does that appear to be what you saw and get in the car
- 24 with that evening?
- 25 A. Yes, sir.

1 Q. State's 107. Is that the same?

2 A. Yes, sir.

3 Q. State's 108. Who is this?

4 A. My codefendant.

5 Q. I know this is a little more difficult. If you can't
6 do it, you can't do it. Is that just two individuals now
7 walking?

8 A. Yes, sir.

9 Q. Who is this? State's 116, ID only.

10 A. That's me.

11 Q. Gotcha. Now, is there anything about this image and
12 State's 116 that let you know when this was?

13 A. When gunshots were going off?

14 Q. Okay. This is when you were running back to the car?

15 A. Yes, sir.

16 AST. SOL. SIMPSON: Court's indulgence.

17 Q. Mr. Richardson, you know, it's important -- you agree
18 that it's very important to be very forthcoming, right?

19 A. Yes, sir.

20 Q. And so I asked you right at the beginning of your
21 testimony are you hoping that your corporation is considered
22 by the State in resolving your charges?

23 A. Yes, sir.

24 Q. Okay. That being said, are you out to get Montrelle
25 Campbell?

Direct Examination of Mr. Richardson by Ast. Sol. Simpson

1 A. No, sir.

2 Q. How long have you known Montrelle Campbell?

3 A. Mostly all my life.

4 Q. Okay. Very important question. Have you been promise
5 to assured anything from my office, me or the police
6 department or the government in any way, in exchange for
7 your testimony?

8 A. No, sir.

9 Q. Did we in fact enter into an agreement that you signed
10 and we signed and everything outlining that?

11 A. I didn't get no agreements or nothing.

12 Q. Oh, you've never seen -- I'm sorry. Did we sign a
13 document that essentially said we're not promising you
14 anything?

15 A. Yes, sir.

16 Q. Okay. Did you come up for a bond hearing at one point?

17 A. Yes, sir.

18 Q. And did we nevertheless let the judge know that you had
19 cooperated?

20 A. Yes, sir.

21 Q. Okay. Obviously, were you able to bond out after that
22 bond hearing?

23 A. No, sir.

24 Q. Okay.

25 AST. SOL. SIMPSON: Court's indulgence.

1 THE COURT: Yes, sir.

2 Q. Once the police did -- you did speak with the police,
3 right?

4 A. Yes, sir.

5 Q. You shared with them your phone number, right?

6 A. Yes, sir.

7 Q. Okay. So they would've been able to say this is
8 Trivell Richardson's phone?

9 A. Yes, sir.

10 Q. Okay. Did you have Montrelle's number in your phone at
11 that time?

12 A. Yes, sir.

13 Q. Did you share that with the police?

14 A. No, sir.

15 Q. But you did have that in your phone at the time?

16 A. Yes, sir.

17 Q. So if they looked at your phone they could surmise
18 that?

19 A. Yes, sir.

20 Q. Okay. And he was in there under a contact name that
21 they could've recognized?

22 A. (No response.)

23 Q. Do you recall the contact name that used for his
24 number?

25 A. Troll.

Cross-Examination of Mr. Richardson by Ms. Ford

1 Q. Okay.

2 AST. SOL. SIMPSON: Thank you, Mr. Richardson. Please
3 answer any questions the defense has.

4 THE COURT: Any questions for the witness.

5 MS. FORD: Yes, Your Honor. May it please the Court?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. FORD:

9 Q. Mr. Richardson, you've already told us that you have
10 been charged with murder, correct?

11 A. Yes, ma'am.

12 Q. And you been charged with two counts of attempted
13 murder as well?

14 A. You Yes, ma'am.

15 Q. And this is probably obvious, but those are very
16 serious charges?

17 A. Yes, ma'am.

18 Q. And on the murder alone, you would be facing a possible
19 sentence of life in prison, correct?

20 A. Yes, ma'am.

21 Q. And the attempted murders carry up to 30 years in
22 prison as well, correct?

23 A. I don't know the exact time that it carries.

24 Q. Right. Life sentence, it does actually mean the rest
25 of your life, correct?

1 A. Yes, ma'am.

2 Q. And you also have some --

3 THE COURT: Please approach.

4 (A bench conference was held off the record and out of
5 the hearing of the jury panel.)

6 Q. You do have a few other charges not related to this
7 case as well, correct?

8 A. (Nonverbal response.)

9 Q. And one of those charges carries a possible sentence of
10 one to ten years?

11 A. I don't know the charge that you're talking about.

12 Q. Okay. You do have two charges, though.

13 A. Yes, ma'am.

14 Q. And they both are General Session charges meaning
15 they're handled by --

16 A. Yes, ma'am.

17 Q. -- this court in the solicitor's office.

18 A. Yes, ma'am.

19 Q. The Ninth Circuit Solicitor's office. And you have
20 been in trouble with law before?

21 A. Yes, ma'am.

22 Q. You have a possession with intent to distribute drugs
23 from 2008?

24 A. Yes, ma'am.

25 Q. And you also have a grand larceny charge more recently?

- 1 A. Yes, ma'am.
- 2 Q. And you also have a charge for lying to the police
- 3 before, correct?
- 4 A. Yes, ma'am.
- 5 Q. False information to police.
- 6 A. My name.
- 7 Q. I'm sorry?
- 8 A. My name.
- 9 Q. You have a conviction for lying to the police, though,
- 10 correct?
- 11 A. Yes, ma'am.
- 12 Q. And the State asked you a few questions about a bond
- 13 hearing, okay. I want to talk about that just a little bit.
- 14 Initially, when you were arrested you were not going to bond
- 15 to the murder charge, correct?
- 16 A. Yes, ma'am.
- 17 Q. And you had to get a court because you had the other
- 18 charges are one of the other charges at least pending,
- 19 correct?
- 20 A. Yes, ma'am.
- 21 Q. And the State wanted to revoke that bond altogether?
- 22 A. Yes, ma'am.
- 23 Q. Meaning that you couldn't get out. Even if you had a
- 24 million dollars, you can get out?
- 25 A. Yes, ma'am.

1 Q. So you've told us today about you being in the car
2 Montrelle being there as well. That you did not tell the
3 State that until, is it fair to say, last year?

4 A. I don't remember the exact date.

5 Q. Okay. It was a while, though, after your arrest?

6 A. Yes, ma'am.

7 Q. And after you gave that information that's when you
8 went to court and had a bond hearing for the judge to
9 reconsider the bond on your charges, correct?

10 A. Yes, ma'am.

11 Q. In the State had indicated to the judge that you were
12 cooperating, correct?

13 A. Yes, ma'am.

14 Q. So the judge made, you know, the decision after hearing
15 that, correct?

16 A. Yes, ma'am. It was time for me to get a bond -- get a
17 bond hearing every six months.

18 Q. Right. But the State let it be known that you were
19 cooperative, correct?

20 A. Correct.

21 Q. In the State let it be known that they were not opposed
22 to you getting some type of bond, correct?

23 A. Yes, ma'am.

24 Q. And you were actually given on all of your charges a
25 bond of \$50,000, correct?

Cross-Examination of Mr. Richardson by Ms. Ford

1 A. Yes, ma'am.

2 Q. So you been in the jail for over two years now, right?

3 A. Yes, ma'am.

4 Q. From your experience, you know that that is a very low
5 bond for murder charges?

6 A. Yes, ma'am.

7 Q. So you understand you couldn't get out, but you
8 recognize that it's a low bond for the charges?

9 A. Yes, ma'am.

10 Q. And in that hearing --

11 A. I couldn't get out because my family left me because of
12 this.

13 Q. I understand -- you got a bond reduction nevertheless,
14 correct?

15 A. Yes, ma'am.

16 Q. Okay. When you met with the State and you gave them
17 this information, at the end they asked if you have anything
18 else to add. Do you remember that?

19 A. Not quite.

20 Q. You said towards the end of the conversation, "I'm
21 ready to go home. I'm tired of this."

22 A. It's been long enough.

23 Q. So you told us today that initially you denied being
24 downtown, correct?

25 A. At the beginning, yes, I did.

1 Q. But you said today that when they showed you pictures
2 you admitted to being downtown?

3 A. Yes, ma'am.

4 Q. That is not actually how it went down, is it?

5 A. What you mean?

6 Q. While you talk to Detective Tuttle, correct?

7 A. Yes, ma'am.

8 Q. Okay. So you know who that is?

9 A. Yes, ma'am.

10 Q. And initially you was asking about you being downtown
11 and you denied you were downtown at all?

12 A. Yes, ma'am.

13 Q. You told the detective that you really don't go
14 downtown much anymore, correct?

15 A. I don't.

16 Q. And that there was no way that you are down there?

17 A. Correct.

18 Q. He actually confront you with some -- he said he had
19 DNA evidence you were downtown?

20 A. Correct.

21 Q. But you still deny that your downtown initially?

22 A. Correct.

23 Q. You were adamant that you were not downtown?

24 A. When he showed me pictures I said, yes, I was.

25 Q. Well, you identified yourself in some photos, correct?

1 A. Yes, ma'am.

2 Q. Detective Tuttle showed you some of those photos as
3 well?

4 A. Yes, ma'am.

5 Q. When he first showed you the photos, you actually still
6 said, "No, that's not me."?

7 A. I left out the room, and I came back in and I told him
8 the reverse.

9 Q. Right. But initially when he showed you the photos,
10 you still said, "No. That is not me." Correct?

11 A. I wasn't quite sure.

12 Q. It seems like you remember you had to -- the meeting
13 ended. You went outside and then he came back and the
14 interview proceeded again and then you admitted to being
15 downtown?

16 A. Yes, ma'am.

17 Q. So having been showed the pictures initially, you still
18 denied that was you?

19 A. I'm not quite sure.

20 Q. Okay.

21 A. I can't say yes, I can't say no. I'm not quite sure --

22 Q. But it's possible?

23 A. Correct.

24 Q. You actually said -- do you remember this? Told them
25 to go ask your mom so that she can say it wasn't you?

1 A. I told them to ask my children in picture.

2 Q. Right. To say that it wasn't you?

3 A. I wasn't in the same room so I don't know exactly what
4 she told them.

5 Q. Will, no. But you said, "That's not me in the photo.
6 Go ask my mom and she'll tell me that's not me."

7 A. Correct.

8 Q. Okay. And you had actually earlier in the
9 conversation -- you know, he was the officer -- Detective
10 Tuttle was making small talk and you had admitted that you
11 are a Dallas Cowboys fan, correct?

12 A. I did.

13 Q. But you actually told him when you were talking, seeing
14 the photos, you said, "I don't even have a hat."

15 A. Correct. I don't wear hats like that.

16 Q. But you did that night?

17 A. Yes, ma'am.

18 Q. You told Detective Tuttle when you're denying that that
19 was you, "Go search my house."

20 A. Correct.

21 Q. And you actually said you did not have a hat several
22 times in the interview?

23 A. I don't how many times I said it. But I remember
24 telling him I don't have a hat.

25 Q. So when I -- when the detective first showed you the

1 picture and you do not it was you, then that's when he told
2 you about some DNA evidence, correct?

3 A. Yes, ma'am.

4 Q. But even after you told you that, you still denied that
5 you were downtown?

6 A. I don't think so.

7 Q. You said it can be. It can't be. You said that
8 several times.

9 A. Correct.

10 Q. You even told him go check the stores I was at. You
11 can check the surveillance from the stores I was at?

12 A. Correct.

13 Q. And the officer told -- just asked and tried to give
14 you an out. He said, "Were you just passing through?" And
15 you still said no, correct?

16 A. Correct.

17 Q. You actually said, "No way in hell."

18 A. Correct.

19 Q. So what that point after you had denied it was you on
20 multiple occasions, the interview ended at that point,
21 correct?

22 A. (Nonverbal response.)

23 Q. And then you came back?

24 A. Correct.

25 Q. So when you went back this time -- and this was the

1 same day, correct?

2 A. Correct.

3 Q. At that point you did omit to being downtown?

4 A. Correct.

5 Q. And you did admit to hearing some gunshots.

6 A. Correct.

7 Q. You said that was not you, so you had not been driving
8 that car, correct?

9 A. At one point I desire was not driving.

10 Q. You said that you actually walked downtown from West
11 Ashley?

12 A. Correct.

13 Q. And so, that's how you got downtown?

14 A. Correct.

15 Q. You actually said, "On my kids, I walked through."

16 A. Correct.

17 Q. But you still denied that that picture, the man in the
18 picture, with you at that point. You admitted to being
19 there, but still denying the picture was you?

20 A. I don't recall denying it after he said what he said.

21 Q. You specifically said in this conversation, "I won't
22 lie to you." You told the detective that?

23 A. At what point?

24 Q. At that point when you were saying you were walking
25 through.

1 A. I did walk through. I didn't tell him -- when he said
2 that he had DNA and all of this, I admitted to being out
3 there.

4 Q. That was still, though, you were denying that you
5 drove. You said --

6 A. At first --

7 Q. -- you are just walking through.

8 A. At first, I did deny it.

9 Q. This day you denied it. This whole day, this initial
10 conversation you denied, being in a car -- well later,
11 actually -- let's go back. You said your Auntie Deborah
12 gave you a ride downtown?

13 A. No. I did not say that. I said I walked from her
14 house. That's my old granny's house.

15 Q. This interview was recorded.

16 A. That's my Granny's old house. And I told them I walked
17 from her house.

18 Q. Okay. That's what you were telling the detective that
19 you walked through that house?

20 A. Correct.

21 Q. And you admitted to lying about walking, though?

22 A. Correct.

23 Q. And said that your aunt dropped you off?

24 A. I don't recall saying that.

25 Q. Okay. But this whole time, this whole day, you never

1 at that point said that that was you driving that car?

2 A. I don't exactly recall. I did say one time that it
3 wasn't me driving. I did say that at one time.

4 Q. At one time or multiple times?

5 A. I don't recall, but I do remember saying it.

6 Q. You told the detective that day, "I'm being honest with
7 you."?

8 A. Correct.

9 Q. You did talk to Detective Tuttle again after that day?

10 A. Correct.

11 Q. You had -- well, actually going back that initial day,
12 you told him several people he could check in with, correct?

13 A. As far as?

14 Q. As far as your whereabouts. You told him about your
15 friend Nick?

16 A. Correct.

17 Q. You told him about some girls?

18 A. Correct.

19 Q. There's a girl Adrian I believe?

20 A. Correct.

21 Q. And then there was your child's mother, Ms. Butler?

22 A. Correct.

23 Q. So you told the detective all these people he could
24 check with about your whereabouts?

25 A. Correct.

1 Q. Later, you taught detective on the phone, Detective
2 Tuttle on the phone, later that month, correct?

3 A. Correct.

4 Q. You had told him that you were going to try to get him
5 some information?

6 A. Correct.

7 Q. At that point when you talk to him, you did not mention
8 anything about being the driver.

9 A. Correct.

10 Q. And you didn't mention anything about Montrelle
11 Campbell?

12 A. Correct.

13 Q. And then you met with the detective in person again on
14 October 11, 2015. Do you remember that when you had a
15 different lawyer at that time? You met him with your
16 lawyer?

17 A. I had that lawyer from the beginning.

18 Q. Well, it's just not the lawyer ---

19 A. Correct.

20 Q. Mr. Lizzi?

21 A. Law firm. Chris Lizzi.

22 Q. And at that point, you never admit it that you were the
23 driver of the car, correct?

24 A. Correct.

25 Q. So after being incarcerated for maybe a year and a

1 half -- is that fair to say? That's when he spoke to the
2 solicitor's office?

3 A. About that.

4 Q. You're saying that he asked you to go to the store with
5 him?

6 A. Correct.

7 Q. And he was driving?

8 A. Correct.

9 Q. And instead of going to the store, he just drove
10 downtown?

11 A. Correct.

12 Q. And you just said -- you just didn't really think much
13 of it. You are just like --

14 A. I had my head down rolling up a blunt.

15 Q. Rolling up a blunt?

16 A. Yes, ma'am.

17 Q. So you're saying that you didn't realize that you were
18 going downtown?

19 A. I realize I got on the interstate, but I didn't know
20 where I was going.

21 Q. Okay. So you didn't even really pay attention to where
22 you were going?

23 A. I had my head down rolling up a blunt.

24 Q. So you're arrive downtown, and you're saying that he
25 told you to park somewhere else?

- 1 A. Yes, ma'am.
- 2 Q. Okay. But you didn't say in that car?
- 3 A. No, ma'am.
- 4 Q. You got out and walked around.
- 5 A. I was heading back to where I last seen my knife.
- 6 Q. Okay. Well, you and Ace were talking?
- 7 A. Actually, I was going to where I been at.
- 8 Q. Well, y'all walked together for minute. Is that fair
- 9 to say?
- 10 A. Yes, ma'am.
- 11 Q. And Ace just briefly -- you told us that you know Ace.
- 12 A. We grew up down there.
- 13 Q. Okay. And so he lives in that area?
- 14 A. I don't know where he lives that. We grew up in the
- 15 area.
- 16 Q. Well, he's there a lot. Is that fair to say? A lot of
- 17 people hang out down there even if they don't live there.
- 18 A. It's been a while since I've been down there since I
- 19 day. Before that day, it had been a while since I had been
- 20 down there.
- 21 Q. So, okay, back to what you finishing going over what
- 22 you told us a little bit about that. So you get downtown.
- 23 Montrelle says park the car. And you don't stay there or
- 24 anything. You leave and you walk back, correct?
- 25 A. Yes, ma'am.

1 Q. You decided to walk towards the Projects to give
2 Montrelle the keys, correct?

3 A. Yes, ma'am.

4 Q. Because it's not your understanding that you're
5 supposed to drive him away anything like that?

6 A. I wasn't trying to be around him because I had issues
7 with a couple of people from around there. So I was trying
8 to get away from down there.

9 Q. Okay. Because it can be a dangerous area sometimes,
10 correct?

11 A. Correct.

12 Q. I think you also we're not supposed to be there and
13 banned from being in that area?

14 A. That's why I moved from down there.

15 Q. So you go -- you hear shots and then you run.

16 A. Yes, ma'am.

17 Q. Okay. And Montrelle gets in the car shortly
18 afterwards?

19 A. Yes, ma'am.

20 Q. And he says go?

21 A. Yes, ma'am.

22 Q. And that's it.

23 A. Yes, ma'am.

24 Q. And then y'all go back to North Charleston?

25 A. Yes, ma'am.

1 Q. The State asked you about how they didn't promise you
2 anything, correct?

3 A. Correct.

4 Q. Actually, you did sign a document, a contract, with
5 them for you to testify, correct?

6 A. I said they didn't promise me anything.

7 Q. Right. They didn't promise you anything, but the
8 understanding was that you were going to benefit?

9 A. They didn't say I was going to benefit anything.

10 Q. But you're hoping to get benefits?

11 A. I'm not going to sit here and take no charge for
12 something that I had no knowledge of or didn't do.

13 Q. You're hoping to get a benefit?

14 A. I don't know what's going to happen with this to be
15 honest with you.

16 Q. But you already told Mr. Simpson that you were hoping?

17 A. That I go home?

18 Q. Yes.

19 A. I pray I go home because I didn't have no knowledge of
20 this. I didn't have a hand in this.

21 Q. Today you told us that you swear you're being truthful,
22 correct?

23 A. Yes, ma'am.

24 Q. But you also told Detective Tuttle that you're being
25 truthful with him, correct?

1 A. Yes, ma'am.

2 Q. You even sworn your kids that you are being truthful?

3 A. I don't recall swearing on my kids. But if I did, I
4 don't remember.

5 Q. Okay. But early on I had asked, you said "on my kids."

6 A. I don't recall saying it. But if I did, I don't
7 remember.

8 Q. I believe you agreed that you had said that.

9 A. Yes, ma'am.

10 Q. And when you spoke to him you were quite adamant that
11 that, initially, that it wasn't you in those photos?

12 A. Yes, ma'am.

13 MS. FORD: Back the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 MS. FORD: I have no further questions for this
16 witness, Your Honor.

17 THE COURT: Any redirect?

18 AST. SOL. SIMPSON: Yes, Your Honor. Thank you.

19 THE COURT: You're welcome.

20 REDIRECT EXAMINATION

21 BY AST. SOL. SIMPSON:

22 Q. Trivell, hello again.

23 AST. SOL. SIMPSON: May I approach the witness, Your
24 Honor?

25 THE COURT: Yes, sir.

1 Q. Mr. Richardson, you don't have to read this again. If
2 you can just sort of flip through, peruse that, and tell me
3 when you recognize it, particularly the third page?

4 A. You said the third page?

5 Q. Yes. I mean, look at the whole document. Do you
6 recognize it?

7 A. I know what this is.

8 Q. Okay. You know what it is? What is that?

9 A. It's the paper that I signed to get relief.

10 Q. Okay. This is the agreement that you entered into with
11 the government of South Carolina involving your
12 cooperation --

13 A. Yes, sir.

14 Q. And this contains all of the terms of our agreement,
15 correct?

16 A. Yes, sir.

17 Q. And so you recall talking through it with us and your
18 lawyer?

19 A. Yes, sir.

20 Q. And who is this? The identity of this? Is that your
21 lawyer?

22 A. Yes, sir.

23 Q. And his job is to advise you what to do, correct?

24 A. Yes, sir.

25 Q. Okay.

1 AST. SOL. SIMPSON: At this point in time, the State
2 would seek to admit State's 135.

3 THE COURT: Any objection?

4 MS. FORD: Yes, Your Honor. Hearsay and bolstering.

5 THE COURT: Sustained. I mean, you can rehabilitate
6 your witness.

7 AST. SOL. SIMPSON: Okay.

8 Q. You can go on your understanding or you can look at the
9 actual document if you want. Are there any promises
10 contained in that regarding leniency?

11 A. No, sir.

12 Q. Did we ever say something like, "Here's what we want to
13 hear. Tell us that and we'll make you a promise,"?

14 A. No, sir.

15 Q. Okay. All right. In fact, is the term of the
16 agreement as written in the document before you tell us the
17 absolute truth?

18 A. Yes, sir.

19 Q. And will consider -- considerate along with the other
20 evidence in determining its value?

21 A. Yes, sir.

22 Q. Okay. So the only comments we made is nothing. It's
23 not a real good agreement for you. Is that correct?

24 A. Yes, sir.

25 Q. And the only promise you make is you're going to tell

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1 the truth?

2 A. Yes, sir.

3 Q. And we tell you were going to compare anything you say
4 to us what the other evidence --

5 MS. FORD: Objection. Vouching.

6 THE COURT: I'm sorry. Y'all were talking over one
7 another. Can you repeat the question, please, Mr. Simpson.

8 AST. SOL. SIMPSON: Actually, I'll withdraw it.

9 THE COURT: Okay. Question is withdrawn.

10 Q. It's a contract wherein you promise to be truthful.

11 A. Yes, sir.

12 Q. And we promise nothing, essentially.

13 A. Yes, sir.

14 Q. But, however, let's be frank, I mean we're dancing
15 around this but it's not a secret, your cooperating in hopes
16 that we will consider that, right?

17 A. Yes, sir.

18 Q. Okay. Of course, you want to go home?

19 A. Yes, sir.

20 Q. So lets' talk a little bit about some questions

21 Ms. Ford asked about your prior record.

22 A. Yes, sir.

23 Q. What she referred to as lying to the police was an
24 incident where you did what?

25 A. Told them the wrong name.

1 Q. Told them a wrong name, right? Was that a year ago?

2 A. No.

3 Q. Might it have been ten years ago?

4 A. (No response.)

5 Q. What are you looking at there? I'm sorry.

6 A. When my charged happened?

7 Q. Okay. Just go from your recollection. Might that had
8 been about ten years ago?

9 MS. FORD: Objection. Leading.

10 THE COURT: Sustained. Can you rephrase?

11 AST. SOL. SIMPSON: Okay.

12 Q. Do you recall about, to the best of your recollection,
13 when that charge might've been?

14 A. No. I got the date on this paper.

15 Q. Oh, you do?

16 A. Yes, sir.

17 Q. Okay. Would that refresh your recollection?

18 A. Yes, sir.

19 MS. FORD: I object, Your Honor. It's hearsay.

20 THE COURT: Please approach for me.

21 (A bench conference was held off the record and out of
22 the hearing of the jury panel.)

23 THE COURT: Overruled. He can use the documents to
24 refresh his memory.

25 Sir, do need the question repeated?

1 THE WITNESS: No, ma'am.

2 THE COURT: Okay. You can answer the question.

3 Q. Does that document refresh your recollection as to when
4 you told the police the wrong name?

5 A. Yes, sir.

6 Q. Okay. When was that?

7 A. 2008.

8 Q. 2008.. Okay. Is the document you're looking at the
9 picture -- a writing of some of these prior incidents that
10 we talked about?

11 A. It's a print out.

12 Q. Okay. So there was a drug charge mentioned by
13 Ms. Ford. What year did that happen?

14 A. Can I look at this paper?

15 Q. If it will refresh your recollection.

16 THE COURT: Sir, you can use it to refresh your memory.

17 MS. FORD: I believe it's asked and answered, Your
18 Honor.

19 THE COURT: Overruled. He can rehabilitate his
20 witness.

21 A. 2006.

22 Q. 2006. Okay. And she mentioned a grand larceny charge.
23 What year was that?

24 A. 2010.

25 Q. Okay. So eight to ten to 12 years ago?

1 A. Yes, sir.

2 Q. I believe Ms. Florida also phrased the question, "From
3 your experience, what is an appropriate murder bond." Have
4 you ever been charged with anything even remotely like this?

5 A. I've never had a charge like this.

6 Q. Okay.

7 A. Never. All mine is little charges.

8 Q. So no one should differ from that question or from your
9 experience that you've had prior incidents of this matter?

10 A. I don't know nothing about these kinds of charges.

11 Q. Okay. Now, Ms. Ford also stressed the fact that you
12 are also charged with the offense of murder and two
13 attempted murders, currently. Is that correct?

14 A. Yes, sir.

15 Q. Even from the warrant, the charging documents, was it
16 ever alleged that you are the shooter by the government?

17 A. No, sir.

18 Q. Okay. Do you at least understand -- you don't have a
19 law agree. Do you understand that sometimes people who get
20 charged for something --

21 MS. FORD: Objection.

22 AST. SOL. SIMPSON: -- doesn't necessarily require --

23 THE COURT: Basis?

24 MS. FORD: Asking for information outside of --

25 THE COURT: I didn't hear his whole question. He

1 hasn't finished it.

2 AST. SOL. SIMPSON: Okay.

3 THE COURT: I think you need to let him finish his
4 question. Do you need to start ever?

5 AST. SOL. SIMPSON: Yes, Your Honor.

6 MS. FORD: I think he's leading, too, Your Honor.

7 THE COURT: Sustained. Leading. Rephrase.

8 Q. Has any document or person from the government ever, in
9 this case, to your knowledge, alleged that you were the
10 shooter?

11 A. No, sir.

12 Q. You are charged with murder.

13 A. Yes, sir.

14 Q. And you are here today hoping to get a benefit from
15 your cooperation?

16 A. Yes, sir.

17 Q. Okay. I think . . . And I think we were quite frank
18 in your direct you were not initially honest with the
19 police, right?

20 A. Yes, sir.

21 Q. Were you hoping to avoid these consequences?

22 A. Yes, sir.

23 Q. And even in your position right now, has there been
24 consequences? Meaning in your life from this.?

25 A. I didn't understand it.

1 Q. Have you suffer consequences for this in your life
2 already?

3 A. Yes, sir.

4 MS. FORD: Objection. Relevance.

5 THE COURT: Overruled.

6 Q. But, initially, when the police came and talked to you
7 did not want to be forthright?

8 A. Correct.

9 Q. And your hope was to avoid all this. Is that correct?

10 A. Correct.

11 Q. Okay. But here we are today, right?

12 A. Uh-huh.

13 Q. In a courtroom. Your sworn under oath, right?

14 A. Yes, sir.

15 Q. What did you swear to do today?

16 A. Tell the truth.

17 Q. Okay. Is that you in those still video photos that we
18 saw?

19 A. Yes, sir.

20 Q. Where you on Newman Street that night?

21 A. Yes, sir.

22 Q. Were you smoking a cigarette that night?

23 A. Yes, sir.

24 Q. He drove you downtown that night?

25 A. Montrelle drove me.

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1 Q. Is that Montrelle Campbell?

2 A. Yes, sir.

3 Q. He got to that Buick that night after you.

4 A. My codefendant.

5 Q. What did he have with him when he got to that Buick?

6 A. A rifle.

7 Q. Okay. What observations did you make about that rifle?

8 MS. FORD: Objection. Outside the scope.

9 THE COURT: I'm going to give him a little latitude.

10 Overruled.

11 Sir, do need the question repeated or can you answer
12 it?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Repeat the question, please.

