

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Letitia H. Verdin, Circuit Court Judge

THE STATE,

V.

ANTHONY BERNARD ALLEN,

RECEIVED

Aug 20 2021

SC Court of Appeals

RESPONDENT,

APPELLANT.

APPELLATE CASE NO. 2019-001766

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2017-GS-23-09396
COUNTY OF GREENVILLE	)	2017-GS-23-09398
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
ANTHONY BERNARD ALLEN,	)	
DEFENDANT.	)	
_____	)	

October 8, 9, 10, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE LETITIA H. VERDIN, JUDGE, and a jury

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Circuit Court Reporter

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P R O C E E D I N G S

TUESDAY, OCTOBER 8, 2019

(WHEREUPON, State's Exhibit Numbers 1 through 108 were
marked for identification; proceedings commenced at
2:33 p.m.)

THE COURT: Okay. Are there any matters that we need
to take up before we get going?

MR. MOYER: Just to clarify the indictments, Your
Honor.

THE COURT: Okay.

MR. MOYER: We're not going forward with all of the
indictments that are on the docket. And I believe the
clerk may have given you the two that we are going forward
with: a kidnapping charge and an attempted murder.
There's a possession of a weapon during the commission of
a violent crime on that indictment which that was never on
the trial docket ,and we don't intend to go forward with
that.

THE COURT: Okay.

MR. MOYER: So just those two charges.

THE COURT: Okay.

MR. MOYER: And I've also agreed with Mr. Marchant.
For the attempted murder indictment, it lists two victims:
Anthony Watkins and a Frances Reanne Talley. We don't see
a need at this point. We can strike Ms. Talley from the

1 indictment as far as we're concerned. That was a request
2 Mr. Marchant made, and we don't have a problem with that.

3 THE COURT: Okay. And I will just tell you, I'm not
4 going to send these indictments back ---

5 MR. MOYER: Okay.

6 THE COURT: --- with the jury in any event because we
7 do have the charge and the other victim on there. So I've
8 amended the indictment on attempted murder to remove the
9 words "and/or Frances Talley."

10 MR. MOYER: Thank you, Your Honor.

11 THE COURT: And I'll just leave the possession of a
12 weapon there, but I'll know that I won't inform the jury
13 about that one.

14 MR. MOYER: Okay.

15 THE COURT: All right. Anything else we need to take
16 up before we get going?

17 MR. MOYER: Not until we draw a jury, Your Honor,
18 that I know of.

19 MR. MARCHANT: No. Defense is ready.

20 THE COURT: Five and ten on our strikes?

21 MR. MOYER: Five and five.

22 THE COURT: Five and five on our strikes.

23 MR. MOYER: Yes, ma'am.

24 THE COURT: Okay. Oh, I see. Almost. Almost.
25 Mr. Moyer, you're too quick.

1 Is Mr. Allen, is he on bond?

2 MR. MARCHANT: He's in custody, but he's dressed and
3 ready to go.

4 THE COURT: Okay. Very good.

5 And y'all anticipate that we'll go -- y'all think
6 this will finish tomorrow or in any event by Thursday
7 morning? I know we're starting later than we thought.

8 MR. MOYER: Yes, ma'am. I think we'll finish
9 tomorrow. At the worst case I think we'll wrap it up
10 early Thursday, but I think there's a pretty good chance
11 we'll finish tomorrow.

12 THE COURT: You agree with that?

13 MR. MARCHANT: Yes, Your Honor.

14 THE COURT: Okay. All right.

15 (Pause in proceedings.)

16 (WHEREUPON, the jury pool entered the courtroom at
17 2:52 p.m.)

18 JURY QUALIFICATION

19 THE COURT: Good afternoon, ladies and gentlemen. I
20 qualified you yesterday to serve as jurors in General
21 Sessions court this week in Greenville County in general,
22 but now I need to find out if you're qualified to serve on
23 the trial of this particular case. I'm going to go
24 through some questions with you all, and if anybody needs
25 to respond to any of my questions, I'm going to ask you to

1 stand, and then I'll call on you and ask you to give me
2 your name and juror number for the court reporter so we'll
3 know who we're talking to. And you might need to answer
4 more than one question, and if you do, if you'll just give
5 it every time.

6 Most of my questions are not going to ask for
7 anything of a personal nature in any way. It's just
8 really do you know anything about the facts in this case
9 and do you know anybody involved. That's pretty much what
10 my questions are going to be. But if anybody at any point
11 feels uncomfortable talking about anything out loud with
12 everybody, you can just say you want to come up here and
13 the attorneys will come up here and we'll talk at the
14 bench. So I don't want to make anybody feel like -- you
15 know, put anybody on the spot, so to speak. But as I
16 said, I don't anticipate having any very personal
17 questions.

18 The first question I've got for you all, this is
19 before we even move to qualification I just want to be
20 absolutely sure, there is an outside chance that this case
21 might go a little bit into Thursday morning. There were
22 several people that I gave protection to for Thursday --
23 for Thursday and Friday. And our jury coordinator,
24 Janine, has gone through the list and tried to weed out
25 people I gave protection to on Thursday. But is there

1 anybody that has slipped in this jury pool that I gave you
2 protection for Thursday?

3 (No response.)

4 THE COURT: All right. All right. Okay. I'm not
5 doubting Janine in the least. I'm not. But you just
6 never know when you're dealing with a whole group of
7 folks.

8 All right. This particular case is the State of
9 South Carolina vs. Anthony Bernard Allen. The first thing
10 I'm going to do is ask the attorneys to introduce
11 themselves to you. Mr. Moyer?

12 MR. MOYER: Thank you, Your Honor. May it please the
13 Court. My name is Mark Moyer. I will be representing the
14 State. I work for the Greenville County Solicitor's
15 Office. Seated with me are Anthony -- I'm sorry -- Andrea
16 Phillips, who is my legal investigator and has been for
17 many years, despite the fact I forgot her name, and then
18 Sergeant Chad Maltby with the Greenville County Sheriff's
19 Office will be sitting with me also. Thank you.

20 MR. MARCHANT: Good afternoon. My name is Lucas
21 Marchant. I represent Anthony Allen. This is Mr. Allen.
22 Thank you.

23 THE COURT: All right. Ladies and gentlemen, any
24 member of the jury panel related by blood or marriage or
25 otherwise acquainted with Mr. Moyer from the solicitor's

1 office or Andrea Phillips or Sergeant Maltby? And if so,
2 please stand.

3 (No response.)

4 THE COURT: And none are standing.

5 I'm going to ask you a little more broadly, any
6 member of the jury panel related by blood or marriage or
7 otherwise acquainted with anyone in the 13th Circuit
8 Solicitor's Office? The 13th circuit is Greenville and
9 Pickens County. And the solicitor is the prosecutor or
10 sometimes you hear it called in other states the district
11 attorney, but it's the prosecutor. Anybody think you know
12 anybody in any way who's employed at the 13th Circuit
13 Solicitor's Office? And if so, please stand.

14 Yes, sir?

15 JUROR NUMBER 41: Mike Coggin, Juror Number 41. And
16 I do know the solicitor, Walt Wilkins.

17 THE COURT: I thought you might be standing,
18 Mr. Coggins. And tell me this. Do you feel like you
19 could still be a fair and impartial juror in the trial of
20 this case knowing that Mr. Wilkins is the head of the
21 solicitor's office?

22 JUROR NUMBER 41: Yes, ma'am.

23 THE COURT: All right. And thank you so much.

24 Yes, sir?

25 JUROR NUMBER 235: David Stevens is a neighbor of

1 mine.

2 THE COURT: Oh, okay.

3 JUROR NUMBER 235: So just have casual contact.

4 THE COURT: And tell me this. What is your juror
5 number?

6 JUROR NUMBER 235: 235.

7 THE COURT: 235. And do you think you can be fair
8 and impartial?

9 JUROR NUMBER 235: I do, yeah.

10 THE COURT: All right. I appreciate both of you.
11 That's exactly the kind of information I need right there.

12 Yes, ma'am?

13 JUROR NUMBER 248: 248, Chasidy Wray.

14 THE COURT: Yes, ma'am.

15 JUROR NUMBER 248: One of my best friends is employed
16 here.

17 THE COURT: Okay. Who is that?

18 JUROR NUMBER 248: Brittany Kelly.

19 THE COURT: Brittany Kelly.

20 MR. MOYER: She works for our office.

21 THE COURT: Okay. And what does she ---

22 MR. MOYER: She's support staff.

23 THE COURT: Oh, she is. Okay. Oh -- oh, yeah.

24 Okay. Thank you. Now I know exactly who you're talking
25 about.

1 Tell me this. Knowing that Ms. Kelly is in the
2 solicitor's office, do you think you can be a fair and
3 impartial juror in the trial of this case?

4 JUROR NUMBER 248: I do.

5 THE COURT: I surely appreciate it. Thank you so
6 much.

7 Yes, sir?

8 JUROR NUMBER 239: William Ward, 239.

9 THE COURT: Yes, sir.

10 JUROR NUMBER 239: He's not my friend, but I know
11 Judge Miller.

12 THE COURT: Oh, okay, okay. You're safe, you're
13 safe. Judge Miller's not -- he's a heck of a guy, but
14 he's not involved in this particular case.

15 All right. Anyone else? Anyone else? Oh, yes,
16 ma'am.

17 JUROR NUMBER 207: I'm not sure what office she's in,
18 but Judge -- Judge Annetta Allen.

19 THE COURT: Oh, okay. We're -- yeah. And let me
20 tell you something -- and tell me your name and juror
21 number just for the record.

22 JUROR NUMBER 207: I'm judge -- I mean I'm juror --
23 I'm judge -- I'm Juror Number 207, Justine Seawright.

24 THE COURT: Yeah. Okay. I appreciate it. Well, no.
25 I'm just looking for anybody in the prosecutor's office.

1 So no. But you're good.

2 JUROR NUMBER 207: Okay.

3 THE COURT: You're good. Sweet lady, though. Sweet
4 lady, isn't she?

5 All right. Anyone related by blood or marriage or
6 otherwise acquainted with in any way Mr. Marchant, Lucas
7 Marchant? And if so, please stand. Ever been involved in
8 a case with, against, ever been represented by Lucas
9 Marchant? And if so, please stand.

10 (No response.)

11 THE COURT: And none are standing.

12 Any member of the jury panel related in any way or
13 acquainted with in any way Anthony Bernard Allen? And if
14 so, please stand.

15 (No response.)

16 THE COURT: And none are standing.

17 All right. Now, if you actually serve in the trial
18 of this case, you're going to hear a lot about what an
19 indictment is and what an indictment is not. An
20 indictment is not in any way a sense of anyone's guilt,
21 evidence of anyone's guilt whatsoever. It's just the
22 document by which somebody is charged and brought into
23 court. That's it. But for our purposes right now, it
24 just includes the barest bones of the allegations against
25 Mr. Allen. That's it. And so it gives me something that

1 I can read to you all just to see if you might know
2 anything about the allegations that are made in this case.

3 The first indictment alleges -- is for attempted
4 murder. And it alleges that Anthony Bernard Allen did, in
5 Greenville County between September 10, 2017, and
6 September 11, 2017, unlawfully, with malice aforethought
7 and with the intent to kill, attempt to kill Anthony
8 Watkins, this in violation of the Code of Laws of South
9 Carolina.

10 The second indictment is for kidnapping. And it
11 alleges that Anthony Bernard Allen did, in Greenville
12 County between September 10, 2017, and September 11, 2017,
13 unlawfully seize, abduct, confine, inveigle -- I never say
14 that word right -- inveigle, decoy or carry away Anthony
15 Watkins without authority of law.

16 Any member of the jury panel believe he or she may
17 know anything about the allegations in this case? And if
18 so, please stand.

19 (No response.)

20 THE COURT: And none are standing.

21 Okay. I'm going to go through a list of witnesses,
22 and it's a little bit of a daunting list but I will tell
23 you this. These attorneys, and I say this without
24 reservation, are two of the very best attorneys in the
25 state. I can tell you that they have listed every

1 possible witness who might testify in this case. If you
2 think you might know any of these witnesses in any way,
3 just like what we did earlier, I'm going to ask you to
4 please stand. But if you'll just wait until I finish the
5 end of the list, I sure would appreciate that.

6 Are you acquainted with or know in any way: Anthony
7 Watkins, Frances Talley, Ken [sic] Flowers of the
8 Greenville County Sheriff's Office; all these next witness
9 are from the Greenville County Sheriff's Office: Corbin
10 Ward, Jim Perry, Frank Abella, Dave Picone, Jay
11 Kicklighter, Emmanuel Davis, Tirissa Johnson, of course
12 you met Chad Maltby, Andrew Hall? Any member of the jury
13 -- excuse me. I'm sorry. Those are all of the Greenville
14 County Sheriff's Office. Also, are you acquainted with:
15 Dar Shaw of Greenville County Forensics; Adam Hempel,
16 formerly with Greenville County Forensics and now with the
17 Greenville County Sheriff's Office; Tyler Buchholtz of the
18 Greenville County Department of Public Safety; Lewis
19 Allen; Mike Koch of Greenville County EMS or Kentravous
20 Dirton? And if so, please stand.

21 Yes, sir. Tell me your name and juror number again,
22 please.

23 JUROR NUMBER 239: William Ward, 239.

24 THE COURT: Yes, sir.

25 JUROR NUMBER 239: Officer Perry prosecuted a guy

1 against my wife.

2 THE COURT: Okay. Tell me this. The fact knowing
3 that he might be a witness in this case, do you think you
4 could be a fair and impartial juror in this case?

5 JUROR NUMBER 239: Sure.

6 THE COURT: Okay. I sure do appreciate it.

7 Anyone else think they might be acquainted with in
8 any way any of these potential witnesses in this case?

9 (No response.)

10 THE COURT: And no further are standing.

11 Ladies and gentlemen, you've met the attorneys,
12 you've met the defendant in this case, you've heard all of
13 the potential witnesses in this case, you've heard the
14 nature of the allegations in this case. Is there any
15 reason, for any reason whatsoever any member of the jury
16 panel believe he or she could not be a fair and impartial
17 juror for any reason whatsoever? And if so, please stand.

18 (No response.)

19 THE COURT: And none are standing.

20 All right. Anything else from either side before we
21 move on?

22 MR. MOYER: No, Your Honor.

23 MR. MARCHANT: No, Your Honor.

24 THE COURT: All right then. Ladies and gentlemen,
25 we're now going to move to jury selection. This is going

1 to go a little bit more quickly. You're going to hear
2 your name and juror number called or you may hear it. If
3 so, if you'll just stand right where you are. And you'll
4 hear the State say something like, "Please present the
5 juror," or "Please strike the juror," and you'll hear the
6 defense say something like, "Please swear the juror," or
7 "Please excuse the juror," something like that. You don't
8 have to worry about it because we'll tell you what to do
9 next.

10 Two things I will say to you. If you would -- if you
11 are selected for the jury, we'll just kind of guide you
12 right up here to sit in the jury box. I promise you'll
13 know exactly what to do. But if you are picked, bring all
14 your things with you because you won't be returning to
15 that seat, if you've got anything with you. And then
16 also, I don't think anybody's going to get their feelings
17 hurt too badly if they're not selected, but believe me,
18 from time to time, jurors will ask me, "Why did I get
19 struck from the trial of this case?" I promise you it's
20 nothing personal, okay? I promise you. Absolutely.

21 All right. With that all being said, we're ready to
22 begin.

23 JURY SELECTION

24 THE CLERK: Juror Number 109, Luther Howard, please
25 stand.

1 (WHEREUPON, Luther Howard, a black male, stood.)

2 THE CLERK: What says the State?

3 MR. MOYER: Please present Mr. Howard.

4 JUROR NUMBER 109: Excuse me?

5 THE COURT: Oh, yeah. Don't worry about it. We'll
6 guide you. It's always hard to be the first one. But he
7 just said please present you, okay? So that's all he
8 said. So now it's the defense's turn to say.

9 THE CLERK: What says the defendant?

10 MR. MARCHANT: Please seat the juror.

11 THE CLERK: Grab your stuff and proceed to our jury
12 box.

13 JUROR NUMBER 109: Could I -- could I actually say
14 something?

15 THE COURT: Well, I tell you what. I'm going to ask
16 you to step up here with the attorneys.

17 Come on up. Can you say it quietly?

18 JUROR NUMBER 109: Maybe.

19 THE COURT: Okay.

20 JUROR NUMBER 109: I mean, I really wouldn't mind
21 being here, but I really wouldn't mind getting out of
22 here. I kind of -- I kind of left my stove on. And I
23 didn't think I would actually get picked, and I thought
24 they were sending us home.

25 THE COURT: You left the what on?

1 JUROR NUMBER 109: My stove.

2 THE COURT: Okay. Listen ---

3 JUROR NUMBER 109: I mean, it's like on a -- maybe a
4 low boil, but I just -- I just thought we would probably
5 be out of here by 4:00.

6 THE COURT: How about this. We'll probably be out of
7 here by 5:00. How about we give you a break in just a
8 minute to be able to go call somebody.

9 JUROR NUMBER 109: Nobody's there.

10 THE COURT: Well, I tell you what. I can send a
11 sheriff's deputy by.

12 JUROR NUMBER 109: I live in -- I live in southern
13 Greenville County, and I don't want no cops there. I'm
14 sorry. I mean, I -- I'll say it. I just -- I'm like I
15 didn't think we would be here that long.

16 THE COURT: I understand. No. We're going to be
17 here till 5:00, okay?

18 JUROR NUMBER 109: I hope I'm okay.

19 THE COURT: I hope so, too.

20 JUROR NUMBER 109: It's not high.

21 THE COURT: Why don't you just step away just a
22 second and let me talk to the attorneys for a second. You
23 just stand there with Mr. Cofield.

24 (WHEREUPON, a bench conference was held off the record.)

25 THE COURT: Sir, we're going to excuse you from the

1 trial of this particular case for some extraordinary
2 circumstances. If you'll just go have a seat.

3 JUROR NUMBER 109: Okay.

4 THE COURT: Thank you. All right.

5 THE CLERK: Juror 63, Brandon Dupree.

6 (WHEREUPON, Brandon Dupree, a black male, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please present Mr. Dupree.

9 THE CLERK: What says the defendant?

10 MR. MARCHANT: Is Mr. Dupree Number 63?

11 THE CLERK: Yes.

12 THE COURT: That's right.

13 MR. MARCHANT: Please excuse the juror from the trial
14 in this case.

15 THE CLERK: Please take a seat. You've been excused
16 from this case.

17 Juror 248, Chasidy Wray.

18 (WHEREUPON, Chasidy Wray, a white female, stood.)

19 THE CLERK: What says the State?

20 MR. MOYER: Please present Ms. Wray.

21 THE CLERK: What says the defendant?

22 MR. MARCHANT: Please excuse the juror from the trial
23 of this case.

24 THE CLERK: Please take a seat. You've been excused.

25 Juror 174, Tommy Pitman.

1 (WHEREUPON, Tommy Pitman, a white male, stood.)

2 THE CLERK: What says the State?

3 MR. MOYER: Please excuse the juror in this case.

4 THE CLERK: Please take a seat. You've been excused.

5 Juror 239, William Ward.

6 (WHEREUPON, William Ward, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please present Mr. Ward.

9 THE CLERK: What says the defendant?

10 MR. MARCHANT: Please excuse the juror in the trial
11 of this case.

12 THE CLERK: Please take a seat. You've been excused.

13 Juror 139, Kathryn McElveen.

14 (WHEREUPON, Kathryn McElveen, a white female, stood.)

15 THE CLERK: What says the State?

16 MR. MOYER: Please present Ms. McElveen.

17 THE CLERK: What says the defendant?

18 MR. MARCHANT: Please seat the juror.

19 THE CLERK: Please proceed to our jury box.

20 Juror 78, Genevieve Foster.

21 (WHEREUPON, Genevieve Foster, a white female, stood.)

22 THE CLERK: What says the State?

23 MR. MOYER: Please present Ms. Foster.

24 THE CLERK: What says the defendant?

25 MR. MARCHANT: Please seat the juror.

1 THE CLERK: Please proceed to our jury box.

2 Juror 125, Gregory Lawrence.

3 (WHEREUPON, Gregory Lawrence, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. MOYER: Please present Mr. Lawrence.

6 THE CLERK: What says the defendant?

7 MR. MARCHANT: Please excuse the juror from the trial
8 of this case.

9 THE CLERK: You've been excused, sir.

10 Juror 21, Connor Bolick.

11 (WHEREUPON, Connor Bolick, a white male, stood.)

12 THE CLERK: What says the State?

13 MR. MOYER: Please present Mr. Bolick.

14 THE CLERK: What says the defendant?

15 MR. MARCHANT: Please present the juror.

16 THE CLERK: Please proceed to the jury box.

17 Juror 181, Javaris Primus.

18 (WHEREUPON, Javaris Primus, a black male, stood.)

19 THE CLERK: What says the State?

20 MR. MOYER: Please excuse the juror in this case.

21 THE CLERK: You've been excused.

22 Juror 204, Robert Scholz.

23 (WHEREUPON, Robert Scholz, a white male, stood.)

24 THE CLERK: What says the State?

25 MR. MOYER: Please present Mr. Scholz.

1 THE CLERK: What says the defendant?

2 MR. MARCHANT: Please seat the juror.

3 THE CLERK: Please proceed to our jury box.

4 Juror 235, Duane Unruh.

5 (WHEREUPON, Duane Unruh, a white male, stood.)

6 THE CLERK: What says the State?

7 MR. MOYER: Please present Mr. Unruh.

8 THE CLERK: What says the defendant?

9 MR. MARCHANT: Please excuse the juror from the trial
10 of this case.

11 THE CLERK: You've been excused, sir.

12 Juror 23, Kristina Bowling.

13 (WHEREUPON, Kristina Bowling, a white female, stood.)

14 THE CLERK: What says the State?

15 MR. MOYER: Please present Ms. Bowling.

16 THE CLERK: Please proceed to our jury box.

17 I'm so sorry. What says the defendant?

18 MR. MARCHANT: Please seat the juror.

19 THE CLERK: Please proceed to our jury box.

20 Juror Number 98, Christopher Hagelios.

21 (WHEREUPON, Christopher Hagelios, a white male, stood.)

22 THE CLERK: What says the State?

23 MR. MOYER: Please present Mr. Hagelios.

24 THE CLERK: What says the defendant?

25 MR. MARCHANT: Please seat the juror.

1 THE CLERK: Please proceed to our jury box.

2 Juror 35, Susan Chick.

3 (WHEREUPON, Susan Chick, a white female, stood.)

4 THE CLERK: What says the State?

5 MR. MOYER: Please present Ms. Chick.

6 THE CLERK: What says the defendant?

7 MR. MARCHANT: Please seat the juror.

8 THE CLERK: Please proceed to our jury box.

9 Juror 33, Amanda Carr.

10 (WHEREUPON, Amanda Carr, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. MOYER: Please present Ms. Carr.

13 THE CLERK: What says the defendant?

14 MR. MARCHANT: Please seat the juror.

15 THE CLERK: Please proceed to our jury box.

16 Juror Number 5, Revena Ambrose.

17 (WHEREUPON, Revena Ambrose, a white female, stood.)

18 THE CLERK: What says the State?

19 MR. MOYER: Please present Ms. Ambrose.

20 THE CLERK: What says the defendant?

21 MR. MARCHANT: Please seat the juror.

22 THE CLERK: Please proceed to our jury box.

23 Juror 67, Richard Ennis.

24 (WHEREUPON, Richard Ennis, Jr., a white male, stood.)

25 THE CLERK: What says the State?

1 MR. MOYER: Please present Mr. Ennis.

2 THE CLERK: What says the defendant?

3 MR. MARCHANT: Please seat the juror.

4 THE CLERK: Please proceed to our jury box.

5 Juror 104, Maria Hernandez.

6 (WHEREUPON, Maria Hernandez, an Hispanic female, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please present Ms. Hernandez.

9 THE CLERK: What says the defendant?

10 MR. MARCHANT: Please seat the juror.

11 THE CLERK: Please proceed to our jury box.

12 Juror 52 Patricia De La Llave.

13 (WHEREUPON, Patricia De La Llave, an Hispanic Female,
14 stood.)

15 THE CLERK: What says the State?

16 MR. MOYER: Please excuse the juror in this case.

17 THE CLERK: Please take a seat. You've been excused.

18 Juror 164, Andrew Parker.

19 (WHEREUPON, Andrew Parker, a white male, stood.)

20 THE CLERK: What says the State?

21 MR. MOYER: Please present Mr. Parker.

22 THE CLERK: What says the defendant?

23 MR. MARCHANT: Please seat the juror.

24 THE CLERK: Please proceed to our jury box.

25 THE COURT: All right. And is one alternate all

1 right? All right. One and two.

2 THE CLERK: Juror 207, Justine Seawright.

3 (WHEREUPON, Justine Seawright, a black female, stood.)

4 THE CLERK: What says the State?

5 MR. MOYER: Please present Ms. Seawright.

6 THE CLERK: What says the defendant?

7 MR. MARCHANT: Please seat the juror.

8 THE CLERK: Please proceed to our jury box.

9 THE COURT: I know that we've got one matter to take
10 up. Is there anything else that we need to take up before
11 I excuse the jury, from the State?

12 MR. MOYER: No, Your Honor.

13 THE COURT: Any from the defense?

14 MR. MARCHANT: No, Your Honor.

15 THE COURT: All right. Ladies and gentlemen who were
16 not selected for this particular jury, I'll ask you to
17 please return to your jury assembly room for just a
18 moment, and then you'll be excused for the rest of the day
19 thereafter. I do not believe that I'll have the
20 opportunity to work with any of you this week. Thank you
21 so much for your service.

22 (WHEREUPON, the remaining jury pool exits the courtroom at

23 3:22 p.m.)

24 THE COURT: Will you administer our oath to our jury,
25 please.

1 THE CLERK: Please stand and raise your right hand.

2 (WHEREUPON, the jury is duly sworn.)

3 THE CLERK: Thank you.

4 JURY INSTRUCTIONS

5 THE COURT: All right. Ladies and gentlemen, I just
6 want to give you a little bit of information before we get
7 started with the trial of this case. This is not the law
8 that's applicable of the case. I'll charge you on the law
9 at the end of the trial. You might hear the attorneys
10 talk about the law some throughout, but I will charge you
11 on the law at the end of this case. We do anticipate that
12 we'll either finish tomorrow afternoon or maybe Thursday
13 morning. But in any event, we believe that we will
14 conclude the testimony and evidence in this case by
15 tomorrow afternoon for sure.

16 As you know, the defendant in this case is charged
17 with attempted murder and kidnapping by the indictment
18 that I've explained to you. And those elements of those
19 charges will be explained to you later.

20 I told you before and I want to emphasize to you that
21 an indictment is not in any sense evidence of anybody's
22 guilt. It just brings them into court to be charged.
23 That's it. Okay?

24 The defendant has pled not guilty to these
25 indictments, and therefore, the burden of proving each and

1 every element of the indictments is firmly on the State.
2 They must prove that the defendant in this case is guilty
3 of these charges beyond a reasonable doubt. You've
4 probably heard that term before. You'll hear lots more
5 about it as we proceed through this trial.

6 You're the sole judge of the facts of the case.
7 You're to determine the facts based solely on the
8 testimony and evidence that are presented from this
9 witness stand and introduced into trial. It's up to you
10 to determine any inferences from those facts, and if I
11 make any kind of comment on the facts in this case,
12 disregard it. A trial judge is not allowed to have an
13 opinion of the facts in the case, and I do not.

14 On the other hand, the same law that makes you the
15 judge of the facts, it makes me the judge of the law.
16 You've got to take the law as I give it to you at the end
17 of this case and follow it even though you might disagree
18 with it. If you have a different idea as to what the law
19 is or what the law ought to be and it doesn't agree with
20 what I tell you, then you're to disregard those beliefs
21 and just take the law, the facts as you find them, apply
22 it to the law as I give it to you, and from that you will
23 determine whether or not the State has met its burden of
24 proof.

25 Until I advise you to begin your deliberations, you

1 must not discuss this case with anyone, even your fellow
2 jurors. And that surprises people from time to time
3 because it doesn't look that way. In movies and things
4 like that, jurors are talking all the time. But you can
5 talk to one another, just not about this case. The reason
6 is we don't want you to make up your mind about any fact
7 whatsoever until you've heard all the testimony and
8 evidence in this case, and only then can you begin to
9 discuss it with one another after the case is in your
10 hands after final arguments from the attorneys and my
11 charge on the law.

12 You're going to go home tonight, and everybody knows,
13 your family is going to say, "Did you get picked for a
14 trial?" And you can tell them what the charges are, but
15 other than that, nothing else. Because otherwise, it
16 could elicit some discussion from them, and we don't want
17 you to be influenced by anything. Just go home and forget
18 you're a juror on this case.

19 Also, that includes in this day and age social media.
20 Don't discuss the case on social media or anything like
21 that. Once this case is over and you've rendered your
22 verdicts in this case, you'll be free to discuss it with
23 anyone or not discuss it with anyone. That will be up to
24 you.

25 I don't believe there's going to be any news articles

1 or anything like that on this case, but just avoid the
2 newspaper or any kind of local news about it just to be on
3 the safe side. But I don't anticipate there's going to be
4 any news media on it.

5 Now, throughout the course of this trial you are
6 going to be in and out of the courthouse some. We'll take
7 a good break for lunch tomorrow and that sort of thing and
8 coming in and out. You may happen to run into somebody
9 who might talk about this case or something like that. If
10 you do, identify yourself as a juror immediately. If they
11 don't quit talking about it, you let Mr. Cofield know
12 about it, who you'll meet in just a few minutes. He'll
13 tell me about it, and I promise I will take care of that
14 right away. These attorneys in this case are -- and I say
15 this with full confidence -- two of the very best trial
16 attorneys in the State of South Carolina. They wouldn't
17 dream of talking to you about this case. But if something
18 -- you just might overhear something, so just make sure
19 that you identify yourself as a juror.

20 In a few minutes you're going to hear the solicitor
21 make an opening statement. It's not evidence in the case.
22 It's just what his contention is as to what the issues are
23 going to be. Defense attorney, Mr. Marchant, could also
24 make an opening statement in this case, but he doesn't
25 have to.

1 From time to time, you might hear the attorneys say,
2 "Could we discuss a matter of law at the bench?" or could
3 we take up something outside your presence. I don't want
4 you to feel like we're hiding the ball from you in any
5 way. We're not. You heard me say earlier that, from time
6 to time -- well, that a trial judge cannot have an opinion
7 as to the facts in the case, and sometimes, from time to
8 time, when I've got to rule on a matter of law, I have to
9 say something about the facts. So I don't influence you
10 in any way, we'll just take it up very quickly at the
11 bench, or if it's something a little bit longer, we'll ask
12 you to step to your jury deliberation room. But I make
13 you this solemn promise: if you're in there waiting on
14 us, we're going to be in here working. I would not keep
15 you waiting otherwise.

16 Of course, you're going to have to determine the
17 credibility of witnesses. You do that the same way you do
18 every day. You just look at how somebody acts on the
19 witness stand or how they appear when they're talking to
20 you. You think about what they say and how it matches up
21 with what others have said or the evidence in the case,
22 and from that you determine who, if anyone, you believe is
23 telling the truth. And you have the right to consider
24 anything in the record, any evidence that's presented, any
25 other testimony to determine who, if anyone, you believe.

1 All right. Ms. Bowling, would you be so kind as to
2 serve as the foreperson of this jury?

3 JUROR NUMBER 23: Yes, ma'am.

4 THE COURT: Okay. Thank you so much.

5 Your verdict has to be a unanimous one, so nobody's
6 opinion is more important than another's. I just need
7 somebody who will lead the discussions in the jury
8 deliberation room and communicate with the Court if
9 necessary and sign and date the verdict form at the end.
10 And if you'd do that, I would be most appreciative.

11 JUROR NUMBER 23: Yes, ma'am.

12 THE COURT: Thank you.

13 Ms. Seawright, you're our alternate in this case.
14 You probably know what an alternate does, but just so I've
15 said it -- well, then here we go. It's pretty easy. It's
16 pretty much like being a juror. But what you'll do is
17 you'll stay with us throughout the trial of this case, and
18 if I had to remove a juror or if the juror had an
19 emergency or something like that, then you could just step
20 in as if you've been one of the 12 jurors all along. If
21 we get to the end of the testimony and evidence and
22 arguments in this case, and if we don't need your
23 services, I'll excuse you before deliberation. But
24 otherwise, you'll just be with us throughout the trial of
25 this case. I surely do appreciate your services. I

1 appreciate all of your service.

2 I'm going to ask you now to step and take a break,
3 see your jury deliberation room. Y'all have kind of been
4 sitting for a while, and I apologize about that. But just
5 walk around and stretch your legs and that sort of thing.
6 But Mr. Cofield will show you where to go. I'm going to
7 ask the folks in the gallery to please remain seated as
8 the jury leaves. All right. Thank you.

9 (WHEREUPON, the jury exits the courtroom at 3:32 p.m.)

10 THE COURT: All right. Any objection to my initial
11 charge, from the State?

12 MR. MOYER: No, Your Honor.

13 THE COURT: Any from the defense?

14 MR. MARCHANT: No, Your Honor.

15 THE COURT: Okay. Y'all want to take about a
16 ten-minute break? And hopefully our plea is somewhere
17 around here, I think.

18 UNIDENTIFIED: I have him in the hallway, Your Honor.

19 THE COURT: Oh, okay. Great.

20 And Mr. Marchant?

21 MR. MARCHANT: I didn't know if we were going to
22 address the juror.

23 THE COURT: Oh, yeah, please. Let's go ahead and do
24 that so we don't forget.

25 MR. MARCHANT: As it relates to the first juror that

1 was selected -- or actually, the first juror that was
2 called and selected is Juror Number 109. After both the
3 State and the defense agreed to seat him, he asked to
4 address Your Honor and made some comments to you such that
5 the prosecution decided or asked that, based off of his
6 comments, that he be struck. I believe that we have a
7 fair jury of the balance of the jurors that have been
8 selected, but I objected to Your Honor's ruling allowing
9 the State to go back and strike Juror Number 109. So I
10 asked Your Honor if I could put that on the record.
11 That's what I'm doing. I realize we're moving forward,
12 but I just wanted that noted for wherever that may lead
13 from here.

14 THE COURT: No. Absolutely. And I will say -- and I
15 appreciate your putting that on the record. I will say
16 just for further clarification of -- and it may not have
17 come through on our bench conference, our first juror was
18 Juror Number 109, Luther Howard. And he was selected. He
19 acted unusual during jury selection. Seemed to question
20 what was going on even though I'd given some instruction
21 that they'd hear from the State and then from the defense.
22 But then when he came up here, he said a number of things.
23 First of all, he didn't think he would, I think, be good
24 at this or was right for this, and then he went on to say
25 that he had a pot on his stove. I believe he had his

1 stove on and he had a pot on. And he said that he felt
2 like he would be home by 4:00. And he was really worried
3 about something happening, I guess, to his house. And I
4 offered to let him call someone. And he said that he
5 didn't want to call anyone. And then I offered to send a
6 deputy by his house to check on this situation, just make
7 sure the house hadn't burned down or whatever. He seemed
8 extremely hesitant to allow law enforcement to go by his
9 house.

10 And throughout the course of my speaking with him, he
11 was acting unusual. I could not get a feel in that short
12 of time whether or not he was under the influence or
13 whether he might have some sort of mental problem, maybe
14 he was acting -- I'm not sure, but he was acting very
15 unusually at the bench. I didn't feel, in all fairness,
16 that I should use a Court strike, although I did consider
17 striking him as a Court strike. But the State asked if
18 they could use one of their strikes, and I allowed him to
19 do so for those reasons. All right.

20 MR. MARCHANT: I do have one other matter, Your
21 Honor.

22 THE COURT: Sure. Yes, sir.

23 MR. MARCHANT: During the course of Madam Clerk
24 reading out the oath to the jurors, I did not see it, but
25 my client has indicated that Juror Number 21, he's the

1 young white male who's sitting on the front row in the
2 plaid shirt, I believe his name is Mr. Bolick, did not
3 acknowledge the oath and his duties and responsibilities.
4 I didn't -- I didn't see it, but my client indicated he
5 didn't say "I will." And I don't know if it's because of
6 how that was relayed to the jury or if he didn't
7 appreciate that that is his responsibility. I'm not sure
8 how we clear that up, clean it up. Again, I didn't -- I
9 didn't see it. My client, Mr. Allen, said he did not
10 acknowledge the responsibility of the oath.

11 THE COURT: Well, one way that we could handle is
12 potentially, when we bring the jury back in, for me to
13 give instructions that the jurors need to all acknowledge
14 the oath and that we just want to be sure about it and we
15 readminister the oath.

16 MR. MARCHANT: Should clear it up, Your Honor.

17 THE COURT: Fair enough.

18 MR. MARCHANT: Yes. Thank you.

19 THE COURT: All right. We'll do it like that then.
20 We won't single him out.

21 All right. Let's take a break and pick up these
22 pleas.

23 (WHEREUPON, a recess is taken at 3:37 p.m.)

24 THE COURT: Yes, sir?

25 MR. MARCHANT: I would move to sequester the jurors.

1 THE COURT: The witnesses?

2 MR. MARCHANT: The witness, yes, yes. The jurors.
3 We don't want them in here.

4 THE COURT: They can be sequestered, too.
5 Okay. Anything from the State on that?

6 MR. MOYER: Just leave it in the Court's discretion.

7 THE COURT: All right. Then I'll sequester any
8 potential witness in this case other than the lead officer
9 and, of course, the victim.

10 As far as you know, Mr. Moyer, is everybody gone that
11 should be gone?

12 MR. MOYER: Yes, Your Honor.

13 THE COURT: All right. Very good.

14 Do you have a witness that you could call first that
15 would be fairly short?

16 MR. MOYER: We're going to put a 9-1-1 call into
17 evidence first. That would be a about ten --
18 ten-minute ---

19 THE COURT: Okay, okay. I was just wondering if we
20 should even start with testimony today.

21 MR. MOYER: I would love to get in two or three,
22 because I ---

23 THE COURT: All right. Let's see how far we get.

24 MR. MOYER: Okay.

25 THE COURT: Okay.

1 (WHEREUPON, the jury entered the courtroom at 4:05 p.m.)

2 THE COURT: Ladies and gentlemen, I just wanted to be
3 clear about one thing. There was some concern maybe that
4 all jurors didn't answer just a few minutes ago when we
5 administered the oath. So we're going to readminister
6 your juror oath, and then we're going to get started with
7 opening statements. All right.

8 THE CLERK: I'll have you stand up and raise your
9 right hand. The correct response to this oath will be "I
10 will."

11 (WHEREUPON, the jury is duly sworn.)

12 THE COURT: Okay. All right. Very well. Thank you
13 all so much. I sure do appreciate it.

14 Okay. Yes.

15 MR. MOYER: Thank you, Your Honor. May it please the
16 Court.

17 THE COURT: Yes.

18 OPENING STATEMENTS

19 MR. MOYER: Good afternoon. My name is Mark Moyer,
20 once again. I am employed with the Greenville County
21 Solicitor's Office. It is my privilege to represent the
22 State of South Carolina, the people of Greenville County
23 in this case today.

24 What I'm going to do in these brief opening remarks
25 is to basically introduce you to some of the legal

1 terminology that you need throughout the case, some of the
2 people that you're going to hear about in this case and
3 just give you an overview of the facts.

4 As you've heard, we anticipate finishing the case
5 tomorrow. Please don't hold it against me if we go into
6 Thursday. It's always very difficult to anticipate how
7 long cases go.

8 You have heard the charges. There are two
9 indictments for you to consider in this case: attempted
10 murder and kidnapping. Her Honor is going to instruct you
11 fully at the end of this case about what the law is on
12 each of those charges, so it will be a bit more -- a bit
13 lengthy. But in summary, attempted murder is essentially
14 assaulting a person to an extent that it shows a specific
15 intent to kill that person. In other words, if that
16 person had died, we'd have a murder case here.

17 Kidnapping is a very broad -- has a very broad
18 definition. As you've heard Her Honor read the
19 indictment, it is to cease, to confine, to inveigle, which
20 means to trick, to kidnap, to carry away. I may be
21 missing a word or two that's in that definition. It is
22 essentially to deprive someone of his or her freedom.
23 That is what this case is about.

24 This case started on the morning of September the
25 11th of 2017. It started with a phone call. It started

1 with a 9-1-1 hang-up call at 6:58 in the morning. You're
2 going to hear from the very first witness that a call came
3 in to 9-1-1 dispatch. It hung up. As 9-1-1 dispatchers
4 do, they made a call back to that number, no answer, and
5 it goes to voicemail, and it hears the voicemail of a
6 person named Anthony Watkins. Anthony Watkins is seated
7 here in the front row. He is the victim in this case.

8 About 20 minutes later, another phone call came from
9 that same phone. This time there's a female voice. The
10 voice says, "Send an ambulance to Kennedy Park by the
11 church." Click. That's it. Kennedy Park is a
12 neighborhood kind of going towards the southern part of
13 the county near the Donaldson area.

14 So officers are dispatched, EMS is dispatched. A
15 short while later, in a church parking lot, a vehicle is
16 found. This vehicle is in a very odd circumstance,
17 situation. It is off the ground, all four wheels off the
18 ground. It is on some sort of a circle of rocks, maybe
19 where there's plantings of some sort. All four wheels off
20 the ground. Other than that, there's not a whole lot
21 about the outside of the car that shows much damage.
22 There's no glass broken, there's no sign of a collision,
23 anything like that.

24 However, also outside of the car, the gas cap is
25 open. There is what is later found out to be a black tank

1 top shirt stuffed into the gas tank, and right below it is
2 a gas can, like those red gas cans that you use to
3 transport gas around in. That's the outside of the car.
4 There's no people around, there's no surveillance video
5 that works.

6 The inside of the car is a different story. It is
7 covered in blood on the steering wheel, on the seat, on
8 the ceiling, on the floor, everywhere. Blood everywhere
9 in that car. There is also a person in that car. It's
10 Anthony Watkins. He's not in the driver's seat. He is in
11 the passenger's seat. There's evidence that he has been
12 tied up. There's -- there are several belts that have
13 been cut that are there in the car near Mr. Watkins.

14 Mr. Watkins is out of it. Loss of blood, low blood
15 pressure. It takes a little bit of effort by EMS to get
16 him to stir. When he does, he makes some comments about
17 having been stabbed. And sure enough, that is what is
18 determined to have been happened -- to have happened to
19 him.

20 You're going to hear that he has stab wounds all over
21 his body: left arm, right arm, torso, neck, head. Some
22 30 to 35 stab wounds. You're going to see pictures that
23 were taken several days later when they were all stitched
24 up. He spent several days in the hospital. Fortunately,
25 no major organs or anything like that were hit, struck

1 with the stabs. And he was able to leave the hospital
2 after a few days and go home and convalesce there.

3 So the case then that you're going to hear -- what
4 you're going to hear about is what led up to Anthony
5 Watkins being in that car with 35 stab wounds on the
6 morning of September the 11th of 2017. And you're going
7 to hear that began the day before, September the 10th.
8 Anthony Watkins ends up at a residence, a trailer on
9 Holder Lane in Greenville. Dixie Estates is the name of
10 the area.

11 At that place is somebody that he knows, a guy named
12 Lewis Allen. Lewis Allen has already pled guilty to his
13 involvement in this case. He is going to testify
14 tomorrow.

15 Anthony Watkins knew Lewis Allen years ago. They
16 were friends. They used to hang out together. They
17 really hadn't seen each other in many, many, many years,
18 ten or 15 years.

19 Also at this place were Lewis Allen's sister, Kathy
20 Allen. Kathy Allen was also charged. She is deceased.
21 She has died in the interim. She had cancer. She died of
22 a drug overdose.

23 Also there were ---

24 MR. MARCHANT: Your Honor, I'm going to object to the
25 comments from Mr. Moyer about Kathy Allen.

1 THE COURT: Overruled. Go ahead.

2 MR. MARCHANT: I believe we need to approach, Your
3 Honor.

4 THE COURT: All right.

5 (WHEREUPON, a bench conference was held off the record.)

6 THE COURT: Ladies and gentlemen of the jury, the
7 previous statement by the solicitor is irrelevant and is
8 stricken from this case. It should not be considered by
9 you in any way.

10 MR. MOYER: Kathy Allen is deceased.

11 Now, also at that residence were Courtney Allen --
12 Courtney Allen was Lewis -- was Kathy Allen's daughter --
13 her boyfriend, Kentravous Dirton, who was Courtney Allen's
14 boyfriend at the time and also lived at that residence.
15 The -- another person who you will hear who was at that
16 residence was this defendant, Anthony Allen, who was the
17 son of Kathy Allen and the nephew of Lewis Allen. You
18 will get more familiar with these names as we go out
19 through the trial.

20 So Anthony Watkins is at that residence. Drugs get
21 used, cocaine, crack cocaine, something called "Molly."
22 At some point Anthony Watkins goes off in a car with Kathy
23 Allen and with this defendant, Anthony Allen, and with yet
24 another person, a woman named Frances Reanne Talley. In
25 Mr. Watkins' view, this was for the purpose of going to

1 get more crack cocaine.

2 They go to an Economy Inn. It's a hotel. Anthony
3 stays out in the car. He would not go into the apartment
4 to the -- to the -- into the hotel to buy more crack, so
5 he stayed out there in the car. And so does Reanne.

6 When they get back to Holder Lane, the trailer where
7 they all had been, things change. All of a sudden this
8 defendant is furious. Kathy Allen, his mother, is
9 furious. It turns out that what was supposed to have
10 happened back there at the inn was not buying crack
11 cocaine but was going to be to rob those people, and it
12 did not happen. It did not go forward. And Anthony
13 Watkins was being blamed for the reason why that didn't
14 happen, why that robbery didn't take place, why the people
15 who were inside were tipped off. And so they became mad
16 at Anthony Watkins and Reanne Talley for tipping him off,
17 putting them in danger. And then the ordeal began.

18 Inside that trailer, they are tied up. Anthony
19 Watkins and Frances Talley are tied, and they are hit, and
20 they are struck, and they are beaten. They are then taken
21 in a car, in Anthony Watkins' car. And they are driven
22 out to a dark section of the road not too far from where
23 they are and stopped. And at that time you'll hear
24 testimony that Anthony Allen began stabbing Anthony
25 Watkins over and over and over on the left side. Anthony

1 Allen was in the driver's seat and was stabbing Anthony
2 Watkins' left side, gets out of the car, begins stabbing
3 the other side. You will hear about the remarks that he
4 made about telling Anthony Watkins that he was going to
5 die.

6 At some point they end up going back to Holder Lane
7 where Lewis Allen and Reanne got out of the car, and this
8 defendant and Anthony Watkins took off again.

9 At this point Anthony Watkins, as you would imagine,
10 his memory is hazy. Doesn't remember exactly what
11 happened except that he was in that car, someone comes by,
12 cuts him loose, a woman. As I said, it's going to turn
13 out to have been Kathy Allen who went over there and is
14 the one who cut -- cut loose the belts and called 9-1-1,
15 and then that led to the officers coming out there that
16 night -- that morning.

17 So ladies and gentlemen, what I would ask you at this
18 time, as I stated, we're going to start calling witnesses
19 here. We should be able to get through several witnesses
20 today, I hope. We're going to go throughout tomorrow
21 calling further witnesses.

22 As Her Honor stated, the witness list, we put a
23 rather lengthy list on there just in case there are people
24 -- we don't anticipate calling all 19 people who were
25 listed on that witness list, but we will anticipate

1 finishing tomorrow. So all I would ask at this time is
2 that you listen very closely, pay close attention to all
3 the testimony, all the evidence that is presented to you,
4 that you use your common sense and your good judgment to
5 weigh that evidence, and then at the end of this case, do
6 justice. Thank you.

7 THE COURT: Mr. Marchant?

8 MR. MARCHANT: May it please the Court.

9 THE COURT: Yes.

10 MR. MARCHANT: Ladies and gentlemen of the jury,
11 again, my name is Lucas Marchant. It's my pleasure to
12 represent Mr. Allen over here.

13 Pretty fantastic story that the prosecutor's got for
14 you. What's particularly interesting is that he's got to
15 live up to everything he just promised to you, okay? The
16 burden is on him to prove every single thing that he's
17 just told you. Mr. Allen does not have to say a word,
18 okay? It's not up to him.

19 We all hear the term "innocent until proven guilty."
20 Yes, he's been charged, and just as the judge has told
21 you, those papers don't mean anything. I could be cute
22 and get up here and rip those papers in half and tell you
23 it means nothing. They've got to build their case, and
24 they've got to convince you beyond a reasonable doubt.
25 And Her Honor will talk about that later, and we'll have

1 the opportunity to position ourselves at the end and for
2 you to determine have they done that. Do you believe
3 everything that they are trying to sell you? Do you
4 believe Mr. Watkins? Do you believe Lewis Allen when he
5 testifies tomorrow? Is their story plausible? Even if
6 it's plausible and what they say happened, did he have
7 anything to do with it? Did Anthony Allen? Just because
8 somebody might be there, doesn't mean they are a
9 participant. They've got to prove he was there, they've
10 got to prove he did these things and then you've got to be
11 convinced that they have met every element of those
12 crimes. You all 12 will have to decide, yes, he's guilty.
13 The burden is on the State. The burden is on the
14 prosecution. They've got to show you these things.

15 What should you expect to see from the State? We
16 have fingerprints. Is there DNA analysis? Is there
17 videos? Is there cell phones? Is there pinging off of
18 cell towers? Is there surveillance from particular gas
19 stations? Is the videos from the Economy Inn? Are there
20 any videos from any of these cell phones that he's talking
21 about? Who called who, who said what, who did what, those
22 are all the things that you're going to determine. You're
23 going to determine that based off of the people that are
24 going to come sit in this chair and testify, and you're
25 going to determine whether or not you think they're

1 credible, whether they're believable, what they're saying
2 to you is plausible, is it true.

3 You'll also have the ability to look at various
4 exhibits that the prosecution may give you. Just because
5 they give you these things, doesn't mean that it's true.
6 It is up to you to determine the credibility and the
7 believability of the witnesses and the evidence. And
8 taking all of that into consideration, is this fantastic
9 story that the prosecutor has promised you, is it
10 legitimate? Did it happen? And is my client responsible
11 for what they have said that he has done: attempted
12 murder and kidnapping? It's an awesome responsibility for
13 y'all to have. I do not envy you for it.