15 Q. What observation did you note about the rifle in your
16 direct to this jury?

17 A. Do you mean how it looks?

18 Q. What was it doing?

19 A. Smoking.

20 Q. Okay. How long have you known Montrelle Campbell?

21 A. Mostly all of my life.

22 Q. Okay. Are you certain that was him getting back in the
23 car?

24 A. Positive.

25 Q. Whose car was that?

1 A. Tomeka President.

2 Q. Do you know Tomeka President's car?

3 A. Yes, sir.

4 Q. Do you know --

5 MS. FORD: Objection.

6 THE COURT: Basis?

7 MS. FORD: Outside the scope, Your Honor. I didn't ask
8 him these questions.

9 THE COURT: It's not outside the scope. He can
10 rehabilitate his witness. These are directly in response to
11 cross-examination.

12 MS. FORD: I didn't --

13 THE COURT: The objection is overruled.

14 MS. FORD: Yes, Your Honor.

15 Q. Did you know Tomeka President's relationship with
16 Montrelle Campbell at that time?

17 A. No, sir.

18 AST. SOL. SIMPSON: Court's indulgence.

19 Thank you, Mr. Richardson. I don't have any other
20 questions. Thank you.

21 THE COURT: Sir, you're excused. Actually, before we
22 do that, who is the State's next witness?

23 AST. SOL. SIMPSON: Detective Tuttle, Your Honor.

24 THE COURT: Mr. Foreman, ladies and gentlemen, I need
25 to discuss and scheduling with counsel. During this break,

1 THE COURT: Uh-huh.

2 (Brief pause.)

3 AST. SOL. SIMPSON: The State calls Detective Eric
4 Tuttle.

5 (ERIC TUTTLE, was duly sworn and provided the following
6 testimony.)

7 CLERK: Please take your seat. Spell your first name
8 and last name for the record.

9 THE WITNESS: E-R-I-C, T-U-T-T-L-E.

10 THE COURT: You may proceed.

11 AST. SOL. SIMPSON: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY AST. SOL. SIMPSON:

14 Q. Detective Tuttle, good afternoon?

15 A. Good afternoon, sir.

16 Q. Start just introducing you to the jury. Your name
17 again, please.

18 A. My name is Eric Tuttle.

19 Q. And what do you do for a living?

20 A. I'm a police officer with the city of Charleston.

21 Q. And what rank, department, duties you have for the
22 Police Department.

23 A. Right now my rank is Master police officer. My
24 position as detective.

25 Q. Okay. And what unit are you detective?

1 A. Homicide unit.

2 Q. Okay. Can you tell us a little bit about just sort of
3 your personal educational background, job experience, and
4 what brought you to law enforcement, and any experience you
5 had on the job?

6 A. Yes, sir. Born and raised in Charleston. I'm from a
7 family of public service. I graduated from Clemson with a
8 bachelor in political science and a minor in journalism.
9 Started with the Police Department in 2008. I continued my
10 education in 2015. I got it Master's in public at
11 ministration College of Charleston and a graduate
12 certificate and homeland security in addition numerous
13 training classes and on-the-job experience with the Police
14 Department.

15 Q. And when were you hired at the Charleston Police
16 Department?

17 A. 2010.

18 Q. Okay. And what different roles have you and
19 occupations have you had within the Police Department?

20 A. Began as a patrol officer. I did that for four years
21 patrolling West Ashley and then James and Johns Island. I
22 had an interest in investigations. I was in the auto theft
23 unit for very short period of time in 2012. Transferred to
24 the robbery division. And then in 2015, transfer to the
25 violent crimes, homicide unit.

1 Q. And so, just quickly, how long have you been with the
2 violent/homicide unit?

3 A. In 2015, August of 2015, so roughly two and a half
4 years.

5 Q. So fair to say these events occurred relatively new to
6 that unit brought considerable experience in law
7 enforcement?

8 A. Yes, sir.

9 Q. Must talk about again getting more case specific --
10 obviously, you know the case we're here for today, right?

11 A. Yes, sir.

12 Q. And have you been present most of that week during this
13 trial?

14 A. Yes, sir. I have.

15 Q. Okay. What was your role in the case that we've been
16 talking about all week, sir?

17 A. I was the lead detective otherwise known as the case
18 agent.

19 Q. Okay. Describe to the jury a little bit about what
20 that means to be a lead detective or case agent in a
21 homicide case?

22 A. Well, a homicide investigation is generally one of the
23 most complex investigations. As the case agent, you're not
24 necessarily doing every job, but you are a fact-finding body
25 sort of collaborating all the various duties from

1 facilitating evidence, collection, and then evidence
2 processing, canvassing the area looking for witnesses or
3 cameras, utilizing CIs. And that once enough arrests have
4 been made, compiling all that and packaged to the
5 solicitor's office.

6 Q. So you may not of been present or actually doing
7 everything in this case. Is that fair to say?

8 A. That's fair to say.

9 Q. But you were aware of most things?

10 A. I was.

11 Q. Okay. Explained to the jury a little bit about how,
12 you know, you initiated your involvement in this case? How
13 did you become to be the lead agent?

14 A. As a homicide detective, you're generally expected to
15 be on call 24/7. This incident occurred early Saturday
16 morning around 6:30 or so. The Sergeant, my supervisor at
17 the time, Sarko (ph) called me at home, gave me very few
18 details, basically the incident location, that a homicide
19 did in fact occur and requested my presence.

20 Q. And so did you -- you arrived on scene that morning.

21 A. That morning, I was there within an hour and half or
22 so.

23 Q. Okay. And throughout this investigation, did you
24 try -- again, you know, understanding that you couldn't do
25 everything -- did you try to play pretty hands-on role

1 throughout this investigation?

2 A. I try to be as hands-on and familiarize myself as best
3 I could.

4 Q. Just by way of an example, where you here this week for
5 the testimony Sarah Gladwell?

6 A. I was.

7 Q. In the crime scene unit?

8 A. I was.

9 Q. Were you present and observing during that
10 investigation?

11 A. I was.

12 Q. And offering assistance?

13 A. I was.

14 Q. Okay. So that's just an example. Would that be sort
15 of what you would do for a lot of this process?

16 A. Yes, sir. And a lot of things going on simultaneously.
17 So at the same time, at the beginning of the crime scene
18 processing, a search warrant also needed to be obtained --
19 drafting and getting that signed in addition to canvassing.
20 So there's a lot of moving parts all at once at the
21 beginning of the investigation.

22 Q. Okay. But periodically is it fair people are coming to
23 you as that agent? You know, this is what's going on here
24 and sort of you do this -- delegating a little bit
25 sometimes?

1 A. Most the time, yes.

2 Q. Okay. Now, this was a lengthy investigation, was it
3 not?

4 A. This was a very lengthy investigation. Yes, sir.

5 Q. And I guess for jurors who may not be that familiar,
6 you know, do you have problems where sometimes someone is
7 just nabbed an hour after the crime?

8 A. Certainly. But even with cases like that, it can
9 become complex with cooperating evidence and statements.

10 Q. Sure. But was this one of those cases?

11 A. This was a very complicated case due to the --

12 MS. FORD: Objection. Relevance and bolstering.

13 THE COURT: Please approach.

14 (A bench conference was held off the record and out of
15 the hearing of the jury panel.)

16 THE COURT: Proceed.

17 AST. SOL. SIMPSON: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 Q. What was the period of time, approximately, between the
20 incident and the arrest being made?

21 A. I believe the affidavits were obtained within a couple
22 of weeks and the arrests made shortly thereafter that.

23 Q. Okay. So it's a couple of weeks, not hours or days?

24 A. Yes, sir.

25 Q. Okay. And you worked this case over the course of

1 those two weeks, right?

2 A. Yes, sir.

3 Q. Okay. I asked you that -- rather than go through
4 chronologically each day, I would prefer if we could just go
5 forward and focus on certain sort of things if that's okay
6 with you?

7 A. Of course.

8 Q. You had mentioned earlier that one of the things you
9 might do as lead detective is either you personally or have
10 others look for video?

11 A. Yes, sir.

12 Q. Okay. Did you do that in this case?

13 A. Yes, sir.

14 Q. And we're any of those effort successful in obtaining
15 relevant surveillance video?

16 A. Yes, sir. They were.

17 Q. And can you explain a little bit about that.

18 A. This incident location in the Gadsden Green Housing
19 Complex the department has the CPD safety and security
20 cameras that Lieutenant Farrell had testified to earlier.
21 So that was sort of the first step in my part, and Detective
22 Thomas Bailey sort of assisted in reviewing those. And then
23 we requested fellow detectives to canvas the area,
24 businesses, private homes. Basically, just walking up and
25 down the street looking at the door or the corner of the

1 building deceived there is a camera out there.

2 Q. Okay. We're there any businesses in the area that you
3 thought might contain some relevant surveillance footage?

4 A. Yes, sir. I know that one of the first places that I
5 was made aware of in addition to our safety and security was
6 the Lee Lee's Hot Kitchen at the corner President Street and
7 Nunan Street.

8 Q. Okay. And did you or someone under your direction go
9 to that location?

10 A. Detective Rebecca Gregg.

11 Q. Have we heard from her this week?

12 A. We have.

13 Q. Did you do any follow-up that particular video?

14 A. I did.

15 Q. And what was that?

16 A. I had obtained a portion of the video, the portion that
17 Trivell Richardson testified to flicking a cigarette butt.
18 And after that was obtained, I determined that there needed
19 to be additional footage just sort of chain of custody to
20 ensure that that cigarette butt remained there until we
21 collected it, which it was.

22 Q. Okay. So you got a large period of time of the video
23 from the Lee Lee's Hot Kitchen?

24 A. I did.

25 Q. Okay. And do you recall, did you obtain that from Lee

1 Lee's or another business?

2 A. I forget the gentleman's name, but the representative
3 from the Charleston Security System. We were in contact
4 with them and they aided us and providing us what we needed,
5 the requested video.

6 Q. Okay.

7 AST. SOL. SIMPSON: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 Q. Detective Tuttle, I'm handing you what's been marked as
11 State's 94 for ID only. Do you recognize that exhibit?

12 A. Yes, sir. I do.

13 Q. And what is that exhibit?

14 A. It is Lee Lee's Hot Kitchen video.

15 Q. And have you reviewed the contents of that CD?

16 A. I have.

17 Q. Are the contents of that CD the video that you obtained
18 from the Charleston Security Systems?

19 A. Yes.

20 Q. Is that the contents of that exhibit?

21 A. Yes, sir.

22 Q. Thank you.

23 AST. SOL. SIMPSON: Your Honor, at this time the State
24 seeks to admit State's 94 into evidence.

25 THE COURT: Any objection?

1 MS. FORD: No, Your Honor.

2 THE COURT: Admitted without objection. You may
3 proceed.

4 AST. SOL. SIMPSON: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 (State's Exhibit No. 94, Lee Lee's Video, was received
7 into evidence.)

8 Q. You had mentioned earlier that you began with the city
9 cameras?

10 A. Detective Bailey did and I was made aware of his
11 findings.

12 Q. Okay. Did you ever have occasion to come into
13 possession of all the requested city cameras evidence?

14 A. I did. I made a request. I received that information
15 because I -- I think I actually requested about 48 hours of
16 footage or so. And because of the large file, we received
17 it on an external hard drive.

18 Q. Okay. Is that all that's on this hard drive?

19 A. I believe case files.

20 Q. Okay. But are you familiar --

21 AST. SOL. SIMPSON: May I approach, Your Honor.

22 THE COURT: (Affirms.)

23 Q. Show you State's 125 ID only. Are you familiar with
24 that particular hard drive?

25 A. I am.

1 Q. Okay. And does that contain the entire 48 hours of
2 footage you obtained from the city cameras?

3 A. Yes, sir.

4 AST. SOL. SIMPSON: May I approach, Your Honor?

5 THE COURT: You may.

6 Q. Show you what's been marked for ID only as State's 95.
7 Do you recognize that exhibit?

8 A. I do.

9 Q. And what is that exhibit?

10 A. These are clips that were obtained from the Lee Lee's
11 kitchen video in addition to the CPD safety and security
12 cameras.

13 Q. Okay. So as you mentioned on the hard drive, you have
14 48 hours and five cameras of footage. Is that correct?

15 A. Yes, sir.

16 Q. And on the Lee Lee's you said that was a sizable amount
17 of time to?

18 A. Yes.

19 Q. Do they have the same or different operating software?

20 A. Different operating software.

21 Q. Okay. Can it get a little clunky and clicky moving
22 between videos in that manner?

23 A. It sure can.

24 Q. Okay. And so what is this Exhibit again, 95?

25 A. It is clips from Lee Lee's in the city camera of what

1 is relevant.

2 Q. Thank you. And are they fair and accurate
3 representations of portions of what is on those larger
4 exhibits?

5 A. Yes, sir.

6 Q. Okay. Thank you.

7 AST. SOL. SIMPSON: Your Honor, at this point, the
8 State would seek to admit State's 95 and evidence.

9 THE COURT: Any objection?

10 (No response.)

11 AST. SOL. SIMPSON: So moving 95 into evidence?

12 THE COURT: Any objection.

13 MS. FORD: No, Your Honor.

14 THE COURT: Marked and admitted without objection.

15 AST. SOL. SIMPSON: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 (State's Exhibit No. 95, Video Footage, was received
18 into evidence.)

19 Q. You mentioned that you also had detectives look at some
20 private residences.

21 A. So when we observed that Lee Lee' kitchen did indeed
22 have evidence of the crime. Follow the logical path by
23 continuing down Nunan Street another corner of President.
24 So they continued canvassing down there. Observed a number
25 of homes had or were equipped with cameras.

1 Q. Okay. Any particular house that you we're particularly
2 interested in?

3 A. Mr. Ian Mills on [REDACTED] Nunan Street . . .

4 Q. Have you figured out if you would like to be his
5 neighbor or not like to be his neighbor? I'm not sure
6 personally.

7 A. I found him very likable.

8 Q. Showing you what's been marked as State's 118.

9 A. Yes, sir.

10 Q. Do you recognize that exhibit?

11 A. This is video for Mr. Ian Mills residence which is [REDACTED]
12 Nunan Street?

13 Q. Okay. And is that -- does not exhibit contain the
14 video that was provided to your department?

15 A. Yes, sir. And those are my initials on there.?

16 Q. Okay.

17 AST. SOL. SIMPSON: Your Honor, at this time, the State
18 would seek to admit State's 118 into evidence.

19 THE COURT: Any objections?

20 MS. FORD: No, Your Honor.

21 THE COURT: Without objection, marked and admitted.

22 AST. SOL. SIMPSON: Thank you.

23 (State's Exhibit No. 118, Video ([REDACTED] Nunan Street), was
24 received into evidence.)

25 AST. SOL. SIMPSON: Court's indulgence. I appreciate

1 everyone's patience..

2 Q. Detective Tuttle, I'm handing you what's been marked as
3 State's Exhibit 94 through 108 for identification only. Can
4 you take a minutes to review those exhibits?

5 A. (Witness complies.) Yes, sir.

6 Q. Do you recognize those exhibits?

7 A. I do, sir.

8 Q. And what are they?

9 A. Those are still images clipped from the Lee Lee's
10 video.

11 Q. Okay. These are specifically just the Lee Lee's
12 cameras, right?

13 A. Yes, sir.

14 Q. I actually should point this out. How many cameras Lee
15 Lee's ended up having externally?

16 A. They had three cameras, sir.

17 Q. Okay. Showing different areas?

18 A. Each camera -- obviously, yes, sir. They showed a
19 different area. And the channel numbers correspond --
20 channel two captured Nunan Street a portion of that; channel
21 three I believe was right over the door; and then channel
22 four I believe is looking south towards MUSC on President
23 Street, sort of in that direction or a portion of it.

24 Q. Okay.

25 AST. SOL. SIMPSON: Your Honor, at this time, the State

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 seeks to admit 94 through 108.

2 THE COURT: Any objection?

3 MS. FORD: No, Your Honor.

4 THE COURT: Marked and admitted without objection.

5 (State's Exhibit Numbers 94-108, Lee Lee's Video and
6 Still Images, were received into evidence.)

7 Q. Detective Tuttle, I'm showing you what's been marked as
8 State's 113 through 117 for ID only. Could you review this,
9 please?

10 A. (Witness complies.)

11 Q. And what are those exhibits?

12 A. This are clips from the CPD safety and security
13 cameras.

14 Q. Okay. Similar to the previous exhibits, still --

15 A. Still images.

16 Q. -- images from the video?

17 A. From the city camera videos.

18 AST. SOL. SIMPSON: Your Honor, the State seeks to
19 admit 113 through 117.

20 THE COURT: Any objection?

21 (No response.)

22 THE COURT: Any objection?

23 MS. FORD: No, Your Honor.

24 THE COURT: Marked and admitted without objection.

25 COURT REPORTER: Solicitor, what numbers?

1 AST. SOL. SIMPSON: I'm sorry. 113 through 117.

2 (State's Exhibit Numbers 113-117, City Video Stills,
3 were received into evidence.)

4 Q. Showing you State's 119 through 122 for ID only. Do
5 you recognize those exhibits?

6 A. I do, sir. These are from Mr. Mills home of ■ Nunan.
7 These are also still images snipped and clipped.

8 Q. From the videos we discussed?

9 A. Yes, sir.

10 Q. Okay?

11 AST. SOL. SIMPSON: The State would seek to admit 119
12 through 122.

13 THE COURT: Any objection?

14 MS. FORD: No, Your Honor.

15 THE COURT: Marked and admitted without objection.
16 What we're those numbers again.

17 AST. SOL. SIMPSON: 119 through 122.

18 (State's Exhibit Numbers 119-122, Video and Stills of
19 ■ Nunan, were received into evidence.)

20 Q. Detective, I'm showing you what we've seen a good bit
21 of this week State's 4. Do you have a good view of that?

22 A. Yes, sir.

23 Q. And I'm sure you've seen this week, you mark on the
24 screen.

25 A. Yes, sir.

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 Q. Can you kind of show us where Nunan Street meets
2 President Street?

3 A. (Witness complies.)

4 Q. And what is that building on the corner?

5 A. That was Lee Lee's Hot Kitchen. I think it's -- now.

6 Q. Okay. Before its tragic closing. You mentioned that
7 there were three cameras. If you could just sort of as best
8 you can -- we can clear that for you -- and kind of give us
9 an idea of where we're looking at in the field of vision of
10 the three cameras, approximately.

11 A. There's a camera right here that was channel two. This
12 is the one on Nunan Street affixed to the side of the
13 building captures basically a portion of Nunan Street. Is
14 not necessarily looking east towards West Ashley, but is
15 sort of face that way. It captures the side of the
16 building, the sidewalk, the street. At the corner right
17 there is the front door. It's right at the corner on
18 President Street. And that sort of -- that camera looks
19 down at the sidewalk -- the sidewalk roughly. It is
20 difficult with the canopy cover from the trees, but channel
21 four is right here in this video is looking sort of east on
22 President Street in captures a portion about.

23 Q. Okay. Now, if you could, how many Gadsden Green
24 cameras does the City of Charleston maintain?

25 A. Five.

1 Q. Okay. Did all of those end up being relevant to this
2 case?

3 A. No, sir.

4 Q. Okay. If you could, using that exhibit, point out the
5 location of the city of Charleston cameras.

6 A. So this is president here and this is Bogart. There's
7 a camera affixed to the light pole somewhere in that general
8 area. Bogard runs into Norman Street and there's a ---

9 Q. Is this one kind of off-camera there?

10 A. That one is just off-camera, sir.

11 Q. Okay. And you don't need to name all of them, just the
12 ones relevant . . .

13 A. That one is relevant at the corner of Norman and
14 Bogard. I think it might actually be Norman and Allway.
15 Just the street up there.

16 Q. Do these cameras rotate?

17 A. Oscillate, pan, tilt, zoom I believe is the ---

18 Q. Official term.

19 A. I learned that from Lieutenant Farrell, PTZ.

20 Q. The camera you just referenced, at one of its views,
21 does it look down Norman Street?

22 A. It does look down Norman Street toward -- so it would
23 be where this red mark is, that's the incident location
24 right here. And it faces that way during one of it's PTZ
25 views.

1 Q. Okay. That location of the cameras off the map that
2 one of its views is there. Okay. Where's the corner of
3 President and Line Street?

4 A. That's right here. And that cam also has a, pan, tilt,
5 zoom that captures this way, this way, and possibly that
6 way:

7 Q. Now, you've been here all week and you spent weeks
8 investigating this case, can you before we seek to publish
9 these video clips, can you sort of give us a preview of, you
10 know, using the cameras that we just sorta reviewed, what
11 are we looking for, chronologically?

12 A. Umm ---

13 Q. Or -- let me interrupt you real quick.

14 A. Yes, sir.

15 Q. The video we won't be watching in the trial; where are
16 the Nunan Street cameras? He says . . . All right. Where
17 are the Nunan Street cameras? Are they on this map?

18 A. ■ Nunan Street would be off to the left there, the
19 map, just off.

20 Q. Okay. State's 119?

21 A. So this is -- Mr. Mills had to cameras. One is sort
22 of, as you can make out, this is his front door looking out
23 to his porch. So that's just a view straight across the
24 street.

25 Q. Okay. And what are we looking at here?

1 A. That would be a gold Buick Century. I know it's
2 difficult to tell in this still image.

3 Q. State's 120?

4 A. Right there when the video is moving, that gold sedan,
5 that gold Buick Century. This is Nunan Street. Lee Lee's
6 is somewhere up here to the left. So that sedan according
7 to this timestamp drove down Nunan Street, which is a
8 one-way, and then I see its headlights, right here it stops.

9 Q. Okay.

10 A. Those are brake lights. I'm sorry. I believe.

11 Q. Okay. So this is -- can you indicate again using the
12 red marker where is Lee Lee's?

13 A. So Lee Lee's would be just off-camera to the left of
14 where you see those lights.

15 Q. Okay. So would seeing these brake lights here be
16 consistent with that vehicle parking by Lee Lee's?

17 A. Yes, sir.

18 Q. Okay. And we see, at least according to this clock,
19 the timestamp here?

20 A. Right. There is sort of overlapping fields of view
21 from that channel two camera at Lee Lee's on Nunan Street to
22 this. So there's sort of that overlapping field of view.

23 Q. Okay. And I think everybody understands the different
24 cameras have different -- works just like a clock, right?
25 They can be off. Is that correct?

1 A. Just as Mr. Mills testified, in our experience with
2 security cameras is nearly on every case every camera system
3 generally will be off by some number.

4 Q. Okay. Going back to 4 here. So we see the Buick pass
5 Nunan Street and then appear to break somewhere close to Lee
6 Lee's. What's our first video that we'll view here?

7 A. Okay. So the first one that we looked at, the first
8 that sort of piqued our interest, was that Buick. It pulls
9 up roughly there. That's where channel two from Lee Lee's
10 captures a gold Buick. The image is the car pulls up about
11 halfway or little bit more. A driver wearing what I can see
12 is a ball cap, a white T-shirt, goes as most people would to
13 back up and he's gripping the steering wheel, smoking a
14 cigarette. And just before he backs up, he makes a sort of
15 exaggerated move and flicks the cigarette. And then
16 continues to turn the vehicle around and park it right
17 there.

18 Q. Okay. Do you see the occupants of that car again in
19 that camera?

20 A. So the occupants in that car after it's parked, they
21 exit the vehicle and then they walk on Nunan Street. I'm
22 sorry. I'm like John Madden over here. So they exit the
23 vehicle where it was parked, which is under this canopy
24 cover. Then they took a left on President. It was two, a
25 driver and a passenger.

1 Q. And through your investigation and through testimony
2 this week, did you come to learn who those two individuals
3 were?

4 A. I actually recognized one of them just from the video
5 as Andrew Smith Rivers who I've had numerous experiences
6 with. The other one was identified as Trivell Richardson,
7 the codefendant.

8 Q. Okay. Trivell Richardson, driver or passenger?

9 A. At this point, he was the driver.

10 Q. Okay. If you can remember, describe his clothing.

11 A. A Dallas Cowboys hat, which I'm familiar with because
12 I'm also a Cowboys fan and I don't hate them, a white
13 T-shirt, blue jeans, and sneakers.

14 Q. And so we see this path of people unfold through three
15 cameras. Is that correct?

16 A. Yeah. Channel two captures the car and it captures ---

17 Q. With the three channels, is it possible have them
18 flipped?

19 A. It is very possible that I have them flipped, and I
20 apologize if that's the case.

21 AST. SOL. SIMPSON: Your Honor, at this point, we're
22 going to begin publishing portions of State's 95.

23 THE COURT: You may proceed.

24 AST. SOL. SIMPSON: Thank you.

25 (State's Exhibit 95 begins play.)

1 A. So this is that view I was discussing. This is Nunan
2 Street, in that car that just rode by, that was President
3 Street. This is the gold Buick pulling up right here.
4 He'll backup and then he'll come back into view. So you can
5 see there is something illuminated in his mouth, which is a
6 cigarette butt. This time you'll see him come to the right
7 of the truck. Here he comes again. Flicks out, see the
8 cigarette butt hit the ground right there. And then the
9 vehicle is out of the on this camera that we can still
10 observe it from the [REDACTED] Nunan Street camera.

11 It will be a moment after the car -- we'll observe
12 again on this sidewalk here. (Brief pause.) Here they come.
13 There's the driver; you can tell by the white shirt.

14 Q. And who was the driver?

15 A. Mr. Trivell Richardson.

16 Q. And the other -- he has the light shirt on?

17 A. He is the white T-shirt.

18 Q. White shirt and baseball hat?

19 A. Yes, sir. As they're coming up -- again, this is
20 President Street -- they take a left.

21 Q. And when they take that left, to your knowledge, they
22 get into the field of view of another Lee Lee's camera?

23 A. They do.

24 Q. Now, Detective Tuttle, let me ask you something. I
25 don't see a timestamp on that video. That video contain

1 timestamps?

2 A. It did contain timestamps. With different software, it
3 looks like this is one of those media players, sometimes it
4 does, sometimes it doesn't. I think VLC, if you plug it
5 into that it may have timestamps.

6 Q. So we've watched the original video ---

7 A. The original is equipped with timestamps.

8 Q. Those still shots from these Lee Lee's cameras that we
9 showed you earlier and admitted into evidence, do they
10 contain timestamps?

11 A. They do. They do contain them. (Brief pause.) This is
12 channel three. So this is that video I talked about over
13 the doorway. This is them rounding the corner walking
14 south, I guess, on President Street. You can see the white
15 shirt and blue jeans and a driver right here -- I mean a
16 passenger, Andrew Rivers.

17 This is looking down capturing a portion of the
18 sidewalk and president Street as we showed earlier. We
19 capture them continuing to walk. They're walking towards
20 the Gadsden Green housing complex.

21 Q. That's president Street they are walking down?

22 A. It's on President Street towards Gadsden Green.

23 Q. Okay. You have already described the city camera,
24 President and Line Street shown on the map. Is that further
25 down President Street?

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 A. From Lee Lee's? Yes, sir.

2 Q. From Lee Lee's.

3 A. This is closest -- this is the border of Gadsden Green
4 and President?

5 Q. Okay. It's a city camera, so it's the camera that
6 rotates around?

7 A. As you can see it top here the PTZ.

8 Q. The PTZ which is the pan, tilt, zoom?

9 A. Yes, sir. Also this -- that's looking -- okay. This
10 is them coming out. You've got right here where this light
11 is, that was Lee Lee's, roughly the channel we were
12 watching. We were watching channel two. So this is
13 President Street. You can see the white shirt. This is
14 that overlapping field of view that we talked about. So
15 were sort of able to track their movements as they are
16 walking towards Gadsden Green.

17 This is that PTZ function or on patrol -- turn on
18 Lieutenant Farrell.

19 Q. Is that the baseball field that we see there?

20 A. I guess, yeah. Yeah. That's the baseball field.
21 Burke High School is off to the right. This is the Gadsden
22 Green housing complex.

23 Q. Line Street?

24 A. Line Street right there. The police station would be
25 down Line Street. This is looking towards President. You

1 can see the crosstown just barely up at the top bar there
2 with the car going by. And again, we see the driver,
3 Mr. Richardson. (Brief pause.) Is going to patrol back down
4 further the street. You'll still be able to sort of the
5 camera view, the side view. As you can see, there's no one
6 else . . .

7 Q. Okay. Now, this does get difficult. But what area
8 should we focus on here?

9 A. It is difficult when you wash on the viewer. This is a
10 clip. And the sort of grayed out bar has the timestamp.
11 You're sort of able to see the illumination of the cell
12 phone in possibly, roughly that area. You may want to clear
13 that off there.

14 Q. They're in motion, correct?

15 A. They're in motion. Yes, sir. It's very difficult --
16 you see the white shirt just above the -- right there. I
17 don't know if you want to roll that back just quickly. You
18 can see a white figure sort of moving.

19 Q. You earlier describe the camera that was off of our
20 exhibit but looking towards ■ Norman Street?

21 A. Yes, sir.

22 Q. And we call that -- what camera is that?

23 A. Ashton and Norma.

24 Q. Okay. Let's orientate ourselves. This is a brief one,
25 right?

1 A. This is a very quick clip. This is Ashton and Norman.
2 This is also a camera where that PTZ patrolled function. So
3 this is Norman Street. Can we erase that? It will come
4 into focus. This is our incident location, [REDACTED]. It's that
5 very first apartment on the first floor at the last of the
6 building. Right there, we're looking at it, and that will
7 come into focus here in a second.

8 Q. You say it's called a PTZ camera. What does the Z
9 stand for?

10 A. Zoom.

11 Q. And so does it program in certain areas of interest to
12 maybe to do that? To zoom?

13 A. It is.

14 Q. Is this camera going to do that?

15 A. This camera will.

16 Q. Let's set the stage here. Is this crystal clear video
17 we're about to watch your?

18 A. This is a government-funded camera system at its best.
19 So tilt, zoom function sets in. You can see we have a
20 cyclist riding down Norman Street towards Line Street. If
21 you're ---

22 Q. Okay. So where's [REDACTED] Norman?

23 A. So I know that earlier in the week we had an outline of
24 the apartment. This is the very back bedroom, the bedroom
25 next to it, and then there's a bedroom on that side of the

1 apartment. And then the kitchen are backdoor that Katrina
2 and Tierra and Kerri were discussing, it's just off camera
3 view.

4 Q. You testified earlier that you personally we're there
5 assisting and observing a lot of the crime scene processing.
6 Is that true?

7 A. I did estimate a number of hours at the crime scene.

8 Q. Okay. Where were most of the shell casings located?

9 A. Roughly, they begin here. And they're sort of in a
10 linear fashion.

11 Q. And did we see some like trash cans and some of the
12 crime scene photos?

13 A. Yes, sir. So this is another building in the courtyard
14 that you saw on the overhead map. On that side of the end
15 of the building there are trash cans in between the sidewalk
16 and then [REDACTED].

17 Q. And so, as you're viewing this as the lead agent around
18 this time, is that the area that you're really focused on?
19 Like an eagle eye watching it at this time?

20 A. Yes..

21 Q. And do you see something in that area?

22 A. Again, I realize it's difficult, but you can see a
23 person emerge from that building in between [REDACTED] and the
24 building that butts up to it on the sidewalk there. You can
25 also see two gentlemen walking. And right here I see ---

1 Q. What do you observe in the short clip you just saw?

2 A. I see a flash or a burst of light.

3 Q. Okay.

4 A. I also see the two gentlemen walking, turning back like
5 something just caught their attention.

6 Q. Okay. And in this kind of case, what happens to the
7 camera at that moment?

8 A. At the most important time the PTC-on-patrol function
9 kicks in.

10 Q. Okay. Let's go through this.

11 A. A figure emerges. A flash, and it's very quick. And
12 this is something that I, just in that scene sort of
13 function, probably dozens of times watching and re-watching.

14 Q. And these clips are in evidence, correct?

15 A. These clips we're submitted to CPD evidence . . .

16 Q. And are being made part of evidence in this trial?

17 A. Correct.

18 Q. And that clip also contains a timestamp, right? At the
19 corner?

20 A. That clip does contain a timestamp in which is on the
21 original video and this clip.

22 Q. Detective Tuttle, if you could and just briefly with
23 the previous videos, what are we looking for here
24 chronologically after the . . .?

25 A. Again, that camera was down here. This is the area

1 that we were looking. And as I observed on the camera, a
2 person emerged. I was obviously looking for details about
3 him. But what I saw was he emerged from there and then I
4 looked at what the evidence showed. The shell casings were
5 going in this direction. So, logically, that's where I
6 would want to follow. And that led us back to cameras at --
7 President and Line camera. And that sort of that
8 overlapping field-of-view is what we're looking for.

9 Q. Okay. And what did you observe on the President and
10 Line camera?

11 A. Observed, once I was able to sync up all of the
12 timestamps, the first person I observed was Mr. Richardson
13 in the white shirt. He came running from this complex back
14 towards Nunan Street. Catch him on Lee Lee's camera getting
15 into the car from Mr. Mills. Seconds after Mr. Richardson,
16 I see the shooter emerge. I noticed that he had on sort of
17 a unique shirt, an Italia shirt with numbers on it,
18 shorts ---

19 Q. What colors where the numbers on the back?

20 A. They were white numbers.

21 Q. Okay.

22 A. And sort of that's what I was looking for in that
23 Norman Street video.

24 Q. Okay. Do you read, exactly in the quality of video,
25 can you read those numbers on Norman Street?

1 A. No. But as you can tell specifically with white, it
2 sort of flashes in the camera. So what I observed, after
3 numerous times watching a video, I observed what I believe
4 to be numbers flashing ---

5 MS. FORD: Objection. Speculation.

6 THE COURT: Sustained. Speculation. The video speaks
7 for themselves.

8 MS. FORD: I'd ask for that to be stricken, Your Honor.

9 THE COURT: Ladies and gentlemen, you are to disregard
10 the last question and answer and give it absolutely no
11 consideration in your deliberations.

12 Be careful to confine it to his rational perception.
13 In the video speak for themselves. They don't need to be
14 annotated. Proceed.

15 AST. SOL. SIMPSON: Thank you.

16 Q. State's 95. Again, what's our vantage point here?
17 Which cameras this?

18 A. This is President and Line. President Street runs up
19 this way. Line here in the Gadsden Green housing complex
20 right there.

21 Q. And do you recognize this individual that we see on the
22 corner there.

23 A. That right there is Mr. Richardson. You can also tell
24 it's after the shooting we just observed (Brief pause.)
25 This is looking back towards President Street.

1 Q. Okay. And where can we draw our attention on this
2 video?

3 A. Looking at Lee Lee's Kitchen right here. We know that
4 because that's Nunan Street and that light is . . . And
5 there we see another figure running in the same direction
6 that Trivell was. And just -- can we go back just before.
7 Pause it right about there. So I look, right here is a
8 sidewalk. These are palm trees. This is where they have
9 trees in the sidewalk. And that's what I'm using as a
10 reference point to transition into the Lee Lee's video.

11 Q. Okay.

12 A. Again, that was seconds, moments after the shooting.
13 Said this is Lee Lee's. So again, what we were talking
14 about right here, I'm using this as the reference point.
15 This is the other end of it. The first person we see is
16 Trivell Richardson. A few seconds after him we see
17 Montrelle Campbell ---

18 MS. FORD: Objection speculation.

19 THE COURT: Sustained. Speculation. Lack of rational
20 perception or foundation.

21 Q. Detective Tuttle, did other individuals who are present
22 there ever identify this individual?

23 A. Yes.

24 Q. Okay. And who did they identify this as?

25 MS. FORD: Objection. Hearsay.

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 THE COURT: Sustained. Hearsay.

2 Q. Have you ever had a personal occasion in your life to
3 view defendant Montrelle Campbell?

4 A. Yes..

5 Q. Are characteristics of the individual in this video
6 consistent with Montrelle Campbell?

7 A. Yes, sir.

8 Q. And could you describe them for me?

9 A. Mr. Montrelle Campbell is roughly the same height and
10 weight at the time. He has a manicured beard. And just
11 sort of just medium body build. And I believe he has sort
12 of a lighter complexion.

13 Q. Okay.

14 AST. SOL. SIMPSON: May I approach the witness, Your
15 Honor.

16 THE COURT: You may.

17 Q. Showing you what's been marked as State's 109. Do you
18 recognize that individual in that picture?

19 A. I do.

20 Q. Who is that individual?

21 A. Mr. ---

22 MS. FORD: Objection.

23 THE COURT: Approach for me, please.

24 (A bench conference was held off the record and out of
25 the hearing of the jury panel.)

1 Q. The individual that we see in this video ---

2 A. Yes, sir.

3 Q. State's 95. (Brief pause.) Is this the video from
4 another angle of Lee Lee's?

5 A. It is, sir. (Brief pause.) You see Mr. Richardson
6 walk by?

7 Q. And we'll just ask that you use IDs for these.

8 A. Suspect walks by here shortly. It appears he's holding
9 a rifle. Back to Nunan Street looking at President Street,
10 you see the suspects around the corner. The driver first.
11 And then the second suspect, second -- still holding the
12 rifle. Looking behind there, you remember Nunan Street,
13 this car went back in. So the passenger seat would be on
14 that side closest to the camera showing -- the driver seat
15 would be in the roadway.

16 Q. I'm showing you what's been marked and entered as 122.
17 Which video is extracted from?

18 A. This is Mr. Mills residence again. We saw this camera
19 view earlier. And the Buick sedan was traveling the
20 opposite direction. Again, this is a one-way street, and
21 this vehicle is traveling the wrong way.

22 Q. Okay. You had mentioned in your testimony overlapping
23 fields of vision. Can you explain again what you are
24 talking about there with the cameras?

25 A. Just use certain reference points in the video to sort

1 of show them in sync. So I think we sort of saw that
2 scenario play out with the city camera President and Line
3 looking down Lee Lee's using specifically the sidewalk --
4 fixed. And then transitioning from Lee Lee's looking from
5 that point of view making sure they line up. So I see the
6 suspect come out, run. And we were able to track him from
7 one camera to the next.

8 Q. So we talked about earlier different cameras, different
9 software is, different surveillance cameras having
10 timestamps that can be off. Is that right?

11 A. Correct.

12 Q. Is a way that anyone can look at -- if you have one
13 moment captured in two cameras, two different clocks, can we
14 sort of synch there's cameras together?

15 A. We can.

16 Q. And explain that again. You got into that a little
17 bit. But how do you go about doing that? To get the
18 chronology . . .

19 A. Yes, sir. We want to establish a baseline. So just as
20 you would with a witness statement, you want to corroborate
21 what you've seen. So for this, we get all the cameras and
22 review other evidence. And either -- city camera, the
23 shooting happened I think around 6:32-ish give or take a few
24 seconds. And I saw the 911 call within a few seconds after
25 that or little bit longer. Whereas when I looked at Lee

1 Lee's and the Nunan Street camera, they were minutes apart.
2 So it just didn't add up. So I wanted -- I thought it was a
3 good judge to take the 911 call, use that as my base, sync
4 it up with what the videos spoke for. The shooting, use
5 that as a baseline. And I was able to add and subtract for
6 the Lee Lee's camera and the Nunan Street camera.

7 Q. So is it your testimony today that the city camera time
8 is perfect Greenwich Mean Time?

9 A. No. It's a rough estimate?

10 Q. For those reasons you just articulated, you chose the
11 city camera timestamp sort of as your base time and
12 corrected the other two to them?

13 A. Yes, sir.

14 Q. Okay. In order to do that you said you tried to find
15 something that's in both cameras so you can find one moment
16 and make that sort of a fix?

17 A. Yes, sir.

18 Q. And we won't go through this tediously. But let me
19 just show unit example marked for ID only State's 128 and
20 129. Do you recognize those exhibits?

21 A. I do. 128 is from the Lee Lee's camera looking down
22 President Street. And 129 is a city safety and security
23 camera on President looking down President towards Nunan
24 Street.

25 Q. Okay.

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 AST. SOL. SIMPSON: Your Honor, the State seeks to
2 admit 128 and 129.

3 THE COURT: Any objection?

4 MS. FORD: No objections, Your Honor.

5 THE COURT: Marked and admitted without objection.
6 That's 128 and 129, correct?

7 AST. SOL. SIMPSON: Yes, Your Honor.

8 THE COURT: You may proceed.

9 (State's Exhibit Numbers 128 and 129, Photo Stills,
10 were received into evidence.)

11 Q. Detective Tuttle, just by way of illustration, I'm
12 showing you what's been marked as State's 128. Do you see
13 sort of distinct characteristics there?

14 A. I think we sort of touched on this earlier. That I
15 felt was very safe. These are the trees going back
16 towards -- on President Street going back towards Line
17 Street. And there's 10 yards grass cutting into the
18 sidewalk.

19 Q. Sometimes it doesn't come out great. But is there --
20 the suspect, is he in that?

21 A. Again, when you clip it, it's not as good. But I
22 observed that to be the shooter.

23 Q. And that's on Lee Lee's camera, right?

24 A. That's on a Lee Lee's camera.

25 Q. With a Lee Lee's timestamp of 6:30:42?

1 A. Yes, sir.

2 Q. Going to State's 129, which cameras is this?

3 A. This is the CPD safety and security camera. This is on
4 President and Line looking towards Nunan Street. And this
5 is the beginning of that sort of greenway, I guess. And I
6 look for that right there. So that to me is my transition
7 point to the other camera.

8 Q. And so, you know, again allowing the margin of error, a
9 couple of seconds either way, we've got the suspect depicted
10 at the same location in these two pictures from two
11 different cameras?

12 A. Correct.

13 Q. And the city's time at this time is 6:33:09?

14 A. Yes, sir.

15 Q. Okay. So using those sorts of overlapping fields of
16 visions, did you come up with a way to say like when we look
17 at a Lee Lee's time if we want to sync it with the city
18 time, what do we do?

19 A. So I had to go online and get a time calculator because
20 I wanted to be as accurate as I could. But I estimated it
21 to be 2 minutes and 27 seconds different based on that. So
22 we saw 6:33 and some change on the city camera, and use all
23 6:30 on the President and Line and some change. And it was
24 about 2 minutes and 27 seconds different. Lee Lee's was
25 slow, 6:30. So the city camera was three minutes ahead of

1 time.

2 Q. Okay. Similarly, was a similar exercise done with the
3 Nunan Street cam to the Lee Lee's cam?

4 A. Got a little bit more complicated because now were
5 going into a different one. The Lee Lee's cam was estimated
6 to be 9 minutes and 10 seconds different.

7 Q. From the Nunan Street?

8 A. From the Nunan Street. Nunan, ■ Nunan, Mr. Ian Mills,
9 his camera at Nunan. So 9 minutes and 10 seconds different
10 from that. And we were able to use the 2 minutes and 27
11 seconds to calculate the difference and sort of put that in
12 sync with the city cameras.

13 Q. Okay. So we see the same events happening on both the
14 Nunan and Lee Lee's cameras. We look at those times. We
15 see the same things happening on the city and on the Lee
16 Lee's cameras for those times. We come up with if you want
17 to make the Lee Lee's sync with the City, we add 2:27. If
18 we want to make the Nunan sync with the City, we subtract
19 9:10 then add 2:27?

20 A. Right. And it's all using the fixed objects, scene and
21 motions. So, I mean, all of that is coming into play.

22 Q. And through that you get what we just viewed?

23 A. Correct.

24 Q. A consistent two individuals going to Gadsden Green and
25 coming back?

1 A. Yes, sir.

2 Q. I wanted to go now a little bit away from the videos
3 and talk about more towards your investigation. Through the
4 course of your investigation, were you able to determine the
5 phone numbers that you believe belong to Montrelle Campbell
6 and Trivell Richardson?

7 A. Three investigation, we had sources obtain the
8 defendant's phone number. That was then verified through me
9 by Tomeka.

10 MS. FORD: Objection. Hearsay.

11 THE COURT: Please approach.

12 (A bench conference was held off the record and out of
13 the hearing of the jury panel.)

14 THE COURT: Proceed.

15 AST. SOL. SIMPSON: Thank you, Your Honor.

16 Q. Through the course of your investigation, Detective,
17 did you come to subpoena -- I'm sorry -- obtained search
18 warrants for the phone records for the two phone numbers?

19 A. Yes, sir. I did.

20 Q. Okay. Why did you obtain search warrants for those
21 particular two numbers?

22 A. I believe that they could -- I'm sorry. The phone
23 records are -- has a lot of useful information. The numbers
24 called, numbers received, texting, and they also contain
25 cell tower information which can sort of put someone in a

1 general area.

2 Q. And I suppose I'm just asking for a yes or no answer to
3 this question. Did you have reason to believe that one of
4 those numbers associated Montrelle Campbell?

5 A. Yes, sir.

6 Q. Did you have reason to believe that one of those
7 numbers is associated with Trivell Richardson?

8 A. Yes, sir.

9 Q. Okay. Did you obtain search warrants for this
10 numbers?

11 A. I did.

12 Q. What is a search warrant? What do you do to obtain a
13 search warrant?

14 A. Search warrant is based on both their affirmation ---

15 MS. FORD: Objection. Vouching.

16 THE COURT: Basis?

17 MS. FORD: Vouching, Your Honor.

18 THE COURT: Detail the process in how you obtained a
19 search warrant.

20 Please approach.

21 AST. SOL. SIMPSON: I can move on.

22 THE COURT: Okay. Are you withdrawing the question?

23 AST. SOL. SIMPSON: Sure.

24 THE COURT: Question is withdrawn.

25 Q. Did you obtain certain search warrants for these two

1 phone records associated with these two phones?

2 A. Yes, sir. I did.

3 Q. Okay. To whom did you submit those search warrants?

4 A. Sprint and T-Mobile.

5 Q. Okay.

6 AST. SOL. SIMPSON: May I approach, Your Honor?

7 THE COURT: You may.

8 Q. Showing you what's been marked for ID only, State's 126
9 and 127. Do you recognize those exhibits?

10 A. 126 is an authenticity letter from T-Mobile and 127 is
11 a certificate of authenticity as well from Sprint for the
12 two phone records I obtain search warrants for and executed.

13 Q. Okay. And what were those two numbers?

14 A. The T-Mobile phone number was (843) 330-1390.

15 Q. And at this point in your investigation, who did you
16 associate that number with?

17 A. Trivell ---

18 MS. FORD: Objection. Hearsay.

19 THE COURT: Approach.

20 (A bench conference was held off the record and out of
21 the hearing of the jury panel.)

22 THE COURT: Mr. Foreman, ladies and gentlemen, we have
23 a brief matter of law to take up. During the break, please
24 do not discuss the case and please leave your notepads in
25 your seats. We appreciate your patience in advance.

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 (Direct examination of Mr. Eric Tuttle resumes.)

2 BY AST. SOL. SIMPSON: (Continuing)

3 Q. Detective Tuttle, when we left you described that you
4 did obtain some phone records, right?

5 A. Yes, sir.

6 Q. And were you at a later date to talk to Trivell
7 Richardson as well?

8 A. Yes, sir.

9 Q. And Tomeka President?

10 A. Yes, sir. I was.

11 Q. Did Tomeka -- following those conversations --
12 following the discussion with Tomeka President, did you make
13 arrests in this case?

14 A. Shortly after.

15 Q. Shortly after? Okay.

16 AST. SOL. SIMPSON: Please answer any questions that
17 Ms. Ford has.

18 THE COURT: Ms. Ford, any questions for the witness?

19 MS. FORD: Yes, Your Honor.

20 THE COURT: You may proceed.

21 MS. FORD: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 CROSS-EXAMINATION

24 BY MS. FORD:

25 Q. Hi, Detective Tuttle?

1 A. Good afternoon.

2 Q. Good afternoon. You told us a good bit about your job
3 and how you go about being a detective. Part of your job is
4 talking to as many witnesses as you can correct?

5 A. Try to, yes.

6 Q. So if anybody was inside or anybody was present, you
7 would like to talk to them if it all possible. Is that fair
8 to say?

9 A. Possible.

10 THE COURT: I need you to speak up a little bit
11 more ---

12 THE WITNESS: My apologies. I apologize.

13 A. If at all possible, we like to talk to anybody that we
14 can.

15 THE COURT: I don't think the mic is on. I think
16 that's the problem. Bear with this one second while we deal
17 with our technology issues. I apologize.

18 (Brief pause.)

19 THE COURT: You may proceed.

20 AST. SOL. SIMPSON: Thank you.

21 THE COURT: You're welcome.

22 Q. So Detective Tuttle, you learn through your
23 investigation that various people were inside of Katrina's
24 apartment at the time of the shooting, correct?

25 A. Yes, ma'am.

Cross-Examination of Mr. Tuttle by Ms. Ford

1 Q. And you were able to talk some of them?

2 A. Yes, ma'am.

3 Q. And other investigators may have talked to others,
4 correct?

5 A. Yes, ma'am.

6 Q. But you we're not able to actually talk to all of the
7 people inside at the time of the shooting, correct?

8 A. No, ma'am.

9 Q. You even had to issue BOLOs for several people,
10 correct?

11 A. That's correct.

12 Q. And BOLO stands for "be on the lookout," right?

13 A. Yes, ma'am.

14 Q. Because you had to send out officers or put the word
15 out for them to search for them or if they could find them
16 to bring them in or make contact so that you could speak to
17 them, correct?

18 A. Try to speak to them. That's correct.

19 Q. You were able -- after doing so, you were able to speak
20 to at the Delano McPherson, correct?

21 A. Delano.

22 Q. Delano?

23 A. Yes, ma'am.

24 Q. You had learned that he was in the residence?

25 A. Yes, ma'am.

1 Q. But you we're not able to talk to Kinard Brown?

2 A. Kinard.

3 Q. Kinard?

4 A. I spoke with him, but he did not want to speak which is
5 his right to.

6 Q. And Jerrell Risher as well? He was present but not
7 spoken to.

8 A. There was an attempt made, but not spoken to?

9 Q. One of your BOLOS also led to talking with someone else
10 who had been there at some point, Mr. Edmond Taylor?

11 A. Ed. That's correct. And he was not there at the
12 time . . .

13 Q. Correct. The witness have already testified ---

14 A. Yes, ma'am.

15 Q. Also, you want to know if there's anybody outside of
16 the apartment you would like to talk to them if possible if
17 you know who they are, correct?

18 A. Yes, ma'am.

19 Q. In this case refer to the 911 call being made. So 911
20 was called in this case?

21 A. There were several 911 calls. But, yes, 911 was
22 called.

23 Q. And Kinard is actually one of the people who called?

24 A. Yes, ma'am.

25 Q. And you spoke to another person who called,

1 Ms. Patterson?

2 A. Shanara Patterson?

3 Q. Yes. And she was an upstairs neighbor?

4 A. 36-B.

5 Q. There is also woman named Peggy Blake who called?

6 A. Peggy Blake called. Another woman who didn't give her
7 name . . . And then Anthony Cobb was another one who
8 called.

9 Q. And as a case agent, you know there was an officer who
10 did briefly talk to Ms. Blake on the scene as well, correct?

11 A. Yes.

12 Q. But you did not go to talk to Ms. Blake, correct?

13 A. I did not.

14 Q. And to your knowledge, a detective never went out to
15 try to get a statement from her, correct?

16 A. No, ma'am.

17 Q. In the video that we watched earlier he pointed out
18 that the man with the gun had a distinctive shirt on, on
19 him, correct?

20 A. A Italia polo shirt as I mentioned.

21 Q. It was so distinctive you issued a BOLO just for that
22 short, correct.

23 A. Correct.

24 Q. And through the BOLO you actually were able to find a
25 couple of people who were connected to a shirt like that at

1 least?

2 A. I did. It was not so uncommon.

3 Q. But that shirt -- that shirt was never found on
4 Montrelle Campbell, correct?

5 A. The Italia, no, ma'am.

6 Q. And you mentioned that you are able to get some search
7 warrants in this case, correct?

8 A. There were search warrants

9 Q. And through the search warrants, you never recovered
10 that type of short, correct?

11 A. No, ma'am. Oh, well, we did recover that type of
12 shirt.

13 Q. But from somebody else?

14 A. From somebody else, yes.

15 Q. And that was just a guy who was on the street who the
16 officers from the BOLO said, hey, you match the description,
17 correct?

18 A. Yes, ma'am.

19 Q. And one of the search warrants you did was a search
20 warrant -- or that was executed -- it was on Ms. President's
21 car?

22 A. No, ma'am.

23 Q. And nothing of evidentiary value was found in the car,
24 correct?

25 A. I don't remember anything. I don't recall anything

1 that was used. Well, I take that back. The car itself was
2 of huge evidentiary value.

3 Q. Well, the car itself. There was nothing inside the car
4 that was recovered, correct?

5 A. No. No items in the car.

6 Q. We spoke -- we heard from Mr. Richardson today. And
7 you actually spoke to him several times before his arrest,
8 correct?

9 A. Yes. Well, several. I think two, three. I don't
10 think several.

11 Q. More than once?

12 A. Yes, ma'am.

13 Q. He seemed not to have the most accurate memory. But is
14 it fair to say he denied being involved ---

15 AST. SOL. SIMPSON: Objection, Your Honor.

16 THE COURT: Basis?

17 AST. SOL. SIMPSON: Hearsay.

18 THE COURT: Sustained. Rephrase.

19 MS. FORD: Impeachment, Your Honor.

20 THE COURT: You have to phrase it a different way. You
21 can ask him to comment on what someone else said. I'm not
22 going to debate it.

23 MS. FORD: Yes, Your Honor.

24 THE COURT: Rephrase the question.

25 Q. Through talking to Mr. Richardson, after you talk to

1 him, you did some more investigation based on what he told
2 you, correct? ~ You talked to several people?

3 A. I mean, based on his testimony alone? No. Or his
4 statement.

5 Q. He gave me several names and you spoke to his child's
6 mother, for example?

7 A. Yes. He was trying to cooperate or speak to people
8 with the leads that he provided us.

9 Q. So Ms. Butler was spoken to, correct?

10 A. Keisha Butler I think, yeah.

11 Q. Dominic Phillips was spoken to.

12 A. We did.

13 Q. I think Ms. Govan, another female friend of his.
14 Sherry Govan?

15 A. I remember he said Adrian Beaton. Govan may have been
16 one of them as well.

17 Q. Anyway, you took time and you did investigation talking
18 to people based on what he told you in his initial
19 interview, correct?

20 A. Correct.

21 Q. And, Detective Tuttle, someone who has worked for the
22 police for about ten years you said? Nearly ten years?

23 A. About probably ten, yes.

24 Q. You're familiar with downtown streets in the peninsula?

25 A. Fairly familiar.

1 Q. And Cedar Street is located downtown about a mile and
2 half away from the incident location, correct?

3 A. It is.

4 Q. And [REDACTED] Cedar Street is an address, the family home of
5 Montrelle Campbell, correct?

6 A. A family member's home?

7 Q. Yes.

8 A. Yes.

9 Q. When we went on the video, you pointed out the car in
10 the video. And you described it as a Buick, correct? Or
11 you are dinging it or . . .

12 A. Yes.

13 Q. Well, when you initially saw the video, that was not
14 readily apparent though from watching it when you initially
15 saw the video, correct?

16 A. The make of a Buick I think it's pretty apparent. The
17 exact model maybe wasn't.

18 Q. You had to go to -- or to a car dealership to ask ---

19 A. To corroborate what I had from the video.

20 Q. But you had to seek help to verify the type of car,
21 correct?

22 A. I would say corroborate. I don't -- I mean, it is
23 help. I mean, but it was corroborating what I was already
24 inferring from what the video showed itself. From someone
25 who dealt with this type of vehicles.

1 Q. You felt that you needed it to be corroborated, though?

2 A. I guess the basic person could say that it's a Buick.

3 Q. But you did go to dealerships to confirm it?

4 A. To confirm, yes.

5 Q. Going back to Tomkea's car, and another officer
6 testified to this earlier, is that they tested for gunshot
7 residue, correct?

8 A. Tomeka's vehicle?

9 Q. Yes.

10 A. Yes.

11 Q. And nothing was ever done with that, correct?

12 A. And analysis was not made of the GSR.

13 MS. FORD: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Brief pause.)

16 MS. FORD: I have no further questions for this
17 witness.

18 THE COURT: Any redirect?

19 AST. SOL. SIMPSON: Yes, Your Honor.

20 THE COURT: You may proceed.

21 REDIRECT EXAMINATION

22 BY AST. SOL. SIMPSON:

23 Q. So the individual video is wearing an identifiable
24 short, correct?

25 A. Yes, sir.

1 Q. Okay. And I just want to clarify something. Ms. Ford
2 pointed out put out a BOLO for the shirt, correct?

3 A. Yes, sir.

4 Q. Just that shirt that she asked you. And did they find
5 someone he matched the description?

6 A. They found somebody wearing the shirt.

7 Q. Okay. Did the individual wearing the shirt matched the
8 description of the subject?

9 A. He did not.

10 Q. Okay. So just to clarify, there's more people walking
11 around in the same shirt. Y'all snatched him up to see?

12 A. Yes, sir.

13 Q. All right. Was he arrested for murder?

14 A. He was not.

15 Q. Okay. Similarly, you did never locate that kind of
16 shirt at a residence or car or anything associated Montrelle
17 Campbell, correct?

18 A. Yes, sir.

19 Q. Do you recall -- you can refer to your reports if you
20 need to -- when was the search warrant done on the Buick?

21 A. So I may not have the Buick in here.

22 Q. Just by your recollection.

23 A. I mean it was -- I apologize. I don't have that.

24 Q. Okay.

25 A. I don't have everything here. May I see the rest of

1 the report?

2 Q. Are we referring to the search warrant to refresh your
3 recollection?

4 A. The return don't have the date executed.

5 Q. Okay.

6 A. I apologize.

7 AST. SOL. SIMPSON: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 Q. All those things you're flipping through, those are all
10 the reports ---

11 A. Not all of them. I must have had them mixed up.

12 Q. Okay. Showing you is been marked for ID only as
13 State's 140. Do you recognize that document?

14 A. I do. This is a search warrant for Ms. President's
15 vehicle?

16 Q. Okay. And you mentioned a return. What's the search
17 warrant return?

18 A. The search warrant return is the date the search
19 warrant was executed on October 2, 2015.

20 Q. Okay.

21 A. Two weeks . . .

22 Q. Okay. So we're talking weeks later. Weeks someone
23 would have to dispose of a shirt or any other piece of
24 evidence, correct?