14 But I can tell you that Mr. Allen and I are very
15 appreciative of you being here. This brings a close to
16 this matter, and we ask that you pay particular attention
17 to the evidence that's presented, and more importantly, to
18 the evidence that's not presented. And by the time this
19 case is over, we're confident that you will not be able to
20 reach that burden. And the prosecutor will not have done
21 his job, and you'll return a verdict that is going to be
22 speaking the truth. And it is justice in this case, and
23 that's a verdict of not guilty. Thank you.

24 THE COURT: Thank you.

25 Mr. Moyer, are you ready to call your first witness?

1 MR. MOYER: Yes, we are, Your Honor.

2 THE COURT: Yes.

3 MR. MOYER: The State would call Tirissa Johnson.

4 WHEREUPON,

5 TIRISSA JOHNSON

6 After having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please take a seat, and state
8 your name for the record.

9 THE WITNESS: Tirissa Johnson.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q And where are you employed?

13 A With the Greenville County Sheriff's Office within
14 the Communications Division.

15 Q And how long have you been in law enforcement?

16 A Approximately 20 years.

17 Q What is your position with Greenville County
18 Sheriff's Office?

19 A I am the 9-1-1 research coordinator.

20 Q What are your duties and responsibilities in that
21 role?

22 A So my primary duties are researching 9-1-1 calls and
23 radio traffic and making those recordings for various
24 agencies and departments.

25 Q And do these include coming to court for the

1 introduction of 9-1-1 calls?

2 A They do.

3 Q Okay. And do you know how many times you have done
4 that?

5 A Not off the top of my head.

6 Q But quite frequently?

7 A Yes.

8 Q How long have you held this position with the
9 sheriff's office?

10 A Since 2004.

11 Q Would you just tell the jurors what dispatchers at
12 the call center do, what their responsibilities are?

13 A So we have both call takers and dispatchers. The
14 call takers are just the ones that take the incoming calls
15 for emergency and nonemergency calls coming into the
16 sheriff's office, and then the dispatchers are the ones
17 that are dispatching police officers as well as taking
18 those calls, too. So the call taker would get a call
19 coming in, they would enter that information into what we
20 called CAD, which is computer-aided dispatch, along with
21 the information that's being relayed or that they hear on
22 the phone call.

23 Q Okay. And what kind of information is sought by
24 someone who takes a 9-1-1 call?

25 A The most important information is the location. That

1 way if we get disconnected, we still at least know where
2 an emergency is located at.

3 Q Now, are all calls received at the dispatch center,
4 are they all recorded?

5 A They are.

6 Q And how are they recorded?

7 A Digitally, simultaneously, electronically.

8 Q Okay. And what is -- can you elaborate and explain
9 to the jury what that means?

10 A So the recorder is a digital electronic storage as
11 well as the recorder itself. And they're automatically
12 recorded once the phone line is picked up.

13 Q Can a recording be stopped during the recording
14 process?

15 A No, it cannot.

16 Q And does the dispatcher receiving the call or anyone
17 else have any control over how the call is recorded or
18 what part is recorded as it's taking place?

19 A No, do not.

20 Q Okay. So the calls then that come in and that are
21 recorded then are accurate reflections of conversations
22 that take place between a 9-1-1 operator and the
23 dispatcher?

24 A Yes, they are.

25 Q And then are the recordings then kept?

1 A They are.

2 Q How are they kept and how long are they kept?

3 A So they are maintained for a minimum of three years,
4 and they are electronically stored.

5 Q And are they kept in the ordinary course of business
6 at the call center?

7 A They are.

8 Q And do your duties include the responsibility for
9 maintaining the records concerning the calls?

10 A They do.

11 Q And as I asked you before, coming to court and
12 bringing copies of the calls ---

13 A Yes.

14 Q --- for the purpose of introducing them?

15 A That's correct.

16 Q Now, let me take your attention to the morning of
17 September the 11th of 2017. Was the recording system
18 working properly on that date?

19 A Yes, it was.

20 Q And were 9-1-1 calls made on that date related to
21 this case?

22 A There were.

23 Q And from what number was that made?

24 A I don't recall right off the top of my head, but I do
25 have it here.

1 Q Okay. And is it on your documentation that you
2 brought?

3 A It is.

4 Q Okay.

5 A And that was 864-999-8203.

6 Q Okay. How many calls were made related to this case?

7 A There were two.

8 Q And what times were the calls?

9 A The first call would have been about 7:20 in the
10 morning, and the second call, I believe, was around 7:30
11 in the morning.

12 Q Okay. Now, do you not have a call -- was one of the
13 calls a hang-up call?

14 A Yes.

15 Q Okay. And can you look at your records again? Was
16 there not a call at 6:58 or 6:59?

17 A Not that I was able to locate.

18 Q Okay.

19 A And that was pertaining to this. Well, actually, I
20 take that back. Not what was documented on here.

21 Q Okay.

22 A But when researching with the phone number itself, I
23 believe that the first hang-up call was received at 6:58,
24 and then the second call came in at about 7:20 that
25 morning.

1 Q Okay. And so the first call then was a hang-up call?

2 A That's correct.

3 Q And what happens when there's a hang-up call?

4 A So when there's a hang-up call, and it depends on
5 whether it is a cell phone or a land-line based telephone,
6 the cell phone, if it has Phase 2, it captures tower
7 information as well as lat. and longitude locations as
8 well as the phone number that is assigned to that
9 particular cell phone.

10 Q Okay. And are there ever attempts to call -- if
11 there's a 9-1-1 hang up that's made, are there attempts to
12 call back that number?

13 A Yes, there are.

14 Q Okay. Is that a regular procedure?

15 A It is.

16 Q Now, did you make copies of those calls for today?

17 A I did.

18 Q And you brought a copy with you?

19 A Yes.

20 Q And you made an exact copy. You didn't make any
21 changes of any sort, delete or add anything to those
22 calls?

23 A That's correct.

24 Q Okay. So the recordings that you made are exact
25 duplicates of the calls then that came in on that date.

1 A Yes, they are.

2 MR. MOYER: Your Honor, at this time I would move to
3 mark -- has not been marked yet. I'm not sure what number
4 we're at. 109. I would move to have State's Exhibit 109
5 entered into evidence and published to the jury.

6 THE COURT: Any objection?

7 MR. MARCHANT: No objection.

8 THE COURT: So admitted.

9 (WHEREUPON, State's Exhibit Number 109 was marked for
10 identification and admitted into evidence and was played
11 in open court.)

12 BY MR. MOYER:

13 Q So that was the 9-1-1 hang-up call?

14 A That was, yes.

15 Q Thank you.

16 (WHEREUPON, State's Exhibit 109 continued to play in open
17 court.)

18 BY MR. MOYER:

19 Q Okay. Just a couple other questions. Did you bring
20 the CAD report with you?

21 A Yes, I did.

22 Q And so by looking at those records, are you able to
23 say when officers were dispatched and when officers
24 arrived on the scene?

25 A Yes.

1 Q Would you please tell us.

2 A So the first officer that was dispatched was
3 dispatched at 7:33 a.m., and the first officer showing on
4 scene was at 7:41 a.m.

5 Q And that was Deputy Hall?

6 A Yes.

7 MR. MOYER: Okay. Thank you. I have no further
8 questions. Please answer any questions defense may
9 have.

10 CROSS EXAMINATION

11 BY MR. MARCHANT:

12 Q May I see the records that you're referring to?

13 A Uh-huh.

14 Q Are these all the records that consist of these two
15 phone calls?

16 A Pertaining to that case number, yes.

17 Q Okay. Is the hang-up call listed in this report?

18 A The hang-up call is not listed on that case number.

19 Q There's another case number associated with the
20 hang-up call?

21 A That, I couldn't tell you for sure.

22 Q So how is it that you know what time the hang-up call
23 was made?

24 A By checking the phone number within the phone system.

25 Q So there's information that you have in the computer,

1 the CAD system that shows you ---

2 A No. Within the phone system. So when you dial 9-1-1
3 or if you call 271-5210, the phone system captures that
4 number as well, so we are able to go back and run that
5 phone number to see when they may have called.

6 Q So is there a report they can generate from that
7 information?

8 A There is one that can be.

9 Q And you're telling us that you've gone and looked at
10 that, and that report shows you what time the hang-up call
11 was made?

12 A I believe it may have been 6:58 a.m., but then that
13 information may have also come from them checking phone
14 records with the cell phone company.

15 Q Wait a minute. You testified that you went back and
16 checked the records, and the records are reflective of
17 6:58 a.m.

18 A Okay. What I said is I believe that it came in at
19 6:58 a.m., and I did not say that I specifically checked
20 that phone number. I'm stating merely how processes are
21 able to check on that.

22 Q Okay. Well, what did you do to go figure out what
23 time the hang-up call was made?

24 A I was asked to check to see if there was a call that
25 came in at that point in time.

1 Q Okay. Who were you asked by?

2 A I believe it was the investigator at the time.

3 Q So are you saying that your memory is going back to
4 September the 11th of 2017, or is this something that you
5 have checked more recently?

6 A I looked back at the original request that was
7 submitted to me, which was the investigator at the time.

8 Q So that was back in 2017?

9 A That's correct.

10 Q So you don't know when the first call was made. You
11 can't say with certainty.

12 A Not right off the top of my head, no.

13 Q But there is a report that can generate to show us
14 that.

15 A There is.

16 Q And just from your recollection, it's the same phone
17 number that's on the CAD report here?

18 A Yes.

19 Q So there were two phone calls made or three?

20 A To my knowledge, there were two.

21 Q One at some point in time you can't testify to with
22 absolute certainty, correct?

23 A No. That -- I don't remember exactly the time was on
24 that date.

25 Q So you're confident that it was on the date.

1 A But I'm confident there were two from that number on
2 that day.

3 Q So one you don't know when it was, and the second one
4 is reflected here. And when was the second one made?

5 A It would have been 7:20 in the morning.

6 Q At what point in time on your records does it reflect
7 the statements that are made by the person saying that an
8 ambulance needed at Kennedy Park or whatever the recording
9 said?

10 A The time stamp that the call taker entered that at
11 was at 7:32 a.m.

12 Q So it took the call taker 12 minutes to put that note
13 in the recording system you've got.

14 A That's the way it's documented.

15 Q Is that the way the system works? Whenever the
16 person that works the dispatch puts the note in the
17 system, it's time stamped?

18 A I can only speculate what the delay was in the call
19 taker putting that information in.

20 MR. MARCHANT: Thank you. I don't have any further
21 questions.

22 THE COURT: Any other questions?

23 MR. MOYER: Nothing further. Thank you.

24 THE COURT: Okay. Ma'am, you can step down.

25 MR. MOYER: The State would call Andrew Hall.

1 THE CLERK: Please raise your right hand.

2 WHEREUPON,

3 ANDREW HALL

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. Take a seat, and state your
6 name for the record.

7 THE WITNESS: Andrew Hall.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q Okay. Would you please tell the jury where you are
11 employed.

12 A Greenville County Sheriff's Office.

13 Q How long have you been in law enforcement?

14 A Just short of five years.

15 Q Has that all been with the Greenville County
16 Sheriff's Office?

17 A It has.

18 Q What is your position with the sheriff's office now?

19 A Currently in the warrants office.

20 Q What was your position in September of 2017?

21 A I was on uniform patrol.

22 Q What are duties of a uniform patrol officer?

23 A It's primarily answering calls for service, a little
24 bit of patrol activity when we have some free time.

25 Q Okay. I'm going to ask you to speak into the

1 microphone just a little bit closer so we can hear you.

2 A Okay. Do you need me to repeat my answer?

3 Q Yeah. Can you lift the microphone up a little bit?

4 Okay. Please do.

5 A It's primarily answering calls for service, and when
6 we get some free time, some patrol activity, stopping cars
7 and getting to help people.

8 Q Okay. Now, were you working on the morning of
9 September the 11th of 2017?

10 A Yes, sir, I was.

11 Q Did you respond to an incident location that morning
12 in response to a 9-1-1 call related to this case?

13 A I believe I did, yes, sir.

14 Q Okay. And what was the address for that location?

15 A 11 Bluff Drive.

16 Q What is at 11 Bluff Drive?

17 A I believe it's a church.

18 Q Okay. And is that area in Greenville County?

19 A It is.

20 Q Is there a name for that area of Greenville County
21 that you're aware of, like the community or neighborhood
22 or anything like that?

23 A It's sometimes referred to as Belle Meade area.

24 Q Belle Meade. Okay.

25 Have you ever heard of Kennedy Park?

1 A Yes, sir.

2 Q Okay. Would that be in the vicinity of that area?

3 A Yes. It's part of that area as well.

4 Q Okay.

5 A It all kind of intermingles.

6 Q Kind of intermingles?

7 A Yes, sir.

8 Q All right. And what was the name of the church that
9 you responded to there?

10 A I don't recall the name of the church specifically.

11 Q Would it be in your report?

12 A I don't know that it would be in my report either. I
13 usually just include the address.

14 Q If you had a chance to look at your report, do you
15 think it might refresh your memory?

16 A It could possibly be.

17 Q Take a look at that. And you would have marked a
18 location near the top of your report, would you not have?

19 A Yes. (Reviews document) Emmanuel Temple.

20 Q Okay. Now, we've heard testimony that you arrived --
21 were you the first officer to arrive?

22 A I was.

23 Q Okay. And did other officers arrive around the same
24 time?

25 A Within just a few seconds of me getting there, yes,

1 sir.

2 Q Okay. Who were the other officers that arrived on
3 scene?

4 A Deputy Flowers, Deputy Kirk, and I believe Deputy
5 Ward was a short little way behind me.

6 Q Do you remember what the nature of that call was that
7 you were responding to?

8 A I believe it was originally called in as a vehicle
9 accident, and I think they also included it was a 9-1-1
10 hang up.

11 Q Okay. So what did you find at that location at that
12 Emmanuel church?

13 A When I arrived, I observed a black 2005 Ford Focus.
14 It appeared to be involved in an accident and that it was
15 up on some landscaping rocks. All four wheels were off of
16 the ground, so it didn't look like it had been
17 intentionally parked there.

18 Q Okay. Did you notice damage to the outside of the
19 vehicle?

20 A I did not notice any damage at first. I believe
21 there was minimal damage to the front end from -- from the
22 collision where it hit the rocks, but that wasn't
23 something I noticed upon first arrival.

24 Q Okay. Did you notice any broken glass, any windows
25 broken, anything like that?

1 A No, sir.

2 Q So did you approach the vehicle?

3 A I did.

4 Q Did you notice anything around the vehicle that got
5 your attention?

6 A I noticed after -- this is after we had made contact
7 with the subject there was a gas can towards the back
8 right rear of the vehicle, and just above that there was a
9 rag stuffed into the gas tank.

10 Q Okay. So you say you approached the vehicle. And
11 what did you do when you approached the vehicle? What did
12 you observe?

13 A As I approached the vehicle, I could tell there was
14 -- through the tinted windows, I could tell there was an
15 occupant in the passenger's seat. I could then tell there
16 was no one else in the driver's seat. So I made my way
17 around to the driver's side so that I -- not knowing the
18 state of the passenger, I didn't want to be right on top
19 of him. I wanted to have some distance, so I opened the
20 driver door.

21 Q So it was unlocked?

22 A It was.

23 Q Were all the windows up in the car?

24 A They were.

25 Q Okay.

1 A Once I determined -- his hands were in his lap, I
2 believe. And once I determined he was not armed, I went
3 back around -- well, I observed a lot of blood, so that
4 clued me in to the fact that he was potentially a victim.
5 So I went around to the passenger's side again to begin to
6 try and render aid and, you know, see what was going on
7 with him.

8 Q And what did you observe about the person who was
9 there?

10 A Once I got around back to the passenger's side, I
11 could see even more blood than what I could see on the
12 driver's side. I could tell he was breathing, but he was
13 unconscious. But he -- he was not responding to anything
14 that we said to him.

15 Q Did you render aid to him?

16 A I did not.

17 Q What was that reason?

18 A EMS was arriving right as we made contact with him
19 back on the passenger's side.

20 Q Okay. So you didn't have a conversation with him.

21 A I did not.

22 Q And who was the person in the passenger's seat?

23 A Anthony Watkins.

24 Q Okay. Now, were you present then when EMS attended
25 to him and took him?

1 A I was still on scene, yes, sir.

2 Q Okay. Did you at any point see anybody else in the
3 parking lot of the church or anywhere nearby that you
4 could identify as a witness?

5 A No, sir. Other than first responder personnel, there
6 was no one else on scene.

7 Q Okay. And y'all actually went around the
8 neighborhood and knocked on doors?

9 A I went to several addresses. There was one address,
10 I don't recall the specific address, that I could actually
11 -- the only person that would answer the door, and they
12 stated they didn't witness anything at all.

13 Q Okay. Was there any surveillance video from the
14 church or anywhere else that could have shown what
15 happened or ---

16 A I did see the church had cameras, but Deputy Flowers,
17 I think ---

18 MR. MARCHANT: I'm going to object, Your Honor. I
19 believe we've got some hearsay that's getting ready to ---

20 MR. MOYER: Okay. I'll save that.

21 THE COURT: All right. Very well.

22 BY MR. MOYER:

23 Q But you yourself were not able to locate any?

24 A No. I was advised they didn't work.

25 Q Okay. My question was, you yourself, you were unable

1 to locate any surveillance videos or anything of that
2 nature ---

3 A Correct.

4 Q --- in the area; is that correct?

5 A Correct.

6 Q Okay. Did you do anything to secure the scene or to
7 help secure the scene?

8 A I put up crime scene -- or assisted putting up crime
9 scene tape.

10 Q Okay. All right. Now, I'm going to show you State's
11 Exhibits 1 through 6 and ask you to take a look through
12 those and see if you can -- just look through each one of
13 them and see if you're able to recognize what is shown in
14 each of those exhibits.

15 A (Reviews exhibits) Yes, sir.

16 Q Okay. Have you had a chance to look at those
17 previous to today?

18 A Yes, sir.

19 Q And are they true and accurate representations of the
20 way that scene looked, the way the car looked ---

21 A Yes, sir, they are.

22 Q --- on the morning of September the 11th of 2017?

23 A Yes, sir.

24 MR. MOYER: These have been formerly shown to defense
25 counsel. The State at this time moves to have State's

1 Exhibits 1 through 6 entered into evidence.

2 THE COURT: Any objection?

3 MR. MARCHANT: No objection, Your Honor.

4 THE COURT: So admitted.

5 (WHEREUPON, State's Exhibit Numbers 1 through 6 were
6 admitted into evidence.)

7 BY MR. MOYER:

8 Q I'm going to ask you -- are you able to see that from
9 where you're seated? We'll give this a try. If I need
10 you to step down, I'll ask you to do that.

11 Okay. We're going to start with State's Exhibit
12 Number 1. Can you see that behind you?

13 A I can.

14 Q Can you tell the jury what it is that we see in
15 State's Exhibit Number 1? I'm going to hand you a laser
16 pointer, actually.

17 A That (indicating) would be the victim's vehicle right
18 there that we responded to.

19 Q Okay. We'll go with State's Exhibit Number 2. Can
20 you -- using the laser pointer, can you point out to the
21 jury what it is what we see?

22 A Again, this (indicating) is the victim's vehicle on
23 top of the landscaping rocks. And then off to the
24 backside here (indicating) is the gas can that was placed
25 next -- or to the rear of the vehicle.

1 Q Okay. State's Exhibit Number 3, can you point out to
2 the jury what we see in as State's Exhibit Number 3?

3 A Again, this is the victim vehicle with the gas -- I
4 believe the laser pointer stopped working -- the gas tank
5 here (indicating) at the bottom. And the rag is similar
6 color to the vehicle, but it is in the gas tank there
7 (indicating).

8 Q Okay. State's Exhibit Number 4, what is shown in
9 State's Exhibit Number 4?

10 A This is the seat where the victim was sitting when I
11 made contact with him. And that is all the blood that I
12 could see. Obviously, I could not see what he was sitting
13 on, but all this to the side is what I could see when I
14 made contact with him (indicating throughout).

15 Q State's Exhibit 5, is that also a picture of the
16 passenger's side of that vehicle?

17 A Yes, sir, it is.

18 Q And that's a depiction of the way the blood that you
19 could see in the vehicle when you -- when you looked
20 inside?

21 A Other than what he would have been sitting on, yes,
22 that's correct.

23 Q And then State's Exhibit 6, is that also another
24 picture of the inside of the vehicle?

25 A Yes, sir.

1 MR. MOYER: Okay. All right. One moment, please.
2 Okay. Please answer any questions defense may have.

3 THE COURT: Mr. Marchant?

4 CROSS EXAMINATION

5 BY MR. MARCHANT:

6 Q You were the first deputy to arrive on the scene?

7 A Yes, sir.

8 Q Were you wearing gloves when you opened the front
9 driver's side door?

10 A I was not.

11 Q Did you put gloves on before you opened the
12 passenger's side door?

13 A I don't believe I did.

14 Q Did you touch anything else inside the vehicle?

15 A I don't recall, but I don't believe I did.

16 Q Did you touch the gas can?

17 A No, sir.

18 Q Besides from going to the one house where you
19 apparently got no information, did you have any further
20 involvement in this case prior to your testimony today?

21 A No, sir.

22 Q So you don't have any follow-up duties as it relates
23 to a case like this?

24 A No, sir.

25 MR. MARCHANT: Okay. I don't have any further

1 questions.

2 MR. MOYER: Nothing further. Thank you.

3 THE COURT: Sir, you can step down.

4 MR. MOYER: The State would call Mike Koch.

5 THE COURT: And you anticipate him being a fairly
6 short witness?

7 MR. MOYER: I do, Your Honor.

8 THE CLERK: Please place your left hand on the Bible
9 and raise your right hand.

10 WHEREUPON,

11 MICHAEL KOCH

12 After having been duly sworn, testified as follows:

13 THE CLERK: Please take a seat, and state your name
14 for the record.

15 THE WITNESS: Michael Koch.

16 DIRECT EXAMINATION

17 BY MR. MOYER:

18 Q Okay. Mr. Koch, would you please tell the jury where
19 you're employed.

20 A I'm a paramedic for Greenville County EMS.

21 Q How long have you worked in emergency services?

22 A I became an EMT in 1991, and I've been a paramedic
23 for just over 20 years.

24 Q Have you been with Greenville County the entire time?

25 A No. I've worked like about the past five years with

1 them.

2 Q What does your job entail being a paramedic?

3 A The treatment and transport of emergency and
4 nonemergency patients that call 9-1-1.

5 Q Did you receive a call on September the 11th of 2017?

6 A Yes.

7 Q And would your report list the time that you received
8 the call and the time that you arrived on scene?

9 A Yes.

10 Q Would you please tell the jury those times.

11 A They logged it as received at 7:27 a.m. and 7:45
12 arrival on the scene.

13 Q Okay. How long were you on the scene?

14 A For 14 minutes.

15 Q And then you went where?

16 A To Greenville Memorial Hospital trauma center.

17 Q When did you arrive at Greenville Memorial?

18 A At 8:05 a.m.

19 Q Okay. What was the location that you responded to?

20 A Grace Temple Presbyterian Church -- or, I'm sorry --
21 Pentecostal Church at 11 Bluff Drive in Greenville.

22 Q Okay. And when you arrived, did you have to stage or
23 did you go immediately to the ---

24 A No. We were originally dispatched as a motor vehicle
25 collision, and dispatch told us to stage for the call so

1 law enforcement can make it safe for prior to our arrival.

2 Q Is that what "staging" means then?

3 A Yes. It means that we stage away from the area until
4 law enforcement secures the area.

5 Q So were police officers there when you arrived?

6 A The sheriff's department was, yes.

7 Q And were you -- after staging for a period of time,
8 were you then directed to a patient?

9 A Yes. They directed us to a vehicle in the parking
10 lot and a patient in the front passenger's seat.

11 Q What do you recall about the vehicle?

12 A The vehicle didn't really appear to be in much of a
13 vehicle wreck. I noted in my report that it was found
14 next to a grassy area and it appears more high centered on
15 rocks and the front end against a telephone pole more than
16 a major wreck or anything like that.

17 Q Okay. So did you see much damage to the vehicle
18 then?

19 A No. There was very -- very little or no damage to
20 the vehicle. Front -- there was minor front damage I put
21 in my report.

22 Q Now, as far as the patient, where did you find the
23 patient?

24 A In the front passenger's seat.

25 Q Okay. And who was the patient?

1 A His name?

2 Q Yes.

3 A Anthony Watkins.

4 Q And tell the jury the condition of Mr. Watkins when
5 you approached him in the passenger's side.

6 A He was lethargic and slightly confused, that there's
7 blood throughout the dash and the windshield, the doors.
8 There's basically a large amount of blood, and there's no
9 broken windows, and we couldn't determine where all this
10 blood had come from.

11 Q Okay. As the amount of blood that you saw, did it
12 seem to be consistent with the amount and the type of
13 damage that you saw to the vehicle?

14 A No, it did not.

15 Q So what did you do?

16 A So I spoke with the patient, and I denoted in my
17 report that I asked him if he'd been shot or stabbed or
18 what caused the wounds. And he told me, I quoted, "I got
19 stabbed and shot."

20 Q Okay. Did you look to see if he had any signs of
21 trauma consistent with any ---

22 A Yeah. Yes. He has dried blood to his head. I
23 couldn't find any obvious wounds there, that he has wounds
24 to the right side of his chest and to the front of his
25 chest as well, that would complain of abdominal pain, and

1 that his abdomen's distended and firm, which is a sign of
2 internal bleeding -- or possible sign of internal bleeding
3 to his abdomen, and he has open wounds to his -- both his
4 arms.

5 Q All right.

6 A Multiple wounds to both arms.

7 Q Okay. So when you saw the wounds that he had, what
8 course of action did you take?

9 A Well, with him being lethargic, somewhat confused,
10 his vital signs and the wounds and him telling me he was
11 stabbed and shot, we treat him as a Level 1 trauma and
12 quickly removed him from the vehicle and put a collar on
13 his neck to protect his neck, and put him on a long spine
14 board, and provided emergency transport to the hospital,
15 and tried to stabilize him the best we could on the way.

16 Q Okay. What does "Level 1" mean?

17 A I'm not sure exactly who came up with it, but it's
18 the surgeons -- the trauma surgeons at Greenville Memorial
19 have different levels for how bad the trauma is. It goes
20 from 4 to 1, 1's the worst, and he was designated with
21 that due to multiple penetrating trauma to his chest and
22 abdomen.

23 Q Does it have any effect on how you transport the
24 patient?

25 A Yes. Level 1's are automatically transported

1 emergent with lights and sirens.

2 Q Okay.

3 A They also receive a higher level of trauma surgeons
4 and, you know, respiratory and different emergency
5 services at the trauma bay.

6 Q Okay. So you said he made some comments to you. Did
7 you have to make any actions to get him alert or wake him
8 up or anything?

9 A Yeah. Most people, when I would approach them as a
10 paramedic, would automatically start talking to me, and we
11 just have to arouse him, you know, call him by name or
12 whatever to get him to talk and interact with us and
13 answer questions.

14 Q Okay. And other than that, did you talk to him about
15 what had happened to him?

16 A No. He made the comment about being stabbed and
17 shot, and I didn't denote any other comments or anything
18 significant.

19 Q And did you check for vital signs?

20 A Yes.

21 Q Tell us about the vital signs.

22 A He had original blood pressure of 70/30, which is
23 quite low and falls into him being a Level 1 trauma, an
24 elevated heart rate of 112. His respirations were
25 shallow.

1 Q Does that mean anything?

2 A Yeah. That goes with trauma as well as injury to the
3 chest.

4 Q And does a high heart rate, does that have any
5 meaning or indication?

6 A Yeah. It's a very classic sign of a trauma patient.

7 Q Other than putting him on a spine board, was there
8 any treatment given to him on the way to the hospital?

9 A I believe I put him on the monitor, and we also
10 started an IV and tried to increase fluids to him since he
11 had had blood loss, and elevated his legs to keep blood at
12 his vital organs.

13 Q Okay. Did he stay conscious throughout the transit?

14 A Yeah. He stayed conscious, remained lethargic where
15 we had to arouse him, and somewhat confused.

16 Q Okay. Did his condition change significantly?

17 A Once we laid him flat and began to transport him, I
18 denoted that we had lost -- were unable to feel his radial
19 pulses which could mean there's a decrease in his blood
20 pressure, means he's more critical. And then I put that
21 -- I wasn't able to take another -- obtain another blood
22 pressure. It could have been because of that or it could
23 have been because of just a rough road in trying to hear
24 it driving emergent.

25 Q Okay. Let me just show you very briefly a couple of

1 photographs. First off, State's Exhibit Number 2, does
2 that depict the vehicle as you saw it that day?

3 A Yes.

4 Q And State's Exhibit Number 5, does that look to you,
5 other than Mr. Watkins being in it, to look like the
6 passenger's -- the passenger's side of the vehicle as you
7 saw it?

8 A Yes. There's other angles, but there's -- it shows
9 that there's a large amount of blood for -- it's really an
10 insignificant wreck.

11 Q Okay. Now, we see a pair of jeans in the vehicle.
12 Do you remember how they came off?

13 A My partner and I discussed that, and I can't honestly
14 tell you if they slid off of him or if we pulled them off
15 as we removed him from the vehicle. With him being a
16 trauma patient we're looking -- we're trying to expose him
17 as much as we can to make sure we're not missing any other
18 injuries.

19 Q Okay. And there's also something orange on the
20 console. Can you recognize what that is?

21 A It appears to be a latex glove we wear to protect
22 ourself against exposures.

23 Q Okay. So y'all wear orange latex gloves?

24 A At the time we did.

25 MR. MOYER: Okay. One moment, please.

1 Okay. Please answer any questions defense has.

2 THE COURT: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. MARCHANT:

5 Q Let me see this report you're referring to.

6 A It starts -- that's the beginning of it.

7 MR. MARCHANT: Bear with me just a moment. The
8 Court's indulgence.

9 THE COURT: Certainly.

10 (Pause in proceedings.)

11 BY MR. MARCHANT:

12 Q All right. Mr. Koch -- is that right?

13 A Koch, yes.

14 Q Koch. I'm sorry.

15 How many fellow employees do you have that responded
16 to the scene with you that afternoon?

17 A My partner of the day, Shannon Fanning, is another
18 paramedic as well, and then we requested the fire
19 department respond after we had arrived and we knew we had
20 a critical patient.

21 Q All right. So the two of you show up in one of the
22 box trucks you see?

23 A Yes, sir.

24 Q Just regular ambulance trucks.

25 Do you recall whether or not she was wearing gloves

1 when she was treating this patient?

2 A I -- I -- I mean, it's been two years. I can't tell
3 you for sure. But I'm sure Shannon and I both were
4 wearing gloves.

5 Q Is there some reason one of the gloves was left in
6 the vehicle?

7 A Sometimes they'll get either ripped because they're
8 -- you know, they're not -- they're -- the thickness of
9 them, or they get so much blood on them they become a
10 hindrance, so we'll pull them off and put another pair on.
11 It's not an uncommon thing for us to leave gloves on a
12 scene like that.

13 Q Do you have any other involvement in a case situation
14 like this other than treating the patient?

15 A I don't understand your question.

16 Q Fair enough. Let me rephrase. Do you have any
17 investigative responsibilities as it relates to a
18 situation like this?

19 A Only to the health of the patient.

20 Q You basically show up, treat the patient, transport
21 the patient to Greenville Memorial?

22 A Yes, sir.

23 Q And once you arrived at Greenville Memorial, did you
24 have any further treatment of the patient or are they
25 turned over to the hospital staff at that time?

1 A No. I turned the patient over to the trauma center
2 and give them a report, finish my paperwork and respond to
3 our next call.

4 Q So other than what your observations are generally at
5 that time, you don't actually know the extent of any
6 wounds or injuries or anything like that.

7 A No, sir. I never follow the case. I -- I couldn't
8 have even told you if he lived or died until I met with
9 the district attorney.

10 Q So you don't know whether or not he was shot?

11 A No, sir. I do not know what the type of wounds are.
12 That's why they're very diligent about we don't specify in
13 a report "gunshot wound to arm." It's a penetrating wound
14 or an open wound.

15 MR. MARCHANT: Thank you. That's all the questions I
16 have, Your Honor.

17 THE COURT: Any other questions?

18 MR. MOYER: No, Your Honor.

19 THE COURT: Sir, you can step down.

20 I think we've come to a good breaking point for
21 today. Thank you so much, ladies and gentlemen, for your
22 patience with us. Let's start back tomorrow morning at
23 9:30. So if you'll be back in your jury room at 9:30
24 tomorrow morning, we'll start then.

25 I know I'll sound like a broken record, but please

1 don't discuss the case with anyone. I hope you have a
2 good evening. Thank you.

3 I'd ask everybody to remain seated until the jury
4 leaves.

5 (WHEREUPON, the jury exits the courtroom at 5:12 p.m.)

6 THE COURT: Well, I did not think you could get three
7 witnesses in, but you did, so that's great.

8 Any matters we need to take up before we break for
9 the evening?

10 MR. MOYER: Not from me.

11 MR. MARCHANT: No, Your Honor.

12 And thank you for your indulgence. The report that I
13 have is identical to what he had. His was printed out on
14 four pages, and mine was three, and that's what threw me
15 off. So thank you.

16 THE COURT: No, it's fine. It's fine. I was glad
17 that you solved whatever the mystery was.

18 So all right. We'll be in recess until 9:30 tomorrow
19 morning.

20 (WHEREUPON, proceedings recessed at 5:13 p.m.)
21
22
23
24
25

1 WEDNESDAY, OCTOBER 9, 2019

2 (WHEREUPON, proceedings reconvened at 9:36 a.m.)

3 THE COURT: All right. Anything we need to take up
4 before we bring the jury back in?

5 MR. MOYER: I don't think so, Judge.

6 MR. MARCHANT: No, Your Honor.

7 THE COURT: Y'all are great.

8 All right. Let me just take just a minute before we
9 bring the jury back in just to say to our crowd in the
10 gallery that I know this is an emotional situation. I've
11 got no doubt it's an emotional situation for everybody
12 there -- or everybody here. But what I want -- but if
13 your behavior is distracting to the jury, they're not
14 focusing on the testimony, they're focusing on you, and
15 I'm going to have to remove you from the courtroom. And I
16 hate to do that to anybody because I know everybody wants
17 to stay. All right? So if you feel like you can't hold
18 your emotions at any point, just get up and leave, please.
19 That would be the best thing to do.

20 All right. Is our jury here?

21 THE BAILIFF: Yes.

22 THE COURT: They've been pretty good?

23 THE BAILIFF: Yes.

24 THE COURT: Oh, good.

25 (WHEREUPON, the jury entered the courtroom at 9:39 a.m.)

1 THE COURT: Good morning, ladies and gentlemen.
2 Thank y'all so much for being here so promptly. The
3 bailiffs had told me that y'all have been a real pleasure
4 to work with and they don't always say that, so I really
5 do appreciate -- really do appreciate that so much.

6 We're ready to pick back up. Mr. Moyer?

7 MR. MOYER: Thank you, Your Honor. May it please the
8 Court. The State calls Kevin Flowers.

9 WHEREUPON,

10 KEVIN FLOWERS

11 After having been duly sworn, testified as follows:

12 THE CLERK: Please take a seat, and state your name
13 for the record.

14 THE WITNESS: I'm Master Deputy Kevin Flowers.

15 DIRECT EXAMINATION

16 BY MR. MOYER:

17 Q Okay. Sir, where are you employed?

18 A Greenville County Sheriff's Office, uniform patrol.

19 Q How long have you been in law enforcement?

20 A Going on five years -- a little over five years now.

21 Q And has that all been with Greenville County
22 Sheriff's Office?

23 A Yes, sir.

24 Q And what is your position right now, did you say?

25 A Master deputy.

1 Q What was your position in September of 2017?

2 A I was just a deputy before that.

3 Q A road deputy?

4 A Yes. Correct.

5 Q Now, I just have a couple of questions for you. Let
6 me ask you, were you working the morning of September the
7 11th of 2017?

8 A Yes, sir.

9 Q And did you respond to the incident location at
10 11 Bluff Drive in response to the 9-1-1 call in this case?

11 A Yes, sir.

12 Q You arrived right around the same time as Deputy
13 Hall; is that correct?

14 A Yes, sir.

15 Q Maybe a few minutes after?

16 A I think it was like a minute after, to be exact.

17 Q Okay. And you've heard testimony about what all was
18 found already, but you had an opportunity to take a look
19 at the photographs that were taken at some point of the
20 car? Just take a look through there, State's Exhibits 1
21 through 6.

22 A (Reviews exhibits.)

23 Q Okay. Do they reflect the state of the vehicle that
24 you saw out there that morning?

25 A Yes, sir.

1 Q Okay. And you approached the vehicle with Deputy
2 Hall?

3 A I think he was already there a minute before me, so
4 he was already out with -- I came right after him up to
5 the vehicle.

6 Q Did you have any contact with the victim, Anthony
7 Watkins?

8 A I did not speak to the victim at all.

9 Q Okay. Were you there when EMS arrived?

10 A Yes.

11 Q Okay. Did you overhear anything that was -- the
12 victim said ---

13 A No.

14 Q --- to EMS?

15 A No.

16 Q Okay. Now, were there any witnesses or potential
17 witnesses in the vicinity?

18 A No. I checked neighbors and I checked the church for
19 cameras, and there wasn't any -- there was a camera that
20 wasn't working that day when the incident occurred.

21 Q Okay. That's what I wanted to ask you about. So
22 y'all did observe some cameras at the church?

23 A Yeah. There was one directly pointed to the parking
24 lot, and it was not working at all at that point that day.

25 Q Okay. So other than that, there were no -- no

1 witnesses?

2 A There was no camera, no witnesses, no. Didn't make
3 contact with any witness, no.

4 MR. MOYER: Okay. That's all I have for you. Thank
5 you.

6 THE COURT: Any questions for this witness?

7 CROSS EXAMINATION

8 BY MR. MARCHANT:

9 Q When you say there were no witnesses, who is it that
10 you tried to speak with?

11 A There was several houses near the church. I knocked
12 on several doors. Didn't make contact with any person. A
13 church member arrived on the scene. I asked if there was
14 any camera -- camera pointing in the parking lot. He said
15 no, the camera was not working.

16 Q What was the name of the person you spoke with at the
17 church?

18 A I didn't get the person's name.

19 Q I'm sorry?

20 A I did not get the person's name.

21 Q Did you have any body camera on at the time?

22 A I think we had body cameras in, yeah. Should have
23 been running, yeah.

24 Q They were working?

25 A Should, yes.

1 Q And it was recording all the events that would have
2 occurred that day?

3 A Yes, yes.

4 Q Okay. What about your in-car camera, was that
5 running?

6 A I don't think mine was running though.

7 Q Is it standard procedure once an event like this
8 occurs to what we call dump the camera into the case file,
9 I mean offload it from your body cam?

10 A Yeah.

11 Q So you believe that there's a body cam from your
12 interaction with the witness from the church?

13 A Should be, yeah.

14 Q Okay. And you're uncertain about the in-car camera
15 from the vehicle.

16 A Yeah.

17 Q Okay. Do you remember the numbers or the addresses
18 of the houses that you knocked on?

19 A No.

20 Q Would it help to see some of these pictures and see
21 if you can remember and identify which houses it is that
22 you knocked on? I'm going to show you what's already in
23 evidence as State's 1, 2 and 3. See if you can take a
24 look at those and figure out if you can identify which
25 houses you tried to get witnesses from.

1 A Yeah. This Exhibit 2, the house behind in Exhibit 2,
2 I did check on that one, knocked on that door.

3 Q What's the address of that residence?

4 A I'm not sure what it is.

5 Q Well, I mean, it's in your report of what you did
6 that day.

7 A I didn't do a report on this.

8 Q Why not?

9 A My involvement was so minute that I did not do a
10 report with it -- for this.

11 Q Minute in your opinion or minute in your sergeant's
12 opinion or ---

13 A My opinion.

14 Q Okay. And you don't know who the witness is that you
15 talked to at the church?

16 A No.

17 Q Did you go inside the church and see if the video was
18 working inside the church?

19 A No.

20 Q Do you know if the person that you talked to was even
21 a church member?

22 A Yeah. He was a church member. Yes. He walked
23 inside the church.

24 Q How do you know that he was a person who had the
25 authority to tell you whether or not that video was

1 working?

2 A I don't know.

3 Q Did you go to the room where the video machine was
4 stored to see if there was a machine?

5 A No, no.

6 MR. MARCHANT: I don't have any further questions.

7 THE COURT: Do you have questions for this witness?

8 MR. MOYER: No, Your Honor.

9 THE COURT: All right, sir. You can sit down.

10 MR. MARCHANT: Judge, I believe we have a matter we
11 need to take up outside the presence of the jury.

12 THE COURT: All right. Ladies and gentlemen, if
13 you'll step to your jury deliberation room for just a
14 moment.

15 (WHEREUPON, the jury exits the courtroom at 9:46 a.m.)

16 THE COURT: All right. Yes, sir.

17 MR. MARCHANT: Before we were at our last scheduled
18 trial, which was probably 60 days ago, Mr. Moyer and I
19 discussed whether or not there was the existence of any
20 in-car videos or any body cams. And I can go -- I would
21 have to go back through my communication, and unless he
22 disputes what I'm getting ready to tell Your Honor, he
23 informed me that there were no body cams or in-car
24 cameras.

25 Obviously, this deputy has just testified that his

1 body cam was running and identifies having a conversation
2 which could be a potential witness in this case that's not
3 listed anywhere else because there is no report. So I've
4 obviously not had the opportunity to investigate that
5 matter. So I think, based off of his testimony, I'm going
6 to have to ask for a mistrial and ask for those cameras to
7 be turned over.

8 THE COURT: Mr. Moyer?

9 MR. MOYER: Your Honor, we never got any body cameras
10 or in-car video in this case. So until he said what he
11 said, I don't know if he was just guessing or was
12 incorrect or if -- but I can just tell the Court we don't
13 have any body cameras or in-car cameras.

14 MR. MARCHANT: Judge, he's made it pretty clear that
15 one exists, and he was certain that one was available, and
16 he's acknowledged that the process that the sheriff's
17 office goes through is to offload those cameras. I don't
18 know if that video still exists, is down in the evidence
19 department or not, but ---

20 MR. MOYER: We can go look, Your Honor, if it would
21 help clear things up.

22 THE COURT: All right. And just for the record, I
23 don't think the testimony was necessarily that he was
24 certain, but that he thought so. And -- but let me ask
25 this. Do you want to continue while someone looks for

1 these body cameras or break and let the jury go for some
2 period of time?

3 MR. MOYER: However, Your Honor. I -- I don't know.

4 THE COURT: Mr. Marchant?

5 MR. MARCHANT: I defer to the Court. I mean, I don't
6 know how long it's going to take Ms. Phillips to -- my
7 request would be that we find out of all the witnesses at
8 the sheriff's office that responded to the scene that day,
9 not just him. I mean, again, I was operating under the
10 impression that no videos existed by way of in-car or body
11 cam, and there obviously are a number of deputies that
12 responded. And I can assure the Court I would have
13 reviewed those prior to trial. So I'm kind of ---

14 THE COURT: All right. Let's be in recess for ten
15 minutes and see what Ms. Phillips comes up with, and then
16 we'll kind of regroup after that, all right?

17 MR. MOYER: Yes, Your Honor.

18 MR. MARCHANT: Thank you, Your Honor.

19 (WHEREUPON, a recess is taken at 9:49 a.m.)

20 MR. MOYER: Ms. Phillips came back after checking,
21 and the officer who just testified did not have a body
22 camera or an in-car camera. She didn't realize she needed
23 to check on everybody, so I asked her to go back and look
24 at all the other witnesses.

25 This was the time period where cameras were just

1 starting to be phased-in.

2 THE COURT: Right.

3 MR. MOYER: I was under the impression that none of
4 them had body cameras at the time.

5 And that also, just for clarification of the issue,
6 Your Honor, I just want to make sure that we're clear.
7 I've been going back over my correspondence with
8 Mr. Marchant in email. There never was any request to
9 look into body cameras or anything in writing. I do
10 recall the conversation now that he mentioned it.

11 And this was at the -- this case was on the trial
12 docket a couple months ago and ended up being continued,
13 and he asked me about body cameras. And I don't remember
14 the exact words I used, but I conveyed to him that we
15 didn't have any, we didn't intend to use any. I think at
16 the time I thought to myself maybe I should go back and
17 double-check and make sure there aren't any, but I never
18 -- you know, that never came back to me. And once again,
19 like I said, I think if it had been in writing, I think
20 that would have given me more of a prompting to make sure
21 that there were none.

22 I also just want to add, under Rule 5 we are required
23 to turn over everything that we intend to use in trial.
24 Obviously, we had no intention of using any body cameras
25 in trial, so unless Mr. Marchant is about to show me

1 something different, then ---

2 THE COURT: It looks like he is.

3 MR. MOYER: It does.

4 (Pause in proceedings.)

5 MR. MARCHANT: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. MARCHANT: I don't think an email exists or a
8 formal request, if you will, in the sense of formal
9 request as the Court may review it, but in today's
10 technology, we, of course, frequently communicate by way
11 of text message with the other side. And it appears that
12 I, on Wednesday, July the 31st at 9:31 in the morning,
13 Mr. Moyer and I started a thread. And I'm sure I can
14 figure out some way how to print it if the Court needs to
15 look at it.

16 But we were discussing the exhibits that were going
17 to be presented by the State, specifically the
18 photographs, and there were, I think, about 100 to 125 or
19 so that Mr. Moyer intended to present for trial. So we
20 were coordinating an opportunity to view those so we
21 didn't have to do those and delay the trial.

22 And throughout the course of that thread, I asked
23 him, "Any body cams or in-car videos? I don't seem to
24 have those if they exist. Do you have any? I could have
25 overlooked when reviewing what I got from prior counsel."

1 I was the third lawyer on this case. Previously, Ms. Ross
2 and Mr. Culbertson. And so part of our discussions was to
3 make sure I had all the discovery.

4 And Mr. Moyer's response to that inquiry was, "No."

5 THE COURT: Okay. All right.

6 MR. MOYER: Ms. Phillips is checking on all the other
7 officers in the case to see if there are any.

8 THE COURT: Okay.

9 MR. MARCHANT: Yeah. I mean, if they don't exist,
10 that obviously alleviates any concerns, so I think we're
11 just in a holding pattern.

12 THE COURT: Right.

13 MR. MOYER: I don't think it should take very long.

14 THE COURT: Who's your next witness?

15 MR. MOYER: It would be Dar Shaw, the forensics
16 officer.

17 THE COURT: Okay. All right. Let's go ahead and --
18 let's go ahead and bring the jury back in and pick up with
19 Mr. Shaw and go from there, all right?

20 MR. MOYER: Okay. Yes, ma'am.

21 (WHEREUPON, the jury entered the courtroom at 10:08 a.m.)

22 THE COURT: All right. Thank you, ladies and
23 gentlemen. We're ready to proceed.

24 Mr. Moyer?

25 MR. MOYER: The State calls Dar Shaw.

1 WHEREUPON,

2 DARWIN SHAW

3 After having been duly sworn, testified as follows:

4 THE CLERK: Please take a seat, and state your name
5 for the record.

6 THE WITNESS: Darwin Shaw, S-H-A-W.

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q Okay. Have you ever been employed with Greenville
10 County Forensics?

11 A I have.

12 Q And are you now?

13 A No. I'm retired.

14 Q When did you retire?

15 A February of 2018.

16 Q Okay. So you were in Greenville County Forensics in
17 September of 2017 then?

18 A I was.

19 Q How long have you been in law enforcement?

20 A I was just five months short of 41 years. I had 19
21 years with Greenville County Forensics and 21 years with a
22 police department in Nebraska.

23 Q Okay. So tell the jury what a forensics officer
24 does.

25 A Respond to crime scenes at the request of agencies

1 within the Greenville County, process for fingerprints,
2 take photographs, collect evidence, sometimes do diagrams.
3 Basically, that would cover most everything that's done.

4 Q Okay. Now, did you respond to any of the locations
5 that were involved in the case that's currently before the
6 Court?

7 A I did.

8 Q Did you go to 11 Bluff Drive on September the 11th of
9 2017?

10 A Yes, I did.

11 Q Do you happen to have your report with you?

12 A I do.

13 Q Okay. Now, would you tell the jury when you arrived
14 at that location.

15 A I got there at approximately 8:30 in the morning.

16 Q Was the victim still present?

17 A No, he was not.

18 Q Okay. Was the vehicle there?

19 A Vehicle was there.

20 Q Okay. Were you asked to take photographs of that
21 location?

22 A Yes. I was asked to take photographs and to seal the
23 vehicle so it could be transported for being processed
24 later.

25 Q Okay. And it started to rain while you were there,

1 did it not?

2 A It did.

3 Q Did that affect what you were able to do?

4 A No. It was just a matter of taking photographs. I
5 pretty much had that done. There was a gas can laying on
6 the -- or sitting on the ground behind the vehicle, and I
7 picked it up and set it inside the vehicle because I knew
8 the vehicle was going to be transported anyway.

9 Q Okay. And there's already been some photographs
10 entered into evidence from that scene. Did you take those
11 photographs?

12 A Yes, I did.

13 Q Okay. Now, did you -- before taking photographs, and
14 actually while taking photographs, did you make any
15 observations of the vehicle that seemed to have
16 significance to you?

17 A I did.

18 Q And what was that?

19 A The door was open, at least the passenger door was
20 open. On the back of the vehicle on the rear passenger's
21 side, the gas lid was open. There was a piece of cloth
22 stuffed in the filler tube, and then there was a gas can,
23 plastic gas can on the ground behind the vehicle. And
24 then looking inside the vehicle, there was quite a bit of
25 blood throughout the passenger compartment inside the

1 vehicle.

2 Q Okay. And so you said you had the vehicle sealed.

3 What's the reason for that, and how do you do that?

4 A Well, it's -- it's for security reasons to make sure
5 that, from the time it's transported from the scene to the
6 time I would get to it to process it at a later time, take
7 a piece of evidence tape and seal the doors shut and then
8 initial it and put the date on that evidence tape. That
9 way when the vehicle -- when you get to the vehicle at a
10 later time, you can tell if it's been tampered with or if
11 anybody has entered the vehicle.