25 A. Correct.

Redirect Examination of Mr. Tuttle by Ast. Sol. Simpson

1 Q. And what date was Montrelle Campbell arrested?

2 A. November. And I don't remember the exact date, but I
3 know it was in November.

4 Q. Early November?

5 A. Very early November.

6 Q. So it's fair to say we get weeks transferring into more
7 than a month that a person would have to dispose of anything
8 related to this ---

9 MS. FORD: Objection. Leading.

10 THE COURT: Sustained. Leading. Rephrase.

11 Q. So more than a month between the incident and
12 Montrelle Campbell's arrest?

13 A. Yes.

14 Q. And when you first saw the video, just clarify that.
15 Were you able to look at that and make your own conclusion
16 about what type of car that might be?

17 A. Yes, sir.

18 Q. Okay. Do you try to be a careful detective?

19 MS. FORD: Objection.

20 THE COURT: Basis?

21 MS. FORD: Bolstering.

22 THE COURT: You can ask the question in a different
23 way. Sustained. It's characterization.

24 Q. Do you like to seek other opinions when you make any
25 type of conclusions. Is that the type of detective?

1 A. Like to corroborate ---

2 Q. Okay.

3 A. --- my evidence.

4 Q. Okay. So in that vain, did you take the evidence
5 somewhere to . . .

6 A. Yes, I did.

7 Q. Okay. And did you corroborate the make of this
8 vehicle?

9 A. I did.

10 Q. Okay.

11 A. The make and model.

12 Q. Okay.

13 AST. SOL. SIMPSON: I don't have anything further, Your
14 Honor.

15 THE COURT: Okay. Sir, if you would step down and
16 subject to being recalled. Would counsel approach for me,
17 please.

18 (A bench conference was held off the record and out of
19 the hearing of the jury panel.)

20 THE COURT: Ladies and gentlemen, please bear with us.
21 We're trying to determine some scheduling issues. And we're
22 going to order your lunch on tomorrow. So when you come in,
23 the clerk is going to take your orders. So just be prepared
24 for that. I anticipate that we will it either finish this
25 case on tomorrow or Friday morning just for your scheduling

1 purposes.

2 (Brief pause.)

3 THE COURT: Ladies and gentlemen, I'm going to send you
4 to your jury room so that Dallas can go ahead and take your
5 orders now. And if it's any consolation, it's 80 percent
6 chance of rain tomorrow. At leasts you won't have to be
7 worried with the weather. If you all will go with the
8 bailiff. Please don't discuss the case and leave your
9 notepads on your seats.

10 (The jury exits the courtroom.)

11 THE COURT: You all can take your seat. So you can try
12 to get that out of the way outside of the jury's presence?

13 AST. SOL. SIMPSON: We're prepared to do so, Your
14 Honor.

15 THE COURT: How may questions can you ask him that
16 don't involve that before we get to the issue of reliability
17 of science?

18 AST. SOL. SIMPSON: How many questions that don't?

19 THE COURT: She's objecting not to his qualifications,
20 I would assume. Correct me if I'm inaccurate. But she's
21 objecting to what she perceives to be the reliability of the
22 science.

23 AST. SOL. SIMPSON: Obviously, we did not totally
24 prepare that matter -- but I do have a few questions, and he
25 has some personal knowledge as to other ---

1 THE COURT: No. I mean what questions can you ask him
2 regarding his education, training and experience, and
3 otherwise. So if we get to that point is what I'm asking.

4 AST. SOL. SIMPSON: How long will that take?

5 THE COURT: Uh-huh. Do y'all want to do that? Go
6 ahead and get that out the way and the jury's presence and
7 then we'll take up the rest of it in-camera however long it
8 takes. And then we'll try to get that done today.

9 AST. SOL. SIMPSON: I don't know about his
10 personal . . .

11 THE COURT: Yeah. I'm asking what questions do you
12 have of him. Because you're going to have to establish that
13 he has the education, training, and experience to be
14 rendering this -- either he's a 701 witness that does this
15 all the time and it doesn't require specialized knowledge
16 and training or he's an expert that does require specialized
17 knowledge and training. I don't think that -- did you plan
18 to offer him as an expert?

19 AST. SOL. SIMPSON: Yeah. I was going to.

20 THE COURT: I was going to -- you don't object to his
21 expertise. You object to the reliability of the science.
22 Those are two different things.

23 MS. FORD: Yes, Your Honor. Exactly.

24 THE COURT: So why don't we do as much as we can up to
25 the point where she's questioning reliability of the

1 science. And then can take all that up in-camera and try to
2 see how far we get with that today.

3 AST. SOL. SIMPSON: Okay. Yes, Your Honor.

4 (Brief pause.)

5 (The jury enters the courtroom.)

6 THE COURT: Ladies and gentlemen, we appreciate your
7 patience. Mr. Simpson, you may proceed.

8 AST. SOL. SIMPSON: Thank you, Your Honor. The State
9 would call Clay Simmonds.

10 (ROBERT CLAYTON SIMMONDS, was duly sworn and provided
11 the following testimony.)

12 CLERK: Please take your seat. Spell your first and
13 last name for the record.

14 THE WITNESS: Full name is Robert Clayton Simmonds.
15 R-O-B-E-R-T, C-L-A-Y-T-O-N, last name S-I-M-M-O-N-D-S.

16 THE COURT: You may proceed.

17 AST. SOL. SIMPSON: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 DIRECT EXAMINATION

20 BY AST. SOL. SIMPSON:

21 Q. Special Agent Simmonds, for who do you work?

22 A. I'm a special agent with the FBI.

23 Q. And were you based?

24 A. I'm here in Charleston; Columbia field office but a
25 Charleston resident agency.

1 Q. What is the FBI stand for?

2 A. Federal Bureau of Investigation.

3 Q. What is your current role with the FBI?

4 A. I'm a Special Agent assigned to violent crime, gang
5 squad task force. I also have auxiliary duties of being an
6 expert in analysis of call detail records or cell phones
7 records. Looking at cell phones and their phone records and
8 placing them -- very responsive -- to provide a visual
9 depiction of the cell phone activity over a period of time.

10 Q. Is that part of the CAST team?

11 A. Yes. And I'm a member of the CAST team. The CAST
12 Cellular Analysis Survey Team.

13 Q. What sort of -- well, let's start more generally. What
14 sort of educational background you have?

15 A. I have two bachelor science degrees from the College of
16 Charleston business and accounting. Went to graduate school
17 for a year and then to the Bureau. The Bureau, being the
18 FBI, hired me. Then I have 16 plus weeks of training at
19 Quanto to become a special agent in approximately 400 hours
20 of training to be a CAST certified Special Agent.

21 Q. Okay. So to be a member of the CAST team and offer
22 what you do, you have to do over 400 hours of training?

23 A. That's correct. We do whatever stages and it
24 incorporates, being instructors, teaching these techniques
25 to local and state law enforcement and federal law

1 enforcement officers. We get trained by the legal
2 department. The law enforcement relations group from
3 various cell phone providers: AT&T, T-Mobile, Sprint,
4 Verizon -- cellular. We're also trained by their engineers
5 who detail how the network is set up, how it works, how to
6 read the records, what the records can offer to us. And we
7 go through a department certification processes to go on a
8 tour of one of the sites whether it be AT&T, Sprint,
9 Verizon, to see the room where all the cell phone -- calls
10 transmit, how to get processed and sent out to connect to
11 our daily lives.

12 Q. This is training that really comes out both from the
13 government and law enforcement perspective and the private
14 entities perspective?

15 A. Sure. The cell phone providers are part of the
16 training. We contract with an individual give us the basic
17 theory radio frequency and how it operates and how it works
18 and how it travels across, you know, the earth.

19 Q. Okay. All of this training, you be able to be
20 certified as an expert in the area of cell phone analysis?

21 A. I have. Been certified in this court in Charleston
22 County, in Berkeley County, in Aiken County, and Washington
23 DC.

24 Q. Okay. And you've offered testimony before on this
25 subject?

1 A. I have.

2 Q. Approximate, how many times if you had to guess?

3 A. Half a dozen, five, six times.

4 Q. Okay. Including this very courtroom.

5 A. Yes. Just a month ago, a month and a half ago.

6 Q. And as part of your training, do you have any personal
7 knowledge the sort of evidence being presented in court
8 nationwide?

9 A. Of course.

10 Q. Okay. Typically requiring someone of your expertise?

11 A. Sure. We often times individuals like yourselves or
12 other individuals will call self and providers, T-Mobile,
13 AT&T, whoever, and will ask one of their engineers and come
14 and do what I do. They will refer them to my team, to the
15 CAST team.

16 Q. Okay. Silly question, but the FBI has a nationwide
17 scope, correct?

18 A. Technically, worldwide scope. Yeah.

19 Q. Okay ---

20 A. --- all over the country to help the interest of the
21 United States.

22 Q. And so are there CAST team members nationwide?

23 A. Yes. We're spread. Approximately 61 one of us -- 61
24 of us and spread throughout from here in Charleston, South
25 Carolina to Philadelphia to LA to -- we even have one in New

1 Mexico.

2 Q. To your personal knowledge, do these individuals
3 routinely testify on the subject matter that you intend to
4 testify in this case?

5 A. From understanding, almost every day there's somebody
6 a part of the CAST team testifying to cell phone records.

7 AST. SOL. SIMPSON: Your Honor, at this point, the
8 State would offer Special Agent Robert Clayton Simmonds is
9 an expert in cell phone analysis.

10 THE COURT: Any objections or questions?

11 MS. FORD: Your Honor, just based on the reliability.

12 THE COURT: That's not my question. I'm asking if you
13 have any exception or questions in voir dire in his expert
14 as a cell phone analyst.

15 MS. FORD: No, Your Honor.

16 THE COURT: He'll be admitted without objection.

17 Mr. Foreman, ladies and gentlemen, I have some matters of
18 law I need to take up with counsel that will take us far
19 beyond five o'clock. So I'm going to allow you to go home
20 for evening. We'll resume in the morning at 9:30. During
21 this break, please do not discuss the case among yourselves
22 or with anyone else. Please do not watch, read, or listen
23 to any media accounts about this case if there any. And
24 don't do need independent research on the Internet. When
25 you return to the courthouse, come directly to your jury

1 room and please don't have any contact with anyone in or
2 about the courthouse. If you was stockinette pads on the
3 banister for us so we can secure them during the evening
4 break. Hope y'all have a great evening. Will see you in
5 the morning. And, again, as I've indicated, we're going to
6 order your lunch tomorrow so you have that for your planning
7 purposes.

8 (The jury exits the courtroom for the evening at
9 4:53 pm)

10 THE COURT: You can take your seats. All right.
11 Resume questioning you will ask of the witness.

12 AST. SOL. SIMPSON: Thank you, Your Honor. May
13 approach the witness.

14 THE COURT: Yes, sir.

15 (Direct examination of Mr. Simmonds resumes outside the
16 presence of the jury.)

17 BY AST. SOL. SIMPSON: (Continuing)

18 Q. Agent Simmonds, I'm handing you a few documents. Could
19 you just look through those and see if you recognize them.

20 A. (Witness complies.) Appears to be the presentation
21 that I provided to your office. The margins are cut off a
22 little bit.

23 Q. You provide it -- did you provide this presentation in
24 the fancy PowerPoint form?

25 A. I did.

1 THE COURT: If you will state your full name for the
2 record, spelling your last name for the court reporter.

3 THE WITNESS: Tomeka President, T-O-M-E-K-A,
4 P-R-E-S-I-D-E-N-T.

5 THE COURT: You may proceed.

6 AST. SOL. SIMPSON: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 DIRECT EXAMINATION

9 BY AST. SOL. SIMPSON:

10 Q. Ms. President, good morning.

11 A. Good morning.

12 Q. Still maintain a pretty good recollection of your
13 earlier testimony in this case?

14 A. Somewhat.

15 Q. Do you remember telling this jury at that time back in
16 September you were asked if you had a phone number for
17 Montrelle Campbell and you gave them that number?

18 A. Yes . . .

19 Q. Okay. What I'm going ask you this morning is did you
20 watch a video of that exchange?

21 A. Uh-huh.

22 Q. Okay. And I'm handing you what's marked as ID only as
23 State's 147. Do you recognize that?

24 A. Yes.

25 Q. Okay. Is that the video that you watched this morning?

1 A. Yes, sir.

2 Q. How can you tell it's the video?

3 A. My initial and the number.

4 Q. Okay. And what's the number?

5 A. 557-6691.

6 Q. Okay. And that's the number that in September of 2015
7 you had in your phone for Mr. Campbell?

8 A. Yes.

9 Q. Okay.

10 AST. SOL. SIMPSON: I have no further questions, Your
11 Honor.

12 THE COURT: Would counsel approach for me, please.

13 (A bench conference was held off the record and out of
14 the hearing of the jury panel.)

15 THE COURT: All right. Ms. Ford, do you have any
16 questions of the witness?

17 MS. FORD: No, Your Honor.

18 THE COURT: Any objection to the witness being excused?
19 From the State?

20 AST. SOL. SIMPSON: No, Your Honor.

21 THE COURT: From the defense?

22 MS. FORD: No, Your Honor.

23 THE COURT: Ma'am, you're excused. Have a good day.
24 You may proceed.

25 AST. SOL. SIMPSON: Your Honor, may I approach?

1 THE COURT: Yeah.

2 (Brief pause.)

3 AST. SOL. SIMPSON: Your Honor, at this point, the
4 State would call Trivell Richardson.

5 THE COURT: Approach again. I need to tell y'all one
6 more thing.

7 (A bench conference was held off the record and out of
8 the hearing of the jury panel.)

9 THE COURT: Proceed.

10 AST. SOL. SIMPSON: Thank you, Your Honor. The State
11 would call Trivell Richardson.

12 (TRIVELL RICHARDSON, was duly sworn and provided the
13 following testimony.)

14 CLERK: Please take your seat. Spell your first and
15 last name for the record.

16 THE COURT: Sir, if you would state your name for the
17 record.

18 THE WITNESS: Trivell Richardson.

19 THE COURT: Spell your last name for the court
20 reporter.

21 THE WITNESS: R-I-C-H-A-R-D-S-O-N.

22 THE COURT: You may proceed.

23 AST. SOL. SIMPSON: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 DIRECT EXAMINATION

1 BY AST. SOL. SIMPSON:

2 Q. Mr. Richardson, do you recall your previous testimony
3 in this case?

4 A. Yes, sir.

5 Q. Do you recall explaining to this jury that during an
6 interview you freely and voluntarily gave a phone number
7 that you had in September of 2015 to Detective Tuttle?

8 A. Yes, sir.

9 Q. Okay. Do you recall what that number was that you gave
10 him?

11 A. 330-1390.

12 Q. And what area code?

13 A. 843.

14 Q. Okay. Were you sort of reminded of that number with a
15 clip this morning?

16 A. I knew the number.

17 Q. Oh, you knew it anyway?

18 A. (Nonverbal response.)

19 Q. Okay. All right.

20 AST. SOL. SIMPSON: Your Honor, I have no further
21 questions.

22 THE COURT: Any questions for the witness?

23 MS. FORD: No, Your Honor.

24 THE COURT: Any objection to the witness being excused?
25 From the State?

1 AST. SOL. SIMPSON: No, Your Honor.

2 THE COURT: From the defense?

3 MS. FORD: No, Your Honor.

4 THE COURT: Sir, you're excused. State may proceed.

5 (Brief pause.) The State can call its next witness.

6 AST. SOL. SIMPSON: Thank you, Your Honor. The State
7 would recall Detective Tuttle.

8 THE COURT: Detective Tuttle, if you would come to the
9 stand to be sworn.

10 (ERIC TUTTLE, was duly sworn and provided the following
11 testimony.)

12 CLERK: Please take a seat. Spell your first and last
13 name for the record.

14 THE WITNESS: E-R-I-C, T-U-T-T-L-E.

15 THE COURT: You may proceed.

16 AST. SOL. SIMPSON: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 DIRECT EXAMINATION

19 BY AST. SOL. SIMPSON:

20 Q. Good morning, Detective Tuttle?

21 A. Good morning.

22 Q. Do you recall your previous testimony in this case?

23 A. Yes, sir.

24 Q. Do you recall explaining to this jury a little bit
25 about some search warrants for some phone records?

1 A. Yes, sir.

2 Q. Okay. Let's just sort of recap that a little bit. Did
3 you have an occasion during your investigation to come to
4 associate certain numbers for Montrelle Campbell?

5 A. Yes, sir. I did.

6 Q. And do you recall what that number was?

7 A. Are you talking about this 843-557-6691?

8 Q. 557-6691?

9 A. Yes.

10 Q. Did you during the course of your investigation to
11 associate a number with Trivell Richardson?

12 A. I did.

13 Q. And how did you get that number?

14 A. A number of ways. His mother, himself.

15 Q. Okay.

16 A. And I spoke to him on it.

17 Q. And what do you recall, if you recall, what number that
18 would be?

19 A. 843-330-1390.

20 Q. Thank you. Just so we have this down, 6691 -- which is
21 the last four digits and is how I'm going to refer to it
22 from time to time -- 6691 is the number you had associated
23 with Montrelle Campbell?

24 A. Correct.

25 Q. And 1390, the number you had associated with Trivell

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 Richardson?

2 A. Yes, sir.

3 Q. Okay. Did you obtain search warrants for these for
4 phone records for those phone numbers?

5 A. The first thing I did was confirm which service
6 provider they were, which is finding out with just
7 PhoneFinder.net, and calling that service provider and then
8 confirming that they did service that phone number at the
9 time.

10 Q. Okay. And after confirming that information, what did
11 you do?

12 A. Obtained a search warrant.

13 Q. Okay. And did you send that search warrant to the
14 legal department of those respective companies?

15 A. I did.

16 Q. Did you receive responses to those search warrants?

17 A. I did.

18 Q. Okay. Did those responses comport with your request?

19 A. They did.

20 Q. And which is what?

21 A. You request call detail records that include incoming
22 and outgoing calls. Basically, any time a cell phone
23 interacts with cell towers. So it would be calls, text
24 messages. It could just be the phone checking into the cell
25 tower. And that in turn not only tells who the person was

1 communicating with, but also a general area of where they
2 may be at at that time.

3 Q. Are you an expert in cell tower networks?

4 A. No, sir.

5 Q. Okay. But you mentioned also that you get ingoing and
6 outgoing calls and things of that nature in the response?

7 A. Yes, sir.

8 Q. Okay.

9 AST. SOL. SIMPSON: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 Q. Detective Tuttle, I'm showing you what's been marked
13 for ID only State's 137 and 139. Do you recognize those
14 lists?

15 A. Exhibit 137 is Mr. Montrelle Campbell's phone records.
16 And exhibit 139 is Mr. Trivell Richardson's phone records.

17 Q. Now, let's be clear. Are those the entirety of the
18 records you received?

19 A. No. This is a snapshot of them around the time of the
20 murder?

21 Q. Okay. So that's a pretty small portion of the overall
22 phone records?

23 A. Yes.

24 Q. And you said the sort of time frame you see depicted
25 there is what?

1 A. It's at the time of the murders. Around the time.

2 Q. I'm sure this jury really wants us to hear about talk
3 times again. I'm sure they're very excited about that.

4 Does every service provider maintain their phone records in
5 the same time zone?

6 A. Most are in UTC which is a universal time zone. So
7 it's four or five hours to Eastern Standard.

8 Q. Okay. You said four or five hours, does that mean you
9 just pick one?

10 A. Daylight savings time is the marker for that.

11 Q. Okay. So if the phone records are in UTC on
12 September 19, 2015, what's the difference between the time?

13 A. Four hours.

14 Q. Okay. Do some of the phone companies present the phone
15 records in the time zone of the call?

16 A. They do.

17 Q. Okay. Any information conveyed to you from the
18 companies about these records?

19 A. For Montrelle's records they are in Eastern Standard
20 Time zone. For Trivell's records, they are in UTC.

21 Q. Okay. And UTC, for people that are over 40, that used
22 to be Greenwich mean time?

23 A. I believe it's the same. Yes, sir.

24 Q. Particularly, when we get down to around this time zone
25 to around the time of the murder, what we're you looking for

1 in those phone records?

2 A. I was looking for connections between the two
3 established relationship, if they were communicating, which
4 I knew . . .

5 Q. Okay. Did you review all of these phone records or
6 just a snapshot from it?

7 A. I reviewed all of the records.

8 Q. Okay. Did you see -- previous to this murder, did you
9 see contact between these two numbers?

10 A. I did.

11 Q. Was it more than once?

12 A. It was.

13 Q. More than ten times?

14 A. There were numerous times. I only got to that. I'm not
15 sure of the exact times. But I think could be more than
16 ten.

17 Q. But you didn't go back to here, did you?

18 A. No. I think I went back a few days before, maybe a
19 week after.

20 Q. Okay. But you did see some contact between the two
21 before the murder?

22 A. I did.

23 Q. Okay. Did you see contact between the two right around
24 the time of the murder?

25 A. Right before, minutes before.

1 Q. Okay. And what were the times of that contact?

2 A. I'll refer to Montrelle's since they're in Eastern
3 Standard. But there are two calls between 1390 and 6691 at
4 6:13:22 and 6:15:22. That would be 6:00 a.m. on both of
5 those on September 19, 2015.

6 Q. Okay. Did you find that corresponding contact on the
7 phone records of Trivell Richardson?

8 A. In order to corroborate that, Mr. Richardson's records,
9 which are in UTC, there's a phone call on that date at 10:15
10 and 10:23 according to the records. You subtract four
11 hours, that would be 6:00 a.m.

12 AST. SOL. SIMPSON: May I approach, Your Honor?

13 THE COURT: You may.

14 AST. SOL. SIMPSON: Your Honor, at this point time, the
15 State would seek to admit State's 137 and 139 into evidence.

16 THE COURT: Any objection?

17 MS. FORD: Your Honor, I need to see them. (Brief
18 pause.) No objection, Your Honor.

19 THE COURT: Marked and admitted without objection.

20 That was 137 and 139, correct?

21 AST. SOL. SIMPSON: Yes, Your Honor.

22 (State's Exhibit Numbers 137 and 139, Phone Records,
23 were received into evidence.)

24 Q. Detective Tuttle, I'm going to do something on the fly
25 here in a very low-tech manner.

1 A. Yes, sir.

2 Q. Just so we have a reference -- I'm going to give you a
3 blank piece of paper marked for ID only, State's 148. Could
4 you write the name Montrelle and the actual number that you
5 obtained associated with those and the name Trivell and the
6 number associated with him. If it will refresh your
7 recollection, refer to the subscriber info that you
8 obtained.

9 A. Name and number?

10 Q. Yeah.

11 A. (Witness complies.)

12 AST. SOL. SIMPSON: Your Honor, at this point, I would
13 just like to, so it's in there for reference, admit State's
14 148.

15 MS. FORD: I object, your Honor.

16 THE COURT: Approach.

17 (A bench conference was held off the record and out of
18 the hearing of the jury panel.)

19 THE COURT: The objection is sustained.

20 Q. Detective, I'm going to show you what's been marked as
21 -- we're going to mark as State's 148, 149 and 150. Gonna
22 mark as 150 and 151.

23 AST. SOL. SIMPSON: May I approach, Your Honor?

24 THE COURT: Uh-huh.

25 Q. Do you recognize those two pages?

1 A. I do.

2 Q. And what are those?

3 A. Along with the information I requested in the search
4 warrant, they also provide subscriber information. That's
5 how the company bills. And in this case for the 1390
6 number, it was registered to Trivell Richardson. And the
7 6691 number was registered to Mr. Montrelle Campbell.

8 Q. Thank you, Detective.

9 AST. SOL. SIMPSON: At this point the State would seek
10 to introduce State's 150 and 151 into evidence.

11 THE COURT: -- did you show it to Ms. . . .

12 (Brief pause.)

13 AST. SOL. SIMPSON: I agree with her qualification.

14 THE COURT: So are you withdrawing?

15 AST. SOL. SIMPSON: Oh, no. No. She just wanted to do
16 the single page, and I'm fine with that. Admitting 150 and
17 151?

18 THE COURT: Any objection?

19 MS. FORD: No, Your Honor.

20 THE COURT: Marked and admitted without objection. Did
21 you say 150 and 151?

22 AST. SOL. SIMPSON: Yes, ma'am.

23 (State's Exhibit Numbers 150 and 151, Cell Phone
24 Records, were received into evidence.)

25 Q. Detective Tuttle, you said you requested also about a

1 week after this incident?

2 A. It was a short time frame after the murder. Yes, sir.

3 Q. Any phone contact between the two after the incident?

4 A. Communication between them quickly dissipated.

5 Q. Okay. Dissipated. So there was none?

6 A. There was . . .

7 Q. Okay. But less frequent?

8 A. --

9 AST. SOL. SIMPSON: Your Honor, no further -- I'm
10 sorry. Court's indulgence.

11 No further questions of this witness on the subject.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. FORD:

16 Q. Detective Tuttle, when Trivell Richardson gave you that
17 number, that's when he was still denying that he was present
18 downtown, correct?

19 A. So I interviewed him a couple of times. I spoke to him
20 on that number and I ---

21 Q. It was his first interview?

22 A. His first interview, yes.

23 Q. Okay.

24 A. So he was still denying that.

25 MS. FORD: Beg the Court's indulgence.

1 THE COURT: Yes, ma'am.

2 MS. FORD: No further questions, Your Honor.

3 THE COURT: Any objections to the witness being
4 excused. From the State?

5 AST. SOL. SIMPSON: No, Your Honor.

6 THE COURT: From the defense?

7 MS. FORD: No, Your Honor.

8 THE COURT: Well, I assumed there was no redirect as
9 well?

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: Sir, you're excused.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Call you next witness.

14 AST. SOL. SIMPSON: Thank you, Your Honor. The State
15 would call Special Agent Clay Simmonds of the Federal Bureau
16 of Investigation.

17 (ROBERT CLAYTON SIMMONDS, was duly sworn and provided
18 the following testimony.)

19 CLERK: Take your seat. Spell your first and last name
20 for the record.

21 THE WITNESS: Full name is Robert Clayton Simmonds.

22 R-O-B-E-R-T, C-L-A-Y-T-O-N, S-I-M-M-O-N-D-S.

23 THE COURT: You may proceed.

24 AST. SOL. SIMPSON: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 DIRECT EXAMINATION

2 BY AST. SOL. SIMPSON:

3 Q. Agent Simmonds, good morning.

4 A. Good morning.

5 Q. We spoke yesterday in front of this jury, correct?

6 A. Yes, sir.

7 Q. And I believe we sort of concluded with you being
8 qualified as an expert testify?

9 A. That's my understanding. Yes, sir.

10 Q. Just by way of a reminder, what is it that you do for
11 the FBI?

12 A. I'm a special agent with the FBI. I'm assigned to the
13 cellular analysis survey team. Basically, the acronym is
14 CAST. And I analyze cell phone records and provide a visual
15 depiction of the cell phone usage over period of time.

16 Q. You're part of a team called the CAST team?

17 A. Sure. FBI has a group agents that are specially
18 trained in analyzing cell phone records to assist in
19 locating missing children, kidnap victims, fugitives,
20 evidence, almost anything under the sun. There is about 61
21 of us out there spread throughout the country from New York
22 all the way down to Florida all the way out to the West
23 Coast.

24 Q. And you say members of your team are accepted as expert
25 testimony in courts almost -- how frequently?

1 A. Routinely. Basically, every day one of us is usually
2 in a courtroom testifying about cell phone records or cell
3 phones in general.

4 Q. And in your expert opinion, is your training up to the
5 state-of-the-art science in this area?

6 A. Sure. Our training takes a couple of years to become
7 completely certified. Just depends on how quickly the
8 classes take place. That we certify through our own peers,
9 but we also have the cellular providers come and train us.
10 People in our law enforcement relations group that can
11 divide the self and record service and the engineers who
12 make up the network can explain how the network is made up,
13 how the towers are oriented, you know, what data is
14 available to us. So they're also in our training. And
15 every year we go back and recertify by the same law
16 enforcement personnel and engineers for the network
17 providers.

18 Q. And is that recertification provide you with any
19 updates in the field and things of that nature?

20 A. Sure. So as any technology keeps involving, we learn
21 the new techniques that are out there, new technology that
22 is out there, how the records have changed from in the past,
23 and they keep us up to date on changes.

24 Q. Agent Simmonds, were you asked to perform some work in
25 this field in the specific case?

1 A. Sure. Your office asked me to look at two cell phones
2 over a couple of periods of time and provide that digital
3 depiction as I mentioned earlier of where those phones were.

4 Q. Okay. In a moment, I'm going to have you first sort of
5 educate the jury as to sort of the methodology you use in
6 doing what you do, and then transition that conversation
7 into explaining, you know, the actual results of your work
8 on the specific case. Into the vain, I'm showing you what's
9 been marked for ID only as State's 141. Will you take a
10 minute and acquaint yourself with that exhibit.

11 A. (Witness complies.) This is the presentation that I
12 provided to your office.

13 Q. And would this presentation assist you in a
14 demonstrative way only to sort of demonstrate to this jury
15 what you're talking about as far as methodology going into
16 your actual work on this case?

17 A. Most definitely.

18 Q. Okay.

19 AST. SOL. SIMPSON: Your Honor, at this point the State
20 would seek for demonstrative purposes only to publish
21 State's 141 to the jury.

22 THE COURT: You may proceed.

23 Q. Now, agent Simmonds, first off, did you give this to us
24 on paper or did you have ---

25 A. --

Direct Examination of Mr. Simmonds by Ast. Sol. Simpson

1 Q. Correct. And I was the one that printed ---

2 A. Yeah, you printed it. It was a PowerPoint initially
3 and . . .

4 Q. Okay. To start with on the first page here, what
5 numbers were you asked to analyze?

6 A. The first time numbers I was asked -- this is just our
7 cover sheet showing who did it, what organization was part
8 of it, the date that I performed the analysis, and the two
9 phone numbers that were asked to be analyzed. The first one
10 is a Sprint cell phone number of 843-557-6691 and the second
11 one is a T-Mobile number of 843-330-1390.

12 Q. --- can be pretty voluminous. Is that correct?

13 A. They can be. Depends on how far back you ask for.

14 Q. Maybe I'm jumping ahead. Let's move on to the next
15 page and see if this will assist you at all. Explain to
16 this jury, educate them, as far as what it is you're
17 actually doing, the methodology.

18 A. Sure. This presentation just explains what numbers I
19 was asked to analyze, the time period that I was asked to
20 analyze those phones for, how we analyze those records. And
21 the conclusions will be on the following pages. So, again,
22 I was asked analyzed a Sprint phone of 843-557-6691 and the
23 T-Mobile number of 843-330-1390 for the time period of
24 September 18 -- 17th and 18th of 2015 from 11:59 p.m. to
25 1:13 a.m.; then again at 3:20 to 6:35 in the morning. The

1 last date frame by September 19 from 4:37 a.m. to 8:00 a.m.
2 in 2015.

3 Q. Now, we see some sort of weird times right there, like
4 4:37. Are those arbitrary or they sort of using . . .

5 A. Those are based on the phone records. I could have
6 made it a little simpler and made it for 4:30 to
7 eight o'clock but those are based on phone records of when
8 the phone is actually utilizing those towers, and we had
9 tower information for it. That's the reason for those
10 times.

11 Q. Explain to the jury what we're looking at here.

12 A. So the slide for this piece of paper here is used to
13 explain what the typical three sector tower looks like.
14 Most everybody has seen them driving up and down the
15 highway. Maybe you live close by one. It's a big tall pole
16 and it's got antennas on each side of it. Most towers --
17 and I have yet to see a tower that has more than three
18 sides, and in South Carolina most of the towers are divided
19 into three sectors -- they're divided into a 120 degrees
20 sectors so you get a 360-degree coverage have that
21 particular area. And the engineers or the phone network
22 providers will label each sector Sector 1, Sector 2, Sector
23 3, or some of them will be called an alpha-beta or gamma.

24 Q. And the next page?

25 A. And so this page here gives you an explanation of how

1 we come up with the orientation of their sectors. Not all
2 of them are oriented at perfect zero meaning due north and
3 then to the southeast and southwest. They are not all that
4 way. So when we're looking at the records, the two things
5 that we need to analyze the records are the call detail
6 records, the phone records of the particular phone that
7 we're analyzing, and we need the tower list for the time
8 period that we need. So when looking at this is looking at
9 the tower list in 2015.

10 On the tower list, it gives us latitude and longitude,
11 the location of the tower we need, the orientation or what
12 they call the azimuth for those particular sectors. And
13 then also it gives us terminology such as location area code
14 and cell side ID or cellular ID. And why we need that is
15 that to combine the lat and the cellular ID together. You
16 won't find another one anywhere on that particular company's
17 network. So if the lat is ABC and the cell side ID is 123,
18 you won't find that anywhere else in the country on Sprint,
19 T-Mobile, AT&T's network. That is unique to that particular
20 area. And so we need that to identify the towers. And
21 then, of course, the latitude and longitude tells us where
22 the towers are located. And the reason why we need to know
23 the azimuth is, again, I said not all of these towers are
24 oriented perfectly north or perfectly to the south. They
25 are oriented by degrees. And when you kind of think of

1 degrees as numbers on the clock with 12 being 360 or zero
2 and then every hour after that is 30 degrees. So for this
3 presentation if you have orientation of zero, strongest
4 point about sector is going to be at twelve o'clock. And
5 when you divide 120 degree coverage area, we get 60 degrees
6 to the right, a 60 degrees to the left where the sector
7 would end up at two o'clock to get us a 120 degrees. So
8 therefore, likewise, it would go the other way. So we we're
9 looking at in this particular example at this sector here
10 and we saw that as 120-degrees, well center point will be at
11 four o'clock and we get 60 degrees to the left, 60 degrees
12 to the right to get our 120-degree sectors.

13 Q. What are you explaining here, Agent Simmonds?

14 A. So this is to show how the sectors will be represented
15 on the maps that were produced. I showed these because when
16 we have multiple phones on a map, we will use different
17 colors so we can differentiate the phones there. But the
18 main portion of this is to show that the little blue area
19 here is not the coverage area for that particular cell phone
20 sector at that time. We just want to show that's the energy
21 coming off of the tower and what direction that it's going
22 to. So, therefore, the phone does not necessarily have to
23 be in this blue area. It can be anywhere within the two
24 arms of that sector.

25 Q. Okay. That's a good segue to what I wanted to ask you

1 next. The mapping that you do, does it provide exact
2 pinpoint locations of where a cell phone is when it's used?

3 A. No, sir. It gives us the sector that was utilized at
4 that time. So we take that information and plot it and say
5 that the phone can be anywhere within that sector. We know
6 from investigation, like if we're trying to find fugitives,
7 there will be additional information to support it.

8 Q. An address?

9 A. An address, a known hang out or something of that
10 nature which might give us a more reasonable belief to
11 believe that that person would be at that particular
12 location. So if the phone utilized a tower and hovers an
13 area that you're interested in, and if they were a fugitive,
14 that would probably be the place I would look first, or if
15 it was a child that was missing or anything of that nature.

16 Q. Okay. Does the frequency of the number of towers in an
17 area allow you to sort of dwindle the location down a little
18 bit?

19 A. Sure. Because the way that the network set up their
20 cell phone system is they don't want to have dead spots.
21 Dead spots aggravate you, me, anybody that uses a cell phone
22 because what happens is you drop your phone call. If y'all
23 remember early on with the advent of cell phones, always get
24 to that point where we are driving down the road and you're
25 like, hey, I'll call you back in just one second; I'm going

1 to lose you. And you drop your phone. As cell phones
2 became more popular and the demand became about, cell phones
3 didn't want to lose business. It's a billion-dollar
4 industry every year, so they don't want to lose business.
5 So they started erecting more cell towers to provide more
6 capacity to provide services to more users that are out
7 there to meet the demand.

8 So the way that the networks are set up is you kinda
9 have to take it on as like a sprinkler system. You don't
10 want dead spots in your grass, so you have your sprinkler
11 head set up all throughout your yard. And the sprinkler
12 over here on the left and the sprinkler over here on the
13 right, their paths may overlap each other so you don't have
14 that piece of dead grass right there in the middle. Cell
15 phone networks are basically the same way. They try to have
16 that overlap so as you travel place to place you don't lose
17 your cell coverage.

18 Q. Explain a little bit -- you did some of this yesterday.
19 Explain a little bit about just the basics. If I make a
20 call, what happens? What does my cell phone do?

21 A. So, basically your cell phone, as it sits idle -- the
22 one I have on me, it sits idle. It's actually looking for I
23 tower that provides the cleanest, strongest signal. Cell
24 phones don't like disturbances; don't like noises that
25 interfere with the signal. So it's constantly looking for

1 the cleanest, strongest signal. So as your phone is idle
2 and waits on a call or you pick it up and you start to dial,
3 it starts surveying the area to see which tower provides
4 that signal; cleanest, strongest signal. And when you hit
5 the send button or you hit the answer button to execute a
6 phone call or you text, it reaches out to that tower and
7 says, I have a call, I have resources that I need to use; I
8 see this tower has the cleanest, strongest one; may I have
9 service? And the tower grants it to them and you complete
10 your call. This is done in microseconds.

11 Q. Okay. It is the cleanest signal, generally speaking,
12 from the closest tower?

13 A. Usually it is. Because it's line of sight. Cell
14 phones try and go by line of sight. So whichever tower is
15 usually the closest, it's probably going to be that
16 particular one but it's not always. There's things that can
17 affect the tower being utilized such as one is -- you're in
18 a mountainous region such as the Rocky Mountains,
19 Appalachian Mountains around here, and there's a mountain in
20 the way. You're in New York in a new tall building and it
21 happens to be in the way. There may be a tower that's
22 closer, but the one that's behind you, that's up a little bit
23 taller provides the better signal but it may be a little
24 further away.

25 Q. Okay. So when we look at your conclusion, we should

1 say, you know, as a generality we're for going to the
2 closest if there's nothing to obstruct it. But it's not
3 100 percent always?

4 A. No. It's not a hundred percent always ---

5 Q. --- is fair to say?

6 A. Yes.

7 Q. We're going to transition here now to the more specific
8 work you did in the present case. Showing the next slide of
9 your presentation. What are we looking at here?

10 A. Just basically legend of what is going to be depicted.
11 So the red flag is our crime scene of ■ Norman Street. The
12 green dots are the towers for T-Mobile. And the black dots
13 are the towers Sprint. And this picture is just to show
14 that, you know, there's more than one tower out there. And
15 the cell phone companies can get away with it. They have
16 one big tower because towers are expensive and to erect and
17 maintain.

18 Q. Now, as a Sprint subscriber, is my phone typically
19 gonna try to find a Sprint tower?

20 A. Your phone always try to find the tower that is in your
21 network. If for some reason Sprint does not provide
22 coverage in that particular area, they may run them on
23 another network.

24 Q. I think we all know what it means. Is that what
25 roaming means? You're out of your network so you're using

1 another?

2 A. Yes. Just because say there's not Sprint and the
3 panhandle of Texas. But the technology that Sprint uses in
4 the technology of another company of the same, they will
5 allow them to run on that network.

6 Q. Is it a fair statement that for cell phones in a
7 metropolitan area like Charleston these are covered by all
8 the major companies?

9 A. They are. Charleston is covered by every major service
10 provider in the US . . .

11 Q. So right now if I call on Verizon, it's going to post
12 on a Verizon tower. If you ever Sprint phone, it's going to
13 hit a Sprint tower with the caveat that you've already
14 explained?

15 A. It's going to hit the tower with the clearest phone
16 signal.

17 Q. Okay. Or my provider?

18 A. Or your provider, yes.

19 Q. Okay. Thank you. I did a poor job cutting off the
20 margins here. They can you explain what's been marked
21 ID -- Agent Simmonds, I'm handing you what's been marked ID
22 only. It State's 142, 143, 144, and 145. Do you recognize
23 these?

24 A. Yes. This is part of the same documents that you gave
25 me earlier and it's one of the presentations that I

1 provided.

2 Q. Okay. Is this the part where he really get into the
3 meat of your actual work on this case?

4 A. Yeah. This will be the actual visual depiction of the
5 cell phone usage over time.

6 Q. Okay.

7 AST. SOL. SIMPSON: Your Honor, at this point the State
8 would seek to admit 142 through 145 as exhibits.

9 THE COURT: Any objection?

10 MS. FORD: Just subject to my prior objection -- Your
11 Honor.

12 THE COURT: Overruled. Any other objection to the
13 documents?

14 MS. FORD: No, Your Honor. We have no additional
15 objections.

16 THE COURT: Marked and admitted.

17 AST. SOL. SIMPSON: Thank you, Your Honor.

18 (State's Exhibit Numbers 142-145, Cell Phone Analysis
19 Documents, were received into evidence.)

20 Q. Agent Simmonds, I'm showing you what's been admitted in
21 evidence State's 142. And even with my poor cropping I
22 think you can review that. What are we looking at here?

23 A. So this is the towers that were utilized by the Sprint
24 cell phone, 557-6691, for the time period that I alluded to
25 earlier, September 17, 2015, from 11:59 p.m. until

1 September 18th at 1:13 a.m.

2 Q. And what does the red sort of icon there?

3 A. The red icon again is ■ Norman Street which is the
4 crime scene for this particular case. So basically, you
5 know, the phone starts out in the West Ashley area. It's
6 basically on the side. This side here. Travels over to the
7 downtown area and then eventually travels up north North
8 Charleston, the North Charleston area.

9 Q. And that covers through the night September 17th
10 caring into morning of September 18th?

11 A. That's correct.

12 Q. And this particular plotting was done with just one of
13 the phones, right?

14 A. Yeah. Only on the Sprint phone.

15 Q. Okay. And that's the 6691?

16 A. That's correct.

17 Q. And that particular one stops at 1:13. Moving to the
18 next. I think you could tell this even though I cropped
19 some of it out. Is this the same phone?

20 A. This appears to be the same phone. A little bit later
21 on during the evening September 18th from 3:20 a.m. to
22 6:34 a.m. it appears the phone was in the downtown area have
23 Charleston surrounding ■ Norman Street. And then
24 eventually at 6:30 in the morning it was up in the North
25 Charleston area.

1 Q. Okay. We're moving now to State's 144 admitted into
2 evidence in. This is an additional phone added to this
3 analysis?

4 A. Sure. This is the T-Mobile phone that I spoke of
5 earlier; the 843-330-1390. So that particular phone is
6 represented by the green dots and the green pie sectors that
7 are displayed on here. The green writing on the callout
8 boxes are specifically for that T-Mobile number while the
9 callout boxes that have black writing is for the Sprint
10 phone that we've been speaking of. So, again, basically
11 this shows me at one particular point the T-Mobile phone was
12 up here in the North Charleston area. Eventually, it
13 started traveling southwards towards downtown utilizing this
14 tower. And then it eventually around 6:15 it's down here in
15 the downtown area. And then eventually went back up around
16 seven o'clock back here to -- in this area around seven
17 o'clock at the Charleston International Airport. While the
18 Sprint phone was downtown at 5:51 in the morning down here
19 then eventually at 6:54 it was up here at the North
20 Charleston area.

21 Q. And, again, if you're Sprint and I'm T-Mobile and we're
22 hanging out together and we both make a call, I'm going to
23 the closest Sprint tower, you're going to the closest
24 T-Mobile tower; right?

25 A. And they could be the same if they share specs. So

1 companies will put share space on a tower. But it doesn't
2 appear this way that they share towers.

3 Q. So, for instance, you see this area by the airport
4 appear receive the green dot and in the black dot right next
5 to it. This are the two companies, different towers?

6 A. Yeah. So ---

7 Q. Seem to be in the same area?

8 A. So this particular one right here it seems to be a
9 tower that shares space.

10 Q. Okay. Now if there's a gap in usage of my phone, are
11 you going to see tower records for those phones?

12 A. If the phone gets routed to voice mail or gets ignored
13 for whatever reason or the phone is off, Sprint -- most
14 companies don't provide cell tower information for that.
15 Sprint is one of them. They usually will list the records
16 that is routed. I think Verizon uses a number five to say
17 forwarded -- cell tower information.

18 Q. That's a good segue to what's previously been entered
19 into evidence is 137 and 139. I'm not trying to make you go
20 blind here. I want to draw your attention to the to these
21 two phone records starting here. I'm just going to ask you
22 to make an assumption for me here that 137 is Eastern
23 Standard Time in 139 is a four hour difference.

24 A. I don't have to make that -- I know. I had to
25 reference it to generate this map. Yeah, T-Mobile provides

1 their records in UTC time, universal time code. I think for
2 anybody that was probably in the military a while back, GMT,
3 Greenwich mean time, was another way to determine. The
4 Sprint provides them an Eastern time or the local time that
5 the phone call took place, while T-Mobile processes it in
6 UTC, which is, during this time frame, is four hours. If we
7 were talking about it today, it would be five hour
8 difference.

9 Q. And that's daylight saving time?

10 A. That is correct.

11 Q. Okay. So I want to draw your attention first Eastern
12 Standard Time records there to phone calls at 6:15 a.m.
13 Eastern standard Time.

14 A. Okay.

15 Q. And 6:15 a.m. Eastern standard Time. Do you see those
16 two back-to-back calls?

17 A. Yes.

18 Q. Are those made to the other number that you analyzed?

19 A. Your top headings are off. But this is an incoming
20 call to the Sprint number, the 557-6691. And the number
21 called was the other number, 843-330-1390.

22 Q. Now, the calling you plotted on the map. Is that
23 correct?

24 A. That's correct.

25 Q. Okay. The receiving number you did not plot on the

1 map. And I think you just answer this question, but can you
2 plot routing calls?

3 A. Not with Sprint. Sprint does not provide -- usually
4 does not provide tower information. And on these particular
5 calls in question, you look at it and the two columns which
6 are the J and K that provide tower information, they're
7 zeros.

8 Q. Okay. So you had no tower information from the
9 receiver ---

10 A. From the Sprint phone. That's correct.

11 Q. Thank you. It still doesn't mean that those calls
12 weren't made, right and make?

13 A. Well, the calls were made because it's an -- there's
14 just no tower information for that Sprint phone.

15 Q. Moving on to State's 145. What are we looking at here?

16 A. So this is just a closer review of the towers that were
17 utilized in downtown Charleston between 5:51 a.m. and
18 6:15 a.m. The Sprint phone Sprint Tower 752 at 5:51 in the
19 morning, while T-Mobile phone use tower 8659 and 46694
20 between 6:15 -- 6:13 and 6:23 in the morning.

21 Q. And so we have about -- let's see, the last on there,
22 6:23 in this general area -- getting them mixed up -- I'll
23 call it the green phone -- and 5:51 for the black phone?

24 A. That's correct.

25 Q. Going back to State's 145, that is 6:23 and 5:51, you

1 then move ahead in whatever the green phone is in, the 1390
2 phone in ---

3 A. It's up -- at 7:15 an hour after 6:15 call, it's up in
4 the North Charleston near the airport.

5 Q. It's using this tower?

6 A. That's correct.

7 Q. What about the other phone at 6:54?

8 A. It's using tower 530.

9 Q. So both these two phones -- right around the hours of
10 7:00 a.m. that morning are using these two phones in the
11 North Charleston area?

12 A. That is correct.

13 AST. SOL. SIMPSON: Court's indulgence.

14 THE COURT: Yes, sir.

15 AST. SOL. SIMPSON: Agent Simmonds, answer any
16 questions that Ms. Ford has.

17 THE COURT: You may proceed.

18 MS. FORD: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 CROSS-EXAMINATION

21 BY MS. FORD:

22 Q. Hello, Agent.

23 A. Hello.

24 Q. Agent Simmonds, you prepared -- what you've shown us
25 today based on phone numbers, correct?

1 A. Phone numbers and the tower list.

2 Q. Right. And because your work is able to attempt to
3 trace a phone, an object, correct?

4 A. Yeah. My whole testimony about the phone. The phone
5 was utilized during those times utilizing this towers at
6 this particular times. I don't know -- I cannot personally
7 say because I wasn't involved in the actual investigation
8 itself who was utilizing the phone at the time.

9 Q. So your work it just tracks the phone not necessarily a
10 person? Just someone using a phone.

11 A. Well, I mean, yes. It's a person using the phone, of
12 course. But my testimony is strictly just on the phone
13 usage because, again, like I said, I wasn't involved actual
14 investigation of who was utilizing at the times that were
15 plotted on that.

16 Q. And from what we just looked at, the 557 number, that
17 looks to have been in the downtown area at 5:51 a.m.?

18 A. On September --

19 Q. 19th.

20 A. Yes, ma'am.

21 Q. And then it looks to be going to North Charleston area
22 is the next time you can track it at nearly 7:00 a.m.?

23 A. Yes. At 6:54 it's up towards North Charleston.

24 Q. And this phone, we looked at the 557 number, it was
25 also in the downtown area the evening before on the 18th,

1 correct?

2 A. That's correct.

3 Q. And according to your work, it was downtown in the
4 early morning hours as well as late as 3:50 a.m., correct?

5 A. On the 18th?

6 Q. Yes.

7 A. Yes, ma'am.

8 Q. And then you just know at some point after that time it
9 ended up being in North Charleston around 6:30 in the
10 morning?

11 A. That's correct. Without looking at the phone records,
12 I couldn't tell you how long it stayed. It's my belief, but
13 I like to look at the phone records again to refresh my
14 memory that there is no activity on the phone after
15 3:58 a.m. until 6:30.

16 Q. But this phone was in the area at nearly 4:00 a.m.
17 downtown Charleston, correct?

18 A. On the 18th. Yes, ma'am.

19 Q. And you told us that your work, there is no way to
20 determine the precise location, correct?

21 A. Not based on the historical cell site records. It just
22 gives us the tower and sector so we know what side of the
23 tower to -- if we were going to look for somebody, what side
24 of the tower to start or look.

25 Q. It just gives you the general area of where a phone is

1 being used?

2 A. Sure. I couldn't tell you exact, you know, 123 Main
3 Street if all I had was tower sector at the particular time.

4 Q. So when you were looking, you referred everything or
5 had as a reference point ■ Norman Street, correct?

6 A. Yes, ma'am.

7 Q. But it's possible that someone was not actually at ■
8 Norman Street at the time of the call?

9 A. The phone utilized a tower and sector that covers ■
10 Norman Street. But, again, the phone could have been
11 anywhere within that sector on there. Unless there's other
12 information that I'm not aware of. I personally cannot tell
13 you that that thing is that ■ Norman Street on up
14 particular date.

15 Q. Norman Street doesn't have it's own cell tower. Is
16 that fair to say?

17 A. Very fair to say.

18 Q. And a cell tower can cover actually several miles. Is
19 that fair to say that that's possible?

20 A. Well, again, cell phone networks are set out to provide
21 the best possible coverage for their customers. So when
22 downtown Charleston your cell phone towers will be a little
23 bit closer due to the urban environment that we have here.
24 But if you go out into a rural area, Berkeley County,
25 Hollywood, South Carolina than they cover -- they're further

1 apart because there's less demand and need for services out
2 there. Again, if we were up in New York City were there's
3 8 million people just in the city, you might have a cell
4 tower every block or half block to provide that coverage.
5 But, yes, it can vary from -- depending on the location and
6 the terrain and, you know, other factors that would affect
7 the quality of service a company can give.

8 Q. And a cell phone picks up what it deems to be the best
9 signal, which is often the closest tower but not necessarily
10 the closest tower, correct?

11 A. The phone is always trying to find the cleanest,
12 strongest signal. But the phone also has to be within the
13 footprint of that tower to be able to get the cleanest,
14 strongest signal. So if the phone is West Ashley and
15 there's no way on God's green earth that it will ever use a
16 tower in downtown Charleston. I cannot see it. You cannot
17 hear it. It will not provide a cleanest, strongest signal.
18 It would have to use a tower where that phone is located
19 that it sees as the cleanest, strongest signal.

20 Q. Distance between two towers, that doesn't necessarily
21 determine how much coverage each tower has. Is that fair to
22 say?

23 A. Right. I mean, because the way the networks are set up
24 are going to vary from location to location. You may -- in
25 rural Kansas, you may be able to put up one tower and it

1 will cover for miles because, if you've ever been in Kansas,
2 there's nothing out there in rural Kansas. But you couldn't
3 do that in downtown Charleston. You can't do that in
4 Columbia. You can't do that in New York. Because there are
5 so many other factors that will affect the quality of the
6 signal that they don't want to lose customers. So they put
7 up other cell towers that may be closer -- closer together.
8 But, you know, towers the way they're set up, again, they're
9 set up to overlap so you don't have those dead spots in the
10 network. But you can't have the two of them competing and
11 one overpowering the other because then the other ones
12 become useless because it can't find that clean signal.

13 Q. And there's overlap. So if someone's near the edge of
14 a certain cell tower coverage then it could actually be
15 looking for the tower and the next ---

16 A. Sure. It's always looking for a tower. Your phone is
17 always looking for towers when it's in idle mode. And when
18 the call, text -- you decide to make a call or a text and
19 you press the green button, it will select the tower that
20 has the cleanest phone signal. Now, if you're in one of
21 those overlaps and you stay in that overlap there for a
22 period of time, you may see -- it likes tower one, you know,
23 two calls; it likes tower two for two to three calls. And
24 you keep bouncing back and forth. Again, if I was going to
25 look for somebody, I'd be looking into that overlap of where

1 that phone was utilized.

2 Q. And the maps you've shown us -- you explained to us you
3 have this little area that shows -- arms, correct?

4 A. That's correct.

5 Q. But in reality, your coverage is not necessarily
6 perfectly -- it's not designed. It's sort of like a stake
7 on a map. You don't necessarily have straight lines?

8 A. That's correct. So the wedges, the long wedges, I call
9 them pie wedges, that I've had drawn on these maps to
10 represent the coverage area of that cell tower, or that cell
11 sector I should say. If I was to go out and actually drive
12 test and get a footprint of that particular tower, it would
13 be kind of like an amoeba shape or an irregular shaped
14 polygon. Most of it would fall within the two lines that I
15 have. You might have a little bit to the left, a little bit
16 to the right of it. But generally it's in that 120 degrees
17 sector . . .

18 Q. And you mentioned a drive test. Is that something you
19 can do to try to confirm the coverage area that you're
20 looking at?

21 A. Sure. We have equipment that's capable of being hooked
22 up and sing with the actual footprint of cell phone towers
23 are. We usually will do that closer to when a crime took
24 place or just try to figure out the coverage area of up
25 particular spot. I didn't receive these records until I

1 believe late November early December. And with the passage
2 of time being almost two years, I didn't feel it was
3 necessary to apply the drive test to this case.

4 Q. It may not be accurate since things have changed since
5 over two years, correct?

6 A. Sure. It would be, in my opinion and the assumption
7 that I would've made, I would have to confirm it with the
8 networks, but the growth that Charleston has had, you know,
9 the engineers could have changed the orientation of an
10 antenna or the azimuth of a tower are taking one down or
11 expanding one, add another layer on an existing tower. So
12 that's why I didn't drive test it. So I just sort of --
13 most accurately to represent the records.

14 Q. You couldn't test it because of the time ---

15 A. In my opinion, is too long of a gap from when the crime
16 took place to when I received the records.

17 MS. FORD: Beg the Court's indulgence.

18 THE COURT: That's fine.

19 (Brief pause.)

20 MS. FORD: I have no further questions from this
21 witness, Your Honor.

22 THE COURT: Any redirect?

23 AST. SOL. SIMPSON: Yes, Your Honor. Thank you.

24 THE COURT: You may proceed.

25 REDIRECT EXAMINATION

1 BY AST. SOL. SIMPSON:

2 Q. Agent Simmonds, you're a qualified expert in this area,
3 correct?

4 A. Yes, sir.

5 Q. You have over 400 hours of training?

6 A. That's correct.

7 Q. Familiar with the state-of-the-art of this technology?

8 A. Most recent. Yes, sir.

9 Q. Does your absence of a drive test in this particular
10 cause you any doubt as to the reliability of what you
11 presented to this jury?

12 A. Not at all.

13 Q. Did you use the towers that existed in 2015 for the
14 materials that you presented?

15 A. That's correct?

16 Q. Showing you what's been entered -- a copy because I
17 tend to mark on it -- but State's 144. This admittedly is
18 not going to be the best. Are you familiar with the
19 Charleston area?

20 A. Yeah. I was a police officer there for five years and
21 patrol downtown.

22 Q. Right. We see here 17 crossing the Cooper River. What
23 is that? You see Highway 17 going over the river here, what
24 is that? Is that the Cooper River Bridge?

25 A. Yeah. It's the Cooper River Bridge?

1 Q. I'm going to mark here at a approximately where that
2 hits 526 here. You say you lived here long time. So you
3 know where that is. Is that correct?

4 A. Sure.

5 Q. Now for my Sprint carrier making a Sprint phone call
6 around in that area, where would you in your expertise think
7 the most logical tower for me to be pinging off of would be?

8 A. In your ---

9 Q. Sprint?

10 A. It's going to be one of these towers here.

11 Q. Okay.

12 A. You know, sometimes this mapping program doesn't show
13 both if they're colocated towers. So if this is a colocated
14 tower with Sprint and T-Mobile antennas on it, it could also
15 use this.

16 Q. Okay. Understanding that we're not talking absolutes
17 here. But would you in your expertise think a Sprint call
18 in that location would be utilizing this tower at all?