12 Q Okay. Now -- okay. So you did not process or try to
13 attempt to take fingerprints or anything there at the
14 scene; is that correct?

15 A That's correct.

16 Q Were you involved in doing that at a later time?

17 A I did.

18 Q And did it -- were you able to do that at one
19 specific time and date or did it take multiple days to
20 accomplish?

21 A No. There's -- it takes time. If you're going to
22 process a vehicle, it takes time to do everything that
23 needs to be done, which a lot of times in cases like this
24 we would do DNA swabs. And fingerprint processing is the
25 last step that we do so you don't contaminate possibly any

1 other evidence that might be in there.

2 So in this particular case, I started -- in fact, the
3 vehicle was towed to the crime scene office. We had a bay
4 in our basement where it could be -- it was logged in to
5 our basement so we knew when it came in, we knew who the
6 tow service was. And then I got to the vehicle once a
7 search warrant had been obtained for the vehicle. Then I
8 began processing it. But I didn't get it done that --
9 that same day.

10 Q Okay. But you started it that day.

11 A I did.

12 Q And then did it over several days.

13 A Correct.

14 Q Okay. And did you photograph the vehicle again back
15 at the crime scene office in this bay?

16 A I did.

17 Q Okay. I'm going to hand you quite a number of
18 exhibits now, State's Exhibit Numbers 30 through 80. If
19 you could, take just a moment and just look through those
20 and see if they are the photographs that you took of the
21 vehicle back at the crime scene location.

22 A (Reviews exhibits.)

23 Q Okay. You've had a chance to look at all those
24 photographs?

25 A Yes, sir, I have.

1 Q Okay. And are they the photographs that you took of
2 the vehicle that's the subject of this case?

3 A Yes, they are.

4 Q Okay. And they're true and accurate depictions of
5 the way that the vehicle looked as you took photographs of
6 it on September the 11th of 2017?

7 A That's correct.

8 MR. MOYER: Your Honor, at this time we move to have
9 State's Exhibit 30 through 80 entered into evidence.

10 MR. MARCHANT: No objection.

11 THE COURT: All right. They're so admitted.

12 (WHEREUPON, State's Exhibit Numbers 30 through 80 were
13 admitted into evidence.)

14 BY MR. MOYER:

15 Q Officer Shaw, I'm going to hand you a laser pointer.
16 If you're unable to see the screen from where you're
17 seated, you can step down.

18 Okay. We're going to start off with State's Exhibit
19 Number 30. Can you tell the jury what it is that is shown
20 in this photograph?

21 A It is just a photograph of the vehicle as it's
22 sitting in our bay. Typically, when I take photographs of
23 a vehicle, I will start on one corner and photograph down
24 the side, along the back, up the opposite side and then
25 the front of the vehicle to make sure that the whole

1 exterior has been photographed.

2 Q Okay. And then State's Exhibit Number 31?

3 A This is a photograph of the same vehicle. Again, the
4 passenger's side, but it's also showing a piece of fabric
5 in the filler tube and the gas lid being open.

6 Q And that's the way it was out at the scene ---

7 A That's correct.

8 Q --- is that correct? 11 Bluff Drive.

9 A That's correct.

10 Q State's Exhibit Number 32.

11 A Is just a photograph of the interior. As you can
12 see, there's a gas can here. That was the can that was on
13 the ground behind the vehicle. When it started raining, I
14 placed it inside the vehicle before it was transported.
15 There was also a pair of pants, a pair of pants here
16 (indicating) which were in the vehicle on that floorboard.
17 But it's basically just a photograph of the interior of
18 the driver's compartment.

19 Q Okay. And State's Exhibit 33?

20 A Again, this is just another photograph of the
21 interior. Again, it's just a sequence of photographs that
22 are taken from the passenger's side, and it also -- there
23 was a -- pointer's not -- there it is. There was a part
24 of a belt here (indicating) on the front passenger's seat.
25 It looked like it had been cut. And then the other half

1 of the belt was here (indicating) near the center console.
2 And I noticed there was a belt buckle on this (indicating)
3 end of the belt.

4 Q Okay. And you took that out and took some other
5 photographs of just that belt later, did you not?

6 A That's correct, yes.

7 Q We'll get to that in a minute.

8 State's Exhibit 34?

9 A Again, a photograph of the interior. Basically, it's
10 to show that there was suspected blood on the dash and at
11 different areas on the front compartment.

12 Q Okay. And I think State's Exhibit 5 [sic], it's just
13 a picture with a placard?

14 A It is the -- as evidence is being collected, we use a
15 placard to denote the piece of evidence that's been
16 collected as we use a number to identify that.

17 Q Okay. And we have State's Exhibit 36.

18 A This was a cloth belt. This is the front passenger's
19 seat, and on the floorboard was a cloth belt (indicating)
20 that had been cut. Part of it had been cut here
21 (indicating), and then it looked like the end may have
22 been cut on that end. So, again, that was just
23 photographed as a piece of potential evidence.

24 Q State's Exhibit 4 [sic]?

25 A Same photograph only using a placard denoting the

1 piece of evidence that was collected.

2 Q And I'm sorry. That was State's Exhibit Number 37.

3 And State's Exhibit 38?

4 A This is a picture that was taken later on. It was
5 just put on a piece of paper at our office with the belt
6 and showing the condition of the end of it as well as
7 showing that it had been -- look like it had been
8 partially cut there.

9 Q Okay. State's Exhibit 39.

10 A Is a photograph of a shoestring that was attached to
11 the headrest post. I believe that was on the driver's --
12 on the driver's side.

13 Q Let me show you State's Exhibit 42. That may help
14 you determine which one. Is that another picture of that?

15 A It is. That's going to be -- that's on the driver's
16 side, the dash, and this (indicating) is on the driver's
17 side post of the headrest.

18 Q Okay. And it was a ---

19 A It was a shoestring.

20 Q Okay. That was State's Exhibit 42.

21 State's Exhibit 43?

22 A This is another photograph. The only thing it's
23 showing here as there was a tear or a cut in the end of
24 the shoestring.

25 Q State's Exhibit 40.

1 A It is just another photograph of the string, of the
2 shoestring with a placard denoting the piece of evidence.

3 Q And State's Exhibit 41.

4 A This is a photograph showing the driver's seat,
5 passenger's seat, the shoestring on the metal rod from the
6 headrest. And Number 3 was actually a piece of cloth belt
7 that appeared to be the same as what was on the floorboard
8 that we looked at earlier.

9 Q State's Exhibit 44?

10 A Again, this was on the front passenger -- the metal
11 rod for the headrest. And that is a cloth belt. And you
12 can see that it had been torn or at least cut on the -- on
13 the end.

14 Q State's Exhibit 45?

15 A Again, just a close-up photograph of the same fabric
16 belt showing the cut.

17 Q And State's 46 is the same thing just with a placard?

18 A Correct.

19 Q And then State's Exhibit 47?

20 A That is just a close-up photograph of the end of the
21 belt where it had been cut.

22 Q Okay. State's Exhibit 49.

23 A Again, this is -- this is just showing different
24 areas of suspected blood within the vehicle here
25 (indicating) on the center console, and then also the

1 belt, the leather belt that was laying by the center
2 console showing the cut there (indicating), and also a cut
3 on that (indicating) end.

4 Q Okay. And State's Exhibit 50 is the same area of the
5 car?

6 A Yes. That's the front passenger's seat and the belt
7 and, of course, the pants. These items had not been
8 collected yet.

9 Q State's Exhibit 51.

10 A Another photograph showing the amount of suspected
11 blood on the interior, specifically on the passenger's
12 side as well as the belt.

13 Q Okay. And you mentioned a belt buckle. Is that --
14 is that visible on this?

15 A You can barely see it, but it is over in this
16 (indicating) area. I believe it was like a butterfly or
17 something like that on the end of the belt buckle.

18 Q State's 52 is another photograph of that general
19 area?

20 A That's correct.

21 Q And State's Exhibit 53.

22 A This was basically just showing that there was an
23 amount of suspected blood on the steering wheel.

24 Q Okay. State's Exhibit 56?

25 A This is the belt, the leather belt that was by the

1 center console. I actually placed the pieces close
2 together to see if they were close enough to be able to
3 say that they came -- they might have been from the same
4 belt, and it also showed the better view of the belt
5 buckle.

6 Q State's 55?

7 A And again, just placing the two pieces together to
8 see if there were any consistencies with the cut.

9 Q And State's 54.

10 A That's a close-up photograph of the belt buckle, and
11 then some areas of suspected blood actually on the belt
12 buckle.

13 Q Okay. And now moving around different parts of the
14 car, State's Exhibit 57?

15 A This is a photograph of the interior side of the
16 front passenger door. And basically, it's to show the
17 amount of suspected blood on the -- on the door panel.

18 Q State's 58.

19 A A closer photograph, again, showing the amount of
20 suspected blood on the door panel.

21 Q State's 59.

22 A This is the front driver's door showing that there
23 was actually a small amount of suspected blood on the
24 driver's door panel as well.

25 Q State's 60?

1 A This is the armrest on the driver's door, and it's
2 showing, again, areas of suspected blood on the -- on the
3 armrest.

4 Q Okay. And did you note any suspected blood on the
5 roof of the car? I guess the ceiling, I guess.

6 A Well, it would be on the roof liner, which is the
7 cloth covering. There was some, yes, on the -- on the
8 head -- the roof liner on the passenger's side.

9 Q Okay. I'll try -- I don't know how well it will show
10 up, but you attempted photographs of that?

11 A Well, you've got the rear-view mirror is here
12 (indicating), the interior light, and then there's areas
13 -- some small areas of suspected blood on where you keep
14 your sunglasses, and there's also some on the visor and
15 then, again, there were some on the -- on the roof, on the
16 headliner.

17 Q State's Exhibit 62?

18 A Again, this is the interior light. Again, it's hard
19 to be able to get your bearings, but when you photograph
20 up in the air, this (indicating) is where you would keep
21 your sunglasses in that little compartment, and it's just
22 showing that there were areas of spatter on that
23 compartment.

24 Q And 64?

25 A This is, again, showing the passenger -- the sun

1 visor areas of suspected blood here (indicating) along the
2 bottom of the visor and then up next to the handle that
3 you use for pulling yourself in the car.

4 Q State's 65?

5 A This is the column that separates the front
6 compartment from the back compartment, and it's just
7 showing that there was transfer of blood on the -- on that
8 column.

9 Q That's on the passenger's side?

10 A That's on the passenger's side, correct.

11 Q 66?

12 A Just another photo, same photo. Again, it's showing
13 the edge of the front passenger's seat and then showing
14 the column on the -- on the side.

15 Q 67?

16 A It's just showing -- this is showing how high up on
17 the column that the -- that that blood went.

18 Q 68?

19 A And, again, another photograph showing that their
20 blood continued on up the column, above the lap belt, and
21 then up onto the -- to the roof and the plastic that goes
22 around, the trim that goes around the -- the window.

23 Q Okay. And here's 63.

24 A And again, this is just another one showing the areas
25 of suspected blood on the handle, on the roof, as well as

1 this (indicating) is the column on that passenger's side.
2 And again, there's some over in this (indicating) area as
3 well.

4 Q 69?

5 A This is the headliner. Again, this is the
6 compartment where you can store your sunglasses, and this
7 is the -- this is the front passenger door area, and this
8 is the roof which would be above the front passenger's
9 seat (indicating throughout).

10 Q State's Exhibit 70?

11 A This (indicating) is the rear passenger compartment.
12 And there was also areas of blood on the top of the seat
13 back as also there was also some along on the -- on the
14 face of it as well.

15 Q State's 71?

16 A Again, this is the rear passenger's seat and areas of
17 suspected blood on the -- on the seat cushion itself.

18 Q State's 70?

19 A The console. This would be like the center console,
20 but it's in the backseat. You've got the rear passenger's
21 seat, driver's seat -- rear driver's seat, and this
22 (indicating) is the little vinyl compartment or area
23 between the two seats.

24 Q State's 77?

25 A This is the rear driver's door just showing areas of

1 blood on the door panel as well as on the door handle on
2 the rear driver's door.

3 Q State's 78?

4 A Just a closer photograph showing the areas of blood
5 that were on the door -- door panel.

6 Q State's 73?

7 A Is a photograph of not only blood on the seat, but
8 there was also a cell phone that was on -- that had been
9 left on the backseat.

10 Q Okay. And we'll talk about that in a moment.

11 State's 74?

12 A It's a photograph not only of the backseat, but also
13 there was a tennis shoe, a Nike athletic shoe on the floor
14 behind the front passenger's seat.

15 Q State's 75?

16 A Again, this is the rear passenger door, and, again,
17 showing there were two tennis shoes. You can barely see
18 the other one. It was partially under the seat. But one
19 of the shoes was visible from when you opened up the door.

20 Q State's 76?

21 A This is the Nike athletic shoes that were collected
22 that were on the floor behind the passenger's seat.

23 Q State's 79?

24 A It's a close-up photograph of the piece of cloth that
25 had been stuck in the filler tube of the fuel tank.

1 Q And then State's 80.

2 A This is a photograph of the gas can. I had removed
3 it from the vehicle, set it out on the floor and just
4 photographed it. And then the 9 indicates the piece of
5 evidence that it was collected as.

6 Q Okay. Now, let's talk about your attempts to obtain
7 fingerprints on the vehicle. What day did you process the
8 vehicle for fingerprints?

9 A Actually, it was processed on the 15th of September,
10 2017.

11 Q Okay. Tell the jury how you go about processing,
12 well, a vehicle for fingerprints.

13 A Well, anytime that you have a major case in which you
14 don't have suspects, you want to try to identify anybody
15 who had contact with that vehicle. Normally, you're going
16 -- what I do is I process the roof so if the person, the
17 window's down, had their hand on top of the roof, you
18 process the roof along the driver, passenger side, do the
19 entire exterior of the vehicle, the hood, the fenders, the
20 trunk, the windows, any area that may be accessible for
21 somebody to touch.

22 Q Okay. Now, and what is the process by which you
23 attempt to have a fingerprint show up for its collection?

24 A Basically, you take -- we have fingerprint powder,
25 and use a very fine brush, has very fine bristles, and all

1 you do is you apply the fingerprint powder to the vehicle
2 and you just work it in until you hit a spot where there
3 may be ridge detail. The ridge detail is typically left
4 when -- from the oils in your hands. When you touch
5 something, the potential's there to leave fingerprints,
6 and that powder then adheres to those oils. And then you
7 work with that, try and develop it so that it's a good,
8 identifiable print.

9 Q Okay. Then if you're able to have an identifiable
10 print, what do you do?

11 A We have -- it's fingerprint tape, which would be
12 consistent like scotch tape, only it's wider, it's more
13 adhesive. You place that fingerprint tape on top of the
14 print. You use your thumb, and you rub it in. And you
15 peel that piece of tape off which removes that
16 fingerprint. And then you stick it on the back of a
17 fingerprint card.

18 Q Okay. And then what do you end up doing with that
19 card once you've done that?

20 A The card on one side is where the tape is at. On the
21 front side is where you put all the case information, the
22 date, the case number, where you got the print from.
23 There's a small box where you can actually draw a diagram
24 which helps explain if I said on the driver's door, then
25 what I'd do is draw a picture of the driver's door and

1 then put an X in the approximate location of where that
2 print was recovered from.

3 Q Okay. And that way you're able to tell the jury
4 where you found that particular fingerprint.

5 A That's correct.

6 Q And then you take those cards, and what do you do
7 with the cards?

8 A When the cards are all filled out, they're numbered
9 for as many cards as you're going to send up to our latent
10 division. They're numbered. And then they get put into a
11 latent envelope. That envelope has the same information
12 on the front as what's on the card with the date, case
13 number, where you processed the vehicle, vehicle
14 information. And then those fingerprint cards are put
15 inside, and then the envelope is sealed with evidence
16 tape.

17 Q Okay. And then what do you do with the envelope?

18 A A barcode is then made out. Greenville County's gone
19 to the barcode system.

20 So a barcode is filled out and attached to the
21 fingerprint card -- I'm sorry -- to the envelope. It is
22 then logged into the latent print box, which is a metal
23 box that's bolted to the wall. And there's a slot in the
24 top, and it's secured by a lock with a key. And once that
25 barcode is done, it shows that I've taken it from my

1 possession and had put it into the lockbox. It's then
2 dropped into the lockbox.

3 Q Okay. Why does it go in that lockbox?

4 A It's -- it's evidence. So for security purposes, I
5 want to make sure it has not been tampered with from the
6 time it leaves my hand until it gets to the latent
7 division.

8 Q And that was my next question. So does somebody --
9 is it somebody else's job then to come by and take those
10 cards for examination?

11 A Monday through Friday somebody from the latent's
12 division would come over, unlock the lockbox, take all of
13 the envelopes that were logged in there. They log them
14 out to themselves on the barcode system, and then they
15 transport them to the latent's division.

16 Q Okay. So they're the ones then that do the actual
17 examination. That's not something that you do.

18 A That's correct.

19 Q You just collect them and they can turn it over to
20 somebody else for examination, right?

21 A Yes.

22 Q Okay. Did you find -- were you able to lift some
23 fingerprints in this case?

24 A I did.

25 Q Okay.

1 (WHEREUPON, State's Exhibit Number 110 was marked for
2 identification.)

3 BY MR. MOYER:

4 Q Okay. I'm going to hand you what has been marked as
5 State's Exhibit Number 110. Would you take a moment to
6 look at that and see if you can identify the contents of
7 State's Exhibit 110?

8 A (Reviews exhibit) Yes, sir.

9 Q And what is it?

10 A This is a fingerprint envelope that's filled out in
11 my handwriting with the victim's information, victim's
12 address, the nature of the crime, case number, the date in
13 which the prints were lifted, my name as far as the
14 forensic officer that collected the fingerprints, and then
15 who the investigating officer is. And then on the
16 backside is the barcode. As I explained, it's labeled as
17 DS-L.

18 For every piece of evidence that is collected under
19 my -- we would use our initials. My initials are DS. So
20 my evidence would be collected as DS, and then a number
21 would be assigned. The way I did all mine was if I did it
22 as a latent, I did it as DS-L. If I did any additional
23 latents, it would be DS-L1, L2 and L3 and continue it on.

24 Q Okay. And so they then are the latent print cards
25 that you collected from this vehicle that we just saw

1 photographs of?

2 A Yes, they are.

3 Q Which is the vehicle that was out at 11 Bluff Drive.

4 A That's correct.

5 Q Okay. And how many fingerprints -- how many
6 fingerprints did you lift?

7 A There were seven.

8 MR. MOYER: Okay. Now -- okay. Your Honor, at this
9 time I would move to have State's Exhibit Number 110
10 entered into evidence.

11 MR. MARCHANT: No objection.

12 THE COURT: All right. They're so admitted.

13 (WHEREUPON, State's Exhibit Number 110 was admitted into
14 evidence.)

15 BY MR. MOYER:

16 Q Okay. If you would, just go through each of those
17 seven and tell the jury where on the vehicle you located
18 each one of those fingerprints.

19 A The first -- the first print is labeled Number 1, was
20 from the exterior side of the driver's door glass. And
21 again, there's a picture of a door with a window and an
22 "X" marking the area where that print was lifted.

23 Q Okay.

24 A The second one is the roof above the front passenger
25 door.

1 Q Was that outside the vehicle?

2 A It is. These were all on the exterior. I found none
3 on the interior.

4 Q Okay.

5 A The third one is the exterior side of the front
6 passenger door glass.

7 The next one is the edge of the rear passenger door.
8 And when I talk about edge is when you open the door, it's
9 along the -- along the edge where the locking mechanism is
10 and it's not visible when the door is closed. So it has
11 to be touched while the door is standing open. So that
12 was on the edge of the rear passenger door.

13 The next one was on the edge of the driver's door.
14 And again, that's not visible when the door is closed.

15 The sixth one was atop the hood on the passenger
16 side. And on this, I just kind of draw a picture of the
17 hood and the windshield and then putting an "X" on the
18 area of the hood where that print was lifted from.

19 And then the next one was from the front passenger
20 fender, and it looks to have been above the front
21 passenger tire. It was high above between the hood and
22 the fender.

23 Q Okay. So there's seven fingerprints there. And you
24 said they're all from the exterior of the vehicle.

25 A That's correct.

1 Q And you did not -- you were not able to find any
2 fingerprints on the interior of the vehicle.

3 A That's correct. There are very few areas on the
4 inside of a vehicle where you're -- where you can get
5 prints due to vinyl, cloth. So you identify areas where
6 you could: rear-view mirror, possibly the dash where the
7 radio is at. So those are areas where -- where I did
8 process, but the exterior was the only areas where I
9 actually obtained fingerprints from.

10 Q Okay. So you processed every possible available area
11 on the inside that possibly, in your experience, could
12 have had a fingerprint, and there were none there.

13 A That's correct.

14 Q Okay. Now, you mentioned that cell phone we saw a
15 picture of. Did you attempt to take fingerprints off of
16 the cell phone?

17 A I did.

18 Q Okay. And were you able to get any fingerprints off
19 the cell phone?

20 A I sent three photographs up to the latent's division.

21 (WHEREUPON, State's Exhibit Number 111 was marked for
22 identification.)

23 BY MR. MOYER:

24 Q Okay. I'm going to hand you State's Exhibit
25 Number 11 [sic]. Can you take a look at that and see if

1 they are the fingerprints then that you just talked about
2 getting off the cell phone?

3 A (Reviews exhibit) These are the fingerprint cards,
4 yes.

5 Q Fingerprint cards.

6 Now, they are in a bit of a different format. They
7 look like photographs. Can you tell the jury why?

8 A They are. We have what's called an image enhancement
9 system which is a camera that's mounted on a tripod. It's
10 also connected to the computer system. Prints that I am
11 concerned about maybe losing or I'm wanting the examiners
12 maybe to look at it quicker, I can photograph the prints,
13 which in this case I photographed three different prints.
14 I put fingerprint powder on the screen, and then I
15 photographed the -- or took a picture of all three prints.
16 Those prints go into a latent print folder which is
17 accessible by our latent's division at the Law Enforcement
18 Center.

19 When I got done with that, I called the -- I called
20 our latent's division and said I just got done putting
21 some photos into the imaging enhancement system, would you
22 take a look at those? So they can pull -- open up the
23 folder, look at those photographs. And they actually take
24 the photograph of the latent's division and attach them to
25 the card. When I send a card up, the card's blank except

1 for on the front where I describe where I got those prints
2 from.

3 Q Okay. And so you follow the same procedure as you
4 followed with the other fingerprints you were just talking
5 about as far as putting -- well, okay. So they would --
6 once again then, you did not do the examination of those
7 fingerprints. That would have all been done by somebody
8 in the latent division, correct?

9 A That's correct.

10 Q Okay. One moment.

11 All right. You did not collect the cell phone, did
12 you?

13 A I did not. Investigator Maltby indicated he wanted
14 to take the phone so that he could get access to the
15 phone, and I suggested the phone be processed for prints
16 prior to releasing it to him. And that's what was done.

17 Q Okay. So this investigator, he was present with you
18 while doing some of the processing of the vehicle?

19 A He was.

20 Q Okay. All right. Now, did you have some more
21 involvement in this case on September the 15th of 2017?

22 A I did.

23 Q And what was your involvement on that particular day?

24 A I was contacted and asked to respond to the Law
25 Enforcement Center to the CID, which is the investigative

1 division. The victim in this case was -- had been
2 released from the hospital, and I was requested to take
3 photographs of his injuries.

4 Q Okay. Did you observe injuries to him?

5 A Yes, I did.

6 Q Okay. And were they -- was there any apparent
7 medical attention being given to him at the time you saw
8 him?

9 A There were some -- a few areas had gauze on top.
10 There was one large area on his stomach. At that time I
11 was concerned about the condition of it and being able to
12 secure it again, so I asked him to leave that on. But he
13 had sutures, he had staples on various areas of his body
14 from his hands, lower arms, upper arms, chest, side,
15 stomach. He had linear marks on his back, on his head.
16 From head at least down to the waist area, he had numerous
17 either -- looked like either puncture marks or some type
18 of slash marks or incised marks.

19 Q Okay. And to aid ourselves talking about these,
20 let's do so with photographs. You did take pictures of
21 those; is that correct?

22 A Yes, I did.

23 Q I'm going to hand you State's Exhibit Numbers 7
24 through 29. Can you just see if they are the photographs
25 that you took of Anthony Watkins on September the 15th of

1 2017?

2 A (Reviews exhibits.)

3 Q Do you recognize now that you've gone through them
4 all?

5 A I do.

6 Q Are they photographs that you took of Anthony
7 Watkins?

8 A Yes, they are.

9 Q Are they true and accurate representations on the way
10 he looked on September the 15th of 2017?

11 A Yes, they are.

12 MR. MOYER: Okay. At this time, Your Honor, I move
13 to have State's Exhibits 7 through 29 entered into
14 evidence.

15 THE COURT: Any objection?

16 MR. MARCHANT: No objection.

17 THE COURT: So admitted.

18 (WHEREUPON, State's Exhibit Numbers 7 through 29 were
19 admitted into evidence.)

20 BY MR. MOYER:

21 Q Do you still have the laser pointer?

22 A Yes, sir.

23 Q Okay. Let's start off with State's Exhibit Number 7.
24 Can you point out to the jury what we see in that
25 photograph?

1 A Basically, I'm just trying to identify at a distance
2 some of the injuries that were sustained that had sutures.
3 So from -- on the right biceps area along the back
4 triceps, elbow and the lower arm, these are all areas.
5 This (indicating), I think, he had some type of packing on
6 it, but that still was -- it looked like it was inside of
7 a wound on his lower right chest.

8 Q And you said there was one area that you did not have
9 the packing -- the medical ---

10 A Right. There was a piece of gauze on -- on his
11 stomach here (indicating), which is -- and not knowing the
12 condition of -- to me if it was an open wound or anything
13 like this, I didn't want to take a chance of maybe getting
14 infected and I didn't -- and then not being able to put
15 the bandage back on. So there were plenty of others, so I
16 just said -- asked him to leave that in place.

17 Q State's Exhibit 8.

18 A Again, normally what you're going to do is we're
19 going to photograph who the -- who the person is, but also
20 you want to try to get some photographs of any injuries.
21 And again, you've got one there up on the -- up on the
22 right part -- or right part of the neck.

23 Q State's Exhibit 9?

24 A Just a closer photograph. He's also got -- he had an
25 injury above his right -- above the right eyebrow. And I

1 couldn't tell. It almost looked like he had some swelling
2 here (indicating) on the -- on the lip as well.

3 Q State's Exhibit 10?

4 A Again, this is just an area showing some small areas
5 on the body. It looks to be that's his right shoulder,
6 and so this would be the right chest area.

7 Q State's Exhibit 11.

8 A Just another closer photograph showing the one up by
9 the -- by his neck showing the sutures and also on this
10 (indicating) part of the arm, which would be around the
11 outside of the biceps, and the area on the triceps.

12 Q State's Exhibit 12?

13 A Again, just another close-up photograph of the
14 sutures on the one around -- next to his right side of his
15 neck.

16 Q State's 13?

17 A Typically, a lot of times what we'll do for injuries
18 is to use a scale, and that basically allows us to kind of
19 get an estimation. If that is just a picture by itself
20 without a scale, you don't have any idea how big it is, so
21 we would use a scale which can give you the length, how
22 long it is or also how wide it is.

23 Q State's Exhibit 14?

24 A This is the same thing. It's another injury, again,
25 with the scale in place just to show the size of the

1 injury.

2 Q State's Exhibit 15?

3 A The right hand showing a stitch here on the -- above
4 the palm area, and it was also along the top of the -- top
5 of the thumb.

6 Q Okay. And that's his right hand?

7 A It is.

8 Q State's Exhibit 16?

9 A These are, again, it looks like individual stitches
10 that are -- would be from the wrist area of the right hand
11 going down towards his hand. There's his thumb. And then
12 these, again, these are just areas where they've been
13 stitched up.

14 Q Okay. Moving up his arm.

15 A Again, these are -- it's a photograph. There are
16 several, several different injuries here that have been
17 sutured, but it's just putting a scale up here showing the
18 length. Of course, the scale is three inches long, so
19 adding the -- there was actually more, probably closer to
20 four inches worth of injuries that had been sutured.

21 Q State's Exhibit 18?

22 A Another photograph showing the packing in the injury
23 that's below his right chest area.

24 Q Exhibit 19?

25 A Again, we have an open wound that was not actually

1 sutured but it was open to healing itself, and then the
2 packing that was in the -- that was seen under the chest.

3 Q And, I guess, 18 is another close-up of that?

4 A It is. And then, of course, with a scale in place
5 just to kind of give you an idea as to the size.

6 Q State's Exhibit 21?

7 A This is the photograph of the packing that he had on
8 the -- on his stomach that I requested he leave in place,
9 so what's under it was not photographed.

10 Q So now moving on to 22, this would be his left hand;
11 is that correct?

12 A That's his left hand showing areas that had been
13 sutured on the fingers. I think there might be some other
14 photos that had -- where he had stitches in his fingers on
15 the inner side of the fingers.

16 Q State's 23?

17 A It's going to be the lower forearm on the left arm.

18 Q State's 24?

19 A These are photos of the injuries to the left arm from
20 the biceps going around the back. These were areas that
21 all had been sutured.

22 Q State's 25?

23 A This was just another injury on the right shoulder
24 that -- just showing the length of it, and plus there was
25 an area that had been sutured here on that left arm.

1 Q I think you said you took some pictures of his back?

2 A I did. There were some -- there's some areas here
3 where the skin didn't look like it had been broken, but
4 they were quite lengthy. So you're looking at anywhere
5 from six inches -- possibly six inches long. And then
6 over here, linear lines. And again, I just use the
7 measuring tape to kind of get an idea as to the length of
8 these injuries or abrasions on the -- on his back.

9 Q State's -- that was State's 28.

10 State's Exhibit 29?

11 A It's just more of a close-up. It's a closer
12 photograph, and, again, just showing the -- these marks on
13 the skin and then how long they were.

14 Q And then State's Exhibit 26?

15 A We had a -- there was an injury here under his left
16 ear on the side of his neck and also in this (indicating)
17 area.

18 Q And then finally, State's Exhibit 27?

19 A That's a close-up photo showing the injury above the
20 right, below the eyebrow that had not been sutured but was
21 still an open injury.

22 MR. MOYER: Okay. Please answer any questions
23 defense attorney may have.

24 THE COURT: Mr. Marchant?

25 MR. MARCHANT: Please the Court.

CROSS EXAMINATION

BY MR. MARCHANT:

Q When you're processing whatever item it is, how is it that you determine what areas should be processed?

A Basically, in this particular case, because of not having a suspect, the entire vehicle would be -- was processed, again, from the windows, the roof, the hood, the trunk, the fenders, anyplace where somebody may have -- may have placed their hands on the vehicle, and then on the inside, again, any area that I feel is suitable for retaining latent prints.

Q Okay. So I think that's what I'm particularly interested in. What areas inside the vehicle did you process for latent prints?

A Processed the rear-view mirror, the radio compartment. And that was probably about it because the other -- there were other areas that were not suitable for prints such as the headliner, the seats, and also the -- because of the contamination of blood, that could limit being able to retrieve fingerprints.

Q Okay. And if I recall correctly, do you do a DNA analysis first or a fingerprint analysis first?

A Actually, we don't do the analysis. Collect potential evidence for DNA, and that is always done prior to latent processing.

1 Q So did you process the inside of the vehicle for DNA?

2 A I did.

3 Q Okay. What areas did you process for DNA?

4 A I would have to look at my report.

5 Q I believe you said you had a copy of it?

6 A Yeah. Do you mind?

7 Q Certainly. That was with you.

8 A I took a swab for possible DNA from the back side of
9 the driver's interior door handle, a swab for possible DNA
10 from the headlight switch, swabbed for possible DNA from
11 the windshield wiper switch, swabbed for possible DNA from
12 the shoestring that had been attached to the headrest, I
13 also took a swab for possible DNA from the cloth belt that
14 was attached to the passenger's headrest rod, and I
15 swabbed for possible DNA from the handle of the gas can.

16 Q Did you swab the gearshift?

17 A No. Otherwise, it would have been on here.

18 Q Okay. That's a place that whoever is in the driver's
19 side, presumably if they're driving, would have to touch
20 in order to operate the vehicle, correct?

21 A Yes.

22 Q But you chose not to process the gearshift?

23 A That was one area that I just -- that I didn't do.

24 Q And did you say you processed the inside of the
25 driver's side door handle?

1 A No.

2 Q What about the inside of the passenger's side door
3 handle?

4 A No.

5 Q What about the backseat passenger door handle?

6 A No.

7 Q Backseat driver door handle?

8 A No.

9 Q What about areas on the headrest that appeared in
10 some of the photographs that when the headrests were
11 extended, you can kind of see the metal or aluminum
12 supports that are connected to the respective seats, did
13 you process those for DNA?

14 A No.

15 Q What about the exterior door handle of the driver's
16 side?

17 A No.

18 Q Did you process the exterior door handle of the
19 passenger's side ---

20 A No.

21 Q --- on the front?

22 What about the passenger's side back door handle?

23 A No.

24 Q Passenger's side rear door handle?

25 A No.

1 Q When you were doing your analysis and you've got the
2 doors open, there are metal parts of the door before you
3 would reach kind of the grab bar of the door. Let me show
4 you what I'm after here. I'm showing you State's 75. The
5 area that -- well, the area that I grab when I get out of
6 the car, you know, shutting or opening the car is right
7 around here (indicating), which is a smooth, hard surface
8 that I submit would be suitable for a print. Did you
9 process that area?

10 A I did. And I sent two prints up from that specific
11 area on the door.

12 Q Okay. Was it from this door or another door?

13 A It's on the latent -- it's on the envelope. One I
14 believe was on the driver's door. But that's what I was
15 referring to as the door edge, which is not visible when
16 the door is closed. And so those -- they were processed.

17 Q I'm going to hand you State's 110 back to you so you
18 can tell us which areas.

19 A Okay. The edge of the rear passenger door, which is
20 this (indicating) door, yes, it was, and, yes, I did get a
21 print.

22 Q Okay. What other -- as it relates to the doors, what
23 other parts of the door, either this door or the front
24 doors, did you get a print from?

25 A On the passenger -- excuse me. On the edge of the

1 driver's door, which would be and is basically the same, I
2 also got a print.

3 Q And so you printed the -- printed all four -- or
4 attempted to collect from all four doors; that's fair to
5 say?

6 A That's -- that's correct.

7 Q Okay. And the prints that you got that were
8 submitted for comparison were on the front driver's door
9 and the back passenger door.

10 A That's correct.

11 Q Okay. Did you -- showing you State's 79, did you try
12 to process anything around the gas cap area?

13 A No, I didn't. No, I didn't. As far as for latents,
14 for prints?

15 Q For prints.

16 A No. Did not.

17 Q Did you attempt to take any DNA from this area?

18 A No. Only the -- only collected the piece of cloth
19 that was in the filler tube.

20 Q And you took that whatever the cloth is and put it in
21 evidence?

22 A It was.

23 Q So make sure I'm clear. We tried to print all the --
24 all the doors. I'm not using whatever the terminology is.

25 A Understand. What I explained ---

1 Q Whatever this (indicating) area is of the door.

2 A Right. What I explained was processed suitable
3 areas. That is a hard plastic and is not suitable for
4 processing. Same with the outside. The door -- if
5 they're chrome, then yes, I would. And I have matched
6 prints on chrome door handles, inside and out. But I
7 determined, by looking at the condition of it or looking
8 at the surface area, whether it's suitable for retaining
9 prints. That's why those were not done.

10 Q You didn't print the door handles?

11 A That's correct.

12 Q You also did not swab for DNA?

13 A That's correct.

14 Q And whose decision or determination is it about how
15 and where items are collected or attempted to be
16 collected?

17 A Let me -- let me rephrase. I did process, swab for
18 DNA from the back side of the driver's interior door
19 handle, but that was the only one. Knowing that there was
20 a driver that left the scene, that I did process for DNA
21 the interior door handle on the driver's side.

22 Q Prior to you doing any processing, I presume that
23 someone has given you an idea of what they think has
24 occurred out there, be it a law enforcement officer, an
25 investigator or something like that. So you kind of have

1 a targeted idea of what you may be looking for; is that
2 fair?

3 A They're aware. For the length of time that I worked
4 forensics, I've worked approximately 8,000 cases. They
5 don't question what I process. I determined what I
6 processed and what I collected due to my experience in
7 working major crimes.

8 Q Okay. And in that nearly four decades -- more than
9 four decades of experience, right ---

10 A Close to it.

11 Q --- between here and your prior experience, you only
12 chose to swab the interior side door handle of the
13 driver's side?

14 A Correct.

15 Q Did not attempt to swab the gearshift ---

16 A That's correct.

17 Q --- for a DNA sample, and did not attempt to swab
18 anywhere around the headrest.

19 A That's correct. Except for the two items that were
20 attached to the headrest. The shoestring I swabbed for
21 DNA, as well as the section of cloth belt I did swab for
22 DNA.

23 Q Did you do that while those items were attached to
24 that headrest?

25 A I did.

1 Q So you swabbed -- just do this one more time. I'm
2 sorry, Officer Shaw. You got six samples of DNA; is that
3 right? You swabbed -- you swabbed for six samples of DNA.

4 A That's correct.

5 Q And those areas are the only areas, be it inside or
6 outside of the vehicle, that you attempted to get a DNA
7 sample.

8 A Yes.

9 Q But you processed the entire car both inside and out
10 in the areas that you felt that were suitable for a
11 comparison for fingerprints.

12 A Yes.

13 Q And the areas that we got that you pulled lifts from
14 are these two latent envelopes that we have discussed thus
15 far.

16 A Correct. As well as the fender -- front fender and
17 the hood, and the exterior side of the driver's door glass,
18 the roof above the front passenger door, and the exterior
19 side of the front passenger door glass.

20 Q So how many cards are there?

21 A Seven cards.

22 Q And then there are -- that's from -- that's from the
23 car.

24 A Correct.

25 Q The car is done. We've processed it, you printed it

1 and DNA'd it. And you've moved onto the cell phone.

2 A Technically, the cell phone was done first.

3 Q Okay. You removed the cell phone from that vehicle
4 after you took the photograph?

5 A Photographed it, took it out, processed it, and then
6 released it to Investigator Maltby.

7 Q And so you chose a different method of fingerprint
8 collection on the cell phone. And you took photographs of
9 the fingerprints as opposed to using a tape lift.

10 A Correct.

11 Q Okay. Can you enlighten me on what sort of camera is
12 used and how you capture those details?

13 A It is a single lens camera that is mounted. And it's
14 not a tripod. It's a -- it's specifically for -- for
15 fingerprints. It's a single lens. You can use natural
16 lighting or the lighting in the room or a flashlight. And
17 you put a scale next to the print to make sure it's a
18 one-to-one photo, and then with the lighting you can
19 adjust it.

20 The reason that I chose to photograph it is I have
21 processed cell phones, and something with the screen when
22 you put the tape on, it doesn't adhere to the screen like
23 it does like to the car. And I have lifted it where part
24 of the fingerprint powder came up, part of it didn't, and
25 I ruined the fingerprint. So my preference in that case,

1 because I thought there might be enough information there
2 that they may be able to match somebody, the victim or
3 somebody else, I photographed those instead of using the
4 tape lift.

5 Q Where did the prints from the phone come from?

6 A The screen.

7 Q All three came off the screen?

8 A Yes.

9 Q All right. Well, I understand why you chose to go
10 that route. Is there some reason that you can't then,
11 after the fact of taking these photographs of those
12 fingerprints, go back and try to do a tape lift?

13 A I could. I just felt the photograph would be a
14 better choice for examination by the latent examiners.

15 Q Referring back to 32, State's 32, where did you find
16 this gas can when you arrived on the scene?

17 A It's not in this photograph.

18 Q Let me take you -- let's start with State's Number 3.

19 A Right there (indicating) is where the can was at when
20 I responded to the scene.

21 Q Now, before you picked it up and put it in the car,
22 did you have on gloves?

23 A Absolutely.

24 Q Okay. Is there some reasons that you did not take
25 the gas can and put it in a paper bag to ensure there was

1 no cross-contamination between that and any other piece of
2 evidence in the car?

3 A No.

4 Q So there's no reason you didn't do it. Should you
5 have done it?

6 A In my mind, the only area I would be concerned with
7 would be this (indicating) handle, because the gas can was
8 not suitable for processing for prints, so the only option
9 or the only alternate I would have was to swab for DNA
10 under that handle, which is what I did.

11 Q So the occasion came later to process the bottom of
12 the gas can. You feel comfortable doing it at a later
13 time?

14 A No.

15 Q And we process the gas can for fingerprints or DNA or
16 and DNA?

17 A In that -- because of that type of can, DNA only. I
18 have tried multiple times to get prints using fuming it,
19 using chemicals, fluorescence, and have not been able to
20 obtain latent prints off of a plastic gas can such as
21 that. I felt DNA was the best function.

22 Q And explain to me when you collect something for a
23 DNA sample, what is it that you do? How do you collect
24 that? We understand the latent lift or the photograph you
25 use for the prints, but what does it mean to take a DNA

1 sample?

2 A We have a -- there are cotton swabs in a sealed
3 container on a -- and the -- I guess you would say the
4 base of the Q-tip is attached to the lid so that when you
5 unscrew it, you have the Q-tip that's exposed. You use
6 distilled water and put it on the Q-tip, and then you swab
7 the entire area. And then you put it back inside of the
8 container and screw it back down, and then use evidence
9 tape and secure the cap so the cap doesn't come off.

10 Q So for each swab that you take, you go through that
11 same process.

12 A I do.

13 Q In between each swab that you do, do you change
14 gloves?

15 A No.

16 Q And you would have done all the DNA swabs in this
17 case at the same time on the same date within a few
18 minutes of each other or thereabouts?

19 A Correct.

20 Q Once you finish with the DNA, do you have any further
21 involvement or does it go to some other division in the
22 sheriff's office for processing?

23 A It goes to the Property and Evidence section, and
24 then a request has to be made if there's any analysis --
25 DNA analysis, a request has to be made by the investigator

1 to have DNA look at it.

2 Q So you don't make the decision about whether or not
3 something is processed for DNA?

4 A No.

5 MR. MARCHANT: That's all the questions I have.
6 Thank you.

7 MR. MOYER: Nothing further. Thank you, Your Honor.

8 THE COURT: Sir, you can step down.

9 Is everybody okay? All right.

10 MR. MOYER: The State calls Tyler Bucholtz.

11 THE CLERK: Please raise your right hand, and place
12 your left hand on the Bible.

13 (WHEREUPON, TYLER BUCHOLTZ is duly sworn.)

14 THE CLERK: Please take a seat, and state your name
15 for the record.

16 THE WITNESS: Tyler Bucholtz.

17 MR. MARCHANT: Your Honor, can we approach briefly?

18 THE COURT: Sure.

19 (WHEREUPON, a bench conference was held off the record.)

20 THE COURT: Ladies and gentlemen, we've probably come
21 to a point for a morning break, a little late morning
22 break. If y'all would step to your jury deliberation room
23 for just a moment, we'll start back up.

24 (WHEREUPON, the jury exits the courtroom at 11:22 a.m.)

25 THE COURT: Before we get going with that, I want to

1 address one issue. Ma'am sitting here with your hair --
2 not you. This lady right next to him. She doesn't even
3 know I'm talking to her. Ma'am ---

4 MS. JARVIS: Me?

5 THE COURT: Yes, you. Tell me your name, please.

6 MS. JARVIS: Crystal.

7 THE COURT: Crystal who?

8 MS. JARVIS: Jarvis [phonetic].

9 THE COURT: And what's your relationship to the
10 defendant?

11 MS. JARVIS: Fiancee.

12 THE COURT: Well, let me tell you something. You're
13 not helping him one bit by sitting back there sleeping and
14 swaying.

15 MS. JARVIS: I'm not sleeping. I keep my eyes shut
16 -- my eyes keep shut. I'm sorry. It's the early morning.
17 I'll get up and walk around.

18 THE COURT: It's 11:30 almost.

19 MS. JARVIS: Yes. It's been a long few days.

20 THE COURT: Yeah. Listen. You're -- you're out ---

21 MS. JARVIS: But I ---

22 THE COURT: --- until lunch until you get yourself --
23 head on out, and then maybe you can pull yourself back
24 together. But I'm telling you, if your fiance could see
25 how you're acting, he would not appreciate it. Step on

1 out.

2 Okay. All right. Go ahead.

3 MR. MOYER: Thank you, Your Honor. May it please the
4 Court. We just have something we have to address with
5 this next witness. He has a sticky note on one of the
6 cards that actually has this defendant's name on it. And
7 I would agree with Mr. Marchant that that should be
8 removed before it being entered into evidence.

9 THE COURT: Okay.

10 MR. MOYER: We just wanted to view this in the
11 presence of the witness.

12 THE COURT: Okay. All right. Have those already
13 been marked?

14 MR. MOYER: They've been marked but not entered into
15 evidence.

16 THE COURT: Okay, okay. Just as long as we're
17 referring to them by their exhibit number.

18 MR. MOYER: Okay. That's right. I'm sorry.

19 THE COURT: That's okay.

20 MR. MOYER: This is State's Exhibit Number 111.

21 THE COURT: Okay.

22 MR. MOYER: So I'm just going to hand it to the
23 witness now and ask him to remove that sticky note and do
24 with it as he deems appropriate.

25 THE WITNESS: Is it still okay to testify to my

1 conclusion, which is what this is?

2 MR. MOYER: Okay.

3 THE WITNESS: That's -- that's what's going to come
4 out.

5 THE COURT: Can you turn your microphone towards you
6 just a little bit more? There we go.

7 MR. MOYER: I think the next issue that the witness
8 did just bring up was the fact that that particular --
9 that particular fingerprint was inconclusive but -- in
10 fact, let me just ask you, officer, won't you just explain
11 what your conclusion was from on that print.

12 THE WITNESS: That finger -- that fingerprint
13 impression is inconclusive for the Number 8 finger, the
14 left middle finger of Anthony Bernard Allen. That was my
15 conclusion.

16 MR. MOYER: Okay. And what is that based on?

17 THE WITNESS: Inconclusive means there's either not
18 enough detail or clarity in the print or there's not
19 enough quantity, enough features. So in this particular
20 case, there were seven -- there were five ending ridges
21 near the delta, the triangle area of the fingerprint that
22 were all in sequence with the Number 8 left middle finger
23 of him. Also, up to the right there was a short ridge
24 that had another two -- two minutia there, two more
25 features. So there were seven features in agreement.

1 However, that is what I was limited due to distortion
2 in the fingerprint. So I couldn't go any further outside
3 of that. And that did not carry enough weight to
4 conclusively identify Anthony Allen. However, I couldn't
5 eliminate him as having -- I couldn't say his Number 8
6 finger did not make that. However, someone else with
7 those seven same features in sequence could have made
8 that. And I can't give a statistic as to how many people
9 might have those seven features in agreement. So it's not
10 enough for me to make a conclusion as to an
11 identification, but it's also not enough for me to
12 eliminate him.

13 MR. MOYER: So I guess that would be the evidence
14 that we would seek to elicit from this witness on that
15 particular fingerprint.

16 THE COURT: All right.

17 MR. MARCHANT: I'm going to object to that evidence
18 being testified to. I believe the information that he has
19 provided is subjective at best as is the science, and I
20 would ask the Court to consider a 403 analysis and that
21 any inclusion of my client's name as a possible suspect
22 based off of the information that he has is more
23 prejudicial than probative in this case and I'd ask for it
24 to be excluded.

25 THE COURT: Anything from the State?

1 MR. MOYER: I think I would just say, Your Honor,
2 that that's what the purpose of cross-examination is. I
3 think the way the witness had phrased that explains it
4 very clearly that, yes, there were points of similarity
5 but just not enough to conclusively say that, and I think
6 the purpose of cross-examination would protect his
7 client's interest if he saw the need to hammer that point
8 home any further.

9 THE COURT: All right. I'm going to grant your
10 motion to exclude it based on a 403 analysis. All right?

11 MR. MARCHANT: Thank you.

12 THE COURT: Thank you. Let's be in recess for five
13 minutes.

14 MR. MOYER: Okay. And then we'll take up the other
15 issue, Your Honor, that came up earlier this morning about
16 the in-car camera when we come back?

17 THE COURT: Oh, yeah. Let's do that right when we
18 come back.

19 (WHEREUPON, a recess is taken at 11:28 a.m.)

20 THE COURT: All right. Are we ready to bring the
21 jury back in?

22 MR. MOYER: Oh, real quick.

23 THE COURT: Oh, no, no. I totally forgot. In five
24 minutes I forgot. Yes, sir?

25 MR. MOYER: Andrea Phillips, my legal investigator,

1 went back and checked this morning after we had the
2 discussion about body cams, and she double-checked the
3 system. And not only did that officer who testified he
4 had a body cam not have a body cam, but no one else
5 associated with the case had a body cam. So ---

6 THE COURT: All right. I appreciate you doing that.

7 Mr. Marchant, anything you want to say about that?

8 MR. MARCHANT: No. I'll take them at their word,
9 Your Honor.

10 THE COURT: Okay.

11 MR. MARCHANT: Appreciate you giving me the
12 indulgence having them check. Thank you.

13 THE COURT: Absolutely. We needed to check that out.
14 Thank you.

15 All right. And, Mr. Allen, I just want to tell you
16 that the reason -- you couldn't see your fiancée, but she
17 was having a difficult time staying awake. And I felt
18 like she was being somewhat distracting and that she -- I
19 certainly didn't want anything like that to prejudice you
20 in any way. So that's why I waited until a break and I
21 asked her to go. And hopefully by lunchtime she'll have
22 woken herself up.

23 (WHEREUPON, the jury entered the courtroom at 11:44 a.m.)

24 THE COURT: Thank y'all for your patience with us.
25 And I wish I could tell you that trials are not this way,

1 sort of start and stop, but they are. It's not a science,
2 and so we just have to deal with issues as they arise, and
3 I really do appreciate it.

4 All right. We're ready to proceed.

5 MR. MOYER: Yes, ma'am. I believe Tyler Bucholtz has
6 already been sworn.

7 THE COURT: Yes.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q All right. Would you tell the jury where you are
11 employed?

12 A I work for Greenville County Department of Public
13 Safety in the Forensic Division.

14 Q What is -- do you have a title?

15 A I'm a latent print examiner, and I've been in that
16 position for eight years. And prior to that, I was a
17 crime scene technician for two and a half years.

18 Q Okay. And is that the extent of your law enforcement
19 career?

20 A Prior to that, beginning in 2005, I worked for
21 Probation and Parole as an agent for three and a half
22 years.

23 Q Okay. Would you tell the jury what a latent print
24 examiner does?

25 A I accept impression evidence such as fingerprints,

1 tire tracks, footwear impressions from the crime scene
2 office and conduct examinations and comparisons and then
3 issue reports based on my findings.

4 Q Okay. And what sort of training and education have
5 you had for this position?

6 A When I started in the Crime Scene Unit, of course I
7 was processing scenes and evidence for fingerprints. And
8 then when I joined in the Latent Print Unit, I was there
9 for a year under an apprentice style training where
10 everything I did, all the casework, all the comparisons
11 were looked at by another trained examiner. We talked
12 about the cases. Everything they did, I looked at. And
13 that was over a year. And then I was able to demonstrate
14 proficiency and was released for my own casework. I've
15 also had over 440 hours of formal classroom training.

16 Q Are you a member of any professional organizations or
17 have any certifications?

18 A Yes. I'm a certified latent print examiner through
19 the International Association for Identification. I
20 received that certification in 2015 and have been an
21 active member in that association since 2015 also.

22 Q Okay. And you said you've been doing latent print
23 examinations for eight years?

24 A Yes.

25 Q Can you -- do you know how many fingerprints you've

1 examined over those eight years?

2 A As of September 30th, I've conducted over 705,000
3 comparisons and made over 12,400 identification
4 conclusions.

5 Q Okay. You've testified in court?

6 A Yes.

7 Q And have you been qualified in court as an expert in
8 fingerprint identification?

9 A Yes.

10 Q And what courts and how many times?

11 A Six times in the state court and one time in federal
12 court.

13 MR. MOYER: Your Honor, at this time I move to have
14 Tyler Bucholtz qualified as an expert in fingerprint
15 identification.

16 THE COURT: Any objection or further voir dire?

17 MR. MARCHANT: No, Your Honor.

18 THE COURT: Ladies and gentlemen, the rules of
19 evidence normally do not permit a witness to testify as to
20 opinions or conclusions. An exception for that is for a
21 witness that we call an expert witness. An expert witness
22 is somebody who, through education or training, has become
23 an expert in some area that person is qualified. If
24 qualified by the Court, and this witness is qualified to
25 give his opinion in the area fingerprint identification,

1 he can give his opinion. He can also give the reasons for
2 that opinion, and you may use that opinion in any way you
3 see fit.

4 Thank you.

5 BY MR. MOYER:

6 Q Okay. Now, would you tell the jury what we mean by a
7 known print and a latent print? What is the difference
8 between the two?

9 A A known print is a set of fingerprints that are
10 obtained, and at the time that they are rolled or put on a
11 fingerprint card, the identifying information of that
12 individual is recorded on the card such as name, date of
13 birth, social security number. So those prints are known,
14 the source of those fingerprints are known.

15 An unknown print or a latent print is a fingerprint
16 that's left at a scene or on an item of evidence, and it's
17 not visible to the naked eye. It's something that has to
18 be processed by one of the crime scene technicians using
19 either a chemical or a powder. And once that fingerprint
20 is made visible, they record it and document it and
21 preserve it. And those prints we also call unknown
22 prints, because at the time, we don't know the source of
23 those prints.

24 Q Okay. Would you tell the jury a little bit about
25 fingerprints, how are they left behind on a surface, how

1 frequently they are left behind on a surface.

2 A Okay. Latent prints and fingerprints, if you look at
3 your hands, you'll see on your fingertips and on your
4 palms that you have these lines. We call those friction
5 ridges. And those act sort of like a rubber stamp. And
6 the ink for that stamp is the sweat that comes from the
7 pores on your fingers as well as the oils from your body
8 that get on your hands. So when you touch something, it's
9 like a rubber stamp, and you leave that behind.

10 Now, you're only going to leave that behind on a
11 surface that is suitable for that. So it has to be hard,
12 nonporous. If it is something porous like paper, we can
13 use a chemical to process it. But most of the time it has
14 to be a smooth surface to leave fingerprints behind.

15 And not everybody leaves fingerprints behind all the
16 time, depending on how dry their hand are, if they have
17 gloves on. Fingerprints are also very fragile, so if
18 somebody comes behind and wipes it off, it can easily be
19 destroyed.

20 So is that sufficient?

21 Q Yes.

22 So are different surfaces better than other surfaces?

23 A Yes. The smooth, nonporous surfaces are the best
24 such as glass, metal, those type of things.

25 Q Now, in this scenario, we don't have any fingerprints

1 from inside the vehicle. Is that unusual?

2 A No. Because most of those surfaces are textured
3 leather or vinyl or the fabric cloth or the seats. So
4 there's very few surfaces inside a vehicle that would be
5 suitable for processing.

6 Q Now, did you have occasion to do an examination of
7 latent fingerprints in this case?

8 A Yes.

9 Q And were they from two different sources?

10 A Yes.

11 Q Let's start off with the latent prints that were
12 provided to you from a vehicle. I believe that's State's
13 Exhibit 110. Can you take a look at that?

14 A (Witness complies) Okay.

15 Q Are they the fingerprint cards that you were
16 given ---

17 A Yes.

18 Q --- for fingerprints from a vehicle?

19 A Yes. A 2005 Ford.

20 Q Okay. And when did you do comparisons on this
21 particular vehicle?

22 A These were done on September 18, 2017.

23 Q Did you have known prints to attempt to do a match
24 to?

25 A Yes.

1 Q And whose known prints did you have?

2 A I had Lewis Andreuse Allen -- you want to know
3 everyone I compared to these?

4 Q Yes.

5 A Anthony Watkins, a Courtney Allen, a, I believe,
6 Kathy Allen, and Anthony Allen.

7 Q Okay. The defendant in this case, Anthony Allen, did
8 you have his prints?

9 A Yes. Anthony Bernard Allen.

10 Q Okay. Now, go ahead and please tell the jury what
11 your results were for the fingerprints that were taken
12 from the car.

13 A Okay. On Latent Number 1, which was from the
14 exterior side of the driver's door glass, was identified
15 as being made by the Number 9 finger, the left ring finger
16 of Anthony Edward Watkins.

17 Latent Lift Number 2 from the roof above the front
18 passenger door was not comparable.

19 Latent Lift Number 3 from the exterior side of the
20 front passenger door glass was also not comparable.

21 Latent Lift Number 4 from the edge of the rear
22 passenger door, the part that's not visible when the door
23 is closed, was also not comparable.

24 Latent Lift Number 5 from the edge of the driver door
25 and also the part that you can't see when the door is

1 closed, kind of the interior door jamb, was identified as
2 being made by the Number 3 right middle finger of Anthony
3 Watkins.

4 Latent Lift Number 6 was from the top of the hood on
5 the passenger's side near the windshield, and that was
6 identified as being made by the right palm of Lewis
7 Andreuse Allen.

8 And Latent Lift Number 7 from the front passenger's
9 side fender was made by the right palm of Lewis Andreuse
10 Allen.

11 Those are all the latents.

12 Q Okay. Now, what does "not comparable" mean? What
13 does "not comparable" mean?

14 A "Not comparable" means I'm either limited by the
15 quantity of data in it, so features in the ridges. If
16 it's a smudge, then there's not going to be much data
17 there, or if it's just a very small touch, there aren't --
18 the way we identify them is through the ending ridges and
19 bifurcations. That's the unique part of the latent
20 fingerprints. So I'm limited either by the amount that's
21 there, the quantity, if it's a small touch, or by the
22 quality. So in the case of a smudge, you can't see those
23 identifying features. So either quantity, quality or both
24 limited it where I wasn't even able to make a comparison.

25 Q Okay. Now let's move on to the second set of

1 fingerprint cards. And that, I believe, is State's
2 Exhibit Number 11 [sic].

3 A Yes.

4 Q And you have three cards associated with that.

5 A Yes.

6 Q And are you able to say they are fingerprint cards
7 that were in your possession for purposes of attempting to
8 make an examination?

9 A Yes.

10 MR. MOYER: And, Your Honor, at this time I move to
11 have State's Exhibit Number 11 [sic] entered into
12 evidence.

13 THE COURT: Any objection?

14 MR. MARCHANT: I just need to review those briefly,
15 Your Honor.

16 THE COURT: Sure.

17 (Pause in proceedings.)

18 MR. MARCHANT: May Mr. Moyer and I approach just
19 briefly?

20 THE COURT: Sure.

21 (WHEREUPON, a bench conference was held off the record.)

22 THE COURT: All right. So those cards are going to
23 be individually marked at State's Exhibit 111-A, B and C;
24 is that right?

25 MR. MOYER: Yes, ma'am.

1 THE COURT: Okay.

2 (WHEREUPON, State's Exhibit Numbers 111-A, B and C were
3 marked for identification.)

4 MR. MOYER: So just to make clear, State would move
5 to introduce State's Exhibit Number 111 including A, B and
6 C.

7 MR. MARCHANT: No objection.

8 THE COURT: All right. Then they're so admitted.

9 (WHEREUPON, State's Exhibit Numbers 111-A, B and C were
10 admitted into evidence.)

11 BY MR. MOYER:

12 Q Now, these fingerprint cards look different from the
13 previous ones. Can you explain that?

14 A Yes. These are actual digital images. And for
15 purposes of these cards, I printed them off from the
16 computer and stapled them to these cards. They were
17 captured by Sergeant Shaw on the image enhancement system,
18 which is a camera system. And he uploads them to a file
19 that -- a file folder that we can see on the network, and
20 then we view them from there.

21 Q Is that unusual?

22 A No. That's our common, normal procedure.

23 Q Okay. And are there any obstacles that arise from
24 having the fingerprint provided in this way as opposed to
25 the other way?

1 A No. Because we don't -- we don't make the
2 examination off of the printed copy. We make the
3 examination on screen, and we scan the known fingerprint
4 card and put it side-by-side with the digital image when
5 we make the comparisons.

6 Q Okay. So then no more difficult to examine than the
7 kind that are lifted with a tape lift?

8 A Correct.

9 Q Okay. Now, any of those three, were you able to make
10 any matches on those three?

11 A There were no identifications made.

12 Q And did you have the same individuals to compare them
13 to as you did ---

14 A Yes.

15 Q Now, were any of those fingerprints of good enough
16 quality to be able to make a match?

17 A One was a fingertip, and -- but normally, the tip of
18 a finger is not recorded on a fingerprint card. When they
19 roll the finger, they roll it flat on the fingerprint
20 card. And it appears that this is the tip of a finger,
21 which it's on a cell phone so possibly most likely is a
22 tip. So that part is usually not recorded. However, I
23 was able to run that on through a database and still
24 received no -- no hit. Probably not recorded on any
25 fingerprint card. But that's the -- that's the only one

1 that was comparable where I would have been able to make a
2 conclusion.

3 Q Okay. And so the other two you would not be able to
4 make any kind of match just based on the quality of the
5 fingerprint?

6 A Right. I was limited on those also by the quantity
7 and quality of the fingerprint.

8 MR. MOYER: Okay. One moment.

9 Okay. Please answer any questions defense may have.

10 THE COURT: Mr. Marchant?

11 MR. MARCHANT: I don't have any questions, Your
12 Honor.

13 THE COURT: Sir, you can step down.

14 THE WITNESS: Thank you.

15 MR. MOYER: The State calls Jim Perry.

16 THE CLERK: Please raise your right hand.

17 WHEREUPON,

18 JAMES PHILLIP PERRY

19 After having been duly sworn, testified as follows:

20 THE CLERK: Please take a seat, and state your name
21 for the record.

22 THE WITNESS: James Phillip Perry.

23 DIRECT EXAMINATION

24 BY MR. MOYER:

25 Q And where are you employed, sir?

1 A I'm employed with the Greenville County Sheriff's
2 Office.

3 Q How long have you been in law enforcement?

4 A 37 years.

5 Q Has it all been with the sheriff's office?

6 A No. I was with Greenville City Police for some of
7 that, Greer, and then 24 years with Greenville County.

8 Q Okay. And what is your position with Greenville
9 County now?

10 A I work in the Computer Crime Investigations Unit as
11 an investigator.

12 Q Okay. How long have you been doing that?

13 A I started the unit in 2002.

14 Q Okay. And what does that entail? What do you do in
15 that unit?

16 A We do computer forensics, cell phone forensics.
17 We're also part of the ICAC, which is Internet Crimes
18 Against Children, online predators, we do the online
19 chatting. Pretty much any crime that involves any type of
20 electronic devices, which nowadays is the majority of the
21 cases we deal with, they've all come to us and we'll then
22 do forensic examination on them.

23 Q Okay. So it includes cell phone data recovery,
24 correct?

25 A Correct.

1 Q Is that a fairly frequent part of your job?

2 A It's a -- it's a big part of the job, yes.

3 Q Do you -- how do you go about downloading data from a
4 cell phone for purposes of an investigation?

5 A Well, it all depends on the type of phone, if it's an
6 android phone as opposed to an iPhone. An android phone,
7 which was in this case, we have a device called
8 Cellebrite. And we connect the phone to the device, and
9 we will image that phone onto a thumb drive. Then we take
10 the thumb drive over to our forensic computer. There's a
11 program on the computer, UFED Physical Analyzer, that we
12 then analyze the image that we had just gathered from the
13 Cellebrite, from the phone.

14 Q Okay. And you were given a phone in this particular
15 case?

16 A I was.

17 Q To download information from?

18 A I did.

19 Q And when did you receive it, and from whom did you
20 receive it?

21 A I'm sorry?

22 Q Who -- how did you get that cell phone?

23 A Investigators brought it over to the office.

24 Q Okay. Investigator Maltby?

25 A Maltby, Picone, and I think there was one other one

1 with him.

2 Q Okay. But they themselves came together?

3 A They came together, brought it with a search warrant
4 to me.

5 Q Okay. And do you have the details as far as what
6 kind of phone that was?

7 A I do.

8 Q What kind of phone was it?

9 A It was a Samsung G550T1.

10 Q And when did you have that phone for purposes of
11 getting ---

12 A It was 9/11/17.

13 Q Okay. And I just have a couple of questions for you
14 about that to clear something up. Number one, what was
15 the phone number for that phone?

16 A The phone number was 864-999-8203.

17 Q Okay. And from your examination of the phone, had
18 any calls been made from that phone to 9-1-1?

19 A There had.

20 Q And what day and time were phone calls to 9-1-1?

21 A It was 9/11/2017. The first one was at 6:58 a.m.,
22 and then the second one was on the same date, 9/11/2017,
23 at 7:20 a.m.

24 MR. MOYER: Okay. Nothing further. Thank you.

25 THE COURT: Any questions for this witness?

CROSS EXAMINATION

BY MR. MARCHANT:

Q Mr. Perry, when you're downloading this information, you have access to everything that is included on that phone.

A Access to everything, no. Hu-uh.

Q Photographs?

A Photographs.

Q Text messages?

A Correct.

Q Any web addresses that one may have visited?

A Yes.

Q What about prior call history?

A You can -- yeah. We do get the call history off of the -- the phones.

Q What about prior call history that may have been deleted?

A It can be recovered. The deleted phone numbers can be.

Q All right. Let's back up just a little bit. Talking about data that had been deleted from the phone, so, for example, a phone number, if I had deleted a recent call list, would you be able to view that in your extraction?

A It's -- it's possible. There's no guarantee that you will get the deleted phone call logs. And if you do get

1 them, you may not get every one. Normally, we rely on
2 other means to get the complete one.

3 Q When you talk about other means, what are those other
4 means?

5 A Detailed call logs.

6 Q Where would you get a detailed call log from?

7 A The service provider.

8 Q Okay. Do you know who the service provider is in
9 this case?

10 A Not offhand. That wouldn't be something we would do.

11 Q But that's something that is an option for y'all to
12 do as an agency, the sheriff's office?

13 A It's a possibility, yes.

14 Q Okay. And frequently, those reports have information
15 that tracks where the phone has gone; isn't that correct?

16 A On the call detail records?

17 Q Well, the information that you can get a search
18 warrant from the cell phone provider.

19 A Yes. You can get cell tower information.

20 Q And so you can take the next step in addition to what
21 you've done to get that information.

22 A It can be done, yes.

23 Q And that would show you where that phone had been
24 over some period of time?

25 A It would give you an indication of it.

1 Q You didn't do that, and you were not asked to do that
2 in this case.

3 A No.

4 MR. MARCHANT: Thank you. I don't have any further
5 questions.

6 THE COURT: Any other questions?

7 MR. MOYER: Just real quick.

8 THE COURT: Sure.

9 REDIRECT EXAMINATION

10 BY MR. MOYER:

11 Q Did you have any other involvement in this case?

12 A No.

13 Q And so the download that you got from the phone, did
14 you turn that over to the investigator for him to look at
15 and do with as he ---

16 A That is correct.

17 MR. MOYER: Okay. Thank you. Nothing else.

18 THE COURT: Any other questions?

19 MR. MARCHANT: No, Your Honor.

20 THE COURT: Thanks so much.

21 MR. MOYER: The State calls Adam Hempel.

22 THE COURT: Is everybody doing okay? You need a
23 break? We'll probably break for lunch maybe about 12:30
24 or so, if that helps. I don't know about y'all, but if I
25 know how long my preacher's going to preach, it makes it

1 seem shorter.

2 WHEREUPON,

3 RUSSELL HEMPEL

4 After having been duly sworn, testified as follows:

5 THE CLERK: Please take a seat, and state your name
6 for the record.

7 THE WITNESS: RUSSELL HEMPEL.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q Where are you employed, sir?

11 A Currently, I'm employed with the Greenville County
12 Sheriff's Office.

13 Q And where all have you worked in your law enforcement
14 career?

15 A I've worked for the Broward County Sheriff's Office,
16 the Greenville County Sheriff's Office, Lake Robinson
17 Warden's Office, Greenville County Forensics and then,
18 again, at the Greenville County Sheriff's Office.

19 Q Okay. And were you working for Greenville County
20 Forensics in December of 2017?

21 A That is correct.

22 Q Okay. Did you have any participation in the case
23 that is currently before the Court?

24 A Yes, sir.

25 Q And what was that participation and what date?

1 A It was on the -- let's see. I apologize. On
2 September 12, 2017.

3 Q Okay.

4 A And I was dispatched out to the crime scene on Holder
5 Lane, Lot [REDACTED] in reference to a search warrant that was
6 being executed.

7 Q Okay.

8 A And I was going to -- as the crime scene investigator
9 forensic evidence technician, I was going to process the
10 scene and collect any necessary evidence that was found.

11 Q Okay. And around what time on September the 12th,
12 2017, was it that you were there?

13 A It was in the afternoon around ten till five.

14 Q Okay. And did you take photographs?

15 A I did.

16 Q I'm going to hand you State's Exhibit Numbers 81
17 through 108.

18 A Okay.

19 Q And if you would, take a moment just to look through
20 all those photographs and see if they are indeed the
21 photographs that you took for this case on the day and
22 time that you just told us about.

23 A (Reviews exhibits) That is correct. I did take those
24 on that day.

25 MR. MOYER: At this time the State would move to have

1 State's Exhibits 81 through 108 entered into evidence.

2 THE COURT: Any objection?

3 MR. MARCHANT: No objection.

4 THE COURT: They're so admitted.

5 (WHEREUPON, State's Exhibit Numbers 81 through 108 were
6 admitted into evidence.)

7 BY MR. MOYER:

8 Q Okay. We're going to take a look at these on the
9 screen behind you.

10 A Okay.

11 Q If you are unable to see them from where you are, you
12 can step down, but hopefully you'll be able to.

13 A Okay.

14 Q And there is a laser pointer by your right elbow if
15 it's needed for pointing out anything.

16 We'll start off with State's Exhibit 81. Can you
17 tell the jury what that is?

18 A Yes. That is the residence at Lot [REDACTED] where I
19 processed.

20 Q Okay. State's Exhibit 82?

21 A That is the same. That's the front just a closer --
22 just identification of the actual residence.

23 Q Okay. So it was [REDACTED] Holder Lane, Lot [REDACTED]?

24 A That is correct, sir.

25 Q And State's Exhibit 83, another picture of the

1 outside of the residence?

2 A Correct.

3 Q And State's 84 is?

4 A That's from the porch looking in the door, the side
5 door.

6 Q Okay. And did you pretty much take photographs
7 throughout the entire residence?

8 A I did. You take overall pictures prior to, and then
9 once locating any evidence, you know, with and without
10 placards.

11 Q Okay. I'm going to look at several of those
12 photographs. First off, State's Exhibit 85, what area of
13 the residence is that?

14 A It's the kitchen. When you walk in the door, it's
15 just to the right inside the residence.

16 Q And State's Exhibit Number 86?

17 A That would also be the kitchen as well. It's
18 immediately to your right. That's the -- looking if your
19 right shoulder was at the front door.

20 Q Okay. So the door would be just to the very far
21 right of that?

22 A It would be -- yeah. It would be just over here
23 (indicating) area.

24 Q Okay. And then State's Exhibit 87, what were you
25 taking a picture of in this photograph?

1 A This is the cabinet just inside the door where
2 Investigator Maltby or one of the other deputies that were
3 on scene found one of the blue latex gloves.

4 Q State's Exhibit 88?

5 A That's just the cabinet opening itself. Same
6 cabinet.

7 Q State's Exhibit 89?

8 A And that is where the blue latex glove was found.
9 That's my Number 2 evidence placard right there.

10 Q And you took some other photographs throughout the
11 living room area. State's Exhibit 90, is that what's
12 shown in that photograph?

13 A That is correct. That's inside the door to the left.
14 That's the living room. The sofa is over there
15 (indicating).

16 Q State's Exhibit 91, was there anything in particular
17 you were ---

18 A Yes, sir. This is in the hallway outside the
19 bathroom. There was some suspected blood on the wall here
20 that I was just taking an overall photograph prior to
21 getting a closer, more direct and scaled picture.

22 Q Okay. State's Exhibit Number 92, is that that same
23 hallway?

24 A That is the same hallway continuing on down.

25 Q State's Exhibit 93?

1 A That is the same hallway to the left there, and now I
2 have a scale on the blood -- suspected blood on the wall
3 there.

4 Q Now, where in the residence is this area?

5 A Mid -- mid-house. You come out of the living room,
6 down the hallway, and it would be on your left-hand side
7 as you're heading back towards the -- the master bedroom
8 in the back.

9 Q And then State's Exhibit 94.

10 A That is a scaled photograph up close of the suspected
11 blood on the wall in the hallway.

12 Q Okay. So that would be?

13 A That same -- correct. It's just a closer scaled
14 version.

15 Q Okay. Do you know what kind of room this is?

16 A It is a bathroom.

17 Q Move to State's Exhibit 95.

18 A That is the master bedroom. As you walk into the
19 master bedroom, there was that chest of drawers, dresser
20 on the right-hand side there.

21 Q Did you focus on anything on top of that -- on top of
22 that -- those drawers there?

23 A Right. There were some ---

24 Q Let me move to State's Exhibit 96.

25 A Okay. Sorry. Yes, sir. There were some zip ties on

1 top of the dresser themselves there. And that's just the
2 overall picture as they were found.

3 Q State's Exhibit 97?

4 A That has my Evidence Placard Number 3 next to those
5 zip ties.

6 Q State's Exhibit 98?

7 A Those were IDs that were found in the drawers.

8 Q Okay. And are you able to read the names?

9 A It's -- this looks like Ms. Allen -- both of them's
10 Ms. Allen's.

11 Q Okay.

12 A Is Courtney Jolie, and I can't tell what that --
13 something Denise.

14 Q Could be Kathy Denise?

15 A It looks like Kathy, yeah. The hologram was
16 obscuring that a little.

17 Q And where were they found?

18 A In the master bedroom there.

19 Q You put them out there to photograph them?

20 A Correct.

21 Q State's Exhibit Number 99?

22 A That was a gun case that was found in a second
23 bedroom.

24 Q State's Exhibit 100?

25 A That was the ammunition that was found inside the gun

1 case itself.

2 Q State's Exhibit 101?

3 A That was clothing in that second bedroom down the
4 hallway. And right here (indicating) you can see there
5 were more blue gloves in the clothing there.

6 Q Is that a closer picture?

7 A That is a closer picture, and there's the gloves
8 right there (indicating) as well.

9 Q And then State's Exhibit 103.

10 A That was just some cleaner that was found.

11 Q Okay. And then you took some photographs outside the
12 residence as well.

13 A Yes.

14 Q State's Exhibit 104.

15 A This is directly across from the residence, directly
16 across the street. Investigator Maltby had been given
17 information from one of the victims, Ms. Talley, that she
18 was ---

19 MR. MARCHANT: Object to hearsay at this point in
20 time, Your Honor.

21 MR. MOYER: I agree.

22 THE COURT: Sustained.

23 BY MR. MOYER:

24 Q So the photograph you're taking a picture of ---

25 A Yes.

1 Q --- where -- are you standing where the ---

2 A I'm standing in the driveway of Lot ■.

3 Q Okay. So ---

4 A Yes. And I'm focusing on these two trash cans at the
5 -- at the roadside there.

6 Q Okay. So directly behind where this photograph is
7 taken, would that be Lot ■?

8 A That's correct. Just to the left and behind me
9 because the driveway is kind of to the right.

10 Q Okay. And then State's Exhibit 105, does this show
11 one of the residences that we see in State's Exhibit 104?

12 A That is an up-close picture of this right here, the
13 corner of this residence right here (indicating
14 throughout).

15 Q Okay. And State's Exhibit 106?

16 A This is the contents of the trash cans when I opened
17 the lids. And there was a pair of white Nike shoes which
18 had suspected blood on them.

19 Q State's Exhibit 107?

20 A Again, another photo of the shoes inside the trash
21 receptacle.

22 Q State's Exhibit 108.

23 A The same here as well.

24 MR. MOYER: They're the same shoes. Okay. One
25 moment, please.

1 Okay. Please answer any questions defense may have.

2 THE WITNESS: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. MARCHANT:

5 Q Prior to your testimony, Dar Shaw testified.

6 A Okay.

7 Q You and him have the same role within the department
8 at the time that this event occurred.

9 A He was a supervisor. He was a sergeant, correct.

10 Q So you responded to this trailer to conduct some
11 analysis in your field at that point of time, which was
12 forensics, correct?

13 A Correct.

14 Q And now you've moved from forensics to the sheriff's
15 office as a uniform deputy.

16 A That's correct.

17 Q Whose decision is it to collect or not collect
18 evidence inside the residence when you responded that day?

19 A Typically, it's the investigator decides what
20 evidence is relevant to their investigation.

21 Q And the investigator in this case is Maltby ---

22 A Correct.

23 Q --- sitting over here next to Ms. Phillips?

24 Okay. And so he was out at this residence when you
25 arrived?

1 A Yes.

2 Q And he told you what to do and what not to do; is
3 that what you're telling us?

4 A No. He told me what items that were relevant to his
5 investigation that needed to be collected.

6 Q Okay. And do you recall what items you did collect?

7 A I do.

8 Q Okay. And what were those items?

9 A I collected the white Nike shoes out of the trash
10 receptacle, I collected the blue latex glove from the
11 cabinet in the kitchen, and I collected white zip ties
12 from the top of the dresser in the master bedroom, and I
13 also collected a swab of the blood from the hallway.

14 Q Okay. So I'm going to show you State's 102.
15 Previously, you were discussing that you believe that to
16 be some gloves.

17 A Correct.

18 Q Did you pick them up to know that that's what they
19 were?

20 A I don't -- I did not pick up those gloves.

21 Q Okay. Did you move the jacket at all?

22 A I did not move the jacket.

23 Q You didn't collect this jacket.

24 A No, I did not.

25 Q Are you sure that it's a jacket?

1 A No, I'm not. I just assumed by looking at the photo
2 right now.

3 Q Okay. Are you sure that they're gloves?

4 A I do remember that there were gloves in a clothing
5 item in that bedroom, correct.

6 Q Okay. So anything that was in the jacket or on the
7 jacket was not collected.

8 A Correct.

9 Q Okay. So, for example, we've got what looks to be
10 some sort of spot right there (indicating) on the jacket.
11 You don't know what that is because you didn't sample that
12 or do a DNA swab.

13 A I did not.

14 Q Okay. Did you do any DNA swabs in the residence?

15 A I did not do any DNA swabs, no, sir.

16 Q And was that your decision or was it Investigator
17 Maltby's or ---

18 A There was no need at that time for a DNA swab or
19 anything that -- that was necessary for a swab of DNA. I
20 took a swab -- a blood swab off the wall in the hallway,
21 but I did not take any DNA swabs.

22 Q Okay. Did you fingerprint anything in the house?

23 A I did not.

24 MR. MARCHANT: That's all the questions I have.

25 Thank you.

1 MR. MOYER: Nothing further.

2 THE COURT: All right. Sir, so you can step down.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Ladies and gentlemen, I think
5 we've come to a point for a lunch break. If you'll be
6 back in your jury room -- I'm going to give you a little
7 bit longer of a break. Be there right about 2:00 and then
8 we'll start right at 2:00 this afternoon, all right?
9 Thank you so much.

10 (WHEREUPON, the jury exits the courtroom at 12:25 p.m.)

11 THE COURT: All right. Mr. Allen, we're not to the
12 point where you're going to decide whether or not you're
13 going to testify in the trial of this case. I just wanted
14 to give you a heads-up that we're going to be coming up on
15 that probably pretty soon, sometime this afternoon.
16 You've got an outstanding attorney, really second to none.
17 I know he's been talking to you about this of whether or
18 not you're going to testify all throughout. I know that.
19 But just so it's not a surprise, I would think that
20 sometime this afternoon we would probably finish up and be
21 turning to your case and whether or not you intend to put
22 up any evidence in this case.

23 Are there any convictions that the State would intend
24 to use for impeachment if Mr. Allen were to testify?

25 MR. MOYER: Yes, ma'am. One moment. I'm sorry.

1 THE COURT: Sure. Take your time.

2 MR. MOYER: He has convictions: 2012 for burglary
3 second degree and grand larceny, 2014 for criminal
4 domestic violence of a high and aggravated nature. So
5 there's three charges.

6 THE COURT: Okay. All right. And so I'm sure your
7 attorney knows that as well, but just to let you know what
8 they are intending to use against you, I just wanted to
9 let you know so you'd have all that information. Whether
10 or not they can use those things or whether or not those
11 things are accurate, I don't know. But I want you to
12 discuss it. But I want to emphasize it's got to be your
13 decision. It can't be your lawyer's, okay?

14 DEFENDANT ALLEN: Yes, ma'am.

15 THE COURT: All right. With all that being said,
16 we'll break and be back together at 2:00.

17 (WHEREUPON, a recess is taken at 12:27 p.m.)

18 THE COURT: Are there any matters we need to take up
19 before we bring the jury back in?

20 MR. MOYER: I don't think so, Judge.

21 THE COURT: Okay. All right. I don't want to speak
22 too soon, but y'all are easy.

23 (WHEREUPON, the jury entered the courtroom at 2:05 p.m.)

24 THE COURT: All right. Good afternoon. I hope you
25 all enjoyed your lunch. I got to see a few of you at

1 lunch. That was nice. I don't know about y'all, but I
2 thought it was supposed to be cool outside. I did not
3 find it that way.

4 All right. Well, we're ready to proceed then.

5 MR. MOYER: Thank you, Your Honor. The State calls
6 Anthony Watkins.

7 THE CLERK: Please raise your right hand.

8 WHEREUPON,

9 ANTHONY WATKINS

10 After having been duly sworn, testified as follows:

11 THE CLERK: Take a seat, and state your name for the
12 record.

13 THE WITNESS: Anthony Edward Watkins.

14 DIRECT EXAMINATION

15 BY MR. MOYER:

16 Q All right. Mr. Watkins, make sure you speak into
17 that microphone so everybody can hear you.

18 THE COURT: You're going to feel like you're being
19 too loud, but you're not.

20 THE WITNESS: Okay.

21 THE COURT: You'll be just right.

22 BY MR. MOYER.

23 Q How old are you?

24 A 56.

25 Q And have you ever been married? Do you have

1 children?

2 A Yes.

3 Q Yes to both questions?

4 A Yes.

5 Q Okay. How many children do you have?

6 A I have two daughters.

7 Q How old are they?

8 A 30 and 31.

9 Q And you said you were married. Are you married now?

10 A No, I'm not.

11 Q Okay. You're actually in a relationship with your
12 ex-wife though, right?

13 A Yes.

14 Q Okay. Y'all still live together?

15 A We're -- recently.

16 Q Okay. And are you working?

17 A Yes.

18 Q Where do you work?

19 A Eaton.

20 Q Eaton. What is Eaton?

21 A It's an electrical company, distribution of
22 electrical parts for household goods, businesses and
23 stuff.

24 Q How long have you been working there?

25 A Since May.

1 Q How many hours a week do you work?

2 A I usually work about 46 hours a week.

3 Q What shift are you on?

4 A Third.

5 Q And you've been working this week?

6 A Yes. Got off this morning and came here.

7 Q What time do you get off?

8 A 7:30.

9 Q Okay. You came here. Very good.

10 Okay. You were in here before lunch, and we saw a
11 number of pictures of you; is that correct?

12 A Yes.

13 Q With all of the staples and stitches?

14 A Yes.

15 Q Okay. We're going to the specifics of what happened
16 in a minute. But tell the jury in a nutshell what caused
17 those injuries to you.

18 A Stab wounds.

19 Q Okay. And who caused those injuries to you?

20 A This guy right over here (indicating).

21 Q Okay. And you're pointing to the defendant in this
22 case?

23 A Yes.

24 Q Now, let me ask you before we go further, several
25 days after this incident, you were approached by some

1 officers, and they showed you a photo lineup; isn't that
2 right?

3 A Yes.

4 Q And you weren't able to pick him out of that photo
5 lineup at that time, were you?

6 A Not at that time because he looked different. Even
7 now he looks different. But I know who he is now by just
8 looking at him closely, you know.

9 Q Okay.

10 A His hair was a little different. Even like now, he
11 was a little skinnier than he is now. You know, people
12 lose weight because they've been locked up for a while.

13 Q Okay. And so was his hair different in those
14 photographs?

15 A Yes.

16 Q Okay. Was his hair shorter or longer? Or how was
17 it?

18 A It's kind of -- when I'm seeing it first, it was kind
19 of like looked -- not enough light.

20 Q I mean, so in the photograph, did he have long hair
21 like he has now?

22 A I'm not sure.

23 Q Okay.

24 A It was different.

25 Q He was different.

1 A Yeah.

2 Q Okay. And have you been watching him the past couple
3 of days?

4 A Yes.

5 Q Watching him and his mannerisms and so forth?

6 A (Nods head affirmatively.)

7 Q Okay. And you're sure that's the man who did this to
8 you?

9 A I'm positive, yes.

10 Q Okay. Well, let's go back. Let me ask you about
11 those injuries. How long were you in the hospital?

12 A I don't know. A couple of days, I guess.

13 Q Okay. Do you know how many wounds, how many stab
14 wounds in total you had?

15 A I think there was over 30, close to 30, over 30. I'm
16 not sure. I had so many.

17 Q And we saw most of them in the photograph.

18 What about the one that was -- you have the -- the
19 picture of the packaging and gauze over your stomach?
20 What kind of wound was that?

21 A I had two wounds there. They did surgery on me, on
22 my stomach for one of the wounds.

23 Q Now, after you got -- you say you were in the
24 hospital a couple of days. After you got out, did you
25 have to have follow-up visit at the hospital?

1 A Yes. Many of them.

2 Q Did you have to stay in bed for a while after you got
3 out?

4 A Probably stayed in bed -- I was up for a little bit,
5 just enough -- I went down to the -- and talked to
6 Mr. Mobley at the LEC down there. I had to go right back
7 and go to bed. I was in so much pain, so I stayed put up
8 for about two months in the bed.

9 Q You were in bed about two months?

10 A (Nods head affirmatively.)

11 Q Do you have any lingering discomfort or ramifications
12 from that now?

13 A From my neck. I got a stab wound on the back of my
14 neck. They didn't show that one. Right here
15 (indicating).

16 Q Okay.

17 A Something was stuck -- stuck down my back. I still
18 have pain from my neck.

19 Q Okay. And -- okay. Do you have any psychological
20 impact from what happened to you, to your -- to your
21 brain, to your ---

22 A Well, I was going to AiRCare Counseling. And they
23 sent me to a psychiatrist after this happened,
24 Dr. Baudiford [phonetic] in Taylors that said created
25 something called PTSD for being traumatized from the

1 accident, from -- from what happened.

2 Q Okay. All right. Well, let's talk about what
3 happened. First off, where did this all begin?

4 A It started -- I met Lewis in Donaldson. I pulled up,
5 they was there.

6 Q Now, what is Lewis's last name?

7 A Allen.

8 Q Lewis Allen. Okay. And is he related to this
9 defendant?

10 A He told me it was his nephew.

11 Q Okay. That this defendant is Lewis's nephew?

12 A Yes.

13 Q Now, you knew Lewis Allen?

14 A I know Lewis many years ago.

15 Q Okay. Like how many years ago, would you say?

16 A Probably 15 or 20.

17 Q Okay. Were y'all close?

18 A We was friends. We weren't real close, but we was
19 friends.

20 Q And did y'all actually maybe live together a brief
21 period of time?

22 A Yeah. We had a friend also had a trailer. He used
23 to come over there and stay in it sometime with us.

24 Q He would come over and stay there sometimes?

25 A Yeah.

1 Q Okay. Now, you hadn't seen him in quite a while
2 before this day; is that right?

3 A Yeah. About ten years, maybe a little longer.

4 Q Okay. So on this day -- and we're talking the day
5 before the -- you got stabbed, September the 10th of 2017?

6 A This is all in the same evening.

7 Q Same evening. So it started one day and went over?

8 A To the next day.

9 Q Okay. And so did you end up there over at that
10 trailer there?

11 A Yes.

12 Q And who all was there?

13 A Reanne, Kathy, and I think his sister was on the
14 porch when I got -- when we got there.

15 Q Whose sister?

16 A Anthony's sister.

17 Q Okay. Do you know her name?

18 A I don't know her name.

19 Q Could have been Courtney Allen?

20 A Maybe. I think so.

21 Q Did she live there or do you know?

22 A I don't know. They told me she did.

23 Q But she was there for some period of time.

24 A Yeah.

25 Q Did she leave?

1 A She left.

2 Q And was there anybody who -- in a relationship with
3 her there at any point during that night?

4 A Yeah. I can't think of his name. The Dirton guy.

5 Q Dirton. Okay. Did you know him?

6 A I didn't know -- I didn't know him.

7 Q Had you ever met him before that night?

8 A No.

9 Q Had you ever met Kathy Allen before that night?

10 A Before that night, the only one I knew was Lewis.

11 Q Was Lewis. Okay.

12 A I never -- I didn't know anyone else.

13 Q Okay. And do you know the relationship of Kathy?
14 Allen to this defendant?

15 A His mother.

16 Q It's his mother. Okay.

17 Now, you mentioned someone named Reanne?

18 A I knew her.

19 Q You knew her.

20 A Uh-huh.

21 Q How long had you known her?

22 A A few months, maybe.

23 Q Okay. Is it -- okay. And do you know her full name?

24 A I just know Reanne Talley. That's it.

25 Q Reanne Talley. Okay. Did she have a nickname?

1 A That's all I know her by, just Reanne.

2 Q Okay. You didn't know Re-re or anything like that?

3 A No.

4 Q You called her Reanne.

5 Okay. Is it fair to say, did she have a pretty
6 significant drug problem?

7 A Yes.

8 Q And was she also -- is it fair to say she was a
9 prostitute?

10 A Yes.

11 Q Okay. And she was over there that day as well.

12 A Yes.

13 Q All right. Now, had you ever met this defendant
14 before that day?

15 A Never.

16 Q Did he go by -- did you know him by the name that
17 we're using here in court today, Anthony Allen? Or what
18 name did he go by?

19 A Man.

20 Q Man. Okay. Any other variations of that? Like you
21 just heard him called Man.

22 A Uh-huh.

23 Q Is that -- you've got to say "yes" or "no."

24 A Yes.

25 Q Okay. This lady is taking down everything you say.

1 A Okay.

2 Q Okay. Now, you -- fair to say you've had some
3 struggles with drugs in your life, too; is that right?

4 A Yes, yes.

5 Q And at this particular time, were you?

6 A Yes.

7 Q Are you -- are you having struggles with that now?

8 A No.

9 Q Are you in any kind of rehab or anything like that?

10 A No.

11 Q You're not. Okay. But you have a job?

12 A I have a job, an apartment. You can't have that if
13 you're on drugs.

14 Q Okay. What kind of drugs did you have a problem
15 with?

16 A Cocaine.

17 Q Like powder cocaine or crack cocaine?

18 A Crack cocaine.

19 Q Crack cocaine.

20 And, in fact, you actually got convicted of a cocaine
21 charge.

22 A Yes.

23 Q In 2013?

24 A Yes.

25 Q It was distribution of cocaine -- crack cocaine?

1 A Yes.

2 Q Okay. Now -- okay. So you said y'all were over
3 there at that place on Holder Lane. You saw the
4 photographs of the trailer we showed right before lunch?

5 A Yes.

6 Q Is that the residence you were at?

7 A That was it, yes.

8 Q And what were y'all doing there?

9 A Well, they was doing Molly.

10 Q What is Molly?

11 A I don't know what Molly is. I just heard of a drug.

12 Q So it's a drug?

13 A It's a drug.

14 Q When you say "they," who was doing Molly?

15 A Anthony and Lewis was doing Molly. I was doing
16 crack.

17 Q Anthony and -- I'm sorry. Let me start over. You
18 said Anthony and Lewis were doing Molly?

19 A Yes.

20 Q Okay. What about you?

21 A Crack.

22 Q You were doing crack cocaine. Anyone else doing
23 crack cocaine?

24 A Reanne and Kathy.

25 Q Reanne and Kathy were doing crack cocaine.

1 All right. Now, at some point did you all end up --
2 or did some of you all leave there -- leave the trailer
3 there to go do anything or buy anything?

4 A Yes.

5 Q Okay.

6 A We didn't go buy nothing.

7 Q Okay.

8 A We left and went and got some gas, and we came back.

9 Q So who all left?

10 A Me, Anthony, Lewis and the Dirton guy.

11 Q Okay. And where did y'all go?

12 A They wanted to go rob a place, but when we got there,
13 the police was there. See, there were -- there were -- my
14 -- my -- ain't into robbery. I work, get mines another
15 kind of way, but not robbery.

16 So when we got to the Econo Lodge, the police was
17 there, so we didn't stop. And we come back.

18 So we sit around a couple hours. I may have left and
19 came back. I'm not sure. But we sat around a couple
20 hours, and Anthony asked me to take him to the store.
21 Then when we got in the car, him and Kathy got in the car,
22 he went to go rob the place again. He said, Pull back in
23 the motel.

24 So we pulled in the motel. No. He said -- he said
25 we're going to buy some stuff.

1 Q Okay.

2 A So we go back to the motel. The police is gone. He
3 said, Come on. Go upstairs.

4 I said, I'm not going up there.

5 He said, Let Reanne drive your car.

6 I said, No. He wanted me to go upstairs with them.

7 Q With who?

8 A With him and Kathy.

9 Q Okay.

10 A But I wouldn't get out of the car. I wouldn't go
11 upstairs.

12 Q Okay.

13 A And when they -- when they got in the car, Reanne
14 say, You know what they're going to do.

15 I said, No, I don't.

16 She said, Man, they're going to go there to rob the
17 people.

18 I said, I ain't with that, you know.

19 Q Okay.

20 A So he came back downstairs. And we left. They got
21 in the car. Something happened up there. I don't know
22 what happened upstairs. I don't think they robbed nobody.
23 The guy -- the people wouldn't give them the dope because
24 I think Reanne was telling me later they had no ---

25 MR. MARCHANT: Objection to hearsay.

1 THE COURT: Sustained.

2 BY MR. MOYER:

3 Q Yeah. You can't tell me what Reanne said.

4 A Okay.

5 Q All right. Let me stop you there. I want to go back
6 and ask you a few details about what you just said.

7 So did you have a vehicle?

8 A Yes.

9 Q What kind of car did you have?

10 A 2005 Ford Focus.

11 Q Is that the Ford Focus that is in all those pictures
12 that we showed?

13 A That's it.

14 Q Is that the Ford ---

15 A Yes.

16 Q --- the one that has -- full of blood and was sitting
17 on top of these rocks?

18 A That was my car.

19 Q Okay. So that was your car.

20 Now, when you all left the first time to go either
21 rob someone or buy drugs or whatever it was, who drove?

22 A I drove.

23 Q Okay. In your car.

24 A In my car.

25 Q So everybody went with you.

1 A Yeah.

2 Q And where specifically did you go?

3 A We just went from White Horse Road to Augusta Road.

4 We passed by the Economy and went back to the trailer.

5 Q And that's when you saw a police car in the area?

6 A Yes. A couple of police cars in the area.

7 Q Okay. And so you didn't stop, and you went back to
8 Holder Lane.

9 A (Nods head affirmatively.)

10 Q Then you said you went out again.

11 A I think I went to the gas station.

12 Q Went to the gas station. That was by yourself?

13 A No. One of them went to the gas station to put gas
14 in the car.

15 Q Okay. And then you went back to that hotel again,
16 you said.

17 A Later me -- me, Anthony and Kathy went back, see,
18 where I'm going to buy some dope. See, earlier Reanne
19 took them to buy some dope from the place, what I found
20 out later on. So ---

21 Q Reanne took you?

22 A Took them ---

23 Q Okay.

24 A --- to buy the dope to sell. But evidently, they
25 smoked it up because they didn't make no money. But I

1 didn't know what was going on then because I just come to
2 the scene after it happened.

3 Q Okay. Well, let's talk about what you know and what
4 you saw.

5 A Yeah.

6 Q So when you went back there the second time, who all
7 was in the car?

8 A Me, Reanne, Anthony and Kathy.

9 Q And you were driving, again?

10 A Yes.

11 Q Okay. Where was Reanne?

12 A In the backseat.

13 Q Okay. Did you see anyone with a -- did anyone have a
14 gun?

15 A I didn't see the gun at that point.

16 Q When did you see the gun?

17 A I seen the gun in the trailer.

18 Q Okay. Who had the gun when you saw it?

19 A He had the gun. He had the gun.

20 Q Anthony Allen?

21 A Yes.

22 Q Okay.

23 A As a matter of fact, he went and hid the gun
24 somewhere.

25 Q Okay. We'll get to that in a minute.

1 So back at the hotel, who got out and went up to --
2 into the hotel to ---

3 A Anthony and Kathy.

4 Q Okay. And you said they asked you to go with them?

5 A Yes.

6 Q What did you say?

7 A No. Just said, Let Reanne drive your car.

8 I said, No. Nobody drive my car.

9 Q Okay. And so you stayed in the driver's side.

10 A Yeah.

11 Q Now, when they came back from the hotel, were they
12 acting any different or ---

13 A A little.

14 Q In what way?

15 A It was like somebody must have tipped them off. They
16 know what we was coming to do. I thought I was going to
17 buy some drugs.

18 Q Did they say anything to you when they got back in
19 the car?

20 A That's what they said. Somebody must have tipped
21 them off.

22 Q Someone must have tipped them off?

23 A Yeah. They didn't open the door.

24 Q Okay. Did they have any drugs or money or anything
25 like that?

1 A I didn't see any.

2 Q Okay. So, now -- you need some water?

3 A Yeah.

4 Q Let me help you out. If you need more, just let me
5 know.

6 A It's fine. My mouth is dry.

7 Q Okay. So was this at night? Was it dark out?

8 A Yes. It was night.

9 Q By any chance, do you know how late it was?

10 A Probably 11:00 or 12:00.

11 Q Okay. So when you left the hotel -- the Economy Inn,
12 you said?

13 A Yes.

14 Q Okay. When you left there, you went back to the
15 trailer on Holder Lane.

16 A Yes.

17 Q What happened when you got back to the trailer?

18 A We were sitting there for a few minutes.

19 Q Inside?

20 A Yeah.

21 Q Okay.

22 A We stood outside for a little bit. And Lewis came
23 back. So we all being told where we been. And Lewis
24 said, Let me go ahead and see what's going on. Because I
25 didn't know if they got something or not, you know. So

1 Lewis said, They got it. I'm going in to see what's going
2 on. But evidently they didn't get it.

3 So we sit around for a while. And see, somebody
4 tipped them off. Who called? Let me see your phones.
5 They took our phones.

6 Q Who did?

7 A Anthony took our phones. Him and Lewis took -- let
8 me see the phones, let me see the phones, you know. He
9 was playing with a bunch of knives and stuff.

10 Q So you saw him with knives then?

11 A Yeah.

12 Q More than one knife?

13 A More than one.

14 Q Okay. And you were inside the trailer at this point?

15 A I was inside the trailer. That's how I got tied up
16 inside the trailer.

17 Q Now, did he take your -- he took your phone before he
18 tied you up or after he tied you up?

19 A He took our phone -- they took our phones after they
20 tied us up, I think.

21 Q Okay. Now, how did they get -- who tied you up and
22 how did you get tied up?

23 A They was there. They had the gun. They had knives.
24 What can you do, you know? You -- you be obedient ---

25 Q Okay.

1 A --- keep from getting hurt. So they put the ties on
2 our hands, put us in the middle of the living floor.

3 Q What kind of -- how did they tie you up? What were
4 you tied up with?

5 A Some plastic zip ties.

6 Q Okay. Did you see the picture of the zip ties that
7 were in the -- on the screen?

8 A Yeah.

9 Q Did they look like that?

10 A Yes.

11 Q And what room were you tied up in?

12 A It was in the middle of the living room.

13 Q Who all was there when you were tied up?

14 A Anthony, Lewis, Reanne and Kathy.

15 Q Okay. So when they tied you up -- did they tie up
16 Reanne also?

17 A Yes.

18 Q Okay. And what did they do to y'all when they tied
19 you up?

20 A They were saying, Somebody called. Let's check your
21 phone. Who called?

22 I didn't know the people in the motel. I didn't know
23 who they was, know nothing. I said, Well, I don't know
24 the people, you know.