19 MS. FORD: Your Honor, I have to object. Speculation.

20 THE COURT: Please approach.

21 (A bench conference was held off the record and out of
22 the hearing of the jury panel.)

23 THE COURT: Proceed.

24 AST. SOL. SIMPSON: Thank you, Your Honor.

25 MS. FORD: I'm sorry. I also object that is going out

1 beyond scope of the cross.

2 THE COURT: Overruled.

3 Q. Agent Simmonds, are you able to look at a location sort
4 of like the dot I put here and identify likely towers that
5 that phone would be using? Are you comfortable with this
6 line of questioning?

7 A. Sure. Because, again, the networks are set up -- I'll
8 go back to the sprinkler system analogy. They are set out
9 to provide overlapping coverage so we can move from area to
10 area and you don't lose coverage. In your sprinkler system,
11 you're not going to have one on the far east side of your
12 yard trying to cover the west side of your yard when you
13 have other sprinkler heads on that side.

14 Q. Okay. So to that, circle for the jury or point out to
15 the jury some of the likely towers you would pick?

16 A. If this is the phone here, this tower, this tower, and
17 that possibly that one because it's colocated with T-Mobile.

18 Q. And I'm correct to say that this is not one of the
19 likely towers you identified?

20 A. No. Because it would be way too much interference
21 between this tower here for the phone to read this tower
22 with a clear signal.

23 AST. SOL. SIMPSON: Court's indulgence.

24 THE COURT: Yes, sir.

25 AST. SOL. SIMPSON: Agent Simmonds, I have no further

1 questions.

2 THE COURT: Any objection to the witness being excused?
3 From the State?

4 AST. SOL. SIMPSON: No, Your Honor.

5 THE COURT: From the defense?

6 MS. FORD: No, Your Honor.

7 THE COURT: Sir, you're excused.

8 THE WITNESS: Thank you.

9 THE COURT: You're welcome. The State may proceed.

10 AST. SOL. SIMPSON: Thank you, Your Honor. Court's
11 indulgence (Brief pause.) Your Honor, at this time, the
12 State rests.

13 THE COURT: Mr. Foreman, ladies and gentlemen, the
14 State has rested their case. I have some matters of law I
15 need to take up. During the break please do not discuss the
16 case. Please leave your notepads in your seats. And we
17 appreciate your patience during this brief recess.

18 (The jury exits the courtroom at 11:15 a.m.)

19 THE COURT: You may be seated. The State has rested
20 their case. Are there any motions?

21 MS. FORD: Yes, Your Honor. At this time I would ask
22 for directed verdict. First of all, on the attempted murder
23 charges, I don't believe there is been shown to be specific
24 intent. The law seems to be clear at this point that
25 specific intent is needed for attempted murder. It's a

1 different standard than murder. While shooting into a
2 house, you know, there's a charge that shooting into a
3 dwelling. Obviously, it can be known that someone can die.
4 So for murder it's a different standard. For attempted
5 murder, I don't think the State has met its burden because I
6 don't think there's any way to determine the fact that
7 someone necessarily was intending to kill someone. It could
8 have been just to scare someone or whatever. And so just
9 because the burden is so high for attempt at murder, I'm
10 asking for those charges to be dismissed, Your Honor.

11 In general, I would ask for all of the charges to be
12 dismissed. This case -- circumstantial. There is no
13 witness to say that Montrelle was the actual shooter. There
14 are witnesses and evidence to show he was downtown at the
15 time of the shooting, that he was seen with a gun shortly
16 after the shooting, there's this motive that so trivial,
17 Your Honor. The victim testified that she didn't even --
18 she didn't call the police. Why people don't typically call
19 the police, she didn't really you know -- it was over. It
20 came to her mind simply because of recency rather than
21 because of the nature of it.

22 I believe this is a circumstantial evidence case, Your
23 Honor. And when we have a circumstantial-evidence case,
24 near suspicion is not enough. I think that if you look at
25 Logan, Your Honor, the long circumstantial evidence when

1 taken together the evidence point conclusively to the guilt
2 of the accused beyond a reasonable doubt and the
3 circumstances merely betray -- behavior suspicious, the
4 proof failed. And I think that's all we have here is
5 suspicious behavior. Again, there is no witness to say he
6 was a shooter. There's not actually any evidence that the
7 man with the Italia shirt who Trivell identified as
8 Montrelle that he was the shooter. The surveillance footage
9 does not shed that man specifically coming from the Norman
10 Street area. It shows him coming from the general area.
11 But there's no witness, I saw a man in a Italia shirt shoot
12 up Katrina's apartment. There's nothing of that nature.
13 It's just speculation because the man in the Italian shirt
14 had a gun. So I don't think there's enough evidence -- I
15 don't think the State has met its burden so we would ask for
16 directed verdict on all charges based on these reasons, Your
17 Honor.

18 THE COURT: Would the State like to respond?

19 AST. SOL. SIMPSON: Briefly, Your Honor. Thank you.

20 THE COURT: You're welcome.

21 AST. SOL. SIMPSON: As to Ms. Ford's first point for
22 charges of attempted murder, we do understand -- of course
23 in the last trial that was before Your Honor the issue came
24 up -- the new -- I wouldn't even call it now. The
25 clarification to the attempted murder law requiring specific

1 intent. That requires a specific intent to kill. It
2 doesn't require specific intent to kill a particular victim.
3 The doctrine of transfer of intent I don't believe in any
4 way is altered by recent developments in the attempted
5 murder law. What we have here is some firing an assault
6 rifle into the house. And I think we've established, at
7 least considering our any evidence standard, which we are to
8 at this stage, that he was coming there to harm a particular
9 person that being Katrina Brown who he punched in the head
10 and knocked to the ground 24 hours before when she wasn't
11 looking. So I think we put forth evidence of motive,
12 evidence of a specific intent. Obviously, one can infer
13 that intent from the use of an assault rifle, the number of
14 rounds, the damage he caused to the house. This wasn't a
15 drive-by pop a shot into a wall. This is standing, your
16 feet outside, and unloading a clip of an assault rifle into
17 an occupied dwelling. That I think meets our burden for the
18 specific intent to kill. And as to the individual who
19 tragically ended up deceased from that, we are not required
20 to prove that he specifically intended to kill that person
21 or specifically intended harm in the attempted situations to
22 the other Brown sisters who ended up being injured. We
23 merely have to show he possessed a specific intent to kill
24 which we think our evidence certainly has -- enough to
25 overcome this stage of the case and of this stand, any

1 evidence standard, because the doctrine of transfer of
2 intent left untouched by -- in the attempted murder statute.

3 As to the Logan standard, obviously we understand the
4 law of circumstantial evidence. But I would just again
5 point to the state we're at now. I think we presented more
6 than enough circumstantial evidence to overcome mere
7 suspicion. We have a person who has been identified -- you
8 know there's an expression, "Where's the smoking gun?" This
9 is one of the few opportunities I've ever seen where we
10 actually have one. We have the person identified as the
11 defendant holding a smoking gun seconds, just over a minute,
12 after a shooting occurred. And it just happens a person who
13 had an altercation with a specific address that got shot up
14 the day before. And we think that that among other things,
15 cell phone, contact between the codefendant and himself,
16 meets our standard. Prosecutors love to repeat at this
17 stage, and that standard being the any evidence standard at
18 this stage. We've overcome the legal hurdle. And I think
19 it's time to send this to jury, Your Honor. Thank you.

20 THE COURT: You're welcome. Considering the evidence
21 most favorable to the State as the Court is required to do,
22 in addition to that, the Court is required to determine if
23 there is any direct or any substantial circumstantial
24 evidence reasonably tending to prove the defendant's guilt.
25 The Court is not the finder of fact. It is not for me to

1 weigh evidence. It's not for me to determine the
2 credibility or believability of witnesses. That is solely
3 within the fact-finding province of the jury. And without
4 belaboring our time as it's at a premium, while Ms. Ford is
5 correct that there is a requirement of specific intent,
6 that's a factual issue for the jury to resolve, not for this
7 court to resolve. In addition, there is direct evidence in
8 the testimony of the codefendant. That would be
9 Mr. Richardson. As well as substantial circumstantial
10 evidence reasonably tending to prove the defendant's guilt.
11 Everything that is been raised by the defense in this
12 directed verdict motion amount to factual issues to be
13 resolved by the jury. And they are certainly free to argue
14 all the deficits they feel exist in the State's case. And
15 therefore the motion is denied.

16 Sorry, if you would stand for me to please. I'll
17 remind you you're still under oath. Yesterday I explained
18 to you certain of your constitutional rights those being
19 your rights to testify. Did you understand your rights as I
20 explained them to you on yesterday?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you need to ask me any more questions at
23 this time regarding what I explained to you?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Have you talked with your lawyers whether

1 THE COURT: You may be seated. Ladies and gentlemen,
2 we appreciate your patience as we dealt with those matters
3 of law. We'll now resume trial testimony. You may proceed,
4 Ms. Ford.

5 MS. FORD: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 MS. FORD: May it please the court?

8 THE COURT: Yes, ma'am.

9 MS. FORD: The defense calls Peggy Blake to the stand.

10 THE COURT: Ma'am, if you would come forward to be
11 sworn. Is she outside?

12 MS. FORD: She's right here.

13 THE COURT: Okay. Come forward, ma'am.

14 (PEGGY BLAKE, was duly sworn and provided the following
15 testimony.)

16 CLERK: Please take your seat. Spell your first name
17 and last name for the record.

18 THE WITNESS: My name is Peggy Blake, P-E-G-G-Y,
19 B-L-A-K-E.

20 THE COURT: You may proceed.

21 MS. FORD: Thank you.

22 THE COURT: You're welcome.

23 DIRECT EXAMINATION

24 BY MS. FORD:

25 Q. Ms. Blake, where were you living in September of 2015?

1 A. [REDACTED] Bogard Street.

2 Q. And where was that in relation -- or do you know
3 Katrina Brown?

4 A. No. Actually, I just know her by name. She's a
5 neighbor actually.

6 Q. Okay. But you know who I'm talking about ---

7 A. Yes.

8 Q. -- -- when I say Katrina Brown? And where do you live
9 in relation to her?

10 A. I live at [REDACTED] Bogard Street. She stayed across the
11 street from the projects.

12 Q. And I'm going to show you a map that may be able to
13 help us show where you lived, okay?

14 A. Yes.

15 Q. On this, can you see where you live?

16 THE COURT: You need to make sure you make reference to
17 the exhibit.

18 MS. FORD: Yes, Your Honor.

19 Q. I'm showing you what's been marked as State's
20 Exhibit 4.

21 A. Can you ask me the question again?

22 Q. Sorry. Yes, ma'am. Okay. So you live in that house?

23 A. Yes.

24 Q. And do you know where Katrina lives?

25 A. She stays in the pink building.

1 Q. Do you know -- are you aware of a shooting that
2 happened at Katrina's house?

3 A. Yes. I went to bed around -- because I was braiding my
4 hair. And when I layed down to rest, I was disturbed by a
5 noise that sounded like a bomb. And actually, I thought it
6 was ISIS. So my son ran to my bedroom. I was thinking the
7 same thing, was trying to run to see if he was okay because
8 I thought it was in the house. And I crawled to my son's
9 bedroom. And when the bomb noise stopped, I cracked the
10 blind and peeked and there was this man. I'd say he's about
11 five-eight or eleven. I'm not really good with
12 measurements. But I'm five-one. And the person was in
13 dark, you know, kind of dark, not particularly light. And
14 he had on a like a hoodie. So I couldn't really see, you
15 know, the identity because he was hiding. It was kind of
16 spooky. And I was just kind of -- because of a lot of
17 bombing sounds. And I said I know a lot of people dead out
18 there.

19 Q. Okay. What did you do after hearing those noises?

20 A. Like I said, I was on the floor.

21 Q. Did you call anyone?

22 A. I dialed 911. I didn't know what was out there. I was
23 like, you know, I hope it's not coming in my house. Because
24 my son was in my house -- I didn't know who was out there.
25 It was somebody just out there shooting. Just, you know,

1 crazy.

2 Q. When you looked outside, did you see anyone?

3 A. Yes. I saw person, you know, leaving after, you know,
4 bombing the place. I saw a lime green car and drove off
5 slowly like nothing -- like nobody saw anything.

6 Q. Where was he coming from?

7 A. He was coming from the projects.

8 Q. And how was he dressed?

9 A. In black, all-black. Had a hoodie on so I couldn't see
10 his face.

11 Q. Okay. Could you tell was he a black man or a white
12 man?

13 A. Black. African American.

14 Q. And could you tell what his skin coloring was?

15 A. Dark skin.

16 Q. And did you see anything in his hand?

17 A. I thought it was a rifle. I don't really know. I
18 don't know much about guns, but it was sporty rifle.

19 Q. Okay. And maybe it will help if I show you this
20 picture again, State's Exhibit 4. Where was that -- you
21 testified that he got into a lime green car. Where was that
22 car? Can you tell from that map?

23 A. The car was parked right across the street.

24 Q. And what street is that?

25 A. It's Bogard.

1 Q. Okay. So that's the same street your house is on.
2 Your house is right beside that dot, correct? Can you mark
3 that for us again, please.

4 A. Yes.

5 Q. And when you called 911, did you indicate to them
6 anything about seeing somebody?

7 A. Well, I called them and I was like, you know, someone,
8 is bombing the neighborhood. Y'all need to get here fast.
9 I told them there was a man in dark clothes. I don't know
10 who he was. I couldn't identify them. But I said he was
11 lighting Norman Street . . .

12 Q. Did you tell them what kind of car it was?

13 A. Yes. I told them it was a lime green car. They need
14 to go catch him.

15 Q. And did you end up going outside and talking to police
16 that evening?

17 A. Well, after sirens and everything came, everybody came
18 out their house. Everybody was on the street, you know..
19 Everybody was concerned.

20 Q. Did you talk to police that evening?

21 A. Yes.

22 Q. And did you tell them what you had seen?

23 A. Yes.

24 Q. Do you remember if you mentioned the gun at all?

25 A. I told them everything.

1 Q. Did they ask you for a written statement?

2 A. They wrote, you know . . .

3 Q. Well, they were taking notes. But did they have you
4 write a statement?

5 A. No.

6 Q. Or did they have you sign a statement that they wrote?

7 A. No.

8 Q. Did someone come to try to record a statement?

9 A. Later.

10 Q. From the police or from my office?

11 A. I think the Charleston Police Department investigator
12 came. I forgot his name. It's been so long.

13 Q. Did they try to get you to write a statement?

14 A. No.

15 Q. Okay. Did they try to record a statement?

16 A. No. Because I told him that I didn't really want to be
17 involved.

18 Q. Okay. But you called 911 that night?

19 A. Yes.

20 Q. And you did talk to an officer that night, correct?

21 A. Yes.

22 Q. And you told us though you're not necessarily friends
23 with Katrina?

24 A. No, I'm not. Just neighbors.

25 Q. What name do you know her by?

Direct Examination of Ms. Blake by Ms. Ward

1 A. Trina.

2 Q. And have you ever been to her house?

3 A. No. But I've had conversations with her. You know,
4 everybody was just family, you know --

5 Q. Okay. But you had never been to her house personally?

6 A. No.

7 Q. Had you been invited to her house at all?

8 A. She did invite me to a party, but I didn't go.

9 Q. Okay. And do you know when that was?

10 A. The same night.

11 Q. Okay. So you were invited to a party that night, but
12 you did not go?

13 A. No. That's how it is, I mean, like, people have
14 something up there, they invite you over, you know.

15 Q. And being her neighbor, did she often have parties?

16 AST. SOL. SIMPSON: Objection, Your Honor.

17 THE COURT: Basis?

18 A. Yeah. She did.

19 THE COURT: Ma'am, there's an objection pending so
20 please don't answer. Basis of the objection?

21 AST. SOL. SIMPSON: Relevance.

22 THE COURT: It is relevant. Overruled.

23 Q. So would she often have parties?

24 A. Yes.

25 Q. And how late would these parties last?

1 A. Until four, five, the next day.

2 Q. And how many people would typically go to these
3 parties?

4 A. Well, that particular day when all that happened, there
5 was a lot of people there, even people that I know through
6 the neighborhood that said they left because they started
7 fighting.

8 Q. Did you -- did you see anyone?

9 A. No. I wasn't there.

10 Q. Did you -- from your house, could you see anyone out there?
11 Could you hear or see them --

12 A. No. I was inside --

13 Q. When you saw the man walk away from Trina's place, did
14 you recognize him at all?

15 A. No. He was in heavy, black heavy -- I mean, you can't
16 even see anyone's face.

17 MS. FORD: Beg the Court's indulgence.

18 THE COURT: Uh-huh.

19 Q. And this car -- so we know. Do you know what kind of
20 car it was?

21 A. Not really. But it was a small car. I'm gonna
22 consider it Civic, Nissan.

23 Q. Okay. And what color was it?

24 A. It was a lime green.

25 Q. Lime green?

Cross-Examination of Ms. Blake by Ast. Sol. Simpson

1 A. Yes.

2 MS. FORD: No further questions, Your Honor.

3 THE COURT: Any questions for the witness?

4 AST. SOL. SIMPSON: Yes, Your Honor. Thank you.

5 THE COURT: You may proceed. You're welcome.

6 CROSS-EXAMINATION

7 BY AST. SOL. SIMPSON:

8 Q. Good afternoon, Ms. Blake.

9 A. Hi.

10 Q. Thank you for being with us today.

11 A. Yes, sir.

12 Q. While this exhibit is up there -- can you see this well
13 on the screen in front of you?

14 A. Yes.

15 Q. If I understand correctly, this is your house here?

16 A. Across the street.

17 Q. Right there?

18 A. Yes.

19 Q. And you said that this lime green car, would it have
20 been parked sort of where ---

21 A. Over some.

22 Q. Towards this way?

23 A. Right -- move it a little.

24 Q. I moved it the wrong one?

25 A. Yes . . .

1 Q. And you said you saw the man in the hoodie get in the
2 car?

3 A. And he drove off really slow.

4 Q. And he drove off really slow?

5 A. Yeah.

6 Q. Okay. And then took a right on Norman Street here?

7 A. Yes.

8 Q. And then presumptively would've taken either on Line,
9 either a left or right on Line Street?

10 AST. SOL. SIMPSON: Objection. Speculation.

11 THE COURT: Overruled. Based on her rational
12 perception of what she reported she saw.

13 Q. And he drove off kind of slowly?

14 A. Yes.

15 Q. Okay. Now, let's talk a little bit -- can I ask you
16 just talk about sort of how your house is. Have you lived
17 there a long time?

18 A. Eight years.

19 Q. Okay. And you live there with your son. Is that
20 correct?

21 A. Yes. It's my son.

22 Q. And where in the house is your bedroom?

23 A. In the front.

24 Q. It's in the front there?

25 A. Yeah. I don't sleep in the front. I sleep in the

1 back.

2 Q. And where does your son sleep?

3 A. He sleeps like -- his room is like not too close to the
4 front of Bogard Street.

5 Q. Okay. Not too close or is your son's room further the
6 back in the house?

7 A. Yeah. My bedroom is right there in front.

8 Q. Okay.

9 A. --

10 Q. If I understand your direct testimony right, you heard
11 a loud noise. Is that correct?

12 A. Yes.

13 Q. And you thought it might be a bombing?

14 A. Yes.

15 Q. And you thought maybe ISIS?

16 A. Yes.

17 Q. Like an ISIS attack. And so like any good parent,
18 you're first concern was for your son. Is that correct?

19 A. Right.

20 Q. And you said that you got down on the floor?

21 A. Yes.

22 Q. To protect yourself?

23 A. Yes.

24 Q. And you crawled to your son?

25 A. Right. But he was coming towards me.. He was like

1 running. I said get down, get down.

2 Q. Okay. So you crawled to your son. And were you both
3 on the floor together?

4 A. Yes.

5 Q. And was the sound still going on at that time?

6 A. Yes.

7 Q. Okay.

8 A. When it stopped that's when I crawled to the bedroom to
9 peek out the blinds.

10 Q. Okay.

11 AST. SOL. SIMPSON: May I approach, Your Honor?

12 THE COURT: You may.

13 Q. Showing you what's been marked for ID, State's 152.

14 A. Yeah. That's my house.

15 Q. Okay.

16 AST. SOL. SIMPSON: I seek to admit State's 152.

17 THE COURT: Any objection?

18 MS. FORD: No, Your Honor.

19 THE COURT: Without objection, 152.

20 (State's Exhibit No. 152, Photograph, was received
21 into evidence.)

22 Q. Are these the windows, Ms. Blake?

23 A. Yes.

24 Q. Is there something on them?

25 A. Just some Christmas stuff that I never took down.

1 Q. Okay. I'm sorry. It's not my intention to embarrass
2 you. Is that sort of still on the windows there like it was
3 back in September of 2015?

4 A. No. I took it down after I moved.

5 Q. Oh, okay. Would that have been on your windows in
6 2015?

7 A. No.

8 Q. Okay. So let's talk about -- when did you call 911 --
9 talking to them?

10 A. Around six when the shooting stopped.

11 Q. After the shooting -- I mean, where you at the window
12 looking out the blinds when you were on the phone with 911?

13 A. No.

14 Q. No? It was after?

15 A. Right.

16 Q. Okay. It's your testimony for the jury here today that
17 you told them on your 911 call about this man?

18 A. Yes.

19 Q. Okay. You told them you saw a person with a gun get
20 into that car?

21 A. Uh-huh.

22 Q. Okay. again, it's not my intention make you
23 uncomfortable right there. Are you sure you told them about
24 that?

25 A. Yes, sir.

1 Q. Are you sure you told them about the man in the hoodie
2 when you called 911?

3 A. Oh, yes. Yes.

4 Q. Would it help you or refresh your recollection a little
5 bit if you were given an opportunity to listen to your 911
6 call?

7 A. Yes.

8 Q. And would you be able to definitely recognize that's me
9 on the phone and that's me talking to 911?

10 A. Yes.

11 Q. Okay. We may do that. Now, before we moved to that,
12 let me ask you a question. You said that you described that
13 you thought the guy in the hoodie had a rifle?

14 A. That's what I thought it was . . . like a sporty
15 rifle . . .

16 Q. Well, that's what I was going to ask you. You said --
17 did I get the work right -- like a sporty rifle?

18 A. Yeah.

19 Q. Would that be kind of like a hunting rifle?

20 A. No. Just sporty like, you know, it's really different
21 like, you know. I would say unique. It was different.

22 Q. Okay.

23 A. It was kind of . . .

24 Q. And you described this man and this rifle in your 911
25 call?

1 A. Yes.

2 Q. Okay. And, again, who did you think might be bombing
3 the neighborhood when this happened?

4 A. I thought it was actually Isis. Because I mean, you
5 know . . .

6 Q. Do you recall in your 911 call -- maybe you do, maybe
7 you do not -- but do you recall telling the people on the
8 911 call that they needed to go look at that camera?

9 A. Yes, I did.

10 Q. And it was your belief that the lime green car would
11 certainly be on one of the cameras if they took the time to
12 go look at it?

13 A. On Bogard and Norman. They got a camera right there on
14 President. And there's one Norman.

15 Q. And the car was moving pretty slowly?

16 A. Slow, yeah.

17 Q. Like very slow or . . .

18 A. Very slow.

19 Q. Okay. This lime green car is moving very slow through
20 an area that you know there's cameras?

21 A. Yes.

22 Q. So you recommend to them on the 911 call you need to go
23 look at those cameras?

24 A. Yes.

25 Q. Okay. And you said that you were invited by Trina to a

1 party that night?

2 A. Yes, but I didn't go.

3 Q. Okay. Did she invite you to parties frequently or was
4 this just a special thing or . . .

5 A. No. Second time. I moved there in 2008. So is 2012,
6 you know, she had something that . . .

7 Q. Okay. And you said that you did go -- later you went
8 and talked to the police. Is that true?

9 A. That same morning, six in the morning -- and even, you
10 know, friends and family, they were like upset and concerned
11 like -- drives by in a car. And, you know, the look on
12 their face it was like they knew who the car like belonged
13 to. So I just, you know, assumed they owned it. They were
14 that person.

15 AST. SOL. SIMPSON: Court's indulgence.

16 Q. And you said it might help refresh your recollection if
17 you heard yourself on the 911 call?

18 A. Yeah.

19 Q. It's been a while, correct?

20 A. Yeah.

21 Q. What maybe you said and what may you didn't say?

22 A. I mean, I'm quite sure everything I said. I told them
23 what I saw. Around -- but I was told like 38 shells or
24 something that hit ---

25 MS. FORD: Objection.

1 THE COURT: Sustained. Hearsay.

2 Q. You said you would be able to recognize your voice on a
3 911 call?

4 A. Yes. I was told it was several calls.

5 AST. SOL. SIMPSON: Your Honor. I would like to create
6 an exhibit after the fact. I would like to play the portion
7 of the 911 calls to see if she recognizes her voice.

8 MS. FORD: I object to improper impeachment, Your
9 Honor. She said she didn't say ---

10 THE COURT: He can make an extraneous statement.
11 Overruled.

12 (911 call played at 12:15 p.m.)

13 Q. Is that your voice, Ms. Blake?

14 A. Yes.

15 Q. Did you call the 911?

16 A. Yes, sir.

17 Q. And let me just ask you. At that point did you say
18 that you are away from the front of the street in the back
19 room or the bathroom?

20 A. The bathroom.

21 Q. Okay. What room in your house is in the back?

22 A. My bedroom is in the front part.

23 Q. Correct. Okay.

24 (911 calls resumes.)

25 Q. Is at the entirety of your 911 call?

1 A. Yes, sir.

2 Q. And again, was a long time ago. I understand. But did
3 you ever mention seeing a man in hoodie in that call?

4 A. -- dark clothes.

5 Q. Okay. But my question is in the phone call that you
6 made at the time, did you convey at that time that you saw a
7 man holding a sporty rifle and a black hoodie? Or at the
8 time did you just say you've seen a lime green car?

9 A. I told crime scene personnel.

10 Q. Okay. So you said later you went and there might've
11 been like a crime scene agent?

12 A. Yeah. Out there that morning.

13 Q. And later that morning, you said, you added, that you
14 had seen a man in a black hoodie?

15 A. Yes. I described what I saw.

16 Q. And do you remember saying you approximated that you
17 heard six shots at that time?

18 A. No. It was ten.

19 Q. Ten? Okay. And do you remember recommending that they
20 look at the cameras so they would see this slowly moving
21 lime green car?

22 A. Yes. Somewhere and see the person. More like someone
23 that done something like that -- from the records. Most of
24 the time they have mugshots . . .

25 Q. All right. Thank you.

1 AST. SOL. SIMPSON: One second. Court's indulgence.

2 THE COURT: Yes, sir.

3 AST. SOL. SIMPSON: Ms. Blake, thank you so much for
4 your time and I appreciate your willingness to come here.
5 Thank you.

6 THE COURT: Any redirect?

7 MS. FORD: Yes, Your Honor. Beg the Court's
8 indulgence?

9 THE COURT: Yes, ma'am.

10 (Brief pause.)

11 REDIRECT EXAMINATION

12 BY MS. FORD:

13 Q. Ms. Blake, just a few more questions. When you called
14 911. Is it fair to say -- that the 911 operator was telling
15 you we have somebody coming already. We'll take care of it.
16 Is that fair to say?

17 A. Well, I guess there were probably you know other 911
18 calls as well. So, you know -- know what was going on.

19 Q. She didn't ask you as many questions, correct?

20 A. Right.

21 Q. She didn't ask you what this man looked like, correct?

22 A. No.

23 Q. She didn't ask you did you see a weapon, correct?

24 A. No.

25 Q. But you did tell them he got in a lime car, correct?

1 A. Yes. He had rifle

2 Q. And how did you know that man got in a lime green car?

3 A. Because I --

4 Q. Were you -- you testified that you looked out the
5 window?

6 A. Yes. I cracked the blinds and looked out the window.

7 Q. And I know the State showed you picture. But, are you
8 able -- are those the windows that you looked out of?

9 A. My son -- not my bedroom -- my son, cracked his window.
10 His window is not too far from the front of the house. When
11 you look at the house, you see a bedroom is back. Mine is
12 facing like right in front.

13 Q. Okay. This is the picture?

14 A. That's my bedroom. And my son's bedroom is like on the
15 other side where the arch of my doorway sits right there you
16 know away from the front side.

17 Q. Okay. And so is that the window you were able to see
18 the lime green car out of?

19 A. Yes.

20 Q. And that was State's Exhibit 152 just for the record.
21 Ms. Blake, did you call police that morning to make up a
22 story about someone getting into a lime green card?

23 A. No. Everything was true. Everybody, you know, was
24 happy, you know, that knew someone that -- some type of
25 situation -- what is going on -- and, you know, my

1 neighbors, they were injured. You know everybody thought.
2 that they all were actually, you know, dying -- but later we
3 understand that only one person died and they were just --
4 one had arm -- Trina got shot in the neck. It was just --

5 Q. And how long have you known Trina?

6 A. I'm going to say three years since I moved here in
7 2008. When you live on -- you kind of get acquainted with
8 neighbors and people and just kind of learn names and you
9 know -- almost like a family type of thing. It's like
10 knowing your neighbors, start knowing everybody and learning
11 family names. So it was like I knew her mother, her
12 daughter -- children.