25 Q Okay.

1 A How could I call the people and tell them y'all was
2 coming to rob them? I don't know nothing about it.

3 Oh, yeah. You did it. You did it.

4 You know, they took my phone and they started
5 punching us.

6 Q Who was punching you?

7 A He was punching me.

8 Q Anthony?

9 A Anthony was punching me, yeah. He had the knife,
10 said he was going to kill me, this and that. Said I about
11 to get his mama killed because they could have killed her
12 from -- we called the people upstairs and tipped them off.
13 He was just going crazy. I mean -- you know.

14 Q Okay. And so to make sure I heard you correctly, you
15 said Anthony hit you. Did anyone else hit you there in
16 the trailer that you remember?

17 A I had my head down. I couldn't really tell. I was
18 afraid. He had a gun and knife. I was afraid, you know.
19 You don't want to get stabbed, which I did. I almost
20 died, you know.

21 Q So Lewis and Kathy were there also when this was
22 taking place?

23 A Yes.

24 Q Okay. What about the Dirton fellow, the Dirton guy?
25 Was he in there?

1 A Yes. He was there.

2 Q Okay. Who had the gun?

3 A I think the gun belonged to the Dirton guy.

4 Q Not who it belonged to, but do you remember who was
5 holding it?

6 A Anthony had the gun.

7 Q Anthony had the gun.

8 And you saw him with -- and he had knives also?

9 A Yeah. I think -- the gun was passed back and forth,
10 you know.

11 Q Okay.

12 A So it's kind of -- you know, I was high ---

13 Q Yeah.

14 A --- been drinking. So, you know, just -- it was just
15 crazy. But ---

16 Q Yeah. And so what did -- what did Anthony, if
17 anything, say to you while you were tied up there inside
18 the trailer?

19 A He said he was going to kill me.

20 Q Did he say why he was going to kill you?

21 A Yeah. See, you almost got my mama killed. Could
22 have killed my mama. You could have got us killed. You
23 called up there. Somebody called up there.

24 I said, I didn't call up there.

25 Q You told him you didn't call up there?

1 A Yeah. He -- he just was out of it. He went to not
2 understanding about anything.

3 Q Did you say -- what did he say, if anything, when you
4 told him that you didn't call and tip those people off?

5 A He said so many different things. It was just -- it
6 was just crazy, you know.

7 Q Okay. Now, did you end up staying there in the
8 trailer?

9 A No. When -- after that, somebody -- when they was
10 beating us in another room, somebody knocked on the door,
11 they opened the back door and I think it didn't have any
12 steps to it. We jumped down. They pushed me out the
13 door. And I'm guessing that the people in the front door,
14 when the people in the front door -- took me to the car --
15 took us to the car.

16 Q All right. Did you see who -- did you know who these
17 other people were?

18 A I didn't get to see them.

19 Q Okay. You didn't see them. You just heard them.

20 A Uh-huh.

21 Q So then they took you ---

22 A They -- they knocked. The people knocked on the
23 door. And so wait a minute. Open that door, open that
24 door. They got us out there. Get on through there,
25 pushing -- punch me, push me out the back door. And I

1 don't think there's steps on the back. They push me out
2 the door. I guess they let the people in. When they let
3 the people in, they went to the car. They took me to the
4 car.

5 Q Okay. They took you to whose car?

6 A My car. They took the keys and drove. Lewis got in
7 the car, Reanne got in the car, and we drove off from
8 there.

9 Q Okay. So who all -- who all is in the car then when
10 you drove off?

11 A Me, Lewis, Anthony and Reanne.

12 Q And who was driving?

13 A Anthony.

14 Q Okay. Were you still tied up?

15 A Yes.

16 Q Were you still tied with zip ties at this point or
17 had they ---

18 A Yes.

19 Q Okay.

20 A It was dark, so -- you know.

21 Q Yeah. So it's pretty late at this point.

22 A Uh-huh.

23 Q Where was Reanne?

24 A She was in the back behind me.

25 Q Okay. And Lewis was behind Anthony?

1 A Uh-huh.

2 Q All right. Did anybody have a gun or knife at this
3 time?

4 A I don't think I seen the gun anymore, but the knives,
5 that's why I got most of stab wounds. That's why I got
6 all of my stab wounds.

7 Q Okay. So you weren't stabbed back at the trailer?

8 A No. I was just beat back there.

9 Q You were just beat there. Okay.

10 So did you go very far before you started getting
11 stabbed?

12 A It wasn't too far. Probably less than a mile.

13 Q Was it -- we'll take a minute.

14 (Interruption in proceedings.)

15 BY MR. MOYER:

16 Q Okay. So you said you didn't go very far. And then
17 did the car keep driving or did it stop? Or what
18 happened?

19 A It stopped on a dark road.

20 Q On a dark road. Were there houses where you stopped?

21 A Probably some houses on up the road a little bit.

22 Q Okay. But not where you were.

23 A But the part of the road we stopped was black, dark.

24 Q Okay.

25 A I think it was a couple houses we passed on the road.

1 I couldn't tell you the name of the road or anything like
2 that, but it wasn't far from the trailer we was at.

3 Q And when you stopped, what happened when he stopped?

4 A He said he's going to kill me, and he stabbed me.

5 Q Is that when he started stabbing you?

6 A Uh-huh.

7 Q Where were you seated in the car?

8 A On the passenger's side. My head was tied to the
9 headrest. My seat, I was in a choking position with my
10 head straight up like this (demonstrating). He took the
11 belt and tied my head up to the seat.

12 Q Okay. And you saw -- in the picture you saw the belt
13 that was tied to the rail?

14 A Uh-huh.

15 Q Is that what was used to tie you up?

16 A I think so. It was dark. I couldn't tell.

17 Q Okay.

18 A But I know it was a belt tied around my neck. I knew
19 that.

20 Q Do you remember when they tied you to the seat?

21 A My hands was tied. When I got -- when I got
22 stabbed, they tied my head. They made Reanne tie one
23 thing around my neck, then they tied something else around
24 my neck.

25 Q Okay. Now, you saw that other belt, the brown belt

1 that has the butterfly. Whose belt was that?

2 A I'm not sure.

3 Q You don't know. Was that used to tie you up also?

4 A Yes.

5 Q Is that the one belt that was used by Reanne to hold
6 you?

7 A I'm not sure which one of the belts. I know I was
8 just tied up. I was scared, I'd been stabbed, kept
9 getting stabbed. I was -- I was afraid, man. I was
10 begging God for my life, you know.

11 Q Out loud?

12 A Out loud.

13 Q Did you talk to Anthony?

14 A Yes.

15 Q What did you say to Anthony?

16 A I said, Please don't kill me, man.

17 I'm going to kill you.

18 Q What did he say?

19 A He was saying all kind of crazy stuff.

20 Q What kind of stuff?

21 A I mean, I -- I can't recall. It was so much stuff
22 going on, and I'm bleeding, I'm in pain, and he went to
23 stab me.

24 Q Okay. Now, did Reanne on her own hold you with a
25 belt or did someone tell her to?

1 A They made her -- they made her hold. Told us if you
2 let it go, if you're doing -- they was talking about
3 killing her, too.

4 Q Who was saying that?

5 A Anthony was saying it. He pretty much ran the show
6 about everything, you know. Like I think they was afraid
7 of him, too.

8 Q Okay. Let me ask you this. This might be a good
9 time to ask. You're aware that Lewis Allen has pled
10 guilty, right?

11 A Yes.

12 Q And he's going to testify in this case?

13 A Yes.

14 Q And you know he's been given a plea bargain to do
15 that?

16 A Yes.

17 Q We talked about that. Are you in agreement with
18 that?

19 A Yes.

20 Q We talked about that before we did it?

21 A Yes.

22 Q And why do you agree to the plea bargain for ---

23 MR. MARCHANT: Your Honor, I'm going to object. I'm
24 not sure where this is going or why this was relevant to
25 the testimony. I don't know if a side bar or ---

1 THE COURT: Mr. Moyer, y'all want to step up? Okay.

2 (WHEREUPON, a bench conference was held off the record.)

3 BY MR. MOYER:

4 Q Okay. So you are in agreement with the plea
5 negotiation that we made with Lewis Allen?

6 A Yes.

7 Q Okay. And a minute ago you said that they seemed
8 scared of Anthony Allen?

9 A Yeah.

10 Q Who did?

11 A Lewis seemed a little afraid of him, too. I mean,
12 they all seemed -- everybody seemed like they was afraid
13 of him.

14 Q Lewis did hit you though, right?

15 A Yes.

16 Q Now, what about stabbing? Do you know if he stabbed
17 you or not?

18 A Anthony was saying, Ooh, this feel good. Oh, man, it
19 feel good to stab somebody. I can't use the words that he
20 used, but he was saying, It feels so good. Stab him. You
21 better stab him.

22 And he was like -- Lewis was so high he was like,
23 What's going on, man? What are you doing?

24 Stab him, I say. You know, when he screamed at him,
25 he had to do something.

1 Q Okay. Now, was this when you were in the car?

2 A Yes.

3 Q And so Lewis was behind you.

4 A Yes. He was behind -- he was sitting behind him.

5 Q Okay.

6 A Take this knife and stab him. I remember that. Got
7 to him after that. I had bled so much I started going
8 out. I think he was stabbing me and I was just out of it.
9 At one point he got in the car and went around the
10 passenger's side and opened the door and stabbed me in my
11 side.

12 Q We'll get to that in just a minute.

13 So do you know whether or not Lewis stabbed you or
14 not when Anthony was telling him to?

15 A Not really, but I think he did.

16 Q Okay. But you couldn't see.

17 A I couldn't see. It was dark.

18 Q Okay. All right. So did Anthony Allen stay in the
19 car?

20 A No. He got out.

21 Q And what happened when he got out of the car?

22 A He walked around to the passenger's side.

23 Q And what happened? What did he do when he got to the
24 passenger's side?

25 A He opened the door. He was talking. Don't remember

1 what he said. At that point I had lost a lot of blood. I
2 remember he stabbed me in my side, and they walked back
3 around.

4 Q Now, we saw you have -- you have ---

5 A After we left there, after -- I don't remember
6 nothing. I don't even remember how the car got up on the
7 bricks. When I seen this, I don't remember that. I was
8 -- I was pretty much out of it.

9 Q Right. So you have stab wounds on your right arm
10 also. Is that when you got the stab wounds to that side,
11 when he got out?

12 A Uh-huh.

13 Q You've got to say "yes" or "no."

14 A Yes, yes.

15 Q Okay. Now, you mentioned also a stab wound to your
16 neck.

17 A I have a stab wound back here (indicating) on my
18 neck. I remember this one. It was something along this.
19 He pushed in my neck and pushed, it went down my back to
20 about here (indicating). I still have problems with that
21 now.

22 Q Okay. Did he do it really quickly?

23 A No. He did it slowly. He pushed it, and then he
24 just pushed back, telling me how good it feels. Man, this
25 feel good to stab somebody. Man, it's a great feeling,

1 you know.

2 From the first time he stabbed me, he was talking
3 about how good it feel. He was telling Lewis stabbing me,
4 you don't know how that feel. Feel good to stab somebody.
5 Ain't nothing feel that good.

6 Q Did you say anything to him when you ---

7 A Please don't kill me, man. Please don't cut me, man.
8 Don't stab me. That's all I could say. I was begging God
9 for my life.

10 Q Out loud?

11 A Yes.

12 Q Did he say anything while you were doing that?

13 A Don't beg God now. Don't beg God. You're trying to
14 get us killed.

15 Q Now, do you know if they were doing anything to
16 Reanne?

17 A They did -- they did stuff to Reanne, too.

18 Q I mean, were they hitting her or doing anything?

19 A Yeah. They hit her, too. They hit her.

20 Q Did they stab her, that you saw?

21 A No. They didn't stab her.

22 Q Okay. All right. Now, you said a minute ago that
23 you -- did you feel like you were losing consciousness?

24 A Yes.

25 Q Do you even remember -- do you even remember going

1 back to Holder Lane after you were being stabbed?

2 A Hu-uh. I don't remember.

3 Q You don't remember.

4 So while you were stopped there and you started --
5 you were getting stabbed and you -- as you told us, you
6 were begging for your life, what is the next thing you
7 remember after things went hazy?

8 A I don't remember the car getting up on the rocks.

9 Q You say you don't remember?

10 A I don't remember that.

11 Q Okay.

12 A The next thing I remember after I probably passed
13 out, I remember the ambulance driver talking to me.

14 Q Okay.

15 A I remember that.

16 Q Now, do you have any memories of those ---

17 A I remember somebody came and was talking to us.
18 Please don't kill me. Please. Somebody cut the belt off
19 my neck because I was -- I knew I had a belt around my
20 neck. And I said -- I asked somebody that was in the
21 hospital, I don't know if I asked the officer, said it was
22 a belt around your neck. But I knew somebody came and cut
23 that belt off around my neck.

24 Q This was before the ambulance came.

25 A Yes.

1 Q Okay. Was it police officers or anything like that?
2 Or what do you ---

3 A I don't remember. I was out of it. The only thing I
4 remember from that -- from that point on, the ambulance
5 driver woke me up.

6 Q Okay.

7 A I was in the ambulance, and he was talking to me.

8 Q Do you remember anything about your phone being used
9 to call 9-1-1?

10 A I don't remember.

11 Q Was that your phone in the backseat of the car?

12 A That was my phone. I think so.

13 Q So you don't remember. And do you -- you say you
14 have a vague memory of someone cutting the belts off of
15 you?

16 A Uh-huh.

17 Q Yes?

18 A Yes.

19 Q Do you remember if it was a man or a woman?

20 A Don't remember.

21 Q You don't remember?

22 A Not sure. Not sure.

23 Q Okay. So there was a gas can found outside the car.
24 Do you recognize that gas can, that red gas can?

25 A That was my gas can.

1 Q Had it been in the car?

2 A Yes.

3 Q Where was it?

4 A In the trunk of the car.

5 Q Do you know how it got out of the trunk?

6 A No.

7 Q Do you remember anyone, either Anthony or Lewis or
8 anybody having the gas can at any point during that
9 evening?

10 A I don't remember, no.

11 Q You don't remember that?

12 A No.

13 Q Okay. But that is your gas can.

14 How about the -- what was stuffed in the gas ---

15 A In the tank I seen?

16 Q --- tank?

17 A I'm not sure who thing was that either.

18 Q Okay.

19 A It might have been something I had in the trunk, too.

20 It might not have been. I know ---

21 Q Do you know what you were wearing that day?

22 A I was wearing blue jeans, tennis shoes and a shirt.

23 I don't recall what kind of tennis shoes or shirt. It's
24 been so long ago.

25 Q Yeah. Those shoes that are in the backseat, are they

1 yours? The tennis -- are they your shoes?

2 A The blue ones, maybe they could have been mine, the
3 blue ones. I think they were mine.

4 Q Okay. So you went from there to the hospital. You
5 told us you stayed in the hospital for a few days. Is
6 that where officers came -- do you remember officers
7 coming to talk to you?

8 A Yes.

9 Q Were you out of it?

10 A Kind of out of -- I was sedated a lot for pain. I
11 was kind of out of it, but I kind of remember them talking
12 to me.

13 Q Okay.

14 A I was in and out.

15 Q And do you remember telling this investigator about
16 Reanne being involved, being there also?

17 A Yeah.

18 Q That was a yes?

19 A Yes.

20 Q Okay. You did tell him about Reanne?

21 A I think I did.

22 Q And you never saw whatever happened to her after you
23 went unconscious in the car, right? Did you ever see her
24 again throughout that ordeal?

25 A I seen -- I seen her a couple of times after that,

1 after I healed.

2 Q After that. But I mean after you -- after you passed
3 out and then when you woke up in the car, was she there or
4 was anyone else there in the car?

5 A I don't remember getting out of the car. I just
6 remember the ambulance, the guy in the ambulance. I
7 didn't see -- I know one time they opened the door and
8 they made her come over there and did some sexual things
9 to her. And one of them I remember slapping her around.

10 Q No. I mean after they left and left you there.

11 A I didn't see nobody else.

12 Q You don't know what happened.

13 A I don't even remember them leaving. I was passed
14 out, I guess. I don't . . .

15 Q All right. Where in the trailer did they have you
16 tied up?

17 A In the living room.

18 Q I'm going to show you State's Exhibit Number 90. Is
19 that kind of the area around where ---

20 A That's the area right there (indicating). Probably
21 in the middle of the floor right there.

22 Q Where those two big brown chairs were?

23 A Yes.

24 Q And that's where you and Reanne were?

25 A Yes.

1 Q Did they -- what all did they have tied up? Your
2 hands? your feet?

3 A My hands. They made us get on our -- on our knees,
4 put our hands behind our back ---

5 Q Okay.

6 A --- put your face down in the floor.

7 I was afraid. I was afraid. Things was going so
8 quickly and so fast, and they had knives and guns. I was
9 scared. I was scared for my life, you know. I pleaded
10 and I begged for my life, and it got worse. It seemed
11 like the more I beg and plead for my life, it got worse.

12 Q Did you get your car back?

13 A Yeah. I got it back. But I didn't want it anymore.

14 Q What did you end up doing with it?

15 A I got rid of it. I had it crushed. There was so
16 much blood and stuff in it. I went and got it back, had
17 it crushed.

18 Q You got your phone back from Investigator Maltby,
19 right?

20 A Yes.

21 Q Now, at one point when you were speaking to
22 Investigator Maltby about what happened, did you -- when
23 you were giving a description of Anthony Allen, did you
24 tell Investigator Maltby how old he was?

25 A Yes.

1 Q Do you remember what you said?

2 A 24.

3 Q And how did you know that?

4 A He was talking about it.

5 Q You talked about his age?

6 A Uh-huh.

7 Q Do you remember why or how he ---

8 A You know, before -- before this talking about robbing
9 people and stuff, we sat down, had a pretty good
10 conversation, you know. I didn't -- I didn't know I knew
11 him from that night. And I met him through his uncle
12 Lewis because I had known Lewis. I thought he was a
13 pretty good kid. I ain't know he was like he is, you
14 know.

15 Q So there was a period of time where y'all were just
16 talking?

17 A Yeah. We talked. That's how I found out his age,
18 and he was telling someone his age. We talked for a
19 little while.

20 Q Okay.

21 A I thought he was an all right guy, but things change
22 (gesturing) like that.

23 Q After you came back from the hotel.

24 A Yeah. After we came back from the hotel.

25 Q That's when everything changed.

1 When you were talking to the investigator about
2 Reanne and telling him who she was and all, did you use
3 your phone or anything to find her name or to ---

4 A Yeah.

5 Q --- any information like that?

6 A Uh-huh.

7 Q You had her number in your ---

8 A Had her number in my phone, yeah.

9 Q And her name?

10 A Yeah.

11 Q Okay.

12 A But I had it up under Reanne.

13 MR. MOYER: You had it under Reanne. Okay.

14 Please answer any questions defense may have.

15 THE COURT: Mr. Marchant?

16 CROSS EXAMINATION

17 BY MR. MARCHANT:

18 Q All right. Mr. Watkins, let me make sure I've
19 followed kind of the events as you recalled them that
20 evening. You connected with Lewis at some point in time
21 that evening, right?

22 A Yes.

23 Q And you know Lewis because you used to live with him
24 or he stayed with you and a friend ---

25 A Yes.

1 Q --- some years ago. That's right?

2 A Yes.

3 Q Okay. Where did you first see Lewis that evening?

4 A In Donaldson Center.

5 Q Was it somebody's house at Donaldson Center?

6 A Somebody's -- somebody's house.

7 Q Do you remember whose house it was?

8 A Yes.

9 Q Whose house was it?

10 A We call him Wimpy. All I know.

11 Q Wimpy?

12 A Wimpy, yeah.

13 Q What does Wimpy look like?

14 A He's an older guy. He's about 66 years old, 65 years
15 old. I been knowing him for a long time because I lived
16 in Donaldson.

17 Q What goes on at Wimpy's house?

18 A They smoke crack at Wimpy's house.

19 Q Did you tell Investigator Maltby ---

20 A Yeah. He knows that.

21 Q --- what goes on at Wimpy's house?

22 A He knows that, yeah.

23 Q I understand he ---

24 A Yeah, yeah. He know. I told him.

25 Q You told him?

1 A Yeah.

2 Q Okay. When you were at Wimpy's house, how did you
3 get to Wimpy's house?

4 A In my car.

5 Q Okay. Same car we talked about.

6 A Yes.

7 Q Did anybody come to Wimpy's house with you?

8 A No.

9 Q How did Lewis get to Wimpy's house if ---

10 A They was there when I got there. They was all
11 outside. And I pulled up in the yard, and he hollered at
12 me like he glad to see me, you know.

13 Q Who was Lewis with, if you know?

14 A He was with his nephew. They was together.

15 Q Was there anybody else with him?

16 A Not that I know of.

17 Q Do you know what sort of vehicle they were driving or
18 how they got there?

19 A They was driving a Rendezvous, a big SUV. I guess --
20 I don't know the name of the car, but it was a Buick. I
21 know that.

22 Q You don't know the name of the car, but it's a what?

23 A It's a Buick. It's like a ---

24 Q A Buick.

25 A Yes. A Buick.

1 Q A Buick SUV.

2 A Yeah. It wasn't a car. It was like a little Jeep
3 like . . .

4 Q Do you recall what color it was?

5 A Maybe blue, maybe like a sky blue. I'm not sure.

6 Q What time of the day was it when Lewis -- and do you
7 know Lewis by another name?

8 A Boss.

9 Q Okay. What time is it that Boss and you connected at
10 Wimpy's?

11 A Maybe 5:00 or 6:00.

12 Q The sun's still up.

13 A It was daylight.

14 Q Do you recall whether it was warm or cool?

15 A It was warm.

16 Q You believe you were wearing jeans that evening?

17 A Yes.

18 Q You saw the photos of the jeans that were in the
19 front seat of the car.

20 A Yes.

21 Q Were those yours?

22 A Yes.

23 Q Do you recall whether you were wearing a short-sleeve
24 or long-sleeve shirt?

25 A It might have been a short-sleeve shirt.

1 Q Do you recall whether or not it was cool enough to
2 have a jacket on?

3 A I don't think so.

4 Q And do you remember what Boss was wearing?

5 A Don't remember.

6 Q You don't know?

7 A Don't remember.

8 Q Did you ever tell Investigator Maltby what he was
9 wearing?

10 A Don't remember. It's been a long time ago. Details
11 like that, I can't tell you every detail like what you're
12 asking me because I don't remember that. That's been a
13 couple of years ago.

14 Q Do you remember what my client, Mr. Allen, was
15 wearing?

16 A No, I don't.

17 Q You talked about using crack cocaine that evening.
18 Were you smoking at Wimpy's at 5:00?

19 A Yes.

20 Q Had you worked that day?

21 A No. Not that day.

22 Q Were you working at that time?

23 A Yes, I were.

24 Q Okay. What sort of work were you doing back then?

25 A I was driving a forklift for Muffin Man.

1 Q How long have you been working at Muffin Man?

2 A Over a year.

3 Q How many hours you put in a week at Muffin Man?

4 A Probably 55.

5 Q How much you get paid an hour?

6 A I was making \$11.50 an hour.

7 Q Just some basic math, if you will. If you were
8 getting paid \$10.00 an hour, I know you said you were
9 making \$11.00, you were getting \$10.00 and you work
10 55 hours, that would be 550 bucks, right?

11 A Exactly, yeah.

12 Q So \$11 would be a little bit more than \$550, whatever
13 that number is, right?

14 A Yes.

15 Q Okay. You work anywhere else?

16 A No.

17 Q Were you supplementing your income in any way at that
18 time?

19 A What do you mean?

20 Q Were you selling drugs?

21 A No.

22 Q But you had previously sold crack cocaine ---

23 A Yes, I have.

24 Q --- in 2013, right?

25 A Yes.

1 Q Okay. Your expenses at that time, where were you
2 living?

3 A At that time?

4 Q Yeah.

5 A Back in 2013?

6 Q No, sir. I'm sorry. When this happened back in
7 September of 2017, where were you living?

8 A On Whitmire Lane.

9 Q And who were you living with?

10 A My wife.

11 Q Did she work?

12 A No. She retired.

13 Q Do you own the house?

14 A No. We rent.

15 Q How much did you pay for rent?

16 A \$700 a month.

17 Q So your wife wasn't working.

18 A She get -- she retired. She get a check for \$2,500 a
19 month.

20 Q Where did she retire from?

21 A 3M.

22 Q I'm sorry. I didn't hear you.

23 A 3M.

24 Q Okay. And you worked 55 hours a week at \$11.00 an
25 hour.

1 A Yes.

2 Q All right. So you're smoking crack at Wimpy's, and
3 Boss shows up with my client. Nobody else showed up with
4 him?

5 A He was there when I got there.

6 Q He was there when you got there.

7 A Yes.

8 Q All right. Very good.

9 So when you show up, who else is in the yard besides
10 Boss and my client?

11 A It was a lot of people there. It was a lot of people
12 in the yard. I can't recall who all was in the yard. I
13 know I was there, Boss was there, Anthony was there,
14 Reanne was there, Wimpy was there, and more people was
15 there. So I can't tell you who all it was.

16 Q Okay. But you named about six were there.

17 A Yes.

18 Q Twice as many as that, or three times as many as
19 that?

20 A Probably three or four more people, five more people.

21 Q So ten or 12?

22 A Yeah. Maybe.

23 Q Did you know the other people that were there?

24 A I knew a couple of them.

25 Q But don't know their names.

1 A I can't just recall. When you go to places like
2 that, be so many people that you know, you know, it's just
3 common. You don't just really think about who all was
4 there. Think about it. You know them, but, you know,
5 you're getting high, you don't really pay that much
6 attention to it. Just . . .

7 Q So when you got to Wimpy's, who did you buy the crack
8 from?

9 A I didn't buy no crack.

10 Q Okay. You had it with you and brought it over there?

11 A No. I didn't have any.

12 Q Okay.

13 A You know, you got -- in the drug game, people get you
14 something that hurt you all the time. So, you know, if
15 you go and you ain't got nothing, sometime might go out to
16 my house and I give him. So . . .

17 Q Somebody give you some that day?

18 A Yeah. They give you -- give you a hit. They'll give
19 you a hit, because they know some day you're going to have
20 something and you're going to give them one.

21 I didn't buy any crack and I didn't bring any crack
22 with me at that time.

23 Q So you're saying you only took one hit of crack?

24 A Oh, matter of fact, Lewis gave me some crack.

25 Q I'm sorry. If you'll answer my question first and

1 then you ---

2 A I was trying to. I had to think because you asked me
3 a question. I had to think.

4 Q All right. So you only -- you didn't have any with
5 you, and so somebody gave you some.

6 A Lewis gave me some crack.

7 Q Lewis gave you some.

8 A Yes.

9 Q Okay. How much did he give you?

10 A He gave me about a 20.

11 Q Okay. And when you say "a 20," \$20 worth? Two hits?

12 A Maybe three.

13 Q Maybe three.

14 So did you smoke all of it at that time at Wimpy's?

15 A Probably gave some of it away. I probably took a hit
16 of it.

17 Q What else had you been drinking?

18 A Beer.

19 Q Okay. What kind of beer you drinking?

20 A I drink a beer. I wasn't driving and drinking a beer
21 at that time. When I got -- when I -- when I went there,
22 I left home and went there. I was just riding, and I was
23 riding through, and I seen them and I pulled in the yard.
24 It just started. I been smoking crack all day because I
25 didn't smoke crack. I had a job I had to go to every day.

1 You can't work every day and smoke crack all day.

2 Q Did you bring the beer with you to Wimpy's or
3 somebody at Wimpy's gave you the beer?

4 A I got a beer at Wimpy's.

5 Q Okay. A regular 12 ounce beer? Or was it a tall boy
6 or a 40?

7 A I don't remember. I know it was just a beer. I
8 don't remember.

9 Q Do you know what kind of beer it was? Budweiser?

10 A I don't remember that.

11 Q OE?

12 A I don't remember. It was just a beer.

13 I don't -- when you in the streets like that, you
14 don't just think about the questions that you're asking
15 me, is it a 12 ounce, is it 30 ounce. You don't think
16 about it. You just drink it, you know. You don't think
17 about stuff you're asking me, the small details. Because
18 you're in the streets, you know, you're in what we call
19 the hood. You don't go into details like that.

20 Q Okay.

21 A I'm just being honest, you know.

22 Q I'm with you. That's why we're here. We want the
23 truth.

24 A Yeah.

25 Q You've got to be honest and give the truth.

1 A So I can't ---

2 Q All right. So you smoked at least one hit, maybe
3 two.

4 A Maybe two.

5 Q Had at least one beer, maybe two?

6 A Can't really tell you that. I don't know. I don't
7 remember. But I know I drank some beer and I smoked some
8 crack. I can't tell you how many hits I took or how many
9 beers I drank, but I did.

10 Q And you left from there and went to the trailer?

11 A Yes. As a matter of fact, I had it right now about a
12 couple of hours before I went to the trailer. Me and
13 Lewis sit on the porch and we talked, we talked about old
14 times, you know. We just sit around. It's pretty nice
15 outside. For us to be outside, it had to be kind of warm.
16 We sit around, we talked. We talked about old times.
17 Just -- we just what we call sit around and kick it for a
18 while, you know. We sit around and have conversation, but
19 we call it "kicking it." We conversated for a while.

20 Q How long do you think you sat around and talked on
21 the porch before you went back to the trailer?

22 A Not sure.

23 Q To the trailer for the first time. Excuse me.

24 A I'm not sure. As a matter of fact, it was dark. I
25 think they left before I did, and they told me how to get

1 to the trailer. I went over there.

2 Q Okay. So when they left, do you remember who left
3 with them?

4 A I'm not sure. Again, I don't ---

5 Q If you don't remember, that's okay.

6 A You don't -- you don't pay too much attention, you
7 know, because you didn't -- I didn't expect none of this
8 to go on. So I wasn't paying attention who left with them
9 and who came with them or none of that because -- you
10 know.

11 Q At some point in time it's now dark, and they have
12 told you how to get to the trailer ---

13 A Yes.

14 Q --- over in Dixie Estates.

15 A Reanne called me to pick her up, really. When I got
16 over there, they said, Come on inside. Oh, you're all
17 right. Come on inside.

18 Q Okay. So you went to the trailer to pick up Reanne?

19 A Yes.

20 Q How does Reanne have your number?

21 A I know Reanne. She have my number. I have her
22 number. I've been knowing her for so much, like I said.
23 I gave her my number.

24 Q Okay. Well, you've answered some questions about her
25 being a prostitute. Did you use her services from time to

1 time?

2 A No. I may have, you know. But I used to take her on
3 dates sometimes. She'll call me. She'll pay me to take
4 her somewhere. If I was off work, she's, Hey, man, I've
5 got \$20 for you. Take me over here and pick me up in an
6 hour. I did it for 20 bucks, yeah.

7 Q So you're a pimp?

8 A No. I'm not a pimp. Not a pimp.

9 Q You carrying her somewhere to do something for
10 someone.

11 A You know, I didn't ask questions. She said, I got
12 \$20 for you. Take me over there and pick me up in an
13 hour. I give you \$20. I ain't ask no questions. I just
14 wanted the money.

15 Q All right. So at some point in time, Reanne calls
16 you to come pick her up at this trailer on Holder.

17 A Yes.

18 Q And you went over there by yourself ---

19 A Yes.

20 Q --- to pick her up.

21 A Yes.

22 Q So you get to the trailer. Is she at the trailer?

23 A Yes. She was there.

24 Q And also at the trailer is Boss?

25 A Yes.

1 Q My client?

2 A Yes.

3 Q Kathy Allen?

4 A Yes.

5 Q Courtney Allen?

6 A Yes. She was on the porch when I got there.

7 Q And Mr. Dirton.

8 A He wasn't there. He came later.

9 Q He came later. Were you present when he showed up?

10 A Yes.

11 Q When he got there, did he come by himself or with
12 anybody else?

13 A I can't tell you that. When he came in, he was by
14 himself. I don't know who he came with or who brought him
15 or did he drive. He just came in the door by himself.

16 Q When you're at the trailer on Holder, are you smoking
17 and drinking some more?

18 A Smoke a little bit.

19 Q Boss give you that?

20 A I think I might have gotten it from Anthony. I'm not
21 sure.

22 Q And so ---

23 A Because we was talking a little bit. Like I say, he
24 seemed like he was a pretty good guy, you know.

25 Q So at some point in time, you testified that you went

1 to the Economy Inn. And it was you, Boss, Dirton and my
2 client.

3 A Yes.

4 Q And you're going to the Economy Inn to buy some
5 crack.

6 A Yes.

7 Q When you get to the Economy Inn, the police were
8 there.

9 A No. That's the second time the police was there.

10 Q All right. So ---

11 A The first time when the police were there. The
12 second time, we was going to buy some crack. This is what
13 they told me.

14 Q Let's back up. Let's talk about the first time.

15 A Okay.

16 Q First time.

17 A Okay. First time.

18 Q You driving your car.

19 A Yes.

20 Q Boss, yes or no?

21 A Yes.

22 Q Who else?

23 A The first time, Boss, myself, Anthony and the Dirton
24 guy.

25 Q And you went to the Economy Inn the first time.

1 A We didn't go to the Economy Inn. We rolled by the
2 Economy Inn. Boss -- that's when we kept going.

3 Q But you were going to the Economy Inn to buy some
4 crack.

5 A Yeah. We was going to the Economy Inn. At least I
6 thought we was going to buy some crack.

7 Q And that discussion about where to go ---

8 A They all went back to ---

9 Q Wait a minute. Wait a minute. Follow me.

10 A Okay.

11 Q Just hang on and follow me.

12 The very first time y'all go to the Economy Inn, you
13 drive in your car, right?

14 A Right.

15 Q You're in control of the car.

16 A Yes.

17 Q How do you know where you're going and why you're
18 going where you're going?

19 A Because he's telling me.

20 Q So you're at the trailer, and they ask you to take
21 them to the Economy Inn.

22 A Yes.

23 Q And who asked you to take them -- take you to the
24 Economy Inn? Whose idea was it? You don't remember, you
25 don't remember.

1 A I don't remember.

2 Q Okay.

3 A I was high. We was riding. We was just riding, you
4 know. Go back to the Economy Inn, we riding, you know. I
5 don't -- like I said, what you asking me, the details like
6 that I don't -- I don't know. Just like -- just like now.
7 When you leave here, you're going to get in your car.
8 You're going to ride. You don't know if you're going
9 straight home or not. You might make a stop or two. You
10 don't -- you don't know. Somebody might call you.
11 Somebody might call you and change your mind about going
12 home. So the same way with me.

13 Q But you left the trailer to go to the Economy Inn the
14 first time.

15 A Yes.

16 Q You get over to that general area, wherever the
17 Economy Inn is.

18 A Yes.

19 Q And you see the police.

20 A Yes.

21 Q So you don't stop.

22 A Yes.

23 Q You come back to the trailer.

24 A Yes. You know why? Because I'm not going to pull up
25 in the Economy Inn if they've got dope in their pocket and

1 stuff. Because they -- if you know an area of town, you
2 wouldn't pull up in it either if you had drugs in your
3 pocket. I'm not going to pull up in there and get
4 searched and go to jail. That's what you're thinking. So
5 I'm -- like you say, I'm in control of the car. I'm not
6 pulling up in there.

7 Q I'm just trying to follow the timeline here, okay?
8 And I'm with you. I don't want no trouble from the police
9 either.

10 All right. You come back to the trailer.

11 A Yes.

12 Q You're still driving.

13 A Yes.

14 Q You hang out in the trailer for a little bit, and
15 somebody wants you to take them to the gas station.

16 A Yeah. I needed gas. I wanted to go to the gas
17 station, go put some gas in the car. That's what I'm
18 thinking.

19 Q You leave the trailer with who?

20 A Me, Anthony. When we went and got the gas, it was
21 me, Anthony and Lewis when we got the gas. No. Me and
22 Anthony only got the gas. I think he put the gas in the
23 car. And we came back to the trailer, and Lewis came in.

24 Q Okay. Hang on. You go to the gas station. What gas
25 station do you go to?

1 A Spinx.

2 Q Where is the Spinx that you went to?

3 A On White Horse Road and 85. It's close to the
4 trailer.

5 Q Did you tell Investigator Maltby that?

6 A I'm not sure. Probably did.

7 Q You go to the gas station, put gas in the car. Did
8 you go inside the gas station or did you pay at the pump?

9 A I'm not sure. I know I got gas. I'm not ---

10 Q And then you come back to the trailer.

11 A I don't remember every little detail just like that.
12 Just I go to the gas station.

13 Q Got gas at the Spinx, White Horse ---

14 A I know I got gas.

15 Q Okay. Let's don't talk over each other ---

16 A Okay.

17 Q --- so she can take all this down.

18 Gas at the 85 and White Horse, and then back to the
19 trailer.

20 A Yes.

21 Q You get back to the trailer, hang out for a little
22 bit, right?

23 A Uh-huh.

24 Q You've got to ---

25 A Yes, yes.

1 Q Hanging out for a little bit. And then somebody
2 wants to go back to the Economy Inn.

3 A Yes.

4 Q And that person is you, and Kathy, my client, and
5 Reanne.

6 A Yes.

7 Q You're driving.

8 A Yes.

9 Q Your car.

10 A Yes.

11 Q So you go back to the Economy Inn. Who's sitting in
12 the front passenger's seat?

13 A Anthony.

14 Q Who's behind you?

15 A No. Was he sitting there? I don't know if Kathy was
16 in the front seat. I don't remember. I don't remember.
17 I know -- I know -- I just can't recall who was sitting in
18 the back or the front. I don't know. I'm not sure. Like
19 I said, it's been two years ago. I don't know.

20 Q But you do make it to the Economy Inn.

21 A Yes.

22 Q And do you remember where the Economy Inn is located?

23 A Yes.

24 Q Where is that Economy Inn?

25 A On Augusta Road.

1 Q Did you tell Investigator Maltby you went to the
2 Economy Inn on Augusta Road?

3 A Yes.

4 Q At the Economy Inn, you say Kathy and my client get
5 out of the car.

6 A Yes.

7 Q And go into the motel.

8 A Yes.

9 Q And then you have some sort of conversation with
10 Reanne.

11 A Yeah. She said -- you ask me ---

12 Q Wait, wait, wait.

13 A Okay. Yes.

14 Q And as a result of that conversation, you believe
15 that my client and Kathy were going in to rob somebody.

16 A Yes.

17 Q So they're in the motel, and you're in your car.

18 A Whoa. Back up now. You crossed me up. Back up. He
19 told me he was going to buy some dope. But when we got
20 there, Reanne said, You know what they're going to do? I
21 said that a few minutes ago.

22 Q That's exactly what you said. I'm not trying to
23 cross you.

24 A Okay.

25 Q You and Reanne are in the car.

1 A Yes.

2 Q My client and Kathy are in the motel.

3 A Yes.

4 Q Okay. Two separate places. And you and Reanne have
5 some sort of conversation in which you are led to believe
6 that my client and Kathy are going to do a robbery.

7 A Yes.

8 Q You're driving.

9 A Yes.

10 Q You got the keys?

11 A Yes.

12 Q Is the car running?

13 A Yes.

14 Q You stay there.

15 A Yes.

16 Q You don't leave.

17 A I don't leave. Because that isn't what they told me.
18 Reanne say -- listen to me now. Reanne say ---

19 Q I'm listening.

20 A She said, You know what's going on.

21 I said, What you mean? We're going to buy some dope.

22 She said, They ain't going to buy no dope.

23 I said, You bring them over to buy some dope?

24 She said, Yeah. But they ain't going to buy no dope.

25 I took them. I wasn't going to leave because I

1 wasn't sure if they're going to rob them or what. I don't
2 know if they was going to buy some dope. I wanted to
3 smoke some more crack. So that's why they're leaving at
4 the time.

5 Q Whatever happens inside, you carry them back to the
6 trailer.

7 A Yes.

8 Q And they're -- when you get back to the trailer,
9 somebody's upset about what did or did not happen at the
10 motel.

11 A Yes.

12 Q You still got your keys.

13 A Yeah.

14 Q You turn the car off back at the trailer.

15 A Well, all that occurred after we got inside. We went
16 back inside. Everything was cool when we got back.
17 Everything was okay. Went back inside.

18 Q So nobody's upset when they come back out of the
19 motel. Kathy or my client are not upset.

20 A I mean, they didn't seem like they was upset. They
21 said, Oh, man, they know who's coming, doing this and
22 that, you know. I didn't pay too much attention. I'm
23 high. I mean, I didn't -- I didn't pay a whole lot of
24 attention to that, because when you in a place where we
25 all used to hang out at, you see stuff like that all the

1 time, so you don't really stress out on all that stuff.

2 You just . . .

3 Q So you get back to the ---

4 A You get all kind of talk, you see all kind of things.

5 So it didn't really phase me at that point, you know.

6 Q Because you're living that lifestyle.

7 A At that time, yes.

8 Q You get back to the -- you get back to the trailer,
9 and you say that's when they get inside and somebody gets
10 upset.

11 A Yes.

12 Q And your impression of what has happened is that you
13 believe that they think you have tipped off somebody
14 inside the motel.

15 A It ain't that I believe. That's what they said.

16 Q Okay. And so once inside the trailer, they zip tie
17 your hands together; is that right?

18 A Yes, yes.

19 Q Who zip-tied you?

20 A Anthony zip-tied me.

21 Q Is Reanne tied up?

22 A Yes.

23 Q Where are y'all sitting? In the main living room?
24 in the den? Let me back up. Are you on the floor? Are
25 you on a couch? Are you in a chair?

1 A I think I was sitting on a barstool when they first
2 came back in.

3 Q Bar stool?

4 A Yes. I think it was a bar stool at a table, or
5 chair. I don't quite remember.

6 Q If you did remember, did you tell Investigator Maltby
7 that?

8 A I don't know. I don't remember. This has been two
9 years ago, and I don't know. I know we was back in the
10 trailer. I was tied up with zip ties and put on the
11 floor.

12 Q Zip ties just around your hands.

13 A Yes.

14 Q Not around your feet.

15 A No.

16 Q Anything in your mouth? on your head? Anything
17 covering you up there?

18 A No.

19 Q Just zip ties around your hands.

20 And Boss started punching you in the trailer?

21 A Anthony punched me in the trailer.

22 Q Did Boss punch you in the trailer?

23 A I don't recall. I had my head down to the floor. I
24 couldn't look up. I know I was being punched and kicked.
25 I don't know who was punching. I know he hit me, though.

1 Hit me first. Because he was talking about hitting me.
2 So -- because I couldn't look up. You better not look up.
3 Don't look at me.

4 Q Are you and Reanne sitting next to each other or ---

5 A Side by side.

6 Q Side by side on the bar stools.

7 A On the floor. On the floor on our -- on our knees.

8 Q Wait a minute. A minute ago you said you was on bar
9 stools.

10 A No.

11 Q You were sitting on bar stools.

12 A No. When he put the zip ties on us, we was on the
13 floor on our knees in the living room.

14 Q And Dirton, what's he go by? You know?

15 A I don't -- I don't know him either.

16 Q Don't know him.

17 Dirton never hit you?

18 A I had my head down on the floor.

19 Q You don't know who hit you.

20 A I don't know. I know he hit me because he was
21 talking. Said, Shut up. I know that. That was from the
22 first ordeal. When you got your head buried in front of
23 you, you got a gun on you, a knife on you, you're not
24 going to look up. You're just scared you're going to die.
25 I think you probably would have did the same thing I did.

1 Q And you told Investigator Maltby you know my client
2 as Man.

3 A That's what I know him by. That's what -- that's how
4 I met him.

5 Q When did you tell -- when did you tell Investigator
6 Maltby that? At the hospital?

7 A Probably so.

8 Q Probably? Would you be surprised to know that that
9 interview doesn't mention anything about you calling him
10 Man?

11 A That's what I know him by, Man. That's what I know
12 him by. I don't know if I told him at the hospital. Like
13 I say, I was sedated. I was -- but at some point I did
14 think I told him his name was Man, we called him Man. I
15 don't know when I went down to the LEC and talked to him
16 or that I tell him in the hospital. I don't recall.

17 Q But you would have told him, and he would have put it
18 in his report.

19 A Yeah. At the time I didn't have another name to call
20 him.

21 Q You didn't tell Investigator Maltby that he went by
22 Jay Rock or Jay Cole? Or is that somebody else
23 altogether?

24 A No. I might have told him that. I'm not sure.
25 Because I probably wasn't sure if it was Man or Jay Rock

1 or something. I'm not sure.

2 Q Who is Christy? Big girl. She looks like a dude.

3 A Christy.

4 Q Christy. She's a big girl. You don't remember
5 telling Investigator Maltby that?

6 A I'm trying to think of Christy. I know so many
7 people, man. I don't -- I don't know. Christy. I have
8 to think back.

9 Q All right. So nobody's shot at the trailer and
10 nobody's stabbed at the trailer. That's what you're
11 telling us.

12 A Yeah.

13 Q And so how is it that you get back into your car?
14 And were you ever in the driver's seat?

15 A What do you mean?

16 Q So you're getting beat on the floor, you're saying,
17 right? And you've got your hands zip-tied.

18 A Uh-huh.

19 Q Okay. And then you get back into your car, right?

20 A They took me to the car.

21 Q Took you to the car.

22 And you were never driving.

23 A No. Not -- not from that ordeal. Not after we left
24 the trailer. I wasn't driving anywhere after they started
25 beating me.

1 Q Okay. So again, if Investigator Maltby was talking
2 to you at the hospital, you didn't tell him that you were
3 driving your car after you got beat at the house?

4 A I don't remember that. I don't know. I'm not sure.
5 I think he was driving my car. When they found me where I
6 was at, on the passenger's side, right?

7 Q I didn't get there quite yet. I'm asking you.

8 A Okay.

9 Q You left the house after you've been beaten in the
10 trailer. You were never in the -- you were never in the
11 driver's seat.

12 A I don't remember.

13 Q Could have been.

14 A Could have been, could have not been. I'm not sure.

15 Q But what you testified to here today is that my
16 client was driving the car when y'all left the trailer.

17 A I think so. I'm not sure. But I took off. They
18 made me drive, they drive. I'm pretty sure I could have
19 been driving. I'm not -- I'm not sure. My hand's tied.
20 I couldn't be driving.

21 Q Okay. So you wouldn't have told Investigator Maltby
22 that you were driving, and at some point in time, you
23 stopped and he made you get in the passenger's side.

24 A I probably did. I'm not sure. I'm not sure.

25 Q You don't know? You don't remember.

1 A I don't remember. A lot of stuff I don't remember.

2 Q In any event, at some point in time, you're in the
3 passenger's seat, you've testified, right?

4 A Yes.

5 Q And you testified your hands were tied or zip-tied in
6 the passenger's seat, right?

7 A Yes.

8 Q And somebody put a belt around your neck.

9 A Yes.

10 Q You don't know who did that.

11 A No.

12 Q But my client's in the driver's seat, right?

13 A Yeah. But he was calling all the shots.

14 Q He's in the driver's seat, right?

15 A Uh-huh.

16 Q He did not put the belt around your neck, right?

17 A He got out of the car.

18 Q I need a yes/no answer. He's in the driver's seat
19 and he's driving.

20 A He may not have put the belt around my neck. He --
21 it was so much -- it was so much going on, I can't really
22 -- you know, I'm scared. I mean, I'm thinking about my
23 life. The details you're asking me about, I can't explain
24 that to you or tell you what's going on. I was thinking
25 about being -- saving my life. You're asking me this

1 small stuff like who put the belt around your neck, who
2 did this. I don't know. I was begging for my life, going
3 to get stabbed up. So I'm not going to remember the
4 details you're asking me. I'm thinking about if I'm going
5 to live or not through this ordeal.

6 Q So you're in the front seat. You're bound up, right?

7 A Yes.

8 Q But you're saying my client's in the front driver's
9 seat, and he starts stabbing you; is that right?

10 A Yes.

11 Q And then he gets -- I missed it earlier. He gets out
12 of the car and comes around and opens the door and stabs
13 you that way, too.

14 A Yes.

15 Q Okay. How is it that he stabs you in the back of the
16 neck?

17 A If you'd have been out there on that scene and the
18 time we spent out there on that road, you would have seen.
19 I can't explain it to you. We spent a lot of time in that
20 dark area.

21 Q And you testified here today you're not sure if Boss
22 Man stabbed you, right?

23 A I'm not sure. He gave him the knife. He was telling
24 me how good it feel to stab somebody. He didn't know it
25 felt that good. He was enjoying it. It was better than

1 getting high. It was better than being like a girl.

2 Q Would you be surprised to know that you told
3 Investigator Maltby that Boss Man stabbed you a couple of
4 times?

5 A I may have told him that, because he told him to stab
6 me. Take this knife, nigger, and stab him. This was his
7 exact words. So . . .

8 Q Okay. And then at some point in time, everybody gets
9 out of the car and just leaves you there?

10 A I was passed out. I don't know when they left.

11 Q Do you remember after you say my client, Boss and
12 Reanne are in the car, whether you ever left wherever they
13 found you and went anywhere? Or do you -- do you even
14 remember?

15 A Can you repeat that again?

16 Q Yeah. So you've been stabbed.

17 A Yes.

18 Q And your neck is bound to the chair, right, the
19 headrest?

20 A Yes.

21 Q Do you remember leaving wherever you were?

22 A I -- I don't remember. Like I said, I lost so much
23 blood. I was unconscious. I don't remember leaving.

24 Q Do you remember telling the EMS worker that you got
25 shot?

1 A I don't remember that.

2 Q Were you ever shot?

3 A I don't think so. They didn't tell me that I was
4 shot. I probably told them that. Probably delusional. I
5 don't know. I seen the gun and all, the knife. I might
6 have told him I was shot. He said I did, so I probably
7 did tell him that.

8 Q Okay.

9 A More than likely I told him that -- I don't know what
10 happened. I was in so much pain.

11 Q Do you remember telling Investigator Maltby that Boss
12 Man was wearing a blue sweat suit?

13 A I don't remember, but I probably did.

14 Q Do you remember telling him that whoever Jay Rock or
15 Jay Cole is, nephew was wearing gray sweatpants, a gray
16 shirt and a green jacket?

17 A I probably did. Like I said, it's been two years
18 ago. I forgot about stuff two years ago, you know. I
19 probably did. Like those small details to me about their
20 clothing and this and that, I was thinking about my life.

21 Q You don't remember ever seeing a gun when you went
22 back to the Economy Inn with my client, Kathy and Reanne?

23 A I may have. I may have not.

24 Q Well, you testified a minute ago you don't remember
25 seeing it.

1 A I'm not sure if he had the gun. He had to have a gun
2 if he went -- if Reanne said he went in to rob her. He
3 had to have it. But I don't remember seeing it. I'm not
4 sure.

5 Q All right. After Investigator Maltby made charges in
6 this case, Boss came to your house, didn't he?

7 A Yes.

8 Q Boss threatened you at your house, didn't he?

9 A Yes. Why? I mean, I called him to let him know
10 that.

11 Q Yeah. You called Investigator Maltby because there
12 was a follow-up conversation with him, wasn't there?

13 A Uh-huh.

14 Q But Boss showed up at your house.

15 A Uh-huh.

16 Q And do you remember telling Investigator Maltby what
17 sort of car he was in?

18 A The same -- the same color he was driving the night
19 that I saw him. It was dark.

20 Q And it was just Boss, right?

21 A It was just Boss.

22 Q Came by himself.

23 A Yeah. Boss -- Boss know me.

24 Q And he said, I'm out, right?

25 A Uh-huh.

1 Q And you felt threatened enough you needed to call
2 Investigator Maltby.

3 A Yes.

4 Q My client didn't come with him, did he?

5 A No.

6 MR. MARCHANT: No further questions. Thank you.

7 REDIRECT EXAMINATION

8 BY MR. MOYER:

9 Q Just one quick clarification question. A name
10 Christy came up as looking like a boy. What did Kathy
11 look like?

12 A Like about a -- like about a boy.

13 Q Okay. Do you think that's who -- just for
14 clarification, do you think that's who was being talked
15 about when you said ---

16 A Probably so.

17 Q --- a girl?

18 A Because I don't -- I don't -- I don't remember a
19 Christy. I might have said that Christy looked like a
20 boy.

21 Q Okay. But ---

22 A It could have been.

23 Q You don't -- there wasn't anyone named Christy
24 involved in this thing.

25 A I might have said that. Might have names wrong, just

1 like I say about the Jay Rock, you know.

2 Q Or he got the name wrong. Someone got the name
3 wrong.

4 A Yeah. I probably did.

5 Q Okay. Kathy looked a bit -- a bit like a guy?

6 A Yeah, yeah.

7 I just met these people.

8 Q Okay.

9 A So, you know, I don't -- I got their names mixed up.
10 I been getting high.

11 Q Yeah.

12 A So, you know, you're not in your right state of mind
13 when you're on drugs. So I know that now because I'm
14 clean and sober, and I think about some of the mistakes
15 and things I said and did when I was high.

16 MR. MOYER: Okay. All right. That's all I need.
17 Thank you.

18 THE COURT: Anything else?

19 Sir, you can step down.

20 THE COURT: Well I think we've come to a good point
21 for our afternoon break. If you'll step to your jury
22 deliberation for just a moment, we'll take about a
23 ten-minute break. I'd ask everybody in the gallery to
24 remain seated.

25 (WHEREUPON, the jury exits the courtroom at 3:24 p.m.)

1 THE COURT: Okay. We'll take a ten-minute break.

2 Just to let y'all know, I've emailed each of you a
3 proposed -- just a very initial proposed jury charge, so
4 just take a look at that and see whenever you have an
5 opportunity. Obviously, you can't do it while you're in
6 trial. But anyway -- all right. We're in recess for ten
7 minutes.

8 (WHEREUPON, a recess is taken at 3:24 p.m.; the jury
9 entered the courtroom at 3:48 p.m.)

10 THE COURT: All right. Mr. Moyer, we ready to
11 proceed?

12 MR. MOYER: Yes, ma'am. The State calls Lewis Allen.

13 THE CLERK: Left hand on the Bible and raise your
14 right hand.

15 WHEREUPON,

16 LEWIS ALLEN

17 After having been duly sworn, testified as follows:

18 THE CLERK: Please take a seat, and state your name
19 for the record.

20 THE WITNESS: Lewis Allen.

21 DIRECT EXAMINATION

22 BY MR. MOYER:

23 Q All right. Now that you're in front of the
24 microphone, please state your full name for the record.

25 A My name is Lewis Andreuse Allen.

1 Q Can you pull that microphone up closer to you?

2 A Lewis Andreuse Allen.

3 Q We need to make sure that you speak into that
4 microphone.

5 How old are you?

6 A I'm 39 years old.

7 Q Are you married?

8 A No, sir.

9 Q You have children?

10 A No, sir.

11 Q Okay. You just said your name. Do you have a
12 nickname?

13 A Yeah. They call me Boss.

14 Q Okay. Now, you obviously are incarcerated. We see
15 from the way you're dressed and the cuffs, okay? Is that
16 true?

17 A Yes, sir.

18 Q And you're incarcerated on charges that came out of
19 this incident involving Anthony Watkins?

20 A Sir?

21 Q You're in jail because of what happened to Anthony
22 Watkins?

23 A Yes, sir.

24 Q Okay. And you've actually pled guilty to some
25 charges, right?

1 A Yes, sir.

2 Q Two counts of kidnapping?

3 A Yes, sir.

4 Q One for Reanne and one for Anthony Watkins?

5 A Yes, sir.

6 Q And aggravated assault and battery, right?

7 A Yes, sir.

8 Q And that was reduced from attempted murder down to
9 aggravated assault and battery, right?

10 A Yes, sir.

11 Q Okay. And you know that you could potentially get up
12 to 20 years for the aggravated assault and battery, right?

13 A Yes, sir.

14 Q And up to 30 years for the kidnappings?

15 A Yes, sir.

16 Q And you pled guilty with plea negotiations; is that
17 right?

18 A Yes, sir.

19 Q And that was for -- you understand that the State is
20 going to be asking for ten years?

21 A Yes, sir.

22 Q Okay. And, in fact, you actually, if convicted of
23 the charges, theoretically could have been sentenced to
24 life without parole, right?

25 A Yes, sir.

1 Q And that's because you have some criminal convictions
2 in your past for -- was it 2002 you were convicted of
3 armed robbery and attempted armed robbery, right?

4 A Yes, sir.

5 Q Okay. Because of that, that's why you could have
6 been facing life without parole for this.

7 A Yes, sir.

8 Q Okay. And you have agreed to come in front of this
9 jury and testify?

10 A Yes, sir.

11 Q And -- okay. Well, let's talk a little bit about
12 what happened. You know Anthony Watkins?

13 A Yes, sir.

14 Q You knew him from a long time ago, right?

15 A Yes, sir.

16 Q How many years ago, would you say?

17 A Ten or 15 years ago.

18 Q Did all of those years go by before you saw him again
19 on September the 11th of 2017?

20 A Yeah.

21 Q Or actually, September the 10th, wouldn't it?

22 A Yes, sir.

23 Q The day before he was stabbed, right?

24 A Yes, sir.

25 Q Were you present when Anthony Watkins was stabbed?

1 A Yes, sir.

2 Q Okay. Well, let's talk a little bit about what led
3 up to that. You ran into him at a place run by a guy
4 named Wimpy; is that right?

5 A Yeah. Down in Donaldson. Yes, sir.

6 Q Down in the Donaldson Center area?

7 A (Nods head affirmatively.)

8 Q Okay. And that's kind of a liquor house and crack
9 house kind of place?

10 A Yeah. Yes, sir.

11 Q Okay. And who were you there with, do you remember?

12 A Me, Reanne, my nephew and some other the girl.

13 THE COURT: Mr. Allen, I'm sorry. I'm going to ask
14 you ---

15 THE WITNESS: Oh.

16 THE COURT: No, no. That's okay. I just want you to
17 kind of bend that microphone a little bit more so it's
18 like right in your face.

19 THE WITNESS: Right here?

20 THE COURT: There you go. That's what we need.
21 Okay.

22 THE WITNESS: Me, Reanne, my nephew and another girl,
23 but I don't know her name.

24 BY MR. MOYER:

25 Q Now, who's your nephew?

1 A My nephew is Anthony Allen.

2 Q Is he in this courtroom?

3 A Yes, he in here.

4 Q Is that him seated over here at the defense counsel?

5 A Yeah. That's him right there.

6 Q Did he go by any nicknames?

7 A Big Man. I know they don't call him Jay Rock once.

8 Q Big man is one of his names?

9 A Yeah.

10 Q You call him "Man"?

11 A Man, Big Man.

12 Q So he's your nephew. He's younger than you?

13 A Yeah. He's younger than me.

14 Q So you said you're 39?

15 A Yes, sir.

16 Q All right. Have you known him most of your -- his
17 life?

18 A Yeah. Sort of kind of, because he's -- he stayed
19 with his grandma, but my mama is his grandma, too, so he
20 used to come in on the weekends when he was younger.

21 Q From about what age did you -- was he when you
22 started getting to know him?

23 A Probably about 7, 8, 9, 10, somewhere in there.

24 Q Okay. Kind of been in your life through the years
25 other than when ---

1 A Yeah.

2 Q --- you did your time for your armed robbery and so
3 forth?

4 A Yeah.

5 Q Okay. So who was his mother?

6 A Kathy Allen.

7 Q And Kathy was your sister?

8 A Yes. Was my sister.

9 Q And is she alive?

10 A No, sir.

11 Q She died about a little over a year ago; is that
12 right?

13 A Yes, sir.

14 Q Okay. So y'all were at Wimpy's place in Donaldson
15 Center.

16 A Yeah.

17 Q Did y'all end up going anywhere? Did you stay there
18 the whole time or did you go ---

19 A We stayed there for a little while, then we left.

20 Q And where did y'all end up going?

21 A Went to Dixie.

22 Q Went to Dixie. Who lived there?

23 A My -- my niece's boyfriend stay over there at Dixie,
24 sir.

25 Q What's his name?

1 A I call him Red. I think it's Dirton. I call him
2 Red, Peanut Head, Little Dude, you know what I'm saying?
3 That's what I call him.

4 Q Red or Peanut Head. Okay.

5 A Yeah. Little Peanut Head, yeah.

6 Q His last name is Dirton?

7 A Yes, sir.

8 Q And he was dating your niece.

9 A Yes, sir.

10 Q What's her name?

11 A Courtney Allen.

12 Q And did they live there together?

13 A To my understanding, yeah.

14 Q Okay. Did you used to hang out at that place a good
15 bit?

16 A No. Not -- no, not often.

17 Q Okay. But you went there that day.

18 A Yeah.

19 Q Let me show you a quick picture of that. Here are
20 State's Exhibit Numbers 82, 81 and 83. Is that the place
21 in Dixie?

22 A Yeah. That's it.

23 Q That's it?

24 A Yes, sir.

25 Q The place y'all went. Okay.

1 So who all was there?

2 A Me -- me, my nephew, Reanne, Anthony Watkins, my
3 sister. And that's all I knew that was there.

4 Q Okay. Now, who is Reanne?

5 A Frances. I think her real name is Frances Talley.

6 Q Frances Talley. Had you known her for a while?

7 A She's a known prostitute in the hood, so . . .

8 Q Kind of stayed around that area?

9 A Yeah. She stayed around that area.

10 Q Okay. And so y'all did drugs.

11 A Yes, sir.

12 Q Tell us what kind of drugs you were doing.

13 A Molly, we did meth, drinking -- drinking. They had
14 crack. All type of stuff.

15 Q Were you doing crack?

16 A No. I don't do crack, sir.

17 Q What is Molly?

18 A Molly is a feel-good drug.

19 Q Okay. Who was doing that?

20 A I was doing Molly, me and my nephew. I think
21 everybody probably tried a little bit of it.

22 Q Okay. You know you and Anthony Allen were doing it?

23 A Yeah, yeah.

24 Q Did you see Anthony Watkins doing some crack cocaine?

25 A Yeah. He did crack and -- and stuff. I cuss a

1 little. I'm sorry. He do crack and stuff, yeah.

2 Q And your sister?

3 A Yeah. My sister, she smoke crack.

4 Q And Reanne?

5 A Reanne smoked crack.

6 Q Okay. So at first was everybody getting along okay?

7 A Yeah. Everything's cool.

8 Q Do you remember all those guys? Do you remember
9 Anthony Watkins and Kathy and Reanne and Anthony Allen
10 leaving?

11 A Yeah. They left.

12 Q Did you know where they were going?

13 A No. Not at first. I didn't know where they were
14 going.

15 Q They didn't tell you?

16 A No. I was being high.

17 Q Had they run out of crack cocaine, do you know?

18 A I don't know. That might have been where they were
19 going. I don't know. I was getting high. I had my
20 drugs, you know what I'm saying?

21 Q Okay. So you weren't -- you weren't involved in
22 crack cocaine.

23 A No. I didn't have no crack.

24 Q And they left in Anthony Watkins' car?

25 A I believe so. I don't know. I'm getting high. So

1 I'm getting high. I ain't paying nobody no attention, you
2 know what I'm saying? I'm doing me, you know what I'm
3 saying?

4 Q Okay. What happened when they came back?

5 A When they came back, my nephew was mad. And he was
6 saying something about somebody called -- somebody called
7 someplace and told them they was coming.

8 I'm like what the hell is going on? What the fuck --
9 what y'all talking about?

10 He was like, Man, got down, it shit fucked up, da,
11 da, da, da.

12 And I'm like, What the fuck you talking about?

13 He's like, Well, folks called and told where they
14 were going.

15 So I guess he was mad and the shit just got out of
16 hand. Stuff just got out of hand. I'm sorry.

17 THE COURT: That's all right.

18 BY MR. MOYER:

19 Q Okay. So when you say your nephew, you're talking
20 about Anthony Allen, the defendant.

21 A Yeah.

22 Q Okay. Was Kathy mad?

23 A Kathy was there. She was just standing there looking
24 like, you know what I'm saying, Kathy.

25 Q Okay. So Anthony was saying all this about something

1 went wrong when they left.

2 A Yeah.

3 Q What did he do? What took place there then?

4 A What took place then, he was like, Shit, man, you
5 know these people. Who you trust?

6 I'm like, Man, I trust both of these -- trust both of
7 these people.

8 So he was like, Man, what the fuck, man, you know
9 what I'm saying? He hit the girl.

10 Q Who hit the girl?

11 A Anthony hit the girl.

12 Q Reanne?

13 A Yeah.

14 He hit Anthony Watkins, you know what I'm saying?
15 They looked at me like what you going to do, you know what
16 I'm saying?

17 By that time, Red come out the bedroom. I guess he
18 heard the commotion. He had a gun.

19 Q That's Dirton?

20 A That's Dirton. He come out the bedroom hearing a
21 commotion. He had a gun in his hand. He sit down. He
22 sit down on the couch, you know what I'm saying? He
23 looked around and said -- and Anthony was like, What you
24 going to do?

25 And I was like, Shit, what the fuck you mean what I'm

1 going to do?

2 And he was like, Shit, you know what it -- what the
3 fuck you going to do?

4 I'm like, man. So I'm high as hell. I'm about
5 halfway scared, he right looking crazy, so I hit Anthony
6 Watkins.

7 Q You hit him?

8 A Yeah. I hit him.

9 Q All right. Were they tied up yet at this point?

10 A No.

11 Q Okay. They got tied up?

12 A Yeah. He put him on -- told him to get on the
13 ground, and Anthony tied him up.

14 And then after that, you know what I'm saying,
15 Dirton, Little Red was like, Man, you all got to get out
16 of my house, you know what I'm saying?

17 So by that time, we left out of the house. We
18 got ---

19 Q Did you see -- I'm sorry. Did Dirton hit him, do you
20 know?

21 A No.

22 Q Okay. Did Kathy hit either Anthony or Reanne ---

23 A No.

24 Q --- that you remember?

25 A No.

1 Q Okay. All right. So they said y'all got to leave.
2 So what -- Dirton said y'all got to get out of the house.
3 What happened?

4 A We left. We got into Anthony's car. We rolled to --
5 on the back street on Donaldson. When we got there, my
6 little nephew just, I don't know, he wigged out, man. He
7 just ---

8 Q He what now?

9 A He just went crazy. He wigged out, you know. He
10 started stabbing Anthony.

11 Q Okay. Let me stop you right here before you get
12 into that. So when you left your house, where were you
13 seated?

14 A When we left the house, I was behind the driver's
15 seat. Anthony was driving. My nephew was driving. I was
16 behind the driver's seat. Anthony Watkins was on the
17 passenger's side. Reanne was behind -- behind him.

18 Q What was Reanne doing in the car?

19 A She in the car, you know, just shaking, you know.

20 Q She was shaking?

21 A Yeah. You know, like she's scared, you know what I'm
22 saying? Like me, you know what I'm saying? I'm about
23 halfway scared. You know, I'm high as hell, you know what
24 I'm saying? Shit going on, you know what I'm saying?
25 Haywire, you know what I'm saying?

1 Q Okay. So was Anthony Watkins, when did he get tied
2 up?

3 A He got tied up in the house.

4 Q Okay. But what about those belts that were used in
5 the car?

6 A I have no -- I don't remember nothing about no belt.

7 Q You don't remember that part of it?

8 A I don't remember that part about no belts.

9 Q Okay. So you're driving down the road. Anthony
10 Allen stops the car.

11 A Yeah.

12 Q Was this very far from the house?

13 A No. We didn't drive long. It wasn't long.

14 Q Was it a dark, quiet sort of place where you stopped?

15 A It was like a back road.

16 Q Okay. So any lights or houses right there where you
17 stopped?

18 A I ain't see no house. Not right there. I remember
19 woods on both sides.

20 Q Okay. And so he stopped. And then what happened?

21 A He got to talking crazy and shit. My nephew got
22 talking crazy and stuff. I'm sorry.

23 Q When you say "talking crazy," what was he saying?

24 A He just was rambling, you know, like crazy, all type
25 of -- you know, when I do this, I do that, you know. He

1 was just -- he just was rambling. And then he just wiggled
2 out, you know.

3 Q Well, what did he do?

4 A He stabbed Anthony. He stabbed him a couple of
5 times. And he got out of the car, went on the other side.
6 He still talking and hollering. He stabbed him again.
7 You know, I'm like, Man, what the fuck? What the fuck?

8 THE COURT: I just want you to testify truthfully.
9 That's all.

10 THE WITNESS: I'm like, Man, take me back to Dixie,
11 man. Get me -- take me back to Dixie, you know what I'm
12 saying?

13 He was like, Shit, man, great. Smell the blood. All
14 type of crazy. It was just crazy stuff.

15 BY MR. MOYER:

16 Q Smelling blood?

17 A Yeah. Smelling it, smelled good, you know, like he
18 was a whole 'nother person.

19 Q Okay. And did you ever see the pictures of Anthony
20 Watkins after he went to the hospital?

21 A No, no.

22 Q Here's a picture of his side. You see all the cuts?
23 Is that consistent with the areas where he was getting --
24 where he was getting stabbed?

25 A (Nods head affirmatively) Yeah.

1 Q Yeah?

2 A Yes, sir.

3 Q You said he then came around to the -- opened the
4 passenger's door and stabbed him some more?

5 A He stabbed him again.

6 Q Okay. What was Anthony Watkins doing during this
7 time?

8 A He was like, Please, stop. Don't kill me.

9 And I'm like, Man, get me the fuck out of there. Get
10 me -- get me off the ---

11 Q You can say what you and he were saying that night.

12 A I was like, Man, get me the fuck -- fuck off of here,
13 man. Take me back to Dixie. And he finally listened and
14 took me back to Dixie.

15 Q At any point, were you given a knife?

16 A He tried to give me the knife.

17 Q What did he say?

18 A I said -- he said, Here, you do it.

19 I said, Hell, no. Hell, you mean? I ain't doing
20 this shit, man. Get me back to Dixie.

21 Q Was that when he was outside the car or was ---

22 A No. That's when he got back in the car.

23 Q He got back in the car.

24 A Before he pulled out. Before we got ready to pull
25 back out, before he brought back up and pull out, it was

1 right before then.

2 Q What do you remember about what the knife looked
3 like?

4 A All I know, the knife was a smaller knife. It was
5 like a switchblade knife.

6 Q Okay.

7 A Black. Little handle, you know what I'm saying?
8 Little knife.

9 Q Had you ever seen him with it before?

10 A I've seen him with plenty of knives.

11 Q He had a lot of knives?

12 A Knives is knives. Yeah. I seen him with knives
13 before. I seen him with plenty of knives, though.

14 Q Okay. What was Reanne doing during this?

15 A She in the backseat shaking, crying, you know what
16 I'm saying? She shaking and crying, you know what I'm
17 saying? That's all she could do.

18 Q Okay. And you were still pretty high at this point?

19 A I was high as a mother -- I was high. Yeah. I was
20 high. I'm sorry.

21 Q You were high?

22 A Yeah.

23 Q Okay. Is there any question about who it was in that
24 driver's seat who was stabbing Anthony Watkins?

25 A No. I knew who was stabbing him.

1 Q Okay. So did Anthony -- did you see Anthony begin to
2 lose consciousness or anything like that?

3 A No. I ain't see all that. I just -- I know he was
4 because he was losing a lot of blood, you know, bleeding.
5 I thought he was dead. I thought he was dying, you know
6 what I'm saying?

7 Q What made you think he was dying?

8 A He got stabbed up.

9 Q Just the number of stab wounds?

10 A Yeah.

11 Q Was there anything about the way he reacted or
12 responded when he was stabbed that made you think that?

13 A It was just all the blood.

14 Q So there's a lot of blood.

15 A Yeah.

16 Q So then you said you told him to take you back to
17 Dixie.

18 A Yeah.

19 Q Did he do that?

20 A Yeah. He took me back to Dixie.

21 Q What happened when you got back to Dixie?

22 A What happened when we got back to Dixie, I jumped out
23 the car, Reanne jumped out the car behind. I run back in
24 Mr. Dirton's house. My sister went out the house, you
25 know what I'm saying? I mean, I just got, you know, sick

1 and shit, you know what I'm saying? High as hell. I
2 don't know what the hell is going on. Shit just done went
3 crazy.

4 So I'm sitting there. I don't know how much time
5 passed. They left, came back. Came back and shit, you
6 know what I'm saying? And he walked around crazy and
7 shit. I can't find my damn keys, you know what I'm
8 saying?

9 Q Okay. Let me stop you for a minute because I've got
10 to make sure I know who you're talking about. All right.
11 So let me back up just a little bit. So you get back to
12 Holder Lane. You and Reanne get out of the car.

13 A Yeah. We got -- got the hell out of the car.

14 Q And you said your sister Kathy, what did she do?

15 A She shot out there to see what was going on, you know
16 what I'm saying?

17 Q So she came out of the trailer?

18 A She came out of the house.

19 Q Where was she going towards?

20 A The car.

21 Q So she was going -- went towards the car. You went
22 inside the trailer.

23 A Yeah. But I think he pulled out.

24 Q What makes you think he pulled out?

25 A Because she came back in.

1 Q Okay. So she came back in. Where was Reanne at this
2 time?

3 A On the couch.

4 Q Okay. So was Dirton still around?

5 A Yeah. He had to be somewhere.

6 Q Did you see him? Did you talk to him?

7 A I don't think I talked to him after that. But he had
8 to be somewhere in the house, you know what I'm saying?
9 In the back somewhere. I never went to the back.

10 Q Okay. So then did you stay there inside the trailer
11 when Anthony Allen came back?

12 A I was there, you know what I'm saying? Yeah. When
13 he came back, I was there. I was there. Because my
14 sister had left. And when they -- and they came back like
15 together. They came back together.

16 Q Your sister and Anthony Allen?

17 A Yeah. My sister left, I guess, go see about him or
18 whatever. I don't know. I'm in the -- I want to smoke
19 dope, you know what I'm saying? Crazy, you know what I'm
20 saying?

21 Q Did you do more dope then?

22 A Yeah. I had -- yeah. I smoked dope I had in my
23 pocket and shit.

24 Q Okay. So then Anthony Allen comes back. Did he
25 bring the car back with him? Anthony Watkins' car, did

1 that come back?

2 A I don't know. I never seen the car anymore.

3 Q You never saw the car anymore.

4 So do you know how Anthony Allen got back to the
5 trailer?

6 A I don't know. I was in the house.

7 Q Okay. What was Anthony Allen doing when he got back?

8 A Still acting crazy, acting crazy and mumbling and
9 shit.

10 Q What was he saying?

11 A Just random little crazy shit like, I'm crazy, God
12 this. I don't know, man. It just -- I'm -- it just was
13 rambling, you know what I'm saying? He just -- he just
14 wigged out, man.

15 Q Did he talk about what happened when he took Anthony
16 Watkins back away from the trailer? Did he say what he
17 did?

18 A No. Something about he with God.

19 Q He's with God? He said Anthony Watkins was with God?

20 A Yeah. It look like he's with God now, or some shit.

21 Q Did you ask him what he did to Anthony Watkins when
22 they left?

23 A No. I ain't ask him shit. I wasn't talking to him.
24 I'm trying to figure out how to get the hell out of here
25 when I'm high and I'm . . .

1 Q Uh-huh. Well, what did you think happened to Anthony
2 Watkins?

3 A I don't know. I just -- I don't know what -- I don't
4 know if he took him out somewhere and killed him. I don't
5 know. I don't know this shit. I don't know.

6 Q Okay. So did you stay there at the trailer?

7 A No. I left. When my sister left the second time, I
8 left right behind. I got the hell out of there. I went
9 back to Berea.

10 Q How did you leave?

11 A In -- in my -- in my car.

12 Q What kind of car did you have?

13 A A gray -- a gray Jeep.

14 Q Like what kind of Jeep?

15 A A Tucson -- little gray Jeep, man, like a little
16 Hyundai.

17 Q Like a Hyundai.

18 A Yeah.

19 Q So when you say "Jeep," it wasn't the manufacturer
20 Jeep. You just mean like a little ---

21 A SUV, yeah.

22 Q --- SUV kind of thing?

23 A Yeah.

24 Q A small one?

25 A Yeah.

1 Q Gray?

2 A Yeah.

3 Q Where did you go?

4 A I went back to Berea.

5 Q What about Reanne?

6 A Reanne?

7 Q Yes.

8 A She -- Reanne, I don't know what the fuck. Reanne --
9 Reanne had to leave about the same time. I don't know. I
10 don't know.

11 Q Did she go with you?

12 A No. Hell, no. She didn't go with me.

13 Q So you don't know where she went?

14 A No, ma'am -- no, sir. No, sir.

15 Q I'm going to show you State's Exhibit Number 104. Do
16 you recognize what's in that picture? Do you recognize
17 those trailers? Are they the trailers across from where
18 his trailer is? Do you know? Do you recognize it?

19 A It might be. Hold on. Let me get -- let me get a
20 little closer. Yeah. It might be.

21 Q Okay. You see those trash cans?

22 A Let me see. Yeah, yeah.

23 Q Did you ever see anybody put anything in those trash
24 cans?

25 A Yeah. I put -- I put a bag in the trash can.

1 Q Here's a picture from the same day of inside that
2 trash can.

3 A Yeah.

4 Q See those bloody shoes?

5 A Yeah.

6 Q Do you know how they got in there?

7 A I think I might have put them in there. I might have
8 threw them in -- threw them in the trash, man.

9 Q Whose shoes are they?

10 A I don't know. I guess they're Reanne's, because in
11 my motion it said Reanne's.

12 Q Well, no. I don't -- I want you to go on what you
13 remember.

14 A I can't remember, man. I was so high. After this
15 shit happened, I'm high as a mother-fucker, and I'm scared
16 as hell, and I'm wanting to get the hell out of there.
17 Yeah.

18 Q But you remember putting those bloody shoes ---

19 A Yeah. I think I did put them in the trash.

20 Q You put the bloody shoes in the trash?

21 A Yeah. I think so.

22 Q They weren't your shoes.

23 A No.

24 Q Okay. They look like women's shoes?

25 A I don't know what kind of shoes. I know the tennis

1 shoes ain't mine.

2 Q Okay.

3 A I know they ain't mine.

4 Q A couple more questions. So if -- you were kind of
5 on the run for a couple of months, weren't you?

6 A Yeah. Yes, sir.

7 Q Okay. You knew the police were looking for you.

8 A Yeah. I knew the police was looking for me.

9 Q When did you find out that Anthony Watkins wasn't
10 dead?

11 A In the interrogation room.

12 Q Up until that point, you thought he may have been
13 dead?

14 A Yes. I thought the man was dead.

15 Q Okay. You remember speaking to the investigator when
16 you did get ---

17 A Maltby, right? Yeah.

18 Q Okay. And did you tell him the same basic story of
19 what you're telling here today?

20 A Yeah, yeah.

21 Q Did you identify Anthony Allen as the person who was
22 stabbing him?

23 A Yeah. Yes, sir.

24 Q Okay. And that was before any kind of plea offers
25 were made?

1 A Yeah. That was before anything. I ain't -- I wasn't
2 -- I ain't doing that. So for one thing, I was going to
3 tell the truth. That was before any plea offer or
4 anything I told Mr. Maltby.

5 Q Now, you got out on bond, and you went over to
6 Anthony Watkins' house one night, didn't you?

7 A Yeah. By accident.

8 Q Okay. You got charged with intimidating.

9 A Intimidating a witness.

10 Q Yeah. Why did you go over to his house?

11 A I went to go meet Butch. I've got the transcript
12 thing in there.

13 Q No. I just want you to go on what you ---

14 A Okay. I went to go meet Butch, know what Butch told
15 him, too. I went to go meet Butch. Butch was over -- he
16 told me to come meet him.

17 So when I get over there, Butch is outside with a
18 tall dude I later found out was Dante [phonetic], his
19 stepson.

20 So I'm like, What's up Butch? And the dude Dante, he
21 was looking at me. I said, What the hell's wrong with
22 him, Butch, you know what I'm saying?

23 So he was like, Man, I don't know what's wrong with
24 him. He's trying to call these girls.

25 So, boom, Dante went in the house. He comes back

1 outside with Mr. Watkins. I said, Oh, shit. I thought it
2 was a setup like somebody trying to, you know, do
3 something. I'm like, Man, what the hell going on?

4 So I'm like -- he was like, Shit. They seem like
5 they're there.

6 I'm like, Man, what the hell you got going on, Butch?

7 Butch is like, Man, I don't know what you're talking
8 about. What's up?

9 I said, Man, that's the victim in my case, you know
10 what I'm saying? What the hell?

11 So he was like, Oh, man.

12 I said, Now I've got to get the hell out of nowhere.
13 So I tried to get in my car, but my car got a -- it take
14 -- you've got to have the battery thing to crank it up. I
15 had to get this damn thing. So I had to get this out of
16 the car, put this -- hook the car up, you know what I'm
17 saying? Crank the damn car up and trying to get the hell
18 out of the yard. But before I leave, I'm like, Man, we
19 all right, man? I ain't have nothing to do with this, you
20 know this, you know what I'm saying?

21 And he was like, Yeah. I even -- he even gave me a
22 hug, Anthony -- Anthony Watkins. He gave me a hug, like,
23 Man, I know you ain't had nothing to do with it. I knew
24 it wasn't like that.

25 I said, Man, look at me.

1 Q Okay.

2 A I said, Man, you still smoke crack?

3 He was like, Yeah.

4 I said, Hell, man, I've got to get the hell out of
5 nowhere. I didn't mean to come over to your house. This,
6 that, da, da, da.

7 But his stepson was like, Oh, my God. He -- he know
8 where my mama stay at now, or some shit like this and all
9 this shit.

10 Q So it's your testimony then that he just happened to
11 be over there when you went over there.

12 A No. I just happened -- yeah. Butch just happened to
13 got there and be over there. And he didn't know what the
14 hell happened. And it was all -- it was fucked up, you
15 know what I'm saying?

16 Q Well, you understand why Anthony Watkins might be
17 concerned, all of a sudden ---

18 A Yeah.

19 Q -- the guy who's charged with kidnapping him shows up
20 at his house?

21 A Damn right. He's supposed to be concerned. But I
22 was like, man, it wasn't nothing like that. I swear to
23 God it wasn't like that. I had just got out.

24 MR. MOYER: Okay. One minute.

25 Okay. Please answer any questions the defense

1 attorney may have.

2 THE COURT: Let's try and go easy on the profanity.

3 THE WITNESS: Okay. I'm so sorry.

4 THE COURT: When you're saying what was said at the
5 time, that's perfectly fine, okay?

6 THE WITNESS: Okay. Okay. I'm sorry.

7 THE COURT: That's okay.

8 CROSS EXAMINATION

9 BY MR. MARCHANT:

10 Q Now, you've got a 2002 conviction for armed robbery
11 and attempted armed robbery.

12 A Yes, sir.

13 Q Right?

14 A Yes, sir.

15 Q And when the prosecutor is talking to you about the
16 deal, when you first started negotiations with the
17 prosecutor, he offered you 22 years; isn't that right?

18 A They sent me a paper, some kind of paper.

19 Q 22 years.

20 A 20, 22 years or something. Yeah. 22 years. You're
21 right.

22 Q And if you didn't cooperate, they were going to
23 notice you with life without parole.

24 A Yeah.

25 Q You understand what life without parole is?

1 A Yeah.

2 Q And, in fact, he served life without parole on you,
3 correct?

4 A Yes, sir.

5 Q So that means if you were convicted of a qualifying
6 offense, you'd spend the rest of your life in prison.

7 A Yeah.

8 Q There ain't no getting out.

9 A Yeah. I know that.

10 Q And so now here you sit, you have pled guilty, and
11 the prosecution is going to recommend ten years; isn't
12 that right?

13 A Yeah. What are you getting at?

14 Q I'm getting there.

15 On August 5th of 2019, you pled on Indictment Number
16 2018-4172 for a charge of attempted murder. But you pled
17 to assault and battery of a high and aggravated nature.

18 A Because I ain't attempted murder nobody.

19 Q Okay. Let's talk about what you did do on the
20 assault and battery of a high and aggravated nature.

21 A All right.

22 Q I'm going to let you tell me. What did you do to
23 Mr. Watkins?

24 A I hit Mr. Watkins.

25 Q Where did you hit Mr. Watkins?

1 A With my hand in the head and in the face, one of
2 them.

3 Q So you struck him with your fist in the head or face.

4 A Yeah.

5 Q And where did that happen?

6 A At the house. At the trailer.

7 Q Where in the trailer did you do that?

8 A In the living room.

9 Q Was he tied up?

10 A No.

11 Q He was not tied up?

12 A No.

13 Q Did you tie him up?

14 A No. We just went . . .

15 Q What's that last part?

16 A We just went through this. No.

17 Q You and the prosecutor went through this.

18 A Oh, okay.

19 Q Not me and you.

20 A I can dig it.

21 Q All right. So you hit him in the head one time ---

22 A Yes, sir.

23 Q --- with your fist.

24 A Yes, sir.

25 Q That's it. Never hit him again?

1 A No, sir.

2 Q Never stabbed him with a knife.

3 A No.

4 Q Never.

5 A Never.

6 Q Not in the car.

7 A Not in the car.

8 Q Not in the trailer.

9 A Not in the trailer. Not ever.

10 Q Not anywhere else. But you have pled guilty to
11 assault and battery of a high and aggravated nature.

12 A Because I hit him.

13 Q Well, when you hit him, did you injure him?

14 A He fell.

15 Q Did he bleed?

16 A I don't know if he was bleeding or not. I hit him
17 kind of hard, but I was kind of scared and high as hell.

18 Q August 5, 2019, you pled to kidnapping of one Frances
19 Talley; is that right?

20 A Yeah.

21 Q Okay. What did you do to kidnap Frances Talley? Did
22 you tie her up?

23 A No. I ain't tie her up.

24 Q Did you force her to go somewhere she didn't want to
25 go?

1 A No. We was in -- I guess we was just in the car, you
2 know what I'm saying? We was in the car.

3 Q August 5, 2019 ---

4 A I was there, you know what I'm saying?

5 Q --- you pled to kidnapping.

6 A Yeah.

7 Q Anthony Watkins.

8 A Yeah.

9 Q You tie him up?

10 A No.

11 Q Did you force him to go somewhere he didn't want to
12 go?

13 A No.

14 Q You prevent him from leaving the trailer?

15 A No.

16 Q August 5, 2019, pled to conspiracy, conspiracy, along
17 with others, for the charge of attempted murder. Who did
18 you talk to about killing Anthony Watkins?

19 A I ain't talk to nobody about killing no Anthony
20 Watkins.

21 Q But you pled guilty to assault and battery of a high
22 and aggravated nature.

23 A Yeah.

24 Q Kidnapping Frances Talley.

25 A Yeah.

1 Q Is that right?

2 A Yeah.

3 Q Kidnapping Anthony Watkins and conspiracy to kill
4 Anthony Watkins.

5 A Yeah. I pled guilty to all these charges.

6 Q But your testimony here today is that, one, you
7 didn't kidnap Frances Talley.

8 A I didn't, yeah.

9 Q You didn't tie her up. You didn't prevent her from
10 leaving anywhere.

11 A We was all in -- we was in the car.

12 Q Right. Scoot up and speak up.

13 A We was all in the car.

14 Q You didn't tie up Anthony Watkins.

15 A No.

16 Q Didn't force him to go somewhere he didn't want to
17 go.

18 A Hu-uh.

19 Q Didn't prevent him from leaving the trailer.

20 A Hu-uh.

21 Q And you pled to conspiracy, which means you and
22 others talked about killing Anthony Watkins and did things
23 to try to kill him. But you didn't talk to anybody else
24 about doing that.

25 A Huh.

1 Q Okay. You remember coming into a courtroom similar
2 as this. I was present.

3 A Yeah. You was right there.

4 Q And in front of Judge Kinlaw pleading guilty to these
5 three, four offences ---

6 A Yeah.

7 Q --- and some unrelated things.

8 A Yes.

9 Q What else? You've got a domestic violence.

10 A Yeah.

11 Q And domestic violence first degree is what you were
12 charged with, pled to domestic violence third degree,
13 which is a reduction in charge, right?

14 A Yeah.

15 Q And also resisting arrest.

16 A Yeah.

17 Q Haven't been sentenced on any of this, have you?

18 A Hu-uh.

19 Q Okay. And when you pled guilty in here, you remember
20 me standing up?

21 A Yeah. You stood up.

22 Q And told the judge, Judge, Mr. Lewis Allen has not
23 admitted his responsibility to anything.

24 MR. MOYER: Your Honor, I would object.

25 THE COURT: Will you all approach?

1 (WHEREUPON, a bench conference was held off the record.)

2 BY MR. MARCHANT:

3 Q All right. So let me back up, make sure I'm clear.
4 You've pled to kidnapping two different people. You've
5 pled, hadn't been sentenced, but you've pled and are
6 accepting responsibility for those things.

7 A Yeah. Because I was there.

8 Q And in order for you to do that, the prosecutor's
9 agreed to withdraw life without parole on you, correct?

10 A I ain't know they did it.

11 Q And he's agreed to recommend a ten-year sentence.

12 A He give me a recommendation, yeah.

13 Q Of ten.

14 A Zero to ten.

15 Q Right. Oh, you can argue for less. Your lawyer can
16 ask for less than ten years.

17 A Yeah.

18 Q Okay. But you pled guilty, but you're saying you
19 didn't prevent Frances Talley from going anywhere, didn't
20 tie her up.

21 A This is the thing. The reason I pled ---

22 Q I need you to answer my question first, and then you
23 can explain.

24 A Yeah.

25 Q You did not tie her up.

1 A Hu-uh.

2 Q And didn't prevent her from leaving or going
3 anywhere.

4 A No.

5 Q Same goes for Mr. Watkins.

6 A Yes, sir.

7 Q And the only thing you did as far as assaulting
8 Mr. Watkins was hit him in the head with your fist.

9 A Yeah. I hit him.

10 Q You'd been smoking crack all day or doing powder
11 cocaine?

12 A I sniff powder.

13 Q Sniff powder. Is that the same thing as "work"?

14 A What?

15 Q What's the street name for work? What does that
16 mean?

17 A "Work" is drugs, crack.

18 Q Crack.

19 A Yeah.

20 Q So you didn't tell Investigator Maltby you went and
21 got some work that day?

22 A Yeah. I went and got some work and some dope.

23 Q So you got some crack but you ain't using crack?

24 A Yeah.

25 Q You are using crack?

1 A No. I went and got some work, but I ain't using
2 crack. Work is to sell.

3 Q Work is to sell?

4 A Yeah.

5 Q But work, for the purposes of our conversation right
6 here, is crack. You selling the crack?

7 A Yeah. Yeah, I've sold crack.

8 Q That day?

9 A Yeah.

10 Q Did you give some to anybody else?

11 A Yeah. I gave Anthony some. I gave -- I gave Reanne
12 some crack.

13 Q But you don't do crack.

14 A No.

15 Q You do powder cocaine?

16 A Sniff it.

17 Q Sniff it. And Molly.

18 A Molly.

19 Q What were you drinking that day?

20 A Now, I don't know about that one. We didn't -- drink
21 alcohol, beer, probably some liquor, a little liquor from
22 the liquor house, you know what I'm saying? So . . .

23 Q Do you know what kind of liquor? Vodka? whiskey?
24 rum?

25 A I don't know that. It's probably some brown liquor

1 being drunk and drinking, getting high.

2 Q All right. You testified earlier, at some point in
3 time, several people left the house, and when they -- they
4 came back. And when they came back, my client is upset.

5 A Yeah.

6 Q And you just say he just goes nuts.

7 A Yeah. He high. We all high.

8 Q But nobody else assaulted Mr. Watkins other than my
9 client.

10 A And me.

11 Q You assaulted him one time ---

12 A Yeah.

13 Q --- with a punch.

14 A Yeah.

15 Q And you're saying you did that because you were
16 scared of my client.

17 A I was scared of his -- things that was going on. I
18 did it. And I was scared when Red came out there with the
19 gun and I didn't know what was going on with that. And
20 plus, I'm high as hell. I'm high.

21 Q Red comes out of where with a gun?

22 A Out of the back room.

23 Q What kind of gun was it?

24 A I don't know. It was a -- I know it was a gun.

25 Q Do you know the difference between a revolver and a

1 pistol?

2 A I know that much. I think it was a pistol. It
3 wasn't no revolver.

4 Q And what was Red doing when he brought this pistol
5 out of the back room?

6 A He came out the back room. He's like, Man, what the
7 hell is going on? He sit down, you know what I'm saying?
8 The fuck y'all got going on and shit. He didn't point it
9 at nobody or nothing. It just -- I'm high as hell, so it
10 scared me, you know what I'm saying? Got a beam on it,
11 you know what I'm saying? You sees a beam going up.

12 Q Red tie anybody up?

13 A No.

14 Q Did Frances get tied up at the house?

15 A Yeah.

16 Q By who?

17 A Anthony.

18 Q What about Watkins?

19 A Yeah.

20 Q By who?

21 A Anthony.

22 Q With what?

23 A I couldn't tell you. I don't know if it was -- in my
24 motions it says zip tie, but I don't remember. I don't
25 remember what the ---

1 Q You've got to go off your memory, not what your
2 motion says.

3 A I don't remember whether it's zip ties, shoe string,
4 whatever. I'm high as hell. I don't remember no little
5 shit like that. I know he got tied up. Or excuse me. I
6 don't know no little stuff like that. I just know he got
7 tied up.

8 Q At some point in time, y'all get in his car and drive
9 somewhere. You don't know where.

10 A We drive over -- yeah. On the back road like you're
11 going to Kennedy Park, on the back road.

12 Q And something happens out there, and you're saying my
13 client's driving and he stabs Mr. Watkins.

14 A Yeah.

15 Q He ever get in the backseat?

16 A No.

17 Q And you're sitting in the backseat.

18 A Yeah.

19 Q And then y'all come back home, and you don't know
20 what else happens the rest of the night.

21 A It's what it is. Whatever I just told you, that's
22 what happened. Come on.

23 Q Mr. Watkins is your friend going some years back;
24 isn't that right?

25 A Yeah.

1 Q And you don't do anything after this to call for help
2 for him or call law enforcement? Yes or no?

3 A I wasn't -- no. I was scared. I was . . .

4 Q And then after that you go end up at his house.
5 You've got your explanation of how that happened, but
6 you're charged with intimidating him.

7 A Yeah.

8 MR. MARCHANT: All right. I have no further
9 questions.

10 THE COURT: Mr. Moyer?

11 MR. MOYER: Just a couple quick follow-up questions.

12 REDIRECT EXAMINATION

13 BY MR. MOYER:

14 Q Now, before you pled guilty, did you -- you have an
15 attorney?

16 A Yeah. Alex -- Alex Kornfeld.

17 Q Did you talk to him at length about whether it was
18 right or wrong or good for you to enter that guilty plea?

19 MR. MARCHANT: Your Honor, I think this goes into
20 what we just talked about at the bar.

21 MR. MOYER: No. I'm not going into the contents of
22 what was said during the plea, but his reason -- his
23 reason for pleading guilty was brought up during his
24 cross-examination.

25 THE COURT: All right. If he wants to answer that

1 question.

2 THE WITNESS: Yeah.

3 THE COURT: You're not required to tell anything that
4 you and your attorney talked about.

5 THE WITNESS: Oh, okay.

6 BY MR. MOYER:

7 Q I mean, was it advised to you to plead?

8 A Yeah. My lawyer's like it might be in my best
9 interest.

10 Q Did he talk to you about the law of the hand of one
11 is the hand of all?

12 A Yeah.

13 Q How if several people are committing a crime
14 together, what everyone does, everyone else is guilty of?

15 A Yeah, yeah, yeah.

16 MR. MOYER: Okay. Nothing further.

17 RE CROSS EXAMINATION

18 BY MR. MARCHANT:

19 Q Did he also tell you that you have to be an active
20 participant in order to be responsible for something?

21 A No, he didn't. It was just told me the hand of one,
22 the hand of all.

23 THE COURT: Anything else?

24 MR. MOYER: Nothing further. Thank you.

25 THE COURT: Sir, you can step down.

1 MR. MOYER: Okay. The State calls Kentravous Dirton.

2 THE COURT: Hu-uh. No, no. No, no, ma'am. No, no.

3 Ma'am, no.

4 WHEREUPON,

5 KENTRAVOUS DIRTON

6 After having been duly sworn, testified as follows:

7 THE CLERK: Please take a seat, and state your name
8 for the record.

9 THE WITNESS: Kentravous Dirton.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q Okay. Mr. Dirton, how old are you?

13 A 25.

14 Q Where do you live now?

15 A Right now I'm in and out of places. I can't get a
16 job because this charge was on my head.

17 Q Okay. So you were charged in this case as well.

18 A Yes, sir.

19 Q And that was for kidnapping.

20 A (Nods head affirmatively.)

21 Q You've got to say "yes" or "no."

22 A Yes, sir. Yes, sir.

23 Q And you were also charged with presenting -- pointing
24 or presenting a firearm; is that right?

25 A Yes, sir.

1 Q So this charge is pending. And they're still
2 pending; is that right? You haven't been to court?

3 A Hu-uh.

4 Q Did anyone -- has anyone made any promises to you or
5 any deals about what kind of sentence you will get or what
6 kind of ---

7 A No, sir.

8 Q --- what will happen to this charge? Nothing like
9 that was done.

10 A No, sir.

11 Q Have you talked it over with your attorney about
12 whether you could testify here today?

13 A Yes, sir.

14 Q And what did you -- what did you decide to do?

15 A I said I'll say what I seen.

16 Q Okay. Have you and I ever sat down and talked about
17 what you're going to say here today?

18 A No, sir. Never.

19 Q All right. You did talk to the officer after you
20 were arrested; is that right?

21 A I -- I did, but I don't know which one.

22 Q You did. Okay. You did sit down and speak to one
23 officer, though, right?

24 A Uh-huh.

25 Q Okay. And so you know you're waiving your rights to

1 being silent, and by being up here you have to answer
2 every question that's posed to you; do you understand all
3 that?

4 A Yes, sir.

5 Q Okay. Now, let me show you State's Exhibit Number 81
6 and 83. You recognize the trailer that's shown in that
7 picture?

8 A Yes, sir. That's my house. That's where I was
9 staying.

10 Q When were you staying there?

11 A I moved there at the end of 2016, and I just moved
12 like recently. Like last year in May.

13 Q Okay. Who all was living there?

14 A At first it was just -- it was just me and my cousin,
15 but stuff happened and what else so I had to leave, like
16 rent money and stuff like that. So . . .

17 Q Okay. Now, in September of 2017, back when Anthony
18 Watkins got stabbed, who was living at that trailer then?

19 A I had just -- I had just moved Karen [sic] because
20 she didn't have -- I was letting her stay with me because
21 I was going with her daughter. So, you know, I was just,
22 you know, just helping out.

23 Q So Kathy was -- is it Kathy Allen?

24 A Uh-huh.

25 Q Okay. And you were dating her daughter Courtney?

1 A Yes, sir.

2 Q Are y'all still together?

3 A No, sir.

4 Q Okay. So you know Kathy is deceased now.

5 A Yes, sir.

6 Q In fact, you actually found her.

7 A Yes.

8 Q Is that right?

9 A Yes, sir.

10 Q Okay. That was about a little over a year ago?

11 A Yeah. A little over a year. Last year June.

12 Q June of 2018?

13 A '18.

14 Q Okay. So you know her. You know her brother Lewis
15 Allen.

16 A Not really. No, I didn't.

17 Q You know who he is.

18 A Yeah. I know of him, yeah.

19 Q And he had a nickname. What was that?

20 A I don't know. I really don't even know which one you
21 talking about just by you saying. I don't know. Like you
22 saying, I don't know.

23 Q You're not familiar with the nickname Boss?

24 A I'm familiar. Different peoples call him that, yeah.

25 Q Okay. You have heard him called Boss, Lewis Allen.

1 A Uh-huh.

2 Q Now, so Lewis Allen is Kathy's brother.

3 A Yeah. I guess so, yeah.

4 Q Kathy has a daughter named Courtney who you were
5 dating at that time.

6 A Uh-huh.

7 Q And does Kathy have a son?

8 A Yeah. As far as I -- I mean, as far as I know, going
9 about what they tell me. Because I really -- I really had
10 just met them. I ain't really just known them like that.
11 The only reason I even -- like Courtney, I had just
12 started talking to her, so I had just not started being
13 around people. So, you know, you don't know for a fact
14 who was who, you know. I'm just learning. I didn't know.
15 I just knew Kathy was her mom. That's -- that's why I
16 knew for sure.