13 Q. What was your intent when you called 911? What was
14 your intent when you called 911?

15 A. Basically to protect my life. I mean -- a gun was -- I
16 didn't know what was going on. I was like, get professional
17 help -- military, somebody.

18 Q. And do you remember -- it was over two years ago. Do
19 you remember exactly everything you said back then?

20 A. Yes. Pretty much.

21 Q. But is there any reason that you would've lied about
22 seeing ---

23 A. No. Not like that -- at night when I told everyone,
24 you know, it was a lime green. Everybody know that car.
25 You know, they said fellows -- who I was talking ---

1 MS. FORD: Objection, Your Honor. Speculation.

2 THE COURT: I'm going to give her a little latitude.

3 Q. You've always maintained that you saw the shooter get
4 into a lime green car, correct?

5 A. Yeah. It was lime green car.

6 Q. And you did indicate on the 911 call you saw the
7 shooter, you saw the man get into the car?

8 A. Yes --

9 MS. FORD: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 MS. FORD: Have no further questions, Your Honor.

12 THE COURT: Any objection to the witness being excused?
13 From the State?

14 MS. FORD: No, Your Honor.

15 THE COURT: From the defense?

16 MS. FORD: No, Your Honor.

17 THE COURT: Ma'am, your excused. The defense may
18 proceed.

19 MS. FORD: Beg the Court's indulgence. (Brief pause:)
20 Your Honor, at this time, the defense rests.

21 THE COURT: We're going to reserve motions. Is there
22 any rebuttal testimony?

23 AST. SOL. SIMPSON: Yes, Your Honor.

24 THE COURT: You may proceed.

25 AST. SOL. SIMPSON: The State would recall Detective

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 Eric Tuttle.

2 (ERIC TUTTLE, was duly sworn and provided the following
3 testimony.)

4 CLERK: Please take your seat. Spell your first and
5 last name for the record.

6 THE WITNESS: E-R-I-C, T-U-T-T-L-E.

7 THE COURT: You may proceed.

8 AST. SOL. SIMPSON: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 DIRECT EXAMINATION

11 BY AST. SOL. SIMPSON:

12 Q. Detective Tuttle, good afternoon.

13 A. Good afternoon, sir.

14 Q. We won't belabor the point. But you mentioned earlier
15 that part of your role in this investigation was to both
16 canvas the neighborhood and have other people canvas the
17 neighborhood around Norman Street?

18 A. Yes, sir.

19 Q. Did you do that?

20 A. Yes, sir.

21 Q. Did you attempt to be as thorough as possible in
22 conducting that canvas be it you or people working under
23 your direction?

24 A. Yes, sir.

25 Q. If you could just estimate, how many people did you

1 talk to in that area?

2 A. In Gadsden Green, I believe not even -- more than 30.

3 Just knocking on every door and leaving business cards.

4 Q. Okay. Did you personally speak to Peggy Blake?

5 A. At that time?

6 Q. At that time.

7 A. I've spoken to her many times but not that time.

8 Q. Okay. You've spoken with Ms. Blake many times before?

9 A. Many times.

10 Q. Do you want to as lead detective, do you want sort of
11 pursue leads as a lead detective?

12 A. Yes, sir.

13 Q. Does that even include leads you may personally find
14 dubious?

15 MS. FORD: Objection.

16 THE COURT: Basis?

17 MS. FORD: Your Honor, he's trying to bolster -- may we
18 approach?

19 THE COURT: You may.

20 AST. SOL. SIMPSON: I'll just withdraw.

21 THE COURT: Question withdrawn. Rephrase.

22 Q. Is it important to you as a lead investigator to follow
23 every lead that might come up?

24 A. Yes.

25 Q. Did you review the 911 calls in this case?

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 A. All of them.

2 Q. Okay. Did you review the city camera footage in this
3 case?

4 A. I did.

5 Q. Did you or others are in concert with others at the
6 time closer to the shooting review all that city camera
7 footage?

8 A. Yes, sir.

9 Q. Were you aware of that time that there had been a call
10 indicating a lime green car?

11 A. I was.

12 Q. Okay. Was that part of your review of all of that city
13 camera footage?

14 A. We took the lead and we investigated it by reviewing
15 city cameras. There's a camera with a PTZ function on both
16 -- captures portion as you had highlighted and it's on both
17 Norman and Line Street in the direction that she said it
18 fled slowly. And there was no lime green car observed on
19 the city camera footage after a thorough review.

20 Q. Is this approximately the location of ■ Norman Street,
21 approximately?

22 A. Approximately. Yes, sir.

23 Q. Okay. And what do the red dots indicate to your
24 personal knowledge? Showing what's already been entered as
25 State's 154.

1 A. It's the CPD safety and security cameras.

2 Q. And we've seen some footage from those cameras, right?

3 A. We've seen --

4 Q. Okay. Did you review around the time of the shooting
5 footage of all of this cameras?

6 A. I did, sir.

7 Q. At any time did you see a car meeting the description
8 of a small lime green specific or small car?

9 A. No, sir. I took a snapshot of cars that I observed on
10 the cameras before and after the shooting -- time frame.

11 AST. SOL. SIMPSON: May I approach the witness, Your
12 Honor?

13 THE COURT: You may.

14 Q. Showing you it's been marked for ID only State's 153.
15 Was does that folder contain? Do you recognize the images
16 in that folder?

17 A. I do.

18 Q. Okay. And what are they?

19 A. These are images clips taken from the CPD safety and
20 security cameras?

21 Q. Of?

22 A. Of any vehicles in the vicinity of the cameras that
23 we're looking at around the time frame of the incident.

24 Q. And you took those clips recently. Is that correct?

25 A. I did take these clips recently.

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

1 Q. And I was in preparation what you anticipated might be
2 testimony today. Is that true?

3 A. That is true.

4 Q. But I also believe it's your testimony, you also
5 reviewed the city camera footage back then for cars . . .

6 A. We did.

7 Q. Okay. At any time between the time the shooting and
8 today, your testimony today, have you ever been able to
9 locate any lime green car on any of this footage?

10 A. No lime green cars and specifically no lime green small
11 sedans . . .

12 AST. SOL. SIMPSON: May I approach the witness.

13 THE COURT: You may.

14 AST. SOL. SIMPSON: Your Honor, the State would seek to
15 admit State's 153.

16 MS. FORD: I object.

17 THE COURT: Basis?

18 MS. FORD: It was not presented ---

19 THE COURT: Please approach.

20 (A bench conference was held off the record and out of
21 the hearing of the jury panel.)

22 THE COURT: The request is withdrawn. State's 124 ID
23 only.

24 AST. SOL. SIMPSON: 153.

25 THE COURT: 153. I'm sorry.

1 AST. SOL. SIMPSON: Thank you, Detective Tuttle. I
2 have no further questions.

3 THE WITNESS: Yes.

4 THE COURT: Any cross-examination of the witness?

5 MS. FORD: Yes, Your Honor.

6 THE COURT: You may proceed.

7 CROSS-EXAMINATION

8 BY MS. FORD:

9 Q. Detective Tuttle?

10 A. Yes, ma'am.

11 Q. You, apparently, ran through a lot of footage recently
12 to see if you could find a lime green car and took these
13 still images of cars that we saw, correct?

14 A. I'm sorry. There's ---

15 Q. The State presented to a folder.

16 A. Yes.

17 Q. Of still photos, correct?

18 A. The snapshots were taken recently. Yes, ma'am.

19 Q. You did that recently in anticipation of Ms. Blake's
20 testimony, correct?

21 A. Yes, ma'am.

22 Q. At the time, you testified earlier I had asked you
23 about Ms. Blake calling 911, correct?

24 A. Yes, ma'am. You did.

25 Q. And that an on-scene officer talk to her but no

1 detective went out to talk to her, correct?

2 A. And officer did speak with her on scene. Yes, ma'am.

3 Q. You wrote numerous police reports documenting your
4 investigation in this case. Is that fair to say?

5 A. There were reports. Yes, ma'am.

6 Q. You personally wrote numerous reports?

7 A. Yes, ma'am. I did.

8 Q. And you detailed your investigation of what you did,
9 correct?

10 A. Yes, I did.

11 Q. And part of that is you document it when you looked
12 into something that panned out to be nothing, correct?

13 A. I did.

14 Q. So for example, Trivell Richardson numerous supposed
15 alibis ---

16 AST. SOL. SIMPSON: Objection, Your Honor.

17 THE COURT: Basis?

18 AST. SOL. SIMPSON: Outside the scope of cross.

19 THE COURT: I'll give you little latitude but be
20 careful.

21 Q. You talked to several people that he directed you to
22 and you document it but was said, correct?

23 A. Yes, ma'am.

24 Q. When you ended up finding a few people with an Italia
25 shirt on and talked to them, you documented it talking to

1 them, correct?

2 A. Yes, ma'am.

3 Q. So you document everything -- you tried to document
4 almost everything you did because as an officer it's
5 important to document so that we call things more than two
6 years later, correct?

7 A. Yes, ma'am.

8 Q. You're trained when you go to the police academy to
9 write reports for that reason?

10 A. In my training, I tape record to refresh my memory on
11 the investigation. At the Academy, I don't remember much
12 about that specific

13 Q. You're supposed to write ---

14 A. I do. I try to be as thorough as possible. I don't --
15 reading this.

16 Q. You're very thorough, correct?

17 A. As thorough as humanly possible. I'm sure that I miss
18 minute details are in error here there.

19 Q. Well, in your report, you never mention Peggy Blake at
20 all.

21 A. What I did mention was that I was told that a 911 call
22 had a lime green car.

23 Q. You mentioned that on your report.

24 A. I believe I summarized that the car she observed, the
25 lime green car -- I could be wrong. I also review every

1 other supplemental report that's admitted by any other
2 officer. So I know it's in the incident report itself that
3 a lime green car. And I also documented that I reviewed the
4 911 calls and noted that Peggy Blake one of those callers.
5 And the information was easily corroborated by reviewing the
6 city cameras ---

7 Q. You never -- you never documented that you reviewed
8 cameras to look for a lime green car, correct?

9 A. What I did document is that we reviewed the city
10 cameras when requested which was nearly 48 hours of footage
11 specifically reviewed at the time frame of the murder on
12 these five cameras.

13 Q. And you never commented in your report, in your
14 thorough investigation, that you were looking for a lime
15 green car and did not see one, correct?

16 A. Right. So we can look at where the evidence -- so when
17 we followed the shooter from Norman Street and President and
18 Line, that's logical to say that he shows up on a the Lee
19 Lee's camera and an assault rifle is clearly visible, and
20 he's also visible getting into a gold sedan. And no other
21 individuals were observed with a assault rifle and no other
22 lime green cars or suspect vehicles were observed on the
23 numerous cameras that we obtained.

24 Q. You were not specifically looking for a lime green car
25 back in 2015 when you were investigating this case?

1 A. Oh, absolutely.

2 Q. You did not in any of the reports mention that you
3 found out that Peggy Blake's 911 call and information . . .

4 A. Right. Because the more impact factor was what the
5 evidence showed.

6 Q. Okay.

7 A. And just because I didn't document that doesn't mean --
8 I noted that. I reviewed the city camera. So I looked at
9 with the evidence showed and I followed the most probative
10 leads.

11 Q. You did not follow up with Peggy Blake, correct?

12 A. ---

13 Q. You did not go talk to Ms. Peggy Blake, correct?

14 A. No.

15 Q. You did not send a detective to go follow up with
16 Ms. Peggy Blake, correct?

17 A. I didn't and that's because in my experience ---

18 Q. You didn't do it, did you?

19 A. In my experience, she has provided misleading
20 information ---

21 Q. That is not --

22 MS. FORD: Objection, Your Honor.

23 THE COURT: Please don't instruct the witness. Sir, if
24 you would answer the question yes or no. You may explain
25 your answer. Restate the question.

1 Q. You did not follow up?

2 A. I did follow up on it.

3 Q. You did not go talk to her, correct?

4 A. Her information was that a lime green car was observed
5 on Bogard turning right onto Norman Street. We have cameras
6 that could easily confirm or deny that fact. And it was
7 denying. To me the lead, there is no necessary information
8 to follow up when something more important like observing
9 the shooter on some camera.

10 Q. Observing a man with a gun?

11 A. I observed the shooter on the camera.

12 Q. You observed a man with a gun?

13 A. I observed ---

14 THE COURT: Is there a question? You need to put it in
15 the form of question and not an editory statement.

16 MS. FORD: Yes, Your Honor.

17 Q. Detective Tuttle, the camera that you mentioned, they
18 turn around a lot, correct? Or they move around. We've
19 been over that testimony.

20 A. Yes, ma'am.

21 Q. So they do not -- for example, the one footage that you
22 commented on you can see Trivell, and he is walking down the
23 street near the apartment. And at that point that you say
24 you saw a light that you believed was the shooting, correct?

25 A. (Nonverbal response.)

1 Q. And the camera moved ---

2 A. You're talking about a couple of different camera
3 angles. So Trivell and ACE were observed on the Lee Lee's
4 and then at the President and Line Street cameras. They
5 were never observed on the Norman and Ashton Street cameras.

6 Q. The point is simply that the camera was zoomed in on
7 somebody and that it just turned. But cameras do that.
8 They just turn ---

9 A. --- PTZ function. Yes, ma'am. They do have the pan,
10 tilt, zoom function.

11 Q. They move around, correct?

12 A. On patrol. Yes, ma'am.

13 Q. So they don't capture everything?

14 A. They don't capture everything, yes.

15 Q. Correct?

16 A. Correct. Yes.

17 Q. Okay.

18 A. Sorry.

19 MS. FORD: Beg the Court's indulgence.

20 THE COURT: Yes, ma'am.

21 (Brief pause.)

22 MS. FORD: I have no further questions.

23 THE COURT: Any redirect?

24 AST. SOL. SIMPSON: Just briefly, Your Honor.

25 THE COURT: You're welcome. You may proceed.

1 REDIRECT EXAMINATION

2 BY AST. SOL. SIMPSON:

3 Q. Detective Tuttle, did you review all of five Gadsden
4 Green cameras all around the time this incident occurred?

5 A. Yes, sir.

6 Q. And was one of the many factors you had in mind to be
7 looking for was this lime green car?

8 A. That was one of the factors. Yes, sir.

9 Q. According to Ms. Blake, was this car was moving -- was
10 it flying out of that neighborhood to get out of there? Or
11 how was this car moving?

12 A. Slowly.

13 Q. Slowly? Would a car moving ---

14 A. So her house is just to the left of that President --
15 right where your hand is, that's her home.

16 Q. The car moving here initially. Could a car parked here
17 be seen by a pan, tilt, zoom camera if it was parked when
18 the zoom was on?

19 MS. FORD: Objection. Speculation.

20 THE COURT: You need to establish his foundation and
21 knowledge.

22 Q. Do you have -- do you have, through your training and
23 experience, a working knowledge these cameras?

24 A. This is a huge part of our job is dealing with cameras
25 on every investigation?

1 Q. In Ms. Ford's questioning, you know, expressing
2 familiarity with the fact that these cameras pan around to
3 different angles?

4 A. Yes.

5 Q. How would you estimate how many hours that you looked
6 at this particular footage for this case?

7 A. Numerous. Numerous. I mean, I couldn't even tell you.

8 Q. And are you familiar with this area in real life? Have
9 you been out to this area a lot?

10 A. I've walked the streets day in and day out.

11 Q. So are you familiar with the area out there that is
12 captured by these cameras on their different angles?

13 A. Very familiar.

14 Q. Okay. So let's just go through this. Would a parked
15 lime green car here, assuming it, you know, it stays parked,
16 fall within the pan-tilt-zoom function of this camera?

17 A. Yes, sir. It could.

18 Q. Would a car moving slowly up Norman Street taking this
19 turn here fall within pan-tilt-zoom function of this camera?

20 MS. FORD: Objection. Speculation, Your Honor.

21 THE COURT: Overruled. 701.

22 Q. If the car has to either take a left or right here,
23 correct? On Line?

24 A. Yes, sir. We discussed the overlapping fields of view.

25 Q. Would that turn be caught on this camera or this camera

1 if the camera was panned toward that way at that time?

2 A. Yes, sir.

3 Q. What if they took a right and we're here, would the
4 lime green car be caught on this camera from various angles,
5 more than one?

6 A. Yes.

7 Q. If they took a left, would the car be caught on this
8 camera from various angles, more than one?

9 A. Yes, sir.

10 Q. If they decided to come back into, back to Green here,
11 would that have been caught on this camera from one of the
12 angles?

13 A. Yes, sir. It would.

14 Q. Did, in your hours of reviewing this video footage of
15 all of those cameras, did you ever see a car matching the
16 description given by Peggy Blake?

17 A. I did not, sir.

18 AST. SOL. SIMPSON: Nothing further, Your Honor.

19 THE COURT: Any objection -- well, sir, you may step
20 down.

21 THE WITNESS: Thank you, ma'am.

22 THE COURT: You're welcome. Anything further in
23 rebuttal from the State?

24 AST. SOL. SIMPSON: No, Your Honor.

25 THE COURT: Does the State rest?

1 hours and my clerk didn't tell me. An hour later I was
2 thumping my fingers going, "Where's the jury?" She was
3 like, "Well, you kind of let them go for two hours." I was
4 like, "Why didn't you stop me? You know I can't count."
5 Laughter makes the heart merry. You have to be able to
6 laugh at yourself.

7 Okay. So if you all will come back in an hour and 15
8 minutes, that will be 2:15. And, again, follow the Court's
9 instructions. If you will leave your notepads in your
10 seats, we will see you then. Have a good lunch.

11 (The jury exits the courtroom at 12:45 p.m.)

12 THE COURT: You may be seated. Right. When the
13 defense closed their case, I reserved motions. Are there
14 any motions? You may proceed.

15 MS. FORD: Just renewing all the prior motions, Your
16 Honor.

17 THE COURT: Anything further from State?

18 AST. SOL. SIMPSON: Nothing further, Your Honor.

19 THE COURT: The Court finds there is direct and
20 circumstantial evidence reasonably tending to prove the
21 defendant's guilt. Therefore the motion -- the renewed
22 motions are denied. And the Court incorporates its
23 specific findings of fact and conclusions within this
24 portion of the record as it is stated verbatim.

25 Now, do any of the videos that have been used require

1 MS. FORD: No, Your Honor. Just my prior motions.

2 THE COURT: They'll be marked renewed and denied based
3 on the Court's previous ruling -- rulings. Now is there
4 going to be any requests for any lesser included offenses?

5 AST. SOL. SIMPSON: Not from the State, Your Honor.

6 THE COURT: From the defense?

7 MS. FORD: No, Your Honor.

8 (Brief pause.)

9 THE COURT: I'm going to give the jury a general
10 instruction regarding their responsibility and my
11 responsibility, how they are to judge witness credibility
12 and believability. I'll give them a general instruction
13 regarding expert witness testimony as well as direct and
14 circumstantial evidence. I'll give them a general
15 instruction regarding the arrest from the indictment not
16 being evident as well as on the presumption of innocence.
17 Charge Victor versus Nebraska on reasonable doubt as well as
18 give them an instruction regarding no inference or prejudice
19 to the defendant and not testifying. I'll then instruct
20 them on the elements of murder, which I think we all know.
21 Since there's no mitigation that's been raised by the
22 defendant or any defense of self-defense, inferred malice is
23 appropriately instructed that being the use of a deadly
24 weapon. I'll also instruct on transferred intent.
25 I'll then instruct on the elements of attempted murder

1 which is 16-3-29. I think we all know this elements as
2 well. The inference is also, likewise, applicable. There
3 has been no mitigation presented or raised. I will then use
4 the following language on criminal intent which with the
5 help of counsel -- defense counsel as well as the State I've
6 used recently, and it seems to work for everyone. And that
7 being pursuant to State versus King. In conjunction with
8 that, though, I will likewise instruct that intent means
9 intending the result which actually occurs not accidentally
10 or involuntarily. Intent may be shown by acts and conduct
11 of the defendant and other circumstances from which you may
12 naturally and reasonably infer intent -- for intent.
13 Evidence of the character of the acts, the character of the
14 instrument used, the manner in which it was used; the
15 purpose to be accomplished, and the resulting wounds or
16 injuries may be considered in determining the intent of
17 which the act was committed. Intent may also be inferred
18 when it is demonstrated that the defendant voluntarily and
19 willfully commits an act, an natural tendency of which is to
20 destroy another's life. I will then instruct a criminal
21 intent is a mental state; a consciousness of wrongdoing. It
22 is up to you determine what the defendant intended to do
23 based on the circumstances shown to have existed. To find
24 the defendant guilty of attempted murder, the State must
25 prove beyond a reasonable doubt that the defendant had an

1 intent to kill the victim.

2 I'll then instruct or give a general instruction on
3 attempt which is the effort to accomplish the crime which
4 does not succeed. An attempt includes a specific intent to
5 do a particular criminal act along with an act falling short
6 of the act intended. The State must show more than mere
7 preparation and intent. There must be some overt act
8 committed in the effort to commit the crime. Intent means
9 intending the result which actually occurs, not accidentally
10 or involuntarily. Intent may be shown by acts and conduct
11 of the defendant and other circumstances from which you may
12 naturally and reasonably infer intent.

13 I will also instruct accomplice liability, which is the
14 hand of one is the hand of all. I'll instruct on
15 identification and mere presence. I'll then instruct on
16 there being multiple charges and the State has the burden of
17 proving each separate indictment beyond a reasonable doubt
18 and that the defendant may be convicted or acquitted on any
19 or all of the indictments. I will also give a general
20 instruction that there's been reference to penalty, but
21 that's not a matter appropriate for their consideration.
22 That's a matter solely for the Court and it's not to affect
23 their determination of whether the State has met its burden
24 beyond a reasonable doubt.

25 I will also instruct regarding witnesses criminal

1 records, which will simply indicate that a person who has a
2 past criminal record is competent to testify. A past record
3 does not affect the ability of that witness to testify
4 cannot. But the jury can consider, if at all, in their
5 fact-finding providence on the witnesses believability.
6 I'll then instruct on the form of the verdict.

7 Are there any exceptions to the charges proposed? From
8 the State?

9 AST. SOL. SIMPSON: No, Your Honor.

10 MS. FORD: Yes, Your Honor.

11 THE COURT: I haven't gotten to you yet. If you can
12 wait for me, please. Any exceptions from the defense?

13 MS. FORD: Yes, Your Honor. First of all, I object to
14 the accomplice liability. The State -- codefendant Trivell
15 Richardson, his testimony demonstrated or the State's case
16 that he had no involvement in anything, didn't know of
17 anything beforehand. At most, accessory after the fact, if
18 that. But he clearly said he had no knowledge of anything.
19 He never saw anything. He never saw Montrelle leave with
20 the gun. He didn't know of anything. He actually was told
21 to park the car around the corner. He clearly wasn't
22 instructed to stay at the car to be a getaway driver since
23 he left and was walking on the street with the other
24 gentlemen, Your Honor.

25 So the State -- from the evidence in the crime scene,

1 there's no suggestion that a second party was involved.
2 There's no witness to say they saw two parties shooting or
3 that two people we're there. The only evidence is the
4 second person, Trivell. And, again, the State's own
5 evidence says that he had no knowledge of -- so he would not
6 of been an accomplice to Mr. Campbell under his testimony.
7 And so I think it would be an inappropriate. It would be
8 based merely on just speculating on, well, maybe this
9 could've happened. It would be inappropriate because there
10 is no evidence of all of a second party, Your Honor.

11 Also just to under the Belcher case ---

12 THE COURT: I'm sorry. I didn't hear you. Repeat
13 that.

14 MS. FORD: Under the Belcher case, just the gun
15 implying malice, Your Honor.

16 THE COURT: Belcher is only applicable when there is
17 some mitigation which is self-defense or stand your ground.
18 There is none in this case. Belcher very clearly
19 articulates that where there's no mitigation, the inference
20 is still appropriate in instructing.

21 MS. FORD: Well, I still would object. And also,
22 specifically, with that charge in regard to the attempted
23 murders since there is -- the attempted murder does have a
24 different burden. Since it's burden is higher, I think
25 having that instruction basically is counter somewhat to

1 that different burden.

2 THE COURT: Anything further regarding the
3 instructions?

4 MS. FORD: No, Your Honor.

5 THE COURT: Be glad to hear from the State.

6 AST. SOL. SIMPSON: Thank you, Your Honor. I think as
7 to the hand of one charge we got sort of two levels of
8 analysis here. First, the proper analysis here is not what,
9 you know, married to the State's theory of the case -- any
10 evidence standard of what a reasonable juror could infer
11 from the evidence presented by both the State and the
12 defense. We have certainly a codefendant case where we have
13 three individuals that some could infer were involved in
14 this case: Mr. Richardson, Mr. Rivers and Mr. Campbell.
15 Certainly, we presented evidence, I think is substantial
16 evidence, that Mr. Campbell is the shooter. But a juror
17 under the evidence presented and arguments present by the
18 defense could assume otherwise based on the fact even in the
19 openings, and I'm certain the closing, Ms. Ford going to
20 suggest that Mr. Campbell is not involved and that it
21 was . . .

22 So as to the first glare of the hand of one charge, we
23 have reasonable jurors could be asking the question based on
24 the defenses own arguments, no one saw Montrelle shoot, so
25 couldn't have one of these other people have shot. And it's

1 very, very crucially important that the jurors understand
2 that does not necessarily relieve Mr. Campbell of the murder
3 charges that he stands here. And the hand of one is how you
4 accomplish that in the jury's mind.

5 Secondly, and I think more obviously, Your Honor, hand
6 of one objection is appropriate here by the defense's on
7 case that they put on. We now injected a hooded person
8 carrying a sporty rifle away from the scene. So by their
9 own case, we have two people fleeing the scene, both carrying
10 rifles. Ms. Ford just said to the Court there's been no
11 evidence presented that there were two people shooting at
12 the scene. On the contrary. There was a second person
13 introduced into this case that could've also played a role
14 by their own case. We have video of one individual carrying
15 an assault rifle, Montrelle Campbell, and minute and a half
16 after the shooting. And we have evidence now presented by
17 the defense of a hooded individual getting into a lime green
18 car with a sporty rifle minutes after the shooting. I think
19 under that presentation of evidence from both the State and
20 the defense, certainly the hand of one charge is
21 appropriate.

22 As to the Belcher thing, I have nothing further to
23 add. I think Your Honor was correct in that that is a
24 proper charge.

25 THE COURT: The Court will note defense's exceptions.

1 And the Court will still instruct the hand of one. It is
2 clearly, factually supported as the case has been presented
3 to the jury. The Court is required to charge the accurate
4 law. You cannot leave the jury ill-equipped to make its
5 factual decisions. While it is correct regarding the
6 testimony of Mr. Richardson, the jury doesn't have to
7 believe his testimony. They can believe the truth lies
8 somewhere between. They can believe he is being dishonest
9 and if he Mr. Campbell equally participated in this crime.
10 A principal in a crime is one who either ask -- who either
11 actually commits the crime or he was present aiding,
12 abetting, or assisting in committing a crime. When a person
13 does the act in the presence of and the assistance of
14 another, as we know the act is done by both. The law on
15 accomplice liability does not require that there be some
16 premeditation for a particular amount of time. It only
17 requires a common scheme and plan. Inherent within that
18 instruction is the negation of the participation by mere
19 presence. So I think under -- clearly under the facts as
20 they have been presented, hand of one, hand of all, is a
21 properly instructed to the jury. And if the defense's
22 theory is correct, then it will be an inapplicable when the
23 situation.

24 The Court stands by its interpretation of Belcher.
25 I'm not aware of any recent cases that of come out that have

1 said anything differently other than what has been
2 articulated by the Supreme Court regarding that precedent.
3 And they have been very clear that where evidence is
4 presented that would reduce, mitigate, excuse, or justify a
5 homicide or other type crime by the use of a deadly weapon,
6 malice should not -- inferred malice is not a appropriately
7 instructed to the jury. I'm not aware of anything -- any
8 case law that has come out recently or within the period of
9 Belcher or King that has inferred malice is not
10 appropriately instructed on an attempted murder charge.
11 Because attempted murder and murder basically are the same
12 with the exception of the murder falling short of its
13 actual -- actually being accomplished.

14 And noting the exception, the Court -- I don't agree
15 that somehow the instructions are opposite of one another.
16 Because I'm going to specifically instruct the jury that
17 intent is required. And I'm specifically going to instruct
18 them as to what content requires that the State must prove
19 intent beyond a reasonable doubt. So the Court will note
20 the exceptions and overrule them.

21 Now, can you all get with the court reporter and make
22 sure all of the evidence is accounted for. Maybe I'll
23 need -- how long do you think you'll need for them to do
24 that.