17 Q And what did -- do you remember telling the officer
18 that Kathy's son went by the nickname Man?

19 A No. I ain't telling him -- I ain't even telling him
20 nothing about his name. I don't even know his name.

21 Q You don't know his name?

22 A (Shakes head negatively.)

23 Q Okay. Do you see him here in the courtroom?

24 A Yeah. I see him.

25 Q Is that the defendant seated over here?

1 A Yeah.

2 Q Let's go back to September the 10th of 2017, okay?

3 A Yes, sir.

4 Q You went to a movie that night; is that right?

5 A Yeah. I went to go see It.

6 Q You went to see It with who?

7 A My girl, Courtney Allen.

8 Q With Courtney?

9 A Yeah.

10 Q Okay. And tell us what happened when you got home.

11 A That night, they was just -- they was just in there
12 hanging out, whatever. And, you know, everybody was doing
13 their thing and still kind of out of hand, so I just told
14 everybody to leave. That's it.

15 Q Who was at your house when you got there?

16 A Just everybody. Like seemed like the same people
17 that was in the little case thing with us, like we just do
18 the witness and the victim and stuff like that. They was
19 in there chillin'.

20 Q Tell me the names.

21 A I don't know. I don't know. I told you I just -- I
22 ain't even know the victim or the woman. I ain't know
23 them. I'm trying to tell you, I'm literally just now
24 getting to know these people. I really only knew
25 Courtney. That's who I mainly knew. And Kathy.

1 Q So even if you don't say the names. So you knew
2 Kathy. Kathy was there?

3 A Uh-huh. Yeah. Kathy was there.

4 Q And Boss was there?

5 A I think he -- I think he -- yeah. I think he was
6 there. He was there at the time.

7 Q And Anthony Allen was there?

8 A Yeah. Everybody was just chillin'.

9 Q And did you know this (indicating) gentleman?

10 A Now, he there, but I ain't know him.

11 Q Had you ever met him before?

12 A Uh-huh. No. That was my first time ever meeting
13 him. And the witness. I ain't never know him, period.

14 Q Okay. So you remember him being there.

15 A Uh-huh.

16 Q And what about a girl named Reanne Talley?

17 A I don't know who that is.

18 Q You don't know who Reanne -- do you remember a woman
19 being there that you didn't know as well?

20 A Other than the girl that was supposed to be a
21 witness. That's it.

22 Q Okay.

23 A I don't know her, period. I don't know nothing about
24 her name, nothing.

25 Q Okay. And so all those people were there in the

1 trailer.

2 A Uh-huh.

3 Q Okay. Do you remember seeing Anthony Watkins and
4 Reanne Talley tied up?

5 A Who?

6 Q Reanne ---

7 A No, no, no. I don't remember seeing them. I made
8 them leave before anything just -- you know, before
9 anything happened, I made them leave or whatever because I
10 was already going through with my girl, so I really didn't
11 have -- I only have -- I only had time for nothing. I was
12 really impatient with everything. So I was really just
13 mad at her, really.

14 Q You don't remember walking out of the back room with
15 a pistol ---

16 A Hu-uh.

17 Q --- and while they tied Anthony Watkins and Reanne
18 Talley up?

19 A No, sir.

20 Q Okay. Do you remember being there while Lewis Allen
21 and Anthony Allen struck Anthony Watkins and Reanne
22 Talley?

23 A No, sir. I ain't see that. I ain't see nobody get
24 struck. All I know was what happened happened after they
25 left, whatever. That's all I know. I don't know what

1 happened, I don't know who did what, nothing, to be honest
2 with you. I ain't seen nothing with my eyes, period.

3 Q How do you know something happened when they left?

4 A Because all of us is charged with this. They all
5 pulled up in my house and the whole -- I'm talking about
6 police pulled up in my house and like terrorize, you know.
7 That's how that happened. That's how I found out what
8 happened. I didn't know none of that had happened.

9 Q You know, everyone's saying that it happened right
10 there inside your trailer.

11 A It didn't. It didn't happen inside my trailer
12 because I made them leave. Everything that happened
13 happened -- had to have happened in their car. I don't
14 know what happened. I don't know who did what, nothing.

15 Q What about those zip ties that were in the back
16 bedroom on the dresser?

17 A That didn't have nothing to do with it. I don't know
18 who had brought it in, though, but it didn't have nothing
19 to do with that. There was something my ex-roommate had
20 left, because they left some stuff there. I had just
21 kicked them out because they couldn't pay rent.

22 Q So why were zip ties out on the drawers in the back
23 bedroom?

24 A I don't know.

25 Q You know that fits with what was used to tie up

1 Anthony Watkins?

2 A I didn't -- I ain't never seen him tied up, nothing.
3 I ain't never seen him when he got hurt or nothing, not --
4 after just seeing nothing.

5 Q So why was there some blood on the wall by the
6 bathroom in the middle of your house?

7 A I don't know. Maybe -- probably -- maybe they were
8 probably out fighting. I don't know. I don't know. It
9 wasn't nothing -- no -- no violent stuff like that. It
10 had nothing to do with this at all.

11 Q Was that blood on there before September the 10th of
12 2017?

13 A Yeah.

14 Q The blood was on the wall.

15 A Yeah.

16 Q How did the blood get on the wall?

17 A I don't know. I don't know. It could be me and my
18 girls getting into it or something. Anything.

19 Q Did you get charged with beating up your girl?

20 A No, no, no, no. Nothing like -- nothing like that.
21 I ain't beat up, not like that. Just, you know, get into
22 a little scratching or whatever, you know. You touch the
23 wall with your blood or whatever, it's going to be on
24 there, something like that.

25 Q Wouldn't you clean that up if you had blood on your

1 wall?

2 A I mean I -- I didn't even know it was -- I really
3 didn't even pay that no attention. Plus, the whole
4 trailer was messed up anyway, so what am I going to fix?

5 Q So why did you tell them to leave the trailer?

6 A Because like they -- they kind of just got rowdy, out
7 of hand. I was getting into it with my girl, so I made
8 them leave. Anything that aggravated me, so I was telling
9 them leave.

10 Q What do you mean it was getting rowdy?

11 A You know, like when people -- you know, people just
12 doing extra, just doing -- like, you know, just doing too
13 much, doing their stuff. I just told them to leave.

14 Q So how did they leave? What did they do?

15 A They just left.

16 Q In what kind of vehicle?

17 A I don't -- to be honest with you, I really don't
18 know. I just know they left. I made them leave, and
19 that's it.

20 Q You're talking about seeing a black Ford out --
21 outside your ---

22 A Yeah. That's what he was driving. That's what the
23 victim was driving.

24 Q Is that what they left in?

25 A I guess. I mean, yeah. I didn't pay no attention

1 after that. I was really so mad about my girl. After I
2 -- after they left out the door, I went back in my room
3 just really just all this stuff, talking to my girl and
4 stuff. So . . .

5 Q What happened after they left? How long were they
6 gone?

7 A They was gone for a while. They was gone.

8 Q Okay. Like hours? minutes?

9 A Hours. They was gone because I didn't want them
10 coming back over to my house.

11 Q And who all left?

12 A All four of them. All -- I guess the -- I told
13 everybody to leave, everybody that wasn't me and Kathy
14 that was there, which you said everybody was at the table
15 was the victim. And everybody else, all them left. I
16 made everybody leave. They went -- they went and
17 individually leave. Everybody leave other than Kathy
18 because I -- she was staying with me because she had
19 nowhere to go.

20 Q And so it's your testimony then that they were all
21 just -- just happened to be there in the apartment -- in
22 the trailer, and you -- hold on. Let me ask the question
23 -- and for whatever reason you told them to leave, and
24 they all just walked out peacefully and left.

25 A No. You know how like -- you know how people get

1 rowdy, they be drinking and stuff and people can't handle
2 their stuff and they just -- you know, people be drinking
3 stuff like that, they don't think they're doing nothing
4 wrong and stuff like that. So -- you know, but I -- I was
5 already aggravated, so it really didn't matter what they
6 did anyway. It aggravated me, and I made them leave. And
7 they left.

8 Q You told the officer you saw Anthony with a knife.
9 Tell me about that.

10 A I ain't seen no knife.

11 Q Why did you tell the officer you saw Anthony with a
12 knife?

13 A Because he -- I mean, he always would have a little
14 pocketknife. But, you know, everybody had it. I ain't
15 never seen him do nothing towards him though. I always
16 have a pocketknife, like little pocketknives. Nothing
17 serious.

18 Q Why did you tell the officer you saw Anthony with a
19 knife on him that night?

20 A Because he always had a little pocketknife and stuff.
21 I mean, it wasn't my place to sit there and be like, oh,
22 well he -- he always had a little pocketknife and stuff
23 like that, you know.

24 Q Why did you think it was important to tell the
25 officer you saw him with a knife if he always has a knife?

1 A Because you say he -- because they kept trying to put
2 it on me like, okay, something about a gun.

3 So I'm like I don't -- I don't know nothing about
4 that. You feel me?

5 So they kept just saying over and over.

6 And I'm like, man, it's something about a knife. And
7 I said what -- what do that got to do with, you know what
8 I'm saying? What does that got to do with this? So
9 that's how I end up saying that. I really was just
10 frustrated and like nervous because I had -- they all
11 high, all the police pulled up in my house. I ain't know
12 what he -- I was really just trying to shut them up,
13 really, to be honest with you. So I really was just
14 saying stuff.

15 Q Isn't it true that you were frustrated and upset
16 because they had Anthony Watkins and Reanne tied up on the
17 floor of your trailer?

18 A No. Not because of that. I -- if they did that,
19 they didn't do it in front of me.

20 Q And they were gone, you said, about an hour or two?

21 A And they was gone, they was gone. Matter of fact,
22 they didn't -- they didn't pull back up.

23 Q So the black car never came back.

24 A But he didn't -- he didn't come. Now, he didn't
25 never come. I didn't see him. The next thing I know,

1 what's-call-it -- what's the name?

2 Q You didn't see who?

3 A No. I said I didn't see him -- I didn't see him pull
4 back up.

5 Q Who's him? I don't know. Who's him?

6 A I'm talking about the car. That's what I mean.
7 Whoever was in -- that was driving the car, I didn't see
8 them pull back up. But I know that -- that what's-call-it
9 had came back. What was his name? Boss, he had came back
10 and, you know, then I know that part.

11 Q He and a girl came back.

12 A Yeah. They came back.

13 Q Okay. And then Kathy -- when they came back, Kathy
14 went outside?

15 A I guess. I was in the back room.

16 Q You don't remember telling the officer you saw Kathy
17 walk outside?

18 A Yeah. I mean, I knew -- I know I heard her or
19 whatever. But I was in the back room, so -- you know.

20 Q You didn't go out to see the car?

21 A No. For what?

22 Q You don't remember seeing Anthony Watkins all bloody
23 in the car?

24 A I ain't never seen -- I ain't never seen him, period,
25 messed up or nothing like that. You keep asking. I ain't

1 never seen him messed up, not one time. I ain't -- I
2 ain't even try to see that. I got my own problems. I'm
3 not trying to go through no whole other stuff ain't got
4 nothing to do with me.

5 Q We've already asked him.

6 Now, what about Anthony Allen, Man, when he came
7 back? What did he do?

8 A He didn't come back.

9 Q You never saw him again.

10 A No. He didn't come back.

11 Q You don't remember telling the officer ---

12 A Only Boss -- only Boss came back.

13 Q You don't remember telling the officers that he came
14 back later and that Kathy was yelling at him for
15 getting ---

16 A I didn't say -- I didn't say Boss -- I mean not him.
17 I said he came back. I said Boss came back. I said Kathy
18 was yelling at Boss. I ain't say she was yelling at him.

19 Q Okay. Not at Anthony.

20 A No. I said Boss. She was yelling at Boss.

21 Q And then Kathy then left?

22 A I really don't even -- I really don't even know what
23 happened there. I really was -- wasn't even trying to pay
24 attention to what was going on, to be honest with you.
25 Because I didn't know that none of that actually happened,

1 so I -- my focus on, I was into it with my girl. That was
2 my focus on. I was into with her.

3 Q Do you remember telling Investigator Picone that
4 Anthony Allen went by the nickname Man?

5 A I ain't never tell him nobody name was who.

6 Q Have you had a chance to go back and listen to your
7 interview? You know it was all recorded, right?

8 A Okay.

9 Q Have you had a chance to go back and sit down and
10 listen to it?

11 A No. I told you I was shaken up. So really I was
12 just saying -- I was just saying -- I was already shaken
13 up by the police anyway because they came to my house.

14 Q So you just made up the word "Man?"

15 A No. I ain't never -- I ain't never make up no word.
16 They ask me do I know the names. They asked me all the
17 questions. I ain't said nothing.

18 Q You told Investigator Picone that he goes by the
19 nickname Man.

20 A I did not tell him that. The -- not prosecutor.
21 Whoever the detective was asked me was his name this, who
22 was -- he was asking me that. I didn't tell him
23 such-and-such name was nothing.

24 Q And so why did you tell him it is Man?

25 A I didn't tell him that. I just told you that.

1 Q If he asked you that, why did you say, Yes, that's
2 his nickname?

3 A I didn't say that was a nickname. I ain't never say
4 who was who. He asked me who -- who was . . .

5 Q Do you remember telling Investigator Picone that Man
6 was waving a knife around and acting strange? Do you
7 remember telling Investigator Picone that?

8 A No. Not really. I told you I was really shaken up,
9 so I really don't remember telling him that.

10 Q Do you remember when you were talking to Investigator
11 Picone, he left the room and you started making some phone
12 calls? Do you remember that?

13 A I didn't never make no phone call.

14 Q Do you realize this is all on video?

15 A I want you -- I want to see me make a phone call. I
16 ain't never made no phone call but one time when I was in
17 there.

18 Q So when you're sitting in the interview room ---

19 A I did not make not one phone call.

20 Q So did they doctor the video to make it look like you
21 did?

22 A I don't -- show me making a phone call.

23 Q Do you remember making a phone call saying ---

24 MR. MARCHANT: Judge, I think he's asked and
25 answered.

1 THE COURT: Overruled.

2 BY MR. MOYER:

3 Q I kept telling them let those people go, do you
4 remember saying that when the officer left the room?

5 A Not really. I mean, not really. I told you I was
6 really shaken up, so I really -- I really don't even know
7 exactly what I was saying. I just know I didn't have
8 nothing to do with none of it. That's all I'm able to
9 tell you. I was really just shaken up there was so many
10 police outside my door. It was like the whole Greenville
11 task force.

12 Q That was the same day, right?

13 A Yeah. Same day.

14 Q September the 11th.

15 And you and Courtney were there.

16 A Yeah. Me and Courtney were there, and her kids were
17 there.

18 Q Do you know how those bloody shoes got into that
19 trash can out in front of your house?

20 A No, sir.

21 Q You never saw that?

22 A No, sir. I'm not trying -- I wasn't trying to see no
23 stuff like that. I told you I was into it with my girl.
24 That was basically the case. I was into it with my girl.

25 Q No one's asking if you were trying to see anything.

1 I mean ---

2 A That's -- but how you basically is asking me like I
3 went and go look for trash. You've got to go look in a
4 trash can to go see some bloody shoes in there. So I
5 didn't go look for it. That's what I'm telling you,
6 right?

7 Q Your testimony is when those people came back after
8 stabbing Anthony Watkins 35 times, walked into the house,
9 no blood, you didn't see a bloody car, no one was talking
10 about ---

11 A I didn't see no bloody car or nothing.

12 Q You didn't hear none of that.

13 A No. I didn't -- I went -- I told you, I was into it
14 with my girl. Everything -- you know how like when people
15 be doing stuff and you already got your mind on something
16 and what they say go over your head, even though what they
17 saying important, but you aren't -- you're just
18 automatically just thinking about yourself, that's what
19 that was. Because I really -- I really liked Courtney, so
20 I really was just -- you know, really just was about her,
21 you know. So . . .

22 Q And so the fact that people were talking about just
23 killing somebody, you wouldn't even notice?

24 A No, sir. No, sir.

25 Q Okay.

1 A I mean, I would notice, but I didn't -- they didn't
2 say nothing about killing nobody, so I ain't . . .

3 MR. MOYER: Nothing further.

4 THE COURT: Mr. Marchant?

5 MR. MARCHANT: I don't have any questions, Your
6 Honor.

7 THE COURT: All right, sir. You can step down.

8 MR. MOYER: May we approach?

9 THE COURT: Sure.

10 (WHEREUPON, a bench conference was held off the record.)

11 THE COURT: Ladies and gentlemen, we've probably come
12 to a good point to break for the evening. As you might
13 can tell, we're going into tomorrow, but we still think
14 we're on track for you to have this case, you know,
15 sometime in the morning.

16 But please don't discuss the case with anyone or do
17 any kind of independent research, anything like that. But
18 I sure do hope you have a good evening. Thank you.

19 Oh, I'm so sorry. I didn't even tell you. Thank
20 you. The jury is having to tell me. We'll start tomorrow
21 morning at 9:30. 9:30. Y'all had to remind me. I
22 appreciate it.

23 (WHEREUPON, the jury exits the courtroom at 4:58 p.m.)

24 THE COURT: Now, I had not had a trial wherein I have
25 had to call down three people in the gallery, period. I'm

1 fixing to clear the gallery and not have anybody in the
2 gallery, period. And if you think you're helping whoever
3 -- whatever your relationship is to this man, if you think
4 you're helping him, you're wrong. Jurors saw you
5 motioning to him. I really do have a good mind to clear
6 this gallery and only keep -- only keep the victim in here
7 and the attorneys who are in here watching. This is
8 ridiculous. Ridiculous. This is a courthouse.

9 All right. I have emailed y'all a jury charge in
10 this case. That -- I put in there the defendant's right
11 to remain silent. I also put in there the -- I also put
12 in there, I think, a copy of the charge in the jury room.
13 Those are certainly things we don't know anything about.
14 I also didn't put in any lesser includeds because I don't
15 know if anybody's asking for a lesser included in this
16 case. Not sure how that would actually play out.

17 I also want you to take a look at my attempted murder
18 charge very carefully. I crafted my charge pursuant to
19 422 S.C. 47, State v. King, which I'm sure y'all are
20 fairly familiar with on that, and then also based upon the
21 footnote in State v. Williams, 427 S.C. 148. And my
22 reading of those two cases together is that inferred
23 malice no longer applies now that the charge is attempted
24 murder rather than ABWIK. So y'all take a look at that
25 and see what you think. That's my first time charging

1 attempted murder since the change in the law.

2 MR. MOYER: Yes, ma'am.

3 MR. MARCHANT: All right. Can we wrap up the
4 testimony?

5 THE COURT: Oh, absolutely. Okay. Please.

6 MR. MARCHANT: May it please the Court.

7 THE COURT: Yes, sir.

8 MR. MARCHANT: During the cross-examination of Lewis
9 Allen, otherwise known as Boss, I was questioning
10 Mr. Allen about his plea with Judge Kinlaw, which was
11 entered on August the 5th of 2019, and Mr. Moyer raised an
12 objection that Your Honor sustained. What I think is
13 particularly important about where I was going, and I want
14 to be very clear, at the plea with Lewis Allen, Judge
15 Kinlaw read the indictment numbers out and the charge of
16 those indictments. He did not read the body or the text
17 of the indictments such that on or about September 10th or
18 September 11, 2017, the defendant did X, Y, and Z with
19 relation to conspiracy, kidnapping of Frances Talley,
20 kidnapping of Anthony Watkins and assault and battery of
21 Anthony Watkins. At the end of the plea, Judge Kinlaw
22 said, All right. I'll accept the plea. And he was of the
23 impression, correctly so, it was a deferred sentence.
24 That being the case, that was the end of it.

25 Whether I had standing or not, I stood up and asked

1 Judge Kinlaw if I could be heard. He agreed to allow me
2 to speak. And I expressed my concern to him that, at some
3 point in time, there was going to be a trial against my
4 client, Anthony Allen. And presumably, I was going to
5 have to cross-examine Lewis Allen. And I expressed my
6 concern that there was no factual basis to which the plea
7 could be accepted at that point in time or that I would
8 know what Mr. Allen was admitting that he did or did not
9 do with respect to those charges.

10 To summarize what then happened, Judge Kinlaw said,
11 Are you pleading guilty to what's in the indictments? And
12 he asked Mr. Kornfeld, Is he pleading guilty to what's in
13 the indictments?

14 He said, Judge, I'm not sure that I've gone over the
15 indictments.

16 He said, Are you pleading guilty to what's in the
17 warrant?

18 Or Mr. Kornfeld said, I have gone over what's in the
19 warrants.

20 And he looks at Mr. Allen and says, Is that what
21 you're pleading guilty to?

22 That's still the extent of it. There was no factual
23 basis of what Mr. Lewis Allen was pleading guilty to as
24 far as his involvement on the record because there was
25 never any recitation of any facts about what happened.

1 So where I was headed with this, and I certainly did
2 not want and did not mean to imply that Mr. Moyer had some
3 sort of backdoor deal with Lewis Allen about dismissing
4 the plea or undoing the plea, I believe that I had the
5 opportunity and I should have the right to cross-examine
6 him about what he admitted to and what he pled guilty to.
7 And, in fact, at the guilty plea, he didn't admit to
8 anything.

9 So I don't believe that there was a factual basis for
10 which the plea was entered and therefore accepted by Judge
11 Kinlaw such that, from what he just now testified to, he
12 basically has said under oath, I didn't do nothing. I
13 didn't kidnap her. I didn't force her to -- carry her
14 away. I didn't do that with Mr. Watkins either. And he
15 didn't assault Mr. Watkins to the extent that there is a
16 requirement for assault and battery, high and aggravated
17 nature.

18 So there's obviously going to be a transcript of what
19 he has done here today or what he has not done so as he is
20 admitting to, and that was the basis for me going down
21 that line of questioning.

22 THE COURT: How is that probative of anything for the
23 jury?

24 MR. MARCHANT: Because I think what could happen, and
25 I'm not saying it is, but I think what could happen is we

1 get back to sentencing, and at that point in time,
2 Mr. Moyer is going to have to tell whoever the sentencing
3 judge is that the witness, the defendant who pled guilty
4 is saying and is testifying to I didn't do what I pled
5 guilty to. And I believe that it's possible that the plea
6 is going to have to be undone such that his testimony has
7 now impacted my client based off the fact that he was
8 facing LWOP and cut some sort of deal to relieve himself
9 of LWOP, and maybe it gets even further down the road that
10 it's undone altogether. Obviously, I'm forecasting what
11 could happen, but I believe that's why I had the right to
12 go into that line of questioning with him.

13 Understand that's where we are. Need to put that on
14 the record that I disagree with the Court's rulings.
15 However, I would ask that the Court make the transcript a
16 Court's Exhibit for the purposes of this trial.

17 THE COURT: I'd be happy to.

18 And just for clarification, you went into, and I
19 think the prosecutor went into, the deal that was cut with
20 Mr. Allen who testified, and that he was facing LWOP, and
21 that now he was going to get a recommendation of ten
22 years. He even volunteered, and I don't know that it was
23 actually part of the deal, but he can actually argue under
24 that ten years if he wants to.

25 So I think the fact that there was a deal cut -- now,

1 ultimately, what his legal predicament is down the road is
2 a matter for, I assume, Judge Kinlaw will take up and
3 maybe for someone else to take up. But I don't think it
4 was probative of anything here for this jury today, and
5 that's why I excluded it.

6 All right. Y'all take a look at -- I also sent you
7 the verdict forms, because since the indictments were
8 amended, didn't think we should send those back. There
9 was also the possession of a weapon on one of them. And
10 we're not -- y'all aren't going forward on that one. So I
11 did a verdict form, and we've done a jury charge. And
12 like I said, I really want you to pay particular attention
13 to that attempted murder charge. It's a lot less lengthy
14 than the previous attempted murder charge would be. And I
15 think that's about it.

16 And, sir, I'm just going to inform you again, you
17 just be thinking about it this evening because it sounds
18 like now the decision is going to be tomorrow to -- for
19 you to decide whether or not you'll testify in the trial
20 of this case, all right?

21 DEFENDANT ALLEN: Yes, ma'am.

22 THE COURT: All right. We'll be in recess until
23 9:30.

24 (WHEREUPON, proceedings recessed at 5:08 p.m.; Court's
25 Exhibit Number 1 was marked for identification.)

1 THURSDAY, October 10, 2019

2 (WHEREUPON, proceedings reconvened at 9:32 a.m.)

3 THE COURT: All right. Any matters we need to take
4 up before we bring the jury back in?

5 MR. MOYER: Judge, I imagine we're not going to talk
6 about your charge right now, I would think.

7 THE COURT: Okay. Go ahead.

8 MR. MOYER: I do have a request for jury instruction
9 I can give you right now. It's just about voluntary
10 intoxication. I've given a copy to Mr. Marchant.

11 THE COURT: All right.

12 MR. MOYER: And then I think we have to discuss maybe
13 the wording of "attempted murder," how that will be
14 charged whenever Your Honor sees fit. But other than
15 that, we're ready to go.

16 THE COURT: All right.

17 MR. MARCHANT: We're ready, Your Honor.

18 THE COURT: All right. Thank you.

19 (WHEREUPON, the jury entered the courtroom at 9:34 a.m.)

20 THE COURT: Good morning, ladies and gentlemen.

21 All right. We're ready to get back started.

22 Mr. Moyer?

23 MR. MOYER: Thank you, Your Honor. May it please the
24 Court.

25 THE COURT: Yes.

1 MR. MOYER: The State calls Chad Maltby.

2 WHEREUPON,

3 CHAD MALTBY

4 After having been duly sworn, testified as follows:

5 THE CLERK: Please take a seat, and state your name
6 for the record.

7 THE WITNESS: My name is Chad Maltby.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q Where are you employed?

11 A With the Greenville County Sheriff's Office.

12 Q How long have you been in law enforcement?

13 A Been in law enforcement for about 14 years.

14 Q Has it all been with Greenville County?

15 A Three of which was with the City of Macon in Georgia,
16 and the rest was -- is with Greenville County.

17 Q Okay. What is your position now?

18 A I'm currently a sergeant assigned to Uniform Patrol
19 Division.

20 Q How long have you been doing that?

21 A Only about five months.

22 Q And what was your position in September of 2017?

23 A I was a master deputy at that time assigned to the
24 Criminal Investigation Division with the Violent Crime
25 Unit.

1 Q Okay. What were your duties and responsibilities in
2 that unit?

3 A We would take over investigations involving violent
4 crime, mainly attempted murder, armed robbery as well as
5 homicides.

6 Q Okay. So they were the main kind of cases that you
7 handled?

8 A Yes, sir.

9 Q Okay. All right. So you were assigned this case
10 that's been in court the last few days; is that right?

11 A Yes. Yes, sir.

12 Q Were you working on the morning of September 11 of
13 2017?

14 A I was. I actually got this call prior to coming into
15 work for my normal hours duty to being the on-call
16 investigator.

17 Q Okay. So did you go over to the scene?

18 A I did not.

19 Q Did you get a call from anyone regarding what they
20 had seen and known at that location?

21 A I did. I was initially advised by my supervisor,
22 Sergeant Newman. I then contacted the uniform patrol
23 sergeant who was on the scene, Sergeant Rivera, who
24 briefed me on the details of the actual -- the scene of
25 the -- where the vehicle was found.

1 Q Okay. Did you learn about the condition of the
2 victim?

3 A Yes. I was informed that the victim had several
4 injuries, appeared to be from a knife wound -- knife
5 wounds, and that he was transported to Greenville Memorial
6 Hospital, and that he was seeking medical care, and
7 wouldn't be able to be interviewed at that time.

8 Q Okay. So you weren't able to interview Mr. Watkins
9 on that day?

10 A No, sir, I was not.

11 Q Did you review the photographs that were taken at the
12 scene?

13 A I did. I have reviewed the crime scene photographs
14 from the location.

15 Q Okay. Were they available for you to look at on the
16 actual incident date, do you remember?

17 A Yes, sir, they were.

18 Q Now, one thing I want to clear up. There was a
19 question about body cameras at that time. What was the
20 status of body cameras in September of 2017? And were
21 there any used and made available in this particular case?

22 A That was the time frame right when they were being
23 transitioned into law enforcement in general and with the
24 sheriff's office. So they were kind of sporadic at that
25 time. Not every officer or deputy had them.

1 So there's two systems we can search. We've used two
2 different types since they've been implemented. We
3 searched both those systems, and there were no footage
4 from that actual scene there.

5 Q Okay. So that one officer who said that he had a
6 body camera must have been mistaken?

7 A Correct, yes.

8 Q So there aren't any body cameras that could be
9 reviewed.

10 A There are not, no, sir.

11 Q Okay. Did you view the vehicle?

12 A Yes, sir, I did.

13 Q We heard Forensics Officer Shaw testify earlier.
14 Were you present when that search was done?

15 A I was.

16 Q And was that done the same day?

17 A Yes, sir.

18 Q Okay. And you viewed all the photographs. I don't
19 think we have to go over all those again.

20 There was a cell phone that's been testified about.

21 A Yes, sir.

22 Q Did you collect that?

23 A I did.

24 Q And what did you end up doing with that?

25 A I collected that with Sergeant Shaw at the location

1 at their crime lab and took it to Investigator Perry who
2 spoke earlier in the trial. I obtained a search warrant
3 for that phone, and Investigator Perry completed a phone
4 download of the data.

5 Q Okay. Then after he was -- and that's what he
6 testified to about yesterday when we got the information
7 about the times of those 9-1-1 calls.

8 A Yes, sir.

9 Q And then did you do anything with the phone when he
10 was done with it?

11 A It was later released to the victim.

12 Q Okay. Now, you met with Mr. Watkins?

13 A Yes.

14 Q And where did you meet with him?

15 A I met with him at Greenville Memorial Hospital.

16 Q What are your observations about his condition?

17 A He had numerous bandages, all the wounds that you've
18 seen in the previous photograph there that were covered up
19 and were being doctored at the time.

20 Q I want to ask you about something you made a notation
21 of that I don't think is very visible in the photographs
22 that were taken a few days later. Did you look -- based
23 on the allegations about the belt and so forth, did you
24 look at Mr. Watkins' neck?

25 A Yes.

1 Q Okay. And did you have any observations about that?

2 A I did. I noticed some discoloration around his neck
3 area that would be consistent with some type of ligature
4 previously being tightened around his neck.

5 Q Okay. You talked to him about what had happened and
6 interviewed him about the incident.

7 A Yes, sir, I did.

8 Q Okay. What was his condition as there in the
9 hospital as you talked to him?

10 A When I first began speaking with him, he was alert
11 and speaking just fine. As the interview progressed, I
12 could notice he became a little more lethargic. It became
13 apparent that maybe some of the medication he was on was
14 taking effect.

15 Q Okay. Now, let me ask you about some of the
16 locations that we've talked about in this case. We've
17 talked about that church, we talked about the trailer on
18 Holder Lane. Are those locations in Greenville County?

19 A Yes, sir, they are.

20 Q Can you give us an idea of the neighborhood where
21 they are and maybe distances?

22 A Yes, sir. So Kennedy Park is off of White Horse
23 Road. If you're familiar, it's prior to getting to
24 Augusta Road. If you're going south, it will be on the
25 right. And then Dixie Estates is in that general area.

1 It's a little bit closer to I-85. The distance between
2 the two, estimate three miles or so, give or take.

3 Q Okay. So that church then is in Kennedy Park?

4 A Yes, sir.

5 Q Okay.

6 A It's in that area. There and Belle Meade community
7 are right together, and I'm not -- they kind of
8 intermingle, so ---

9 Q Okay. Now, were you ever able to determine where the
10 actual stabbing and assault took place, the specific
11 location?

12 A Not the specific location. The victim, Mr. Watkins,
13 kind of walked me through the roadways in between here and
14 there so I have a general area that we believe, but I
15 can't say an exact -- exact spot.

16 Q Are there locations like he described in that area?

17 A Yes. The area I believe and he also believes is on
18 South Fairfield Road which is -- there's a large stretch
19 there that is dark like he talked about and that doesn't
20 -- there's no houses or residences right there.

21 Q Okay. Is that area in Greenville County?

22 A Yes, sir.

23 Q Okay. Now, from your interview with Mr. Watkins,
24 were you able to learn about the existence of another
25 victim in the case?

1 A Yes, sir, I was.

2 Q And what was her name?

3 A Her name was Frances Reanne Talley.

4 Q And were you able to locate and find her?

5 A Yes, sir.

6 Q You, I think, went through his phone. Did he help
7 you locate her from that?

8 A Yes. He -- he knew the female went by the name
9 Reanne when I interviewed him on the incident date. And
10 he instructed me that her -- her name was in his contact
11 list on the phone as Reanne. So I was able to get that
12 phone number and do some research through social media and
13 located her name and then corroborated that with some --
14 some of our local databases to identify her.

15 Q Okay. She hadn't gone to the police herself, had
16 she?

17 A She had not.

18 Q So did you find an address, possible address for her?

19 A Yes. Her address on her driver's license, actually.

20 Q Did you go there?

21 A Yes, sir.

22 Q Was she there?

23 A She was.

24 Q And do you remember the address where she was?

25 A It was on Uneeda Court. I can't say exactly. I

1 believe [REDACTED], but I may be wrong about that.

2 Q Okay. And how would you describe the condition that
3 she was in when you found her?

4 A Very agitated, very upset, scared. It was obvious
5 she was in fear just from her body language.

6 Q Okay. Now, did you have contact with her after that
7 day leading up to this court case?

8 A Yes, I did.

9 Q Okay. Now, this case was actually scheduled a couple
10 of months ago. Were you talking to her in the days and
11 weeks leading up to that other court hearing?

12 A I did. I spoke with her a few times on the phone
13 prior to that date.

14 Q And you're aware that she had been given a subpoena
15 for that hearing?

16 A Yes, sir. Yes, sir.

17 Q And did she show up for that court date?

18 A She did not.

19 Q So you know a bench warrant was issued for her?

20 A Yes, sir.

21 Q And that was about two months ago; is that right?

22 A Yes.

23 Q Have you been able to find her?

24 A Have not. She -- I have not been able to find her.

25 Q And in addition to yourself looking, have the

1 warrants division or other officers been trying to locate
2 her?

3 A Yes. I provided whatever information or locations I
4 had to our warrant division, and they've been actively
5 trying to locate her and have not.

6 Q And so any contact with her? Phone? Any contact at
7 all with her since you spoke to her right before that
8 previous court date?

9 A No contact. I attempted the numbers I had, and
10 they're not working any longer.

11 Q Okay. Did you then go to Dixie Estates, to that
12 residence, that trailer on Holder Lane?

13 A Yes, sir.

14 Q Okay. Did you look in the trash can that we have
15 pictures of?

16 A I did.

17 Q And you saw what is in the shoes?

18 A Yes, sir. It was like you see in there. It was just
19 sitting right on top, the bloody shoes, suspected blood on
20 the shoes.

21 Q Okay. And y'all got a search warrant for the
22 residence?

23 A Yes, sir.

24 Q Did you make arrest of any people on that day?

25 A We did not arrest anybody.

1 Q Okay. But you took -- was Kentravous Dirton there?

2 A He was.

3 Q And Courtney Allen?

4 A Yes, sir.

5 Q And they were taken into custody at that time?

6 A They voluntarily came to the Law Enforcement Center.

7 Q Okay. Were you present then when Forensics Officer
8 Hempel came and took the photographs at the scene?

9 A Yes, sir.

10 Q And y'all went through the house?

11 A Yes, sir.

12 Q You saw a picture of zip ties. Did you attribute any
13 -- in fact, even then were you able to attribute any
14 significance to that -- to that find?

15 A Yes. They were similar as described as being used in
16 this incident to tie up the victim.

17 Q Okay. Now, you then met with Anthony Watkins on
18 September the 15th of 2017, correct?

19 A Yes.

20 Q So he was out of the hospital at that time?

21 A Correct.

22 Q And he came to law enforcement. That's when those
23 photographs were taken of him?

24 A Yes, sir.

25 Q Is that when you gave him the telephone?

1 A I believe so.

2 Q Okay. Now, did you conduct the interview with Lewis
3 Allen?

4 A I did.

5 Q When was that done?

6 A I'd have to see the exact date here in my
7 supplemental. (Reviews document) It was upon his arrest.
8 I know that. The exact date I'll have to look. That
9 would be on December 7, 2017.

10 Q Okay. So he'd been on the run then for a couple
11 months.

12 A Yes. He wasn't arrested until that. I think the
13 date prior, actually. I think it was the 6th.

14 Q Okay. And so when you interviewed him, did you --
15 before interviewing him, did you tell him what Anthony
16 Watkins or anyone else that you had interviewed in this
17 case had told you about what had happened?

18 A No, sir. I wouldn't have given them those details.

19 Q Okay. Is what he told you consistent with what you
20 testified to yesterday?

21 A Yes, it is.

22 Q Did he identify the defendant, Anthony Allen?

23 A He did. He did, yes.

24 Q Were there any -- at that time any deals or ---

25 A I'll never discuss any type of deal or offer or

1 favoritism for their testimony or for their statement to
2 me.

3 Q Okay. Just a couple other questions.

4 Now, when you interviewed Anthony Watkins, or when
5 you spoke to him, did you -- when you were trying to make
6 a determination of Anthony Allen as the person, did he
7 give you any description or specifics about him that
8 turned out to be consistent?

9 A He did.

10 Q What was that?

11 A Well, his general physical description was the same,
12 height, weight, even the hairstyle, and also that he gave
13 me the very specific date of 24 years old.

14 Q So did he say mid-20s or about that? Or did he say a
15 specific ---

16 A No, sir. It was 24.

17 Q And was Anthony Allen 24?

18 A At that time, yes.

19 Q Did you do -- you heard about the Economy Inn being
20 one of the locations that came up from before the actual
21 assault took place. Did you ever do anything to try to
22 find surveillance video there or anywhere else to help in
23 the investigation?

24 A I did. I made contact -- I made contact there with
25 the management, and no video footage was available from

1 that incident date.

2 MR. MOYER: Okay. I think that's all the questions I
3 have for you. Please answer any questions defense may
4 have.

5 CROSS EXAMINATION

6 BY MR. MARCHANT:

7 Q Fair to say you're the man in charge of this entire
8 investigation?

9 A I would be titled the lead investigator, yes.

10 Q So anything that needed to be done after you were
11 called would have been done at your direction.

12 A Yes.

13 Q Or with your consultation.

14 A Correct, yes.

15 Q Okay. So when we were discussing with Mr. Shaw the
16 other day about swabbing the car or attempting to obtain
17 some DNA, that would have been in consultation with you.

18 A Correct.

19 Q The same would have been for the mobile home.

20 A Correct.

21 Q Okay. I believe the other forensic tech was the one
22 that responded to the home, Hempel?

23 A Yes, sir.

24 Q And you directed him not to do any fingerprint or DNA
25 analysis at the mobile home, correct?

1 A I did make that decision, and we did not perform
2 latent analysis.

3 Q Would it have also been your decision about what
4 evidence to collect at the mobile home?

5 A Yes, it would.

6 Q And so while we see a picture of things that are on
7 the nightstand or the dresser that's been referred to as
8 zip ties, those were not collected.

9 A I don't recall. I'd have to look back on my
10 supplemental for that. (Reviews document) Forgive me.
11 It's in here somewhere.

12 Q Take your time.

13 A (Reviews document) I believe those were taken.
14 They're listed here on the search warrant return as zip
15 ties.

16 Q So you've got the zip ties in evidence.

17 A What was -- what was taken listed on the search
18 warrant return, which lists what is taken from the
19 residence after serving the search warrant, is a one blue
20 latex glove, swabs, zip ties and digital photographs.

21 Q So presumably, the zip ties are in Property and
22 Evidence?

23 A Again, I'd have to look back at that. But that is
24 listed on the search warrant return.

25 Q Maybe I can make it easier. Did you instruct

1 Property and Evidence to destroy anything in this case
2 yet?

3 A I did not, have not.

4 Q Okay. And you've not instructed Property and
5 Evidence to do anything with those zip ties.

6 A I have not.

7 Q So somewhere in law enforcement's custody are those
8 zip ties?

9 A That's my belief, looking at this search warrant
10 return.

11 Q Who did the return?

12 A Investigator Picone and -- as well as Forensics
13 Investigator Hempel.

14 Q And you were present during that search of the
15 trailer.

16 A Yes.

17 Q And when you say "return," just so the jury's clear,
18 when y'all are conducting a search warrant, you have to
19 list out all the items that you physically take as a
20 result of that search warrant, correct?

21 A Correct. And that's returned back to the issuing
22 magistrate and also left at the location or given to the
23 person at the time of the search.

24 Q Okay. All right. Did -- did any zip ties come out
25 of the car?

1 A They did not.

2 Q Why did you not instruct Hempel to do any DNA
3 analysis at the mobile home?

4 A Well, every investigation is different, and I have to
5 look at the totality of the circumstances. Part of those
6 circumstances is -- in this case was -- was several
7 statements from witnesses as well as victims that were
8 corroborated amongst themselves, meaning they -- they were
9 all similar in nature, and as well as the physical
10 evidence, meaning both -- both scenes were similar. So
11 with that many statements being corroborated, I made that
12 decision, as well as the statements putting these people
13 in that residence, I made the decision because of that.

14 And also, like Sergeant Shaw mentioned, DNA analysis,
15 latent fingerprint analysis are all tools that we have as
16 investigators. The main reason for those tools, the main
17 purpose will be to identify a suspect like you mentioned,
18 an unknown suspect, someone we don't know. And in this
19 case, all the suspects, the witnesses and the victim have
20 been named and have been identified. So that's why I made
21 that decision not to swab DNA from the residence.

22 Q Well, you would agree with me that not every witness
23 nor every suspect that you interviewed is completely
24 truthful with you.

25 A That's correct.

1 Q And the purpose of having DNA evidence would be to
2 corroborate what a victim or a witness may tell you.

3 A Every case is different. I mean, every circumstance
4 is different. However, for the reasons I stated is I made
5 that decision not to process the scene that thoroughly for
6 -- for that type of evidence.

7 Q But you would agree with me that that evidence could
8 help corroborate what a witness or victim is telling you.

9 A It's possible.

10 Q The interview of Mr. Watkins at the hospital, do you
11 recall what day that was on?

12 A That would have been on the 11th.

13 Q So the same day this event was reported to you all?

14 A Correct.

15 Q Okay. Did you take pictures of Mr. Watkins at the
16 hospital?

17 A I did not.

18 Q Did you call forensics to take pictures of
19 Mr. Watkins at the hospital?

20 A I did not. It would have just been of medical
21 apparatus and bandages.

22 Q Well, you testified earlier that you identified what
23 you believe to be some marks on his neck.

24 A Correct.

25 Q At the hospital.

1 A Yes.

2 Q But you did not document those by way of photograph
3 or video.

4 A No. Only, I believe, in my supplement.

5 Q You mentioned speaking to Watkins at the hospital and
6 some of the information that he gave you. There's been a
7 lot of discussion about a gray-looking Jeep. And I use
8 the word "Jeep" loosely as an SUV. Did you ever locate
9 that SUV?

10 A I'm not sure. There's been a lot of mention of it.
11 But no, I've never located a Jeep or SUV.

12 Q Okay. But you're aware that he has testified that --
13 and told you that night that Lewis Allen drove up in a --
14 in his vehicle, which was a Jeep.

15 A That evening at the first address on Bethuel Church,
16 yes.

17 Q At Wimpy's house.

18 A Wimpy's house, yes, sir.

19 Q You haven't looked for that Jeep to determine whether
20 or not any evidence could be contained therein.

21 A I have no way of finding that Jeep if that would have
22 even been the case, and by no one's statements was that
23 Jeep ever involved in this incident that we're on trial
24 for today.

25 Q Well, he told you it was Lewis Allen's car, right?

1 He told you Lewis Allen was driving the Jeep.

2 A Yes. Prior to all this incident.

3 Q Well, how would you normally go about trying to find
4 the vehicle if all you had was a description of the
5 vehicle and a person's name? What sources would you use
6 to attempt to identify?

7 A If I determine throughout this investigation that
8 this Jeep played a part at all ---

9 Q That's not my question, Investigator Maltby. My
10 question ---

11 MR. MOYER: Your Honor, I would object to the
12 interruption.

13 MR. MARCHANT: He can answer the question and then he
14 can explain. My question was ---

15 MR. MOYER: Wait. Let me voice my objection.

16 THE COURT: Hold on just one second, okay?

17 I'm going to allow him to finish his answer, and then
18 if you want to ask -- if you want to ask him more
19 specifically something, then I'll let you do that.

20 All right. Go ahead.

21 THE WITNESS: In this investigation, had I determined
22 this Jeep that is being referred to was involved in any
23 way and I did have a name, then I could search DMV online
24 through the DMV database to see if it was possibly
25 registered to him, which is a lot of times not the case in

1 the crimes we investigate. And I could have researched or
2 looked at local databases with his name, possibly the VIN
3 or tag number if I had that.

4 BY MR. MARCHANT:

5 Q But you didn't do that in this case, correct?

6 A I did not. I did not.

7 Q Do you recall in your interview with Mr. Watkins
8 towards the front of it, to the very front of it, that he
9 compared you and Lewis Allen of being similar height and
10 weight?

11 A I don't have that documented, but I vaguely recall
12 that.

13 Q Okay. How tall are you?

14 A Six foot.

15 Q I realize it may have been two years ago and I'm glad
16 you're not a woman, but how much do you weigh?

17 A 265.

18 Q And do you recall at the time when you arrested Lewis
19 Allen that he was 5'5" tall and 190 pounds? If I showed
20 you the arrest warrant, would you agree with that?

21 A I wouldn't disagree with that.

22 Q So you're seven inches taller and a few pounds
23 heavier, fair enough?

24 A Fair enough.

25 Q You mentioned that his condition, you say, maybe

1 deteriorated or became lethargic, I believe were your
2 words, throughout the course of your interview. At the
3 end of that interview, did you decide that you needed to
4 follow back up with him to continue on to make sure what
5 he had told you was correct based off of his condition at
6 the time?

7 A He was interviewed a second time, yes.

8 Q And where was that interview done?

9 A At the Law Enforcement Center.

10 Q And at either one of those interviews, did you
11 conduct a photo lineup with him?

12 A I did not, but investigators did present a photo
13 lineup, yes, sir.

14 Q Okay. And a photo lineup consists of law enforcement
15 using their resources and databases to pull out six
16 pictures that are of similar facial features, height,
17 weight, description, sex, gender, ethnicity for
18 comparison; is that correct?

19 A Correct. We do our best from the database that we
20 have to generate a lineup consistent with what you
21 mentioned, yes.

22 Q And he could not identify my client.

23 A Correct. He did not.

24 Q Did you show him a photo lineup or any other
25 photograph in between that point in time that Picone did

1 at the start of this trial?

2 A I've never shown him a photograph, no, sir.

3 Q So the only time that he would have had interaction
4 or been able to see my client here in the courtroom were
5 at a court proceeding.

6 A I don't think I can testify to that. I haven't been
7 with him since ---

8 Q Fair enough.

9 All right. Going back to the scene at the mobile
10 home, did you say that there were gloves collected?

11 A Yes. One latex glove, yes, sir.

12 Q Okay. Was there any fingerprint or DNA analysis done
13 on that?

14 A There was not.

15 Q And I mentioned to Hempel the other day about the
16 jacket that had the gloves in it.

17 A Yes.

18 Q Did you instruct him not to collect that jacket with
19 the gloves?

20 A I didn't specifically instruct him not to; however, I
21 did not instruct him to take it.

22 Q Find any knives at the mobile home?

23 A Not that I recall.

24 Q Any knives in the car?

25 A Not that I recall.

1 Q Any blades, anything, ice picks, anything that y'all
2 took possession of as a piece of evidence in this case?

3 A No, sir.

4 Q What about a gun?

5 A No, sir.

6 Q Now, Mr. Watkins tells you when you first interviewed
7 him a general clothing description of what Boss, what he
8 says Boss was wearing and what he says my client was
9 wearing. Do you recall that?

10 A Yes.

11 Q Okay. And he says Boss was wearing a blue sweat
12 suit, and my client was wearing gray sweatpants, a gray
13 shirt and a green jacket. Do you recall that?

14 A Yes.

15 Q He then tells you that he went to the Economy Inn.
16 And you testified that you went to the Economy Inn to see
17 if there was video.

18 A Correct.

19 Q Can you tell me what date you went to the Economy
20 Inn?

21 A I do not have the date that I went there.

22 Q Where is that in your report?

23 A I would have to look back through it. It's possible
24 it wasn't in the report.

25 Q I'm sorry?

1 A It's possible I didn't write it in my supplemental
2 report.

3 Q I'm not sure I follow what you're telling me.

4 A It's pretty -- pretty simple. It's possible that I
5 didn't write this down on my supplemental documentation.

6 Q How long have you been in law enforcement?

7 A 14 years.

8 Q In between Macon, Georgia, and here, did you have to
9 go to the South Carolina Criminal Justice Academy?

10 A I did, yes, sir.

11 Q And at the academy, did they instruct you about
12 report writing?

13 A Absolutely.

14 Q But yet you didn't put a potential critical piece of
15 information in your case file.

16 A That's correct.

17 Q Forgive me as I don't remember what your testimony
18 is. You went to the motel, you don't know when, and they
19 do not have video or they do not have video of the date in
20 question? What was the answer that you received and who
21 was it that you spoke with there?

22 A I walked in the main office of the Economy Inn. I
23 spoke with a person that identified themselves as an
24 employee of the Economy Inn. I provided the date and time
25 of this incident, meaning the date and time range,

1 basically that whole night, and was instructed by this
2 employee or person who identified themselves as an
3 employee that was standing behind the desk at the Economy
4 Inn and was instructed that they did not have video from
5 this incident date and time.

6 Q Was the employee a male? a female?

7 A I do not recall.

8 Q Black? white? Hispanic?

9 A I don't remember. I just remember doing it.

10 Q Mr. Watkins also speaks about going to a Spinx on 85
11 and White Horse. Did you go to the Spinx and determine if
12 they had video?

13 A I don't recall being told that from Mr. Watkins.

14 Q So if we went back and watched this video, around the
15 27, 28, and 29 mark of the video, he tells you he went to
16 the Spinx on White Horse Road. But you don't remember
17 that.

18 A If you watched the video and you're telling me that,
19 I believe you. And, no, I didn't go to the Spinx.

20 Q We heard testimony earlier from one of your deputies
21 that responded to the scene that he checked with the
22 church, and they said that they didn't have any video.
23 Did you follow up with the church to confirm that?