25 COURT REPORTER: I think we've got it pretty much --

1 AST. SOL. SIMPSON: Yes, ma'am.

2 THE COURT: Is the defense ready to proceed?

3 MS. FORD: Yes, Your Honor.

4 THE COURT: Please bring me the jury.

5 (The jury enters the courtroom at 2:25 p.m.)

6 THE COURT: You may be seated. I hope you all had a
7 pleasant lunch. As I indicated before we broke, both the
8 State and the defense have rested their cases. We have now
9 reached the stage of the trial where we will have closing
10 arguments in the Court's instructions on the law. I would
11 ask that you give counsel your attention. In argument, you
12 will hear from the State followed by the defense the last
13 closing will be given by the State. Under rules of
14 procedure, the party with the burden of proof gets the last
15 say so to speak. After I which I will instruct you on the
16 law applicable to this case. Just so that you know for your
17 planning purposes, I will give you the option if we reach
18 close to 5:00/5:30 to give the option to go home and resume
19 the proceedings in the morning if you so desire.

20 I would ask again that you give counsel your undivided
21 attention. Mr. Simpson, you may proceed.

22 AST. SOL. SIMPSON: Thank you, Your Honor.

23 THE COURT: , You're welcome.

24 CLOSING ARGUMENTS

25 AST. SOL. SIMPSON: Ladies and gentlemen of the jury,

1 good afternoon. Thank you, again -- for your time this
2 week. I won't go on and on about it -- we understand this
3 is a huge sacrifice for you. And I think even though your
4 real work is yet to begin, I think already at this stage you
5 understand how important you are to the system. How
6 fortunate we are that we have 12 reasonable people,
7 citizens, to sit here and look at the evidence and determine
8 the facts, apply the law of the case. And I'm sure I speak
9 for everyone in here, we do appreciate your time.

10 About 6:32 a.m. on September 19, 2015, Montrelle
11 Campbell turned [REDACTED] Norman Street for a brief period of
12 time into a hell on earth. I said that in my opening
13 statement. I know some you thought I was being hyperbolic
14 or exaggerating or trying to be dramatic. I wasn't. You've
15 seen that now. You have seen what bullets do and it's
16 horrifying. It isn't like the movies or TV where someone
17 gets shot and just falls down -- we've seen this house after
18 what we believe, and we have evidence of this, at least 14
19 assault rifle rounds like a war zone when into the rear of
20 that residence. You seen the windows, the doors, the
21 microwave, the refrigerator, the cereal boxes. Not tiny
22 little bullet holes, but shards of metal flying everywhere
23 going through the bookshelves, through the living room, out
24 the front door, and cause damage on the apartment building
25 from the other side in an area where a lot of people live.

1 And it's not the nicest area and it's not the richest area,
2 but you've heard from several people that this is a
3 community that a lot of people call home. And Montrelle
4 Campbell sent metal, a storm of metal, flying through [REDACTED]
5 Norman Street. Just [REDACTED] Norman Street. It was not random.

6 Shards of metal hit Kerri in the head. She had blood
7 all of her face as she cradled her child. There is a bullet
8 still in Tierra's arm as we speak today. And then the
9 saddest and most tragic example, of course, of the storm of
10 metal and what bullets do in real life, you saw the chest
11 X-ray damage of Antwan Frost. And I'm sorry to stress that
12 and point that out. But you saw the X-ray of a chest
13 cavity -- Montrelle Campbell did that.

14 Let's backup because of course the story starts on
15 Thursday night. Thursday night when a person that Kerri,
16 Tierra, Katrina hardly knew just walked in the house. And
17 you guys think back, you got to meet Katrina. I'm a fan of
18 Katrina, but, you know, Katrina ---

19 MS. FORD: Objection. Vouching.

20 AST. SOL. SIMPSON: Withdrawn.

21 THE COURT: I'm going to sustain the objection. Ladies
22 and gentlemen, you are to disregard and disabuse in your
23 mind the last comment made by the solicitor and give it
24 absolutely no consideration in your deliberation. And it
25 will also be withdrawn. You may proceed, Mr. Simpson.

1 AST. SOL. SIMPSON: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 AST. SOL. SIMPSON: You saw examples of Katrina
4 speaking her mind -- and when Montrelle Campbell helped
5 himself into her home and made it sound like he belonged
6 there and didn't have to extend the basic courtesy, she
7 likely gave him a piece of her mind. Right? That's part of
8 life. Sometimes you have to get that from people, okay.
9 Sometimes we get angry with people. But how did Montrelle
10 Campbell react? What effect emotionally did this have on
11 Montrelle Campbell? It enraged him enough for him to
12 blindside a female with a punch to the head that knocked her
13 to the ground. People saw it. You heard about words being
14 exchanged, people coming out, people gathering. People saw
15 it and that made him angry.

16 Now, I'm going to stop here and point out the common
17 fallacy that I hear from time to time, and I anticipate that
18 we're going to hear in this case. Well, that's not enough
19 to make a person do this. That doesn't make sense to make a
20 person do something like this with an assault rifle. Well,
21 yeah, you're right, it doesn't. That's why we're here,
22 okay. Is not enough to make a regular person react in this
23 way. That's why we're here in a criminal courtroom
24 punishing him. You don't say, we'll, that's not enough to
25 make you say, oh, he must not have done it. We want to

1 believe that about everybody, but it's just not the case.
2 And that's note the -- Montrelle was a -- that night. His
3 sister left, tried to get him to leave. He didn't leave.
4 He stayed and stewed. We see him in the phone records still
5 down there, like, in the area into the morning. But that's
6 all --

7 Let's get down to September 19, 2015. And, of course,
8 like any case part -- you know we really don't have to in
9 this case, thankfully. And that's what I'm talking about.
10 But part of what you're going to have to do in this case, or
11 to me you're going to have to do, is weigh the credibility.
12 Weigh who you believe and what you believe that you heard in
13 this case on the stand. I suggest to you you heard from
14 Tomeka President who if any -- has any dog in this fight, he
15 sitting over there. You heard from her. She stayed with
16 Montrelle after that. She stayed in touch with him. She
17 visited him. She continued to talk to him. She's no fan of
18 ours. She took the stand. She has no reason to -- She told
19 you, I'm not trying to hurt Montrelle. She took the stand
20 and told you some things. We'll talk about them. They're
21 important.

22 We'll talk about bias of a witness. I suggest to you
23 her bias is against her side. She told you some important
24 things. Then, of course, she talked about Trivell. And
25 you're in that position where you have to weigh the

1 credibility of Trivell. Does Trivell have a reason to lie
2 in this case? I didn't run from it, and neither did he.
3 Yes, he does. He is facing the same murder charge. He
4 didn't run from it. He put it right up there and we told
5 you about it. He admitted it. I'm always amazed, I see
6 prosecutors in my line of work to have a witness like that
7 and try to say you're just doing this because you're a good
8 person. I'm not going to insult your intelligence, okay.
9 Trivell wants a benefit. And that's why he's saying that.
10 So how do we gauge the credibility of somebody who has
11 something to gain? We do it every day. We do it every day.
12 I'm fortunate enough in this case, that I can do it spades.
13 We take the things that the witness says, and we compare
14 them try to fit them together with the things we know and
15 the things that he can't lie about. And that's what we're
16 going to be a lot in his closing argument. We are going to
17 be taking Trivell's story and put it together piece by
18 piece. All these pieces we put together, ladies and
19 gentlemen, what you're going to see is a -- just like that.
20 That's how you weigh credibility. You trust somebody when
21 they tell you something and if it fits with everything else
22 then you know.

23 September 19, 2005, [sic] what do we know? What do we
24 know that he can't lie about? Trivell Richardson told you.
25 What was he doing that night? I went to a party up in North

1 Charleston. After the party, I went to a strip club. Just
2 hanging out. Sounded like a pretty long night for Trivell.
3 Well, gosh, where is Trivell in the early morning hours of
4 September 19th? Right where he said he was going to be.
5 Right where he said he was. It got close to -- aright
6 around five o'clock, 5:30, it's time to go home. I got a
7 ride home. He's on the move. There you go. Trivell, right
8 where he said he was going to be. Early morning hours, five
9 o'clock. Where's Montrelle? We don't know because we don't
10 have phone records there. But we have a reliable witness
11 telling us where Montrelle was. We have Tomeka President.
12 He came over that night. He stayed with me. He stayed at
13 my house. And we know he lives up there in North Charleston
14 as well. That's where he stays. Trivell says he's coming
15 home around this time. He runs into Montrelle. Montrelle
16 is in the car. Whose car? Tomeka's car. It's a Buick. He
17 knows it. He's been in it. He's ridden in it before.
18 We're going to see it later. Tomeka saw it. And, you know,
19 of course you can't -- of all the Buicks in the world, she
20 doesn't say that's mine. She said that is just like my
21 Buick. And Trivell -- and he says it was hers. And who was
22 the only person that night that had access to that Buick?
23 Tomeka who was asleep and Montrelle Campbell who was staying
24 there. She says she leaves her keys on the counter, and he
25 was staying there that night.

1 So Trivell tells you he meets with Montrelle, and
2 Montrelle says, hey, come ride with me to the store. And
3 before he knows it, he's rolling up a joint at the time and
4 before he knows it, they're on the I on the way downtown.
5 And sure enough, there you go. And now we've got Montrelle.
6 Joins the story on the records that don't lie. Downtown in
7 the area here, 5:51 a.m. Trivell is there too. We're going
8 tie this in a minute. Remember Trivell says, why would
9 Trivell be calling Montrelle on his phone when they're
10 together? He wouldn't. But it fits because what happens?
11 Trivell just dropped Montrelle off and said I called him
12 that morning to see where I needed to take these keys after
13 I put the car where you told me. And there we go.

14 Why aren't these two calls mapped on Montrelle's
15 record? You heard from Clay Simmonds when a call is
16 answered, as Trivell told you these were, and voice mails
17 were left, the call gets routed and it won't show up on the
18 other call records. No mystery there. You can look at the
19 two. Won't show up on a map of the records. You can look
20 at the two phone records and these calls show up on both.
21 Calls from Trivell to Montrelle at 6:15 a.m. And an
22 additional call at 6:23 a.m. also placing Trivell. Trivell
23 and Montrelle at a very odd hour down at the back of Green
24 hitting off the cell towers encompassing this crime scene.
25 A better illustration of the cell towers being hit and these

1 calls, the red square indicating [REDACTED] Norman Street. 5:51,
2 Montrelle is there; 6:13, 6:15, Trivell is calling
3 Montrelle; 6:23 Trivell is there as well.

4 And it seems a lot. I know. I don't mean to be
5 tedious, but let's just sort of get our bearings here
6 because we're looking at locations. Lee Lee's kitchen,
7 three cameras. President and Line city camera. The empty
8 lot described as where Montrelle Campbell was dropped off.
9 [REDACTED] Norman Street, city camera at Norman and Ashton which
10 has a certain rotation that looks in the direction of [REDACTED]
11 Norman Street. This gets boring, but it is somewhat
12 important. I'm going go through quick because he heard some
13 pretty tedious conversation on the stand. All right.

14 Clocks are different. You all understand that.
15 Detective Tuttle chose to use the city camera as the
16 baseline. Is that the perfect time? No. But it's the time
17 that shows what we believe to be the actual shooting, so
18 let's adjust the other cameras to match that. And you heard
19 about how that's done. One incident is shown in two
20 cameras, you just look at the timestamps and correct them.
21 And so I do that by, as the testimony said, plus two minutes
22 and 27 seconds on the Lee Lee's camera, minus nine -- but
23 we've got to add the six minutes and 43 seconds minus to
24 take the Nunan camera and match it to . . . Because when
25 you do this, the picture is -- when you fix the times and

1 you synched them up on the synched time -- Montrelle's drop
2 off, time unknown. That's important. Looks from the phone
3 records they're just hanging out -- they're in the parking
4 lot. 5:51 we know Montrelle is in the area. We don't know
5 exactly when he went off and exactly when Trivell left to go
6 park the car. But we do know it's consistent with exactly
7 Trivell story. Here comes a car occupied by Andrew, Ace,
8 Andrew Rivers who they saw down at the parking lot, and
9 Trivell. We see the Nunan Street clock. We correct it
10 6:19:15, Nunan Street. Lee Lee's side camera onto Nunan
11 Street, you see the first appearance of the Buick, 6:20:06.
12 Seconds after we saw it past Nunan Street. Ace and Trivell
13 exit the car. They round the corner. They proceed down
14 President Street. Let's take a look at the gait, nothing
15 particularly urgent. It would appear all these video clips
16 are in evidence for your review. Time 6:23:06. City cam,
17 here we don't have to do adjustments. We're just using this
18 time right off the clock. Just seconds later, 6:23:22, we
19 see the two coming down President. Again, talking about
20 fitness together, let's pause for a second to look at
21 Trivell's story. Phone records, video records, timestamps
22 all fitting together of what you heard from Trivell on the
23 stand. Further down President Street, we see him over on
24 the corner, across from the corner where the error indicates
25 here. Trivell told you he and Ace walked down to -- walked

1 down President straight out of the camera, just like you see
2 on the video, to around where the office building is down
3 here, and we're standing when [REDACTED] Norman Street 6:32:02,
4 63202:00 a.m.

5 Camera city camera, Asher and Norman. All these
6 clips -- I don't want to get this wrong -- I believe are
7 State's 95. If I'm wrong the CD of the video clips. Every
8 clip that you saw, you have watched, is in evidence and can
9 be watched by you if you want at your request. Watch the
10 trash cans; see the movement, see what looks like white on
11 the back of his shirt and the flash. 6:32:02, 03, 04.
12 6:32:02 a.m., seconds later Trivell comes crossing. There's
13 multiple images of this in the video. Look at his hands.
14 This is seconds after the shooting. Is he holding
15 something? Is he carrying anything? He says Ace took off
16 one way and I took off the other. He looks like just like
17 he did when he got there. Better images. But seconds after
18 him, here comes someone else. And someone else, according
19 to Trivell Richardson, Montrelle Campbell, the person that
20 knows him, the person that rode down with him, is carrying
21 something seconds later. Going in this direction up
22 President Street, you see the figure there. And you'll be
23 able to watch in motion and watch what's in his hand.
24 Shooting, 6:32 a.m. One minute and seven seconds later
25 after an apartment where he was in, where he punched someone

1 the night before, got shot up with an assault rifle, one
2 minute and seven seconds later Montrelle Campbell is running
3 away from that location with an assault rifle. Trivell,
4 he's getting out of there. He's hearing shots but he's, you
5 know -- running here. Look at the hands. Was Trivell
6 armed? 6:33:01 a.m. -- according to Trivell Richardson, the
7 person who story up to this point, he corroborated every
8 individual piece of evidence: phone records, video evidence.
9 Says that at this point Montrelle Campbell -- remember the
10 car faced the wrong way. Montrelle Campbell gets into the
11 passenger seat of the Buick. His girlfriend's Buick. A car
12 that only he and Tomeka, who was sleeping at home, had
13 access to. He gets into it with a smoking gun.

14 I'm not making light of the situation. But as a
15 prosecutor, we use that as a phrase, as a phrase for a case
16 that's proven beyond a reasonable doubt. Where is the
17 smoking gun? I can tell you 15 years of doing this, I've
18 never had a case where I can stand in front of the jury and
19 say we have a literal smoking gun minutes after a residence
20 was shot up with an assault rifle. A smoking gun getting
21 into a Buick that belonged to Montrelle Campbell's
22 girlfriend. A smoking gun driven by a guy he knew Montrelle
23 Campbell and said that's Montrelle Campbell. I rode down
24 with him. That's him right there.

25 6:33:22 a.m., finally, the Buick exiting the wrong way

1 down Nunan Street at 6:34:31 a.m. Well, gosh though,
2 Trivell said after that he just drove back home. What do
3 our phone records tell us about that? Back up to North
4 Charleston. Back up to that area just like he said. Oh,
5 yeah, yeah, what about Montrelle? Right there with him.
6 Getting off the tower right next door because he's got a
7 different cell phone provider. 6:54:39 a.m., in the area
8 and times around it, Trivell and Montrelle together just
9 like Trivell explained to you. What's the best way to judge
10 the credibility of a witness? Sure, look at the lies.
11 Consider that he had something to gain. But also look at
12 the fact that his testimony fits with every piece of
13 incontrovertible evidence that you heard in this case. It's
14 called corroboration and it's important when you want to
15 believe somebody. You do it every day.

16 Finally, we have testimony from a witness as we talked
17 about before, Tomeka President. What happens to Tomeka
18 President the next day when she wakes up having stayed the
19 night before at her boyfriend's? Is her boyfriend there?
20 No, he's not. She said she had to be at work at seven. You
21 know, I'm not sure that she said this, but where do you wake
22 up in the morning if you got to be at work at seven? And
23 where do we know from this case where Montrelle is between
24 the hours six and seven? Okay. All right. Well, he's
25 gone. And I'm getting ready to go to work. What's the

1 problem? Why can't you go to work? Her Buick is gone.
2 Where do we know her Buick is? She's so late and angry, she
3 calls a cab. An hour late for work. She had to open. She
4 had open the business register. She's mad. She's an hour
5 -- what did she say? I said where you an hour late for
6 work. No. I was an hour and nine minutes late for work.
7 That was her testimony. States that when she went out to
8 the cab, the car is back. But where are the keys? Back on
9 the counter? No. Her keys are just laying in the front
10 seat. Look at the time. Montrelle, Trivell, back in North
11 Charleston.

12 In a lot of cases, a lot of murder cases, we spent a
13 lot of time talking the law and things like malice. I hope
14 I don't do disservice by skipping it over it. In order to
15 prove murder, you have to prove a concept called malice.
16 Somebody did something -- it's called malice. It's called
17 doing something out of ill will. Doing something out of
18 meanness, hatred. When a person unloads 14 bullets into a
19 residency full of people, that's malice. You're going to
20 hear from the judge you can infer malice if a gun is used.
21 You can certainly infer malice if an assault rifle of 14
22 bullets is used. That's a decision for you to make. But I
23 submit to you -- there's no such thing. For attempted
24 murder, because he was charged with murder and two counts of
25 attempted murder, I have to prove sort of a different

1 intent. I have to prove what is called a specific intent to
2 kill, okay. So here's a little wrinkle that I think is
3 important that you understand. Again, you're going to hear
4 a charge that to prove a specific intent to kill, you need
5 to be common sense, reasonable people, if a person does
6 something and the natural consequences of that act is that
7 someone dies, you can offer that that person intended the
8 natural consequences of that act. Which is a fancy way of
9 saying when someone puts a whole bunch of bullets in a house
10 and someone gets hurt, you can infer the intent you wanted
11 to kill somebody.

12 There's another legal document at play here there,
13 though, and it's import that you understand. It's specific
14 intent. And specific intent -- it's an idea called transfer
15 of intent. Which is specific intent -- okay. Sometimes it
16 might be argued, well, he didn't intend to kill this person.
17 That's a fair thing to say in this case. Luckily, that's,
18 -- I hope you all are like, the law can't mean that --
19 transfer of intent means when you seek out to kill another
20 person, when you have that intent to kill and by through no
21 fault you miss or something goes awry and you end up killing
22 through that act another person, that intent to kill one
23 transfers to another. Transferred intent. So the fact that
24 Montrelle Campbell did not know Antwan Frost, you know,
25 might not know he was there doesn't negate the specific

1 intent of malice nor does is it negate the fact that Tierra
2 and Kerry got hurt in order to negate that intent to that.
3 Because with every intent he had firing 14 bullets in the
4 back of a house transfers to whoever got hit..

5 There's another legal document that's going to be
6 important, okay. And that's a legal document called an
7 accomplice or accessory reliability or it's often referred
8 to, sort of it's old term, just a hand of one. That means
9 the hand of one is the hand of all. It means if more than
10 one person set out to accomplish something, both, as long as
11 they both do so willingly and knowingly, they both are
12 liable for the natural consequences of that. You know, we
13 referred to that a little bit. Talk about Trivell being
14 charged with murder under the theory that two people set
15 out -- they set out to do something that night, they're both
16 guilty. Trivell's story, of course you heard it, says he
17 didn't. Butt why is that important in this case? Montrelle
18 Campbell shot up [REDACTED] Norman Street that night. That is our
19 case and that is certainly the case that we presented to
20 you. However, if some of you are asking the question, well,
21 what if Trivell was more involved -- what of Trivell's
22 involvement, knowledge of what he did was a little bit more
23 than what he told you. If some of you are thinking that, as
24 long as you believe Montrelle Campbell was a part of it,
25 both are guilty. And today is Montrelle Campbell's day in

1 court. The hand of one is the hand of all.

2 I'm not going to laugh and make light of it. I have my
3 own opinion of it. I thing she's a sweet woman, but the
4 Peggy Blake --

5 MS. FORD: Objection. Vouching.

6 AST. SOL. SIMPSON: --- for your witness.

7 THE COURT: The objection is sustained.

8 AST. SOL. SIMPSON: Sorry, Your Honor.

9 THE COURT: Confine it to the evidence without making
10 any characterizations.

11 Ladies and gentlemen, you are to disregard the last
12 comment. You may proceed.

13 AST. SOL. SIMPSON: Peggy Blake came down to testify.
14 And she told you about a hooded figure getting into a lime
15 green car with a rifle. There were many things about that
16 testimony, not to speak ill of her, that seemed odd. She
17 did not say a lot of those details that night in her 911
18 call. She changed her story while -- two years later and 20
19 minutes she was on the stand, she changed her story
20 significantly by saying that she was looking out the front
21 window of her bedroom, and -- the window in her son's room.
22 Saying all this occurred while she was on the ground at one
23 point and then standing up. She left out significant
24 details before. She talks about a lime green car that's
25 captured in none of the cameras and driving slowly through

1 this.. I submit to you -- I don't think she's intending to
2 be -- when you do what we've done with Trivell and take
3 every thing we know and have it all lock together, when you
4 do that with Peggy, it's just a bunch of pieces of different
5 puzzle. They're not -- okay. Why am I bringing this up
6 now? Should you believe though this second guy with the
7 gun? You know, Peggy saw one guy run one way and you see
8 Montrelle run the other way. As long as both we're
9 involved, both are guilty. And it's your job today to
10 determine the guilt of this man. And if both of them, the
11 mystery man of Peggy Blake and Montrelle are guilty, the
12 verdict is guilty.

13 The hand of one is the hand of all. Make no mistake.
14 You have been presented with substantial evidence that
15 Montrelle Campbell shot at that house that night. But if
16 you think the involvement of another individual is more than
17 they let on and there might ACE or someone else might have
18 had a role in it, might have even been the shooter that
19 handed them the gun, as long as he's involved in the hand of
20 one document, knowingly involved, he's guilty. And you'll
21 hear that -- when you will get charged on the law from the
22 judge, you're going to hear that. You'll hear it from the
23 judge.

24 Montrelle Campbell turned [REDACTED] Norman Street into hell
25 on earth back in 2015. And today's the day -- because

1 something always gets lost and it really gets lost in this
2 story. I'm sure you've thought of it. I'm sure it's popped
3 in your head -- we got to meet them. Talked a lot about
4 Montrelle. Talked a lot about Tomeka President. We talked
5 a lot Trivell Richardson. We didn't get to talk about
6 Antwan Frost. This just isn't Montrelle Campbell's day,
7 it's Brother Dusty's day as well. I ask you all to do your
8 job, be diligent. I'm sure you will. What you're doing is
9 never easy. You should never -- we don't ask you to feel
10 vengeful or feel good that judging another human being.
11 It's hard. But we do ask you to do what you promised you
12 would which is look at the evidence laid out. You know what
13 I'm talking about. Ask yourself what fits and what makes
14 sense. If it comes with a difficult conclusion, it's hard
15 as human beings to do it, but we ask you to do it because
16 it's the right thing -- find the defendant guilty as
17 charged. I'll get a brief opportunity to talk to you
18 following Ms. Ford's closing. Thank you for your time.

19 THE COURT: Ms. Ford.

20 MS. FORD: Thank you, Your Honor.

21 THE COURT: You're welcome. (Brief pause.) I apologize
22 is everyone comfortable? Does anyone need a restroom break?
23 (No response.) You may continue.

24 MS. FORD: Thank you.

25 THE COURT: You're welcome.

1 MS. FORD: Good afternoon, everyone. People often see
2 what they want. And it's not necessarily deliberate. It's
3 human nature. When Katrina Brown's apartment was shot up,
4 the obvious question was why did this happen? There had
5 been no threats of something like this happening. Since
6 Katrina was the main resident, the adult resident, the
7 police -- on her. And they talked to her. They questioned
8 her -- why this may have happened. She thought -- not
9 because of the significance of what had happened, but merely
10 because -- that something happened just the night before.
11 But we didn't know where else to turn. Until after that,
12 they focused on Montrelle and interpreted every single thing
13 through that lens. And nothing demonstrates that more than
14 Detective Tuttle's testimony on the stand today. It was
15 clear that that was his point or his purpose from the very
16 beginning. When he looked at surveillance videos, when he
17 first saw a guy -- the guy that he never could identify on
18 his own. There's no way. He didn't know Montrelle
19 Campbell. He obviously got very suspicious, of course. He
20 focused on that and he focused on Montrelle Campbell. But
21 what about all the other possibilities that were discarded?

22 Trina was not the only person in the apartment that
23 night. Even though she was the main resident, there were
24 many people there. Peggy indicated, you know, she would
25 have parties. She had people there, not many, but the night

1 before. The mere fact that Antwan Frost went over there
2 that night proved that it was well known that people knew
3 that she was having a party. Katrina told you that she had
4 not seen her in years, that she -- Kerri hadn't seen him in
5 like ten years. So really she didn't know him. So how did
6 he end up there at Katrina's? Well, we don't know, but
7 obviously somebody is talking about it whether they were
8 posting about it on social media or whether one of the other
9 people in the apartment invited him. We don't know. We
10 know he came, not invited by Katrina. But not specifically
11 invited. We know that the gentleman, Mr. Taylor, some
12 people call him Hetty, he came just beforehand. Another
13 individual named -- whose nickname was -- he came a little
14 earlier than that. There had been people there earlier in
15 the evening such as her mom. It's clear people knew there
16 was a party. And what do we know about all the people in
17 the house that were there at the time of the shooting?

18 You only heard from three of them. And, unfortunately,
19 Mr. Frost cannot be here to talk. But there were eight
20 other people in that apartment that night. You heard from
21 three of them. One was a small child, so obviously it would
22 make sense he wouldn't be here. Then there are the teenage
23 boys probably, probably out of school by now, but you
24 know -- she moved out of state. So that's understandable.
25 But what about the three young men in the house that night?

1 One was not just some random guy. It was their cousin.
2 Kinard -- he's the cousin to Katrina and to Kerri, and
3 Tierra Brown. He wouldn't talk to police back at the
4 beginning. And still more than two years later, he has not
5 come forward to talk. He was not willing to testify even
6 though his cousin was shot at. Even two of his cousins
7 we're injured. Why?

8 Then you have his two friends Delano McPherson and
9 Jerell Risher. We didn't hear from either of them during
10 this trial either. The police did speak to one -- at a
11 time, but he never -- and the other they've never talk to.
12 So what was going on with them? That was never presented.
13 Not excluded as a possibility. Perhaps Katrina was not even
14 the target that night. Many people were there.

15 I want to talk about -- well, first I want to talk a
16 little bit about some other things that Mr. Williams did not
17 follow up on. Because they already had -- one thing you
18 heard is that the search warrant was presented on Tomeka's
19 car and they actually used -- you heard from the officer he
20 collected the evidence that he personally can't analyze.
21 Well, did they send that off to get it tested to see if
22 anything was there? No. Nothing. They didn't follow it.
23 There were two cell phones found in the -- where the shell
24 casings were. Did police present any evidence about that?
25 Who did those phones belong to? No. They didn't present

1 any of that. They did not go into looking down by -- why?
2 Because they were focused on Montrelle Campbell.

3 You heard from Peggy, she's not associated with
4 Montrelle Campbell. If anything, she's more friendly with
5 Katrina. Doesn't sound like they're great friends or
6 anything, but they both lived in the same area for quite
7 some time. But I believe Peggy said maybe she'd been there
8 since '08. Katrina said she lived there -- so the time it
9 happened, fair to say that they had been neighbors for about
10 five years. Peggy had been invited to her house, you know,
11 several times. They're all friendly. You heard that she
12 was actually invited to the party that night. So under
13 different circumstances, she could have been a victim as
14 well. She's not the magic witness I pulled out of the air
15 to help Montrelle. She called 911. And she's just didn't
16 stay in her house and hide and say I'm not going to get
17 involved. She actually talked to an officer that evening,
18 and she told them. Mr. Simpson acted like she had this
19 great change of story that that's not true because you know
20 in the 911 call that was a very limited conversation. The
21 911 operator clearly had talked to other people. She told
22 her we know of the situation, we have an under hand. So she
23 didn't even ask, like, for more details about this person.
24 That this wasn't a police interview. It was a 911 call and
25 the 911 operator thought that they had it under control