24 A I did not. I took the deputy with the Greenville
25 County Sheriff's Office, I took his word on that.

1 Q In your discussions with Boss, did you conduct a
2 photo lineup with him?

3 A I don't believe so. I'd have to look back at my
4 notes, my supplemental report. (Reviews document) No,
5 sir, I did not.

6 Q The DNA swabs that Shaw took out of the car, was
7 there any further processing done with them?

8 A No, sir, there was not.

9 Q Did you have and did you get samples of various
10 people in this case, of their DNA?

11 A I did.

12 Q So you've got a known DNA sample of various people in
13 this case, and you've got DNA swabs from the forensic
14 tech, but you do not have those compared.

15 A I'd like to explain further, but no, I did not.

16 Q Please explain.

17 A As stated earlier, every investigation is different.
18 And in this investigation, due to having numerous
19 statements from different individuals, meaning from
20 victims, from suspects as well as numerous witnesses who
21 placed the defendant in this case at that residence as
22 well as inside this vehicle on different occasions that
23 night, I made the decision not to have that analyzed.

24 Q So it could be analyzed today. You're still in
25 possession of those items.

1 A We are.

2 Q So we could know whether or not my client's DNA comes
3 out of the car?

4 A You could know if the swab that Sergeant Shaw,
5 theoretically, if it was able to be processed, first of
6 all. Every swab of DNA is not positive for DNA,
7 especially that can be an amount that can be compared. So
8 what -- you could know that, first of all, they would have
9 to see if there is an amount of DNA on the swab that he
10 took, and if that's possible, then yes, they could compare
11 that to a known source, correct.

12 Q So we can go through that process, but you've not
13 done that with items that have come out of the car, out of
14 the house or anything that Mr. Watkins may or may not have
15 been wearing.

16 A Correct. I have not.

17 Q That's your decision?

18 A That's my decision.

19 Q Did you attempt to identify if any of the suspects in
20 this case had cell phones?

21 A I did. And I was not successful with that.

22 Q Well, we have Mr. Watkins' cell phone, correct?

23 A Correct.

24 Q And in his cell phone is at least the other alleged
25 victim in this case, Ms. Talley.

1 A Correct.

2 Q So you have her cell phone number or a number for
3 her.

4 A Correct.

5 Q Do you know whether or not that number is a landline
6 or a cell phone?

7 A It's a cell phone.

8 Q Did you do a search warrant for her cell phone?

9 A To my knowledge, I don't possess her actual cell
10 phone. Her cell phone records for that night were
11 obtained.

12 Q Do you show any calls between her and Mr. Watkins
13 that you recall?

14 A I don't recall. The reason -- sorry.

15 Q Did that -- I'm sorry. Please finish.

16 A The reason for that was after finding Mr. Watkins in
17 the state that he was in, the amount of blood inside the
18 vehicle and discovering that there was another victim that
19 we had not located, we had her cell phone company get
20 location data on her phone, and we listed her on the
21 national database as a missing endangered person because
22 we were not aware of her physical state at that time. So
23 that's why we obtained that data.

24 Q If this happened on September 11th, what was the date
25 that you located her?

1 A On the 12th.

2 Q The following day.

3 A I believe so, yes.

4 Q Did you take pictures of her condition at the time
5 that you located her?

6 A We did not.

7 Q But you didn't notice any injuries.

8 A Did not.

9 Q We talked with Investigator Perry a little bit
10 yesterday about the location ability of cell phone
11 companies to ping a phone, and you've just discussed that
12 as well about Ms. Talley. Did you take the step to get
13 the cell phone company to identify where Mr. Watkins'
14 phone had gone that evening?

15 A I did not.

16 Q You mentioned when the prosecutor's talking to you
17 about the location of this incident being in Greenville
18 County, you don't know where the alleged stabbing took
19 place.

20 A I don't know the exact location, no, sir.

21 Q And from Mr. Watkins' testimony, he doesn't know
22 where it is either.

23 A He was able to give me a general area like I spoke of
24 earlier which is believed to be on South Fairfield Road.

25 Q This may be a silly question, but how is it that you

1 know that road's in Greenville County?

2 A South Fairfield Road? I've answered numerous calls
3 on that road, and I'm familiar with the jurisdiction that
4 I patrol. So I know it's in the -- in that community
5 close to Holder Lane, and it's also very close to the
6 location the vehicle was found.

7 Q I'm going to ask you again. How do you know that's
8 in Greenville County? Just because you patrolled that
9 area before?

10 A Well, if you look on a map and look at South
11 Fairfield Road that intersects with these roads that I'm
12 speaking of, the map will show you that it's within
13 Greenville County.

14 Q So you haven't gone to the assessor's office to get
15 tax information from the trailer or the church or South
16 Fairfield Road to show that those locations are in
17 Greenville County.

18 A I have not. However, our CAD systems which
19 dispatches calls provides that information as well as my
20 own personal knowledge.

21 Q Do you recall Mr. Watkins telling you at the hospital
22 that he lost \$2,600 as a result of this that evening?

23 A Yes.

24 Q Did he tell you where that money came from?

25 A No, sir.

1 Q You heard his testimony previously about his
2 employment, his wife's employment, correct?

3 A I did.

4 MR. MARCHANT: The Court's indulgence.

5 THE COURT: Certainly.

6 BY MR. MARCHANT:

7 Q The last thing, Investigator Maltby, some of your
8 colleagues testified they knocked on some doors out there
9 near the church that evening and received little to no
10 response. Did anybody go back out and follow-up with
11 people that live at some of those residences near the
12 church to see if they'd seen anything?

13 A Not that I'm aware of, no, sir.

14 Q You didn't do it.

15 A No, sir. I was pretty busy. But no, sir.

16 Q Well, this happened over two years ago, correct?

17 A Yes.

18 Q And nobody went back to the Dixie Estates and knocked
19 on trailers out there to see if anybody saw or heard
20 anything.

21 A The day of we canvassed that area right around there
22 as well and looked for cameras, however, didn't see any.
23 But other than -- like you said, other than the initial
24 responding deputies doing their area canvas at the vehicle
25 location, to my knowledge, another one has not been done.

1 MR. MARCHANT: Thank you. I don't have any further
2 questions.

3 THE COURT: Mr. Moyer?

4 MR. MOYER: Just a couple follow-up questions.

5 THE COURT: Sure.

6 REDIRECT EXAMINATION

7 BY MR. MOYER:

8 Q Is Dixie Estates, is that a high -- pretty high crime
9 area?

10 A Yes, sir, it is.

11 Q Okay. Y'all get a lot of calls out there?

12 A Yes, sir.

13 Q Did you get -- did any calls come in from any of the
14 locations from people just calling in to report anything
15 related to this case?

16 A No, sir, they did not.

17 Q Okay. And that would have been told to you if
18 someone had, right?

19 A Yes.

20 Q Did Investigator, Picone who showed the lineup to
21 Mr. Watkins, did he give you a copy of that lineup for his
22 case file?

23 A Yes, sir.

24 (WHEREUPON, State's Exhibit Number 112 was marked for
25 identification.)

1 BY MR. MOYER:

2 Q I'm going to hand you State's Exhibit 112. Is that a
3 copy of the lineup that was shown to Anthony Watkins?

4 A It is.

5 Q That's the lineup that has Anthony Allen in it?

6 A Yes, sir.

7 MR. MOYER: Okay. Your Honor, at this time I move to
8 have State's Exhibit Number 112 entered into evidence.

9 THE COURT: Any objection?

10 MR. MARCHANT: Let me take another look, Your Honor.

11 THE COURT: Sure.

12 MR. MARCHANT: I have a couple questions for
13 Investigator Maltby.

14 THE COURT: Okay. Go ahead.

15 VOIR DIRE

16 BY MR. MARCHANT:

17 Q Were you present when this lineup was conducted?

18 A I was not.

19 Q How is it that you know that this is the lineup that
20 was shown to Mr. Watkins?

21 A That's the lineup provided to me by Investigator
22 Picone which was placed in the case file and turned over
23 for discovery.

24 MR. MARCHANT: Okay. Is this lineup the same . . .
25 I don't have any objections to the exhibit, Your

1 Honor.

2 THE COURT: All right.

3 (WHEREUPON, State's Exhibit Number 112 was admitted into
4 evidence.)

5 REDIRECT EXAMINATION (Continued)

6 BY MR. MOYER:

7 Q Okay. And I think it's self-evident from the second
8 page of the exhibit, but Anthony Allen is in Position
9 Number 6?

10 A Yes, sir.

11 Q Would you agree that his appearance in certain ways
12 is different from when it was -- from as it is now and
13 from September 11, 2017?

14 A Yes, sir.

15 Q In what way?

16 A I'd say the most drastic way would be his hair ---

17 Q Okay.

18 A --- the difference of his hair.

19 Q Okay. You were asked about a photo lineup showed to
20 Lewis Allen.

21 A Correct.

22 Q When you were talking to Lewis Allen, were you aware
23 that Anthony Allen was his nephew?

24 A Yes. He provided me with that information and that
25 Anthony was his family member and was his nephew and that

1 he'd known him for many, many years and seen him many
2 times, which is the reason a lineup wasn't shown to him.

3 Q Okay. So lineups are for purposes of identifying
4 someone when they're not -- when it's not a known person;
5 is that right?

6 A Correct. Someone they don't know as well like we
7 would a family member.

8 Q Okay. Did you ever have -- was there ever any
9 indication throughout this case that this gray Jeep or SUV
10 or however it was described was in any way involved, any
11 way used in any of the crimes that took place?

12 A No, sir. Nobody ever stated that to me.

13 MR. MOYER: Okay. Nothing further. Thank you.

14 THE COURT: Mr. Marchant, anything else for this
15 witness?

16 RE CROSS EXAMINATION

17 BY MR. MARCHANT:

18 Q Investigator Maltby, isn't it true that in certain
19 cases, regardless if the identity of the person is known,
20 that you still show photographic lineups to confirm that
21 person's identification?

22 A It is my procedure and the way it was taught to me
23 that if there's any question in that, then yes, I would.
24 However, if there's not a question, meaning if an
25 individual told me that they are an acquaintance of the

1 person and have known him maybe a year or just known him a
2 few weeks or in passing, even though they know that
3 person, I would show a lineup in that case. However, in a
4 situation like this, I would not.

5 Q So your testimony is, in a situation like this, you
6 would never show a photo lineup to a family member?

7 A That's not my procedure or how it was taught, no,
8 sir.

9 MR. MARCHANT: No further questions.

10 THE COURT: Anything else?

11 MR. MOYER: No, ma'am.

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

13 THE WITNESS: Thank you, Judge.

14 THE COURT: Ladies and gentlemen, I need to take up a
15 matter on another case, and I'm sorry to have to do this.
16 I'm going to ask you to step to your jury deliberation
17 room for our morning break. We'll be in recess about ten
18 minutes. All right? Thank you.

19 (WHEREUPON, the jury exits the courtroom at 10:28 a.m.)

20 MR. MOYER: We will rest. So if we want to take up
21 the issue with his ---

22 THE COURT: Oh, I'm so sorry. I should have asked
23 you before. I didn't know if you were going to call
24 another witness or not.

25 MR. MOYER: That's okay.

1 THE COURT: Mr. Allen, will you stand and raise your
2 right hand, please.

3 (WHEREUPON, ANTHONY BERNARD ALLEN is duly sworn.)

4 THE COURT: Okay. You can put your hand down.
5 Have you had an opportunity to discuss with your
6 attorney whether or not you intend to testify in the trial
7 of this case?

8 DEFENDANT ALLEN: Yes, ma'am.

9 THE COURT: You think you've understood those
10 conversations?

11 DEFENDANT ALLEN: Yes, ma'am.

12 THE COURT: Do you feel like you've had enough time
13 to talk to him about this?

14 DEFENDANT ALLEN: Yes, ma'am.

15 THE COURT: Do you have any questions for me about
16 your right to remain silent or your right to testify?

17 DEFENDANT ALLEN: No, ma'am.

18 THE COURT: Do you understand that you have an
19 absolute right to remain silent? You don't have to
20 testify, you don't have to say anything in the trial of
21 this case. You don't have to put up one shred of
22 evidence. Do you understand that?

23 DEFENDANT ALLEN: Yes, ma'am.

24 THE COURT: I'll instruct the jury if you don't
25 testify that they cannot even consider the fact that you

1 did not testify in their deliberations in any way, it
2 cannot even be discussed in the jury room, and they cannot
3 hold it against you because it is your absolute
4 constitutional right. Do you understand that as well?

5 DEFENDANT ALLEN: Yes, ma'am.

6 THE COURT: By the same token, you understand that
7 this is your chance to tell your side of the story if you
8 so choose. You understand that as well?

9 DEFENDANT ALLEN: Yes, ma'am.

10 THE COURT: You heard about the potential convictions
11 that the State would seek to impeach you with. Do you
12 feel like you understand those?

13 DEFENDANT ALLEN: Kind of, sort of, yes, ma'am.

14 THE COURT: Okay. All right. I just have to ask
15 this. Are you under the influence of drugs or alcohol
16 here today?

17 DEFENDANT ALLEN: No, ma'am.

18 THE COURT: Has anybody forced you into this decision
19 or promised you anything to get you to make this decision?

20 DEFENDANT ALLEN: No, ma'am.

21 THE COURT: You understand that this has to be your
22 decision and your decision alone. You understand that?

23 DEFENDANT ALLEN: Yes, ma'am.

24 THE COURT: Mr. Marchant, do you feel like your
25 client's understood y'all's conversations?

1 MR. MARCHANT: I do, Your Honor.

2 THE COURT: You've had enough time to discuss this
3 matter with him?

4 MR. MARCHANT: I have, Your Honor.

5 THE COURT: All right. And do you know -- and I'll
6 ask him what his decision is, but do you know what his
7 decision is and do you agree with it?

8 MR. MARCHANT: I do, and I do.

9 THE COURT: Okay. All right. Mr. Allen, what is
10 your decision? Will you testify in the trial of this
11 case?

12 DEFENDANT ALLEN: No, ma'am.

13 THE COURT: Okay. All right. Very well. If you'll
14 have a seat then.

15 Mr. Marchant, do you anticipate putting up any
16 evidence in this case?

17 MR. MARCHANT: No, Your Honor.

18 JURY CHARGE CONFERENCE

19 THE COURT: All right then. Very well.

20 There's a matter we needed to take up about the jury
21 charge.

22 MR. MOYER: The first matter is I submitted a charge
23 on involuntary intoxication. Would Your Honor charge
24 that?

25 THE COURT: I have read it, and I think it's in line

1 with what the law is. I don't have any problem charging
2 it.

3 Mr. Marchant, anything you want to say about that?

4 MR. MARCHANT: No, Your Honor. I agree that the law
5 is as stated by Mr. Moyer in his request, and probably
6 pretty applicable in this particular circumstance.

7 THE COURT: It sounds like it. All right. So I'll
8 charge that.

9 Is there anything you -- anything additional?

10 MR. MOYER: Yes, Your Honor. As far as attempted
11 murder where it talks about malice, and I think
12 Mr. Marchant, I believe, is in agreement with me, I'm not
13 too sure the word "express" should be there.

14 THE COURT: Okay.

15 MR. MOYER: There -- you know, I understand the case
16 law about inferred malice now being taken out, and I'll
17 defer to your judgment on this, obviously, but it seems to
18 me that if a jury is just told that -- that it's malice
19 and so they don't have to make any determination between
20 expressed or inferred or anything like that.

21 THE COURT: All right. And are you in agreement with
22 that, Mr. Marchant?

23 MR. MARCHANT: I am, Your Honor.

24 The one thing that I am struggling with is whether or
25 not there should be an instruction of specific intent.

1 And I'm not sure how we efficiently weave that in, whether
2 it is a part of criminal intent definition ---

3 THE COURT: And, you know, I've struggled with my
4 just plain old everyday criminal intent instruction
5 because it is a little bit confusing when we get to this
6 new world of attempted murder.

7 MR. MARCHANT: Because we wouldn't have that as an
8 element of kidnapping -- excuse me -- wouldn't have to
9 have a specific part of the statute. And I'm going back
10 with the intent to kill a person who, with the intent to
11 kill, attempts to kill another person. And had he died,
12 he'd be charged with murder.

13 And I'm sorry, Judge. I just -- I'm not being very
14 articulate about it and I just can't reconcile it in my
15 head of what the best way to get this is.

16 THE COURT: What about this. The State must prove
17 the defendant had specific intent and did attempt to kill
18 another person with express -- with malice aforethought?
19 What about that? Had the specific intent to kill and
20 attempted to kill and, in fact, attempted to -- attempted
21 to kill. In order to prove this crime, the State must
22 prove the defendant had the specific intent to kill and,
23 in fact, attempted to kill another person with malice
24 aforethought.

25 MR. MOYER: Must prove the defendant had the specific

1 intent to kill, and what was after that?

2 THE COURT: And, in fact, attempted to kill or/and
3 did attempt to kill, had the specific intent to kill and
4 did attempt to kill another person with malice
5 aforethought.

6 MR. MOYER: I think that -- I mean, that's clearly
7 the law. I guess I was just struggling like Mr. Marchant
8 was with how that should be phrased. But I don't think I
9 have a problem with that.

10 MR. MARCHANT: Make sure I've got -- so we're talking
11 about Line 4: In order to prove this crime, the State
12 must prove the defendant had the specific intent to kill
13 and did attempt to kill. The "fact" part is pulled out.

14 THE COURT: Yeah. I pulled that out. I took "in
15 fact" out. I thought that might . . .

16 MR. MARCHANT: Okay.

17 THE COURT: With malice aforethought, and then malice
18 is the delivered intention, and then I talk a little bit
19 about malice. And I think there's nothing about a weapon
20 anymore. There's none of that. But I want to be clear.
21 It's not just that they had the intent to do it, but they
22 followed through with the intent.

23 MR. MARCHANT: Right.

24 THE COURT: How do you say it? Is it "inveigle"?

25 MR. MARCHANT: Inveigle.

1 MR. MOYER: That's how I say it. I may have been
2 wrong all these years.

3 THE COURT: It's pitiful, but that's where I am.
4 Inveigle. Right.

5 MR. MARCHANT: I don't know what that means,
6 but . . .

7 THE COURT: I don't really either. Maybe we should
8 just -- well, it means "to lure, entice or lead astray by
9 false representation, promises or other deceitful means,"
10 evidently.

11 MR. MOYER: Your Honor, in light of that definition
12 of attempted murder, I think we need to have ABHAN
13 charged, because I think the jury could, under these
14 circumstances, determine ---

15 MR. MARCHANT: I would agree. I don't mean to cut
16 him off, but I would agree. I was going to ask for ABHAN,
17 assault and battery first, and assault and battery second.

18 MR. MOYER: I don't see first and second under these
19 circumstances. I do see ABHAN.

20 MR. MARCHANT: Well, I believe that the jury has the
21 -- and will be charged with determine whether or not he
22 has great bodily injury or whether, in fact, the efforts
23 to harm him could have resulted in death. And, frankly,
24 there's been no testimony of what his injuries actually
25 are or that any result of his injuries could have led to

1 death.

2 THE COURT: I mean, it was blood everywhere. And he
3 had how many stab wounds?

4 MR. MOYER: Between 30 and 35.

5 MR. MARCHANT: But there's no damage to any
6 significant organs in the body. Everything was stapled or
7 sewn up. There was no major surgery that was required.
8 He was out of the hospital in 48 hours, give or take.

9 THE COURT: I mean, I'll charge -- I will charge
10 ABHAN, and I guess I'll charge assault and battery first
11 degree. I just -- assault and battery second degree is
12 just not applicable here. I mean, I just can't see that
13 being applicable at all.

14 All right. Do y'all think your closing arguments are
15 going to be ---

16 MR. MOYER: I would think 20 minutes, 15 to 20.

17 THE COURT: This would be one time where I say, hey,
18 argue a little while if you want, because I don't have a
19 law clerk today and I'm going to be adding these charges.
20 Just kidding. Just kidding.

21 MR. MARCHANT: Your Honor, I'm going to ask you to
22 revisit assault and battery second degree ---

23 THE COURT: Okay. Let's hear it.

24 MR. MARCHANT: --- and this is why. In order to find
25 somebody guilty of assault and battery first degree, one

1 of the possible elements is that moderate bodily injury
2 must occur or could have resulted. Moderate bodily injury
3 does not include one-time treatment and subsequent
4 observation of scratches, cuts, abrasions, bruises, burns,
5 splinters, or other any minor injuries that do not
6 ordinarily require extensive medical care.

7 My position is it should be up to the jury to
8 determine what the medical care was that was given to
9 Mr. Watkins and whether or not he has a moderate bodily
10 injury or something other than that. Because what
11 moderate bodily injury does mean is physical injury that
12 involves prolonged loss of consciousness. I don't believe
13 that there was any testimony of whether or not he was
14 conscious or unconscious ---

15 THE COURT: He said he lost conscious.

16 MR. MARCHANT: --- that causes temporary or moderate
17 disfigurement or temporary loss of the function of a
18 bodily member or organ, or injury that requires medical
19 treatment when the treatment requires the use of regional
20 or general anesthesia -- and I don't believe there's any
21 testimony about any anesthesia -- or the injury results in
22 a fracture or dislocation. I don't believe there's any
23 testimony that the injury resulted in a fracture or
24 dislocation.

25 So while the appearance is a very certain situation,

1 there's been no medical testimony, only that he was in the
2 hospital for 48 hours and was in some pain. And there's
3 obviously some injuries that resulted in staples and
4 stitches.

5 MR. MOYER: And my response, Your Honor, is the Court
6 can look at all of the circumstances, and when you do, it
7 is very clear. First, he was using a deadly weapon, and
8 there are multiple pictures in here of the extent of
9 blood. The defendant was saying, I'm going to kill you.
10 There's been no evidence to the contrary of that.

11 Based on all of the circumstances, including the
12 deadly weapon of a knife, including what the defendant
13 said, you know, my argument would be that it's just
14 attempted murder and ABHAN. You know, I won't argue too
15 hard against assault and battery first degree, but the
16 circumstances are clear. There's no evidence to the
17 contrary about what the defendant was saying he was
18 attempting to do, which was to inflict great pain on the
19 victim.

20 Now, granted, the injuries didn't end up as terrible
21 as they possibly could have, but there's an extreme amount
22 of blood loss. The EMS worker said that he was -- you
23 know, his blood pressure was very low from the lack of
24 blood, he was out of it, had to be awoken. I mean, it's
25 clearly they were very serious injuries, and it's very

1 clear that the circumstances were such that this was
2 someone intending to -- intending to inflict such bodily
3 harm that it very, very likely would result in death. So
4 I think under all of the circumstances, Your Honor, it
5 should be cut off, again, I would say at ABHAN. But I
6 won't argue against A&B first if that's where Your Honor
7 would choose to come down.

8 THE COURT: Yes, sir?

9 MR. MARCHANT: I agree with him to the extent that
10 there's a lot of stuff out there that has to be
11 considered. But that information is to be considered by
12 the jury and whether or not the injuries or the attempt or
13 the intent is up to the jury. And that's why I believe we
14 need to get down to assault and battery second degree
15 based off the statute and what the factors are in the
16 statute that the jury should have the ability to consider.

17 THE COURT: All right. Fine. I'll charge it. I'll
18 charge ABHAN, A&B first degree and A&B second degree. I
19 will do it.

20 And all right. Anything else we need to take up?

21 MR. MOYER: No.

22 MR. MARCHANT: No, Your Honor.

23 THE COURT: I'll change the verdict form. And the
24 verdict form will now say, We find the defendant, you
25 know, guilty of attempted murder, guilty of -- or guilty

1 of ABHAN, or guilty of assault and battery first degree,
2 or guilty of assault and battery second degree, or not --
3 I'll start with not guilty. How's that?

4 MR. MARCHANT: That's good for the defense, Your
5 Honor.

6 THE COURT: Everybody's good with that?

7 MR. MOYER: Yes, Your Honor.

8 THE COURT: Are you also good if we cancel our
9 docketing meeting this afternoon at 3:00?

10 MR. MARCHANT: Yes, Your Honor.

11 THE COURT: Okay. Thank you. All right.

12 (WHEREUPON, the jury entered the courtroom at 11:06 a.m.)

13 THE COURT: I'm sorry to have left y'all back there
14 this long. But while you were there, not only did I take
15 care of the other situation I needed to take care of, but
16 we worked on some things, and I believe in just a moment
17 we're going to move to closing arguments and final charge
18 on the law, all right?

19 Mr. Moyer, anything else from the State?

20 MR. MOYER: No, Your Honor. At this time the State
21 rests.

22 THE COURT: All right. Anything from the defense?

23 MR. MARCHANT: I renew all my objections, other
24 matters.

25 THE COURT: We'll take the time to do that, yes. And

1 then other than that, we're ready to proceed to closing
2 arguments.

3 All right. Mr. Moyer?

4 MR. MOYER: Thank you, Your Honor. May it please the
5 Court.

6 THE COURT: Yes.

7 MR. MOYER: Madam Forelady ---

8 MR. MARCHANT: Your Honor, I'm sorry. May we
9 approach briefly?

10 THE COURT: Yes. Uh-huh. I think I might know what
11 you might say, but come on. Come on up anyway.

12 (WHEREUPON, the following bench conference was held.)

13 THE COURT: Yes, sir.

14 MR. MARCHANT: Your Honor, I renew all my motions and
15 objections, and I move for a directed verdict.

16 THE COURT: All right. And your motions are
17 respectfully denied.

18 And I have purposely cut you off for putting the
19 basis of your directed verdict motion on the record. I'm
20 happy to allow some more time to do that, but I feel like,
21 based on the evidence that I've heard, the Court believes
22 that there is at least enough evidence to submit this case
23 to the jury, that there's at least enough evidence that,
24 in fact, the jury can base a verdict upon. All right?

25 MR. MARCHANT: Thank you, Your Honor.

1 THE COURT: Thank you.

2 (End of bench conference.)

3 THE COURT: We forgot to take care of a quick matter,
4 but rather than send you out, we just whispered.

5 MR. MOYER: Okay. I'm ready.

6 THE COURT: Yes, sir.

7 CLOSING ARGUMENTS

8 MR. MOYER: Okay. Madam Forelady, ladies and
9 gentlemen of the jury, good morning. I want to first
10 thank you all for the close attention with which you gave
11 this case. It ended up a little bit longer than I
12 anticipated, but like I said, again, please don't hold
13 that against me. It's very difficult to anticipate
14 matters like these.

15 The first thing I want to say is tell you in advance
16 something the judge is going to tell you is that we are
17 finished now with the evidence stage of this case, as I
18 think you all know. You won't be getting any more
19 evidence or hearing any more testimony or no more
20 exhibits, anything like that. Sometimes we have jurors
21 come back with a question saying, you know, we would like
22 to see a police report or a witness statement. For the
23 most part with some very rare exceptions, things like
24 police reports and witness statements aren't admissible
25 into court, and so everything that you have to decide this

1 case is before you now.

2 And just a word on the burden of proof that the State
3 has. You've heard a number of times already, and you're
4 going to continue to hear some more, that the defendant
5 comes into the courtroom innocent, that the defendant has
6 to be convicted by you all by proof beyond a reasonable
7 doubt. And I want to take just a moment to tell you that
8 the State agrees with every word of that. It's a
9 fundamental right of the citizens, of the people who live
10 in our country to have this, and we would not diminish it
11 in any way, and we would not have it any other way.

12 Let me just make this remark. Keep in mind what that
13 burden of proof is. It is a doubt -- it is beyond a
14 reasonable doubt. It is not beyond every doubt or beyond
15 a -- I heard someone say a shadow of a doubt, whatever
16 that is. Beyond a reasonable doubt.

17 As Your Honor is going to instruct you, there are
18 very few things in this world that we know with absolute
19 certainty, and in criminal cases like this one, the law
20 does not require proof that overcomes every possible
21 doubt. The question that you're going to have is are you
22 firmly convinced of the defendant's guilt after hearing
23 all the testimony in this case. And that is what I'm
24 going to be talking to you about here in just these few
25 moments. I'm just going to summarize and go back over

1 some of the testimony that we heard that shows you beyond
2 any possible, reasonable doubt this defendant, Anthony
3 Allen, is guilty of these two crimes.

4 Now, let me start by saying I think as you go into
5 this process of deliberations, it's going to pretty much
6 come down to a two-part for the question: number one,
7 were the crimes committed; number two, is this the guy who
8 did it or identity. Was it Anthony Allen? So let's sort
9 of -- I'm just going to break down my remarks to you or my
10 arguments to you in that fashion. Let's start off by
11 talking about were the crimes of kidnapping and attempted
12 murder committed.

13 Start with kidnapping. As you may remember from the
14 beginning of this case, when the indictment was read to
15 you, which pretty much followed the law as it's in the
16 statute of kidnapping, it is to seize, to confine, to
17 inveigle, to abduct, to kidnap or to carry away. And Her
18 Honor's going to instruct you on what all those words
19 mean. But it basically means to deprive somebody of his
20 or her freedom for a period of time. It doesn't have to
21 be all of those things. It just has to be one -- one out
22 of that list. So it's a very broad statute. It just
23 means to deprive someone of his or her freedom.

24 So let's talk a little bit about that. Was Anthony
25 Watkins kidnapped on the night of September the 10th to

1 the 11th of 2017? We know, ladies and gentlemen, that he
2 was tied up in that trailer. He was tied up with zip
3 ties, and along with Reanne in the trailer on Holder
4 Drive. That right there is kidnapping.

5 Why was he tied up? One of the reasons that we have
6 heard throughout this case, we've heard a lot of talk
7 about drug activity. I'm sure that played a role, and I
8 want to just at this moment take a moment to dispel any
9 thought that may come into your mind that this somehow
10 diminishes what happened in any way on anyone's part. It
11 doesn't. The fact that Anthony Watkins used drugs doesn't
12 mean he's fair game to be a victim of a crime. Likewise,
13 the fact that the people who did this to him used drugs
14 does not diminish in any way their culpability.

15 Her Honor is going to instruct you on a particular
16 matter of law, which is this: Voluntary intoxication is
17 not a defense, whether it's by alcohol or by drugs. It is
18 not a defense to a crime. Otherwise, you wouldn't be able
19 to try DUI cases, right? Because that's what's taking
20 place right there.

21 Intoxication, whether by drugs or alcohol, does not
22 diminish what someone does. Did that play a role in what
23 happened? I think it probably did. I think it's very
24 safe to assume, based on the testimony that you heard,
25 that this drug Molly was making the defendant go crazy,

1 acted very strangely, very bizarrely and very extremely.

2 Does not diminish what happened. That played a role.

3 For whatever reason, he became set off by the fact
4 that, in his mind, Anthony Watkins and Reanne had put him
5 and particularly his mother, Kathy, in danger from that
6 robbery that was going to take place at the drug dealer's.
7 Whatever happened, when they went up at the Economy Inn to
8 that hotel room where the drug dealers were, they weren't
9 able to go through with their robbery. He believed they'd
10 been tipped off. We know that Reanne had been to that
11 place earlier that day and got crack cocaine, so they knew
12 that Reanne knew those people. So when they went up to
13 the house, for whatever reason, the robbery couldn't take
14 place, they thought Reanne and Anthony were tipping them
15 off. It made them angry. Drug dealers are dangerous, and
16 he thought his mom could have been the victim of a crime,
17 could have been victimized by those drug dealers who were
18 -- whether they were or not, whether it was a part of his
19 imagination or not, that's what he believed. So it set
20 him off.

21 They get back to the trailer and Anthony Watkins said
22 on the way back, acting a little bit differently, but it
23 wasn't until they got back to the trailer that he snapped,
24 that he went off. You jeopardized our safety. So they
25 get tied up.

1 Then we hear, for some reason, having something to do
2 with Mr. Dirton, who testified at the end of the day
3 yesterday, and y'all can assess his testimony however you
4 choose to, you heard that, without any prompting from the
5 State, without any deals, he and his lawyer decided he was
6 going to take the stand. And he got up there, and you
7 were able to assess his credibility and his demeanor. It
8 looked like he was just trying to remove himself from any
9 possible incrimination. He didn't want to incriminate his
10 buddies, didn't want to incriminate himself, so he was
11 very vague. But we heard Lewis said that Dirton came
12 walking out of the room, saw what's going on, he had a
13 gun, saw what's going on and he said, You guys need to get
14 out of here. So yeah. He had some dealings with what was
15 going on, but he wasn't -- he wasn't affected like Anthony
16 Allen was. So he takes it out of here.

17 Anthony Watkins said that he actually came out there
18 with a gun, pointed it at them, had a role at least in
19 that fashion. But he said, Take them out of here.

20 So what happens then? Reanne and Anthony Watkins are
21 forced to go with those guys in his car. This is
22 kidnapping: seize, abduct, carry away. They said --
23 Anthony Watkins said they took him out the back door, took
24 him to his car, Anthony Allen is driving and they drive
25 not very far and they stop. And at some point, as you've

1 heard, Anthony Watkins' memory gets kind of hazy very
2 obviously from all the loss of blood. He is tied up.
3 He's seized. This is also kidnapping. We saw those two
4 belts tied to the seat that were eventually cut. He is
5 tied up in that car, and he's held there while he's
6 begging and pleading to be let go, and they don't let him
7 go.

8 Then at some point they go back to the trailer. We
9 know this from Lewis Allen, don't we? Because Anthony
10 Watkins says he doesn't remember. He just remembers being
11 stabbed over and over and over again, his memory starts to
12 go from the blood loss. They end up back at the trailer.
13 Lewis and Reanne get out, and then the defendant takes him
14 off again. And that's when he ends up at that church.
15 And we don't know. The only two people that know what
16 happened during that trip, and that's Anthony Allen.
17 There's only one person, and it's Anthony Allen. Because
18 Anthony Watkins at this point is so out of it from the
19 blood loss, he doesn't have a recollection.

20 What we do know is he ends up back at that church,
21 which is a few miles away. The car somehow bizarrely ends
22 up on top of those rocks, all four wheels off the ground.
23 Anthony Watkins, unconscious, is left. He's left, I would
24 argue to you, to die. So there's certainly a kidnapping
25 took place.

1 Was there an attempted murder? Her Honor is going to
2 instruct you that attempted murder, pretty much what it
3 sounds like. It's a trying to kill somebody. It means
4 specifically trying to take the life of another person.

5 Now, you're going to be given the option of also
6 finding what we call lesser-included offenses. So when
7 you consider this charge, you're going to be able to say
8 he's guilty of attempted murder or one of several lesser
9 charges which are aggravated assault and battery, assault
10 and battery first degree and assault and battery second
11 degree. I want to argue to you, ladies and gentlemen,
12 that the charge, the correct charge is attempted murder.
13 He intended to kill Anthony. And what evidence do we have
14 in this case that shows that? The most obvious evidence,
15 ladies and gentlemen, is he said he was going to. Do you
16 remember the testimony that Anthony Watkins gave? He said
17 when they were taking him away, Anthony Allen was saying,
18 You are going to die. Let's just take him at his word.
19 You are going to die. He said that's what he's going to
20 do. Ladies and gentlemen, I would ask you to hold him to
21 his word that he intended to kill Anthony Watkins.

22 Why else do we know that? He not only said it, but
23 he acted on it over 30 times. Did you see -- well, you
24 did see the wounds that were inflicted on that man, blow
25 after blow after blow. I would argue to you if we have

1 one stab wound, you can find him guilty of attempted
2 murder. I would be -- if we had one stab wound in this
3 case, I would be up in front of you, ladies and gentlemen,
4 saying you should find him guilty of attempted murder
5 because a knife is a deadly weapon. He got lucky. He did
6 not die. None of those wounds hit a vital organ, thank
7 goodness. He was fortunately only in the hospital for
8 three days, although he said he had multiple follow-up
9 visits. He was in bed for a couple of months. He still
10 feels pain in his neck from what happened to him. A
11 terrible ordeal, but fortunately, he's allowed and he's
12 able to work as you heard. He's even going on about his
13 life. But he's lucky, and he should not be given credit
14 for luck. Once a knife, one vital artery been sliced that
15 would have caused even more blood loss than actually took
16 place, and it was over and over and over.

17 And you saw so many wounds to his arms. You can only
18 imagine that that's how they took place trying to shield
19 him being struck. One in the neck, a stab wound to the
20 neck.

21 And after that what does he do? He leaves him. It's
22 not like he stabbed him in a -- it's not like this was a
23 bar fight where there are a bunch of people around who can
24 immediately come to the aid of this person who's been
25 stabbed and get him to the hospital. He was left alone

1 unconscious.

2 What's another reason why I would argue to you that
3 this is attempted murder? And that is that gas can.
4 Remember that, the gas can that was right outside the car
5 right by his gas tank? There was a rag stuffed into where
6 the gas cap would be into the car's gas tank. Why was
7 that done? Specifically, I would argue to you, only he
8 knows. Only Anthony Allen knows. But you can infer from
9 the circumstances several things among these
10 possibilities, and one is that he was going to dispose of
11 all of the evidence and light that on fire, and he just
12 didn't happen to have matches or something with him to do
13 that. Another is he started to do that to finish off what
14 he had started with a knife. He saw all of the blood, all
15 of the wounds, Anthony unconscious, he realized he didn't
16 have to. He's dying. It's the middle of the night.
17 There's no one around. He's just going to walk away and
18 let him just continue to die. That's what Lewis Allen
19 said he thought. He didn't know that Anthony Watkins was
20 alive until he spoke to Investigator Maltby months later.
21 He thought he was dead. That's how bad this was.

22 He left him for dead. I would argue to you this is
23 attempted murder.

24 So once you determine whether or not the crimes took
25 place, kidnapping and attempted murder, then you have to

1 decide whether or not it was this defendant. You have to
2 determine the question of who committed the crime. The
3 way to do this, ladies and gentlemen, is through the two
4 eyewitnesses who were able to say it was him, two of the
5 three people. There were three people who saw this
6 happen: Reanne, Anthony Watkins and Lewis, and the
7 defendant. Two of those people came in court, took that
8 stand and said it was that man who did it.

9 Now, Reanne, we don't know where she is.
10 Understandably she was -- as you heard was frightened, and
11 we know about from her lifestyle it shouldn't be too
12 surprising that she's not here. Hopefully, she's not dead
13 somewhere and she will turn up one day, but she's not
14 here.

15 But we heard from Anthony Watkins and we heard from
16 Lewis Allen. And let's talk about their testimony and why
17 it's believable. And before we do that, let me just say a
18 word about something that came up over and over and over
19 again by the defense attorney throughout the trial, and
20 that is things like DNA and fingerprints. Let me just say
21 a word about that. As Investigator Maltby, I think, very
22 clearly tried to explain to you, that kind of evidence,
23 what that is for is putting a person at a crime scene. We
24 have a person, he said. Through his investigation, we had
25 Anthony Allen at the crime scene.

1 More importantly, I want you to think about this.
2 These officers have to make a decision using their limited
3 resources, using their investigation powers and where they
4 have to allocate resources about what they're -- how they
5 were going to handle matters like DNA, whether you send
6 all these things off to a lab or not. And one of the
7 things they have to decide is what is it going to tell us?

8 Let's say we sent all this stuff, and let's say
9 somehow or other we do get a match in some way, shape or
10 form that we can bring into court. What would it tell us?
11 Same thing with fingerprints. It would tell us nothing
12 than that, at some time and for some reason, he was at
13 that particular places we're talking about. It wouldn't
14 tell us that he stabbed Anthony Watkins. It would give us
15 no help about that. All it would tell us is that he was
16 there.

17 What do we know about that trailer? That's where his
18 sister lived. Of course, he's going to -- I mean, if he
19 had fingerprints or any -- if he had some of his clothes
20 or his ID there, it would tell us nothing other than he
21 went to visit his sister at some time. It wouldn't tell
22 us what happened there. There's no reason. In fact,
23 Maltby said there's not even a reason to fingerprint. We
24 know who's there. Dirton and Courtney were there when the
25 officer showed up. Kathy Allen lived there. Lewis and

1 Anthony Allen were relatives. There's absolutely no
2 reason to do any kind of forensic testing like that.

3 Same with the car. We know from every witness who
4 testified he went to the car. Even Dirton who tries to
5 tell you he didn't know what happened, even Dirton said
6 Anthony Allen, when he told him to leave his house, he
7 walked out to the car. So if you have a fingerprint or
8 you have DNA or whatever, that's all it's going to tell
9 us. It is the eyewitness testimony that tells us that he
10 is the one who stabbed Anthony Watkins.

11 And one other note I want to make about fingerprints.
12 We did hear the testimony from Officer Bucholtz, or
13 Forensic Technician Bucholtz who testified about
14 fingerprints and also the Officer Dar Shaw who collected
15 the fingerprints. And what's interesting, I think this
16 gives us an idea of this is not TV where forensics
17 evidence pops up and you can solve a crime in 30 minutes.
18 Out of that whole car, how many fingerprints were there?
19 Seven. Three of them or four -- yeah, three of them were
20 not even comparable, two of them matched Anthony Watkins,
21 two of them matched Lewis Allen.

22 We knew they were -- we know of multiple people in
23 that car. We know Reanne was in the car, we know that
24 Lewis was in the car, we know that the defendant was in
25 the car. He has a wife, he has children. I mean, out of

1 all of the people who could have been in that car, we only
2 have a couple of fingerprints. And we had none from
3 inside the car. Granted, the blood hindered the officer
4 some in that respect, but not a single fingerprint inside
5 that car. That just shows you reality versus TV evidence,
6 I would call it.

7 Along those lines, defense kept bringing up whether
8 or not there were video tapes. What would it tell us if
9 we had a videotape from Spinx of Anthony Watkins going to
10 get gas? It would tell us he went to get gas. Are these
11 diversions on the part of the defense trying to get you to
12 look away from what we have, which is eyewitness
13 testimony, or does it mean anything? I would ask you
14 that.

15 Location services on Anthony Watkins' phone, well, we
16 know where Anthony Watkins' phone was. It was in the car.
17 We know where he was. So there's no question about
18 anything like that.

19 What we have is we have eyewitnesses from Lewis and
20 from Anthony. Let's start off with talking a little bit
21 about Anthony. He took the stand in court and he pointed
22 to Anthony Allen and said, That's the guy who did this to
23 me. Now, one thing you have to think of, of anybody in
24 this case, anybody who's been in this courtroom, who has
25 the most reason to want to get the right person? It would

1 be the victim of such a horrific crime. I would say take
2 that into consideration. It's not like this was somebody
3 he knew. It was not like Anthony Allen was someone he
4 knew and had some problem with and he's trying to frame
5 him. He didn't know him before that date. He never met
6 him. In fact, he said up until he flipped out, they had
7 some nice conversation. He told him how -- he told him
8 what age he was. He told him he's 24 years old. Some
9 part of the conversation before all of this craziness
10 happened was just something he relayed to Investigator
11 Maltby. It was spot on.

12 Now, a couple days after the incident when he's just
13 been stabbed, he's on medication, he was shown a photo
14 lineup and he couldn't pick him out. Ladies and
15 gentlemen, I would ask you, in fact, in the jury room,
16 take a look at this photo lineup. I mean, I joke at the
17 options. This is almost too good. Some of these guys
18 look almost identical to one another.

19 And also what's of significance is, like I said, it
20 was right after the crime took place and he was still
21 under the influence of all the drugs and so forth. It's
22 just a picture, and they look -- he looks different. His
23 hairstyle was different from what it was and what it is
24 today. Anthony Watkins said he took some time, he watched
25 him throughout this trial, his mannerisms. He says that's

1 the guy. I don't know why we shouldn't take him at his
2 word. As I said, he is the person who has the most at
3 stake in having the real person who did this held
4 responsible. If it were -- I don't know. I mean, if it
5 were Lewis Allen, would he not say it was Lewis Allen who
6 did all this? If it was anybody else, you would think he
7 certainly would have said that.

8 So let's move on to Lewis Allen. Lewis Allen
9 testified, and he pointed out Anthony Allen, his own
10 nephew. His own nephew.

11 Now, why? Why? What could cause somebody to frame
12 another person for such a horrible -- I mean, how much
13 would you have to hate somebody to say, no, it wasn't this
14 guy, it was my nephew? How much would you have to hate
15 that person? Anthony Allen's nephew, he's known him since
16 he's 7, 8, 9 years old. They obviously hung out together
17 as we heard throughout this trial. Maybe -- if you're
18 trying to deflect the criticism from yourself, maybe you
19 would try to say it was somebody you loved and knew, but
20 it's not like he was trying to do that. He's pled guilty.
21 He's accepted responsibility for what he did.

22 And you heard Anthony Watkins told you, yeah, Anthony
23 -- I'm sorry -- Lewis Allen was involved in this thing.
24 He seemed a little bit scared of him. Seemed a little bit
25 scared. And he was there, but his role was minor. So let

1 me take just a moment to talk briefly about that.

2 The defense took a lot of time questioning Anthony --
3 I'm sorry. Excuse me for the name mixup. But spent a lot
4 of time questioning Lewis Allen about whether or not he's
5 really guilty of this or not. Let me just say this. This
6 is not Lewis Allen's trial. This is his trial. The
7 spotlight is on him, not Lewis Allen. All we know is that
8 Lewis Allen's attorney and he, Lewis Allen, sat down and
9 made the determination of what would come out in a real
10 trial, talked about the law of accomplice liability, which
11 means the hand of one is the hand of all, that if you are
12 participating in the crime with somebody else, you're just
13 as responsible for what took place. And he made the
14 decision that he was going to own up to what he did. This
15 is not his trial. You don't have to spend one minute
16 determining whether or not Lewis Allen is guilty of this,
17 because he said he's guilty. He stood in front of a judge
18 and said he's guilty. He stood in front of you and said
19 he's guilty.

20 Ladies and gentleman, he's not as -- he's not as
21 culpable as this defendant. He's not -- he didn't
22 participate, he didn't do the acts that this defendant
23 did. And that was reflected in the plea bargain, and it
24 will be reflected and taken into consideration when he is
25 eventually sentenced. But doesn't mean he wasn't guilty.

1 He owned up to it.

2 So he wasn't -- by pointing the finger at Anthony
3 Allen, he's not trying to deflect any guilt upon himself
4 because he has already admitted to his guilt. And like I
5 said, how much would you have to hate somebody to -- to
6 frame another person for such a horrific crime? And it's
7 his own nephew. And he was consistent. He spoke to this
8 investigator right after he was arrested, when he just
9 found out that Anthony Watkins, thank God, was alive. And
10 he said the same thing. He pointed to Anthony Allen and
11 said, Yes, my nephew is the one who did this, which is
12 what he said in court.

13 In closing, ladies and gentlemen, I just want to
14 return to that attempted murder charge and talk about that
15 for just a moment. As I said, in order to find him
16 guilty, you have to determine that Anthony Allen assaulted
17 Anthony Watkins with deliberate attempt to kill him, and
18 he did so with malice. With malice. It's the actual term
19 is "malice aforethought." Don't let that word
20 "aforethought" throw you off. It doesn't mean it has to
21 be planned out in advance or thought about. As long as
22 that malice exists when the actual assault takes place,
23 then it's malice aforethought.

24 What is malice? What is malice? I would argue,
25 ladies and gentlemen, another way -- one way to look at

1 malice is meanness, is meanness. And I want you to think
2 back with me to that car on that dark highway where those
3 people are in that car. And I want you to think about
4 what Anthony Allen did. He took a knife and stabbed a man
5 he did not know over 30 times. He stabbed him over and
6 over and over, got out of the car, came around and stabbed
7 him over and over and over again until it took us about 60
8 to 70 pictures to show you all the blood that was left in
9 that car. That's how much he was stabbing that man.

10 And I want you to think also about how he stabbed
11 him. Remember Anthony Watkins talked about how, on some
12 of those occasions, he did it slow? He pushed that knife
13 into him slow. Anthony Watkins is tied up, and he slowly
14 pushed that knife into his body to inflict as much pain as
15 possible.

16 I want you to think about also what he said. He
17 said, This feels good. And he tried to give the knife to
18 Lewis Allen and said, You do it, too. Talked about the
19 blood smelling. He was taunting him. He was taunting
20 him.

21 Anthony Watkins begged for his life. He was praying
22 to God to survive this incident. He begged to -- he
23 begged to Anthony Allen to please don't kill me. What did
24 he say happened every time he would beg for his life? It
25 would get worse. Ladies and gentlemen, that is meanness,

1 that is malice, and I ask you to find this defendant,
2 Anthony Allen, guilty of these two time crimes.

3 Thank you.

4 THE COURT: Mr. Marchant?

5 MR. MARCHANT: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. MARCHANT: Good morning, ladies and gentlemen.
8 The first thing I want to do is thank you for your time.
9 Mr. Allen appreciates it. It's obviously a very important
10 day for him. He knows that you've been diligently
11 watching and paying attention to the evidence, and that's
12 extremely important for this process and in particular for
13 him today.

14 One of the things that I do agree with the prosecutor
15 on is that the burden is entirely on him. The burden
16 rests on his shoulders, law enforcement's shoulders to
17 prove that what they have charged Mr. Allen with is what
18 he's responsible for. And you have to determine whether
19 or not he is guilty of each and every element of both of
20 these offenses beyond a reasonable doubt.

21 The judge is going to charge you in a few moments
22 what "reasonable doubt" is. Is it a hesitation to act?
23 Is it beyond every possible doubt? What level of doubt do
24 you have when you make decisions in your life? An analogy
25 I like to use sometimes is I believe we've all probably

1 been to the grocery store or the mall or restaurant, and
2 you start walking up to those glass doors, all right. You
3 walk up to it, and sometimes on those doors it says "push"
4 and it says "pull." Sometimes "push" is on the inside and
5 "pull" is on the outside. And you walk up and you say,
6 Wait a minute. Am I supposed to push it or am I supposed
7 to pull it? Sometimes I push when you're supposed to pull
8 and sometimes I've pulled when you're supposed to push.
9 I've hesitated when I've gotten there because I wasn't
10 really sure what I was supposed to do.

11 Okay. Any doubt you may have is reasonable doubt.
12 It matters not how big or how small. It matters not what
13 the evidence is. If you are not convinced, if you have a
14 hesitation, if you have doubt that he is responsible, you
15 must vote not guilty.

16 Each one of you has a voice back in that jury room.
17 You need to be sure that you understand your fellow
18 jurors' opinions and respect those, but you have a voice.
19 This is your opportunity and your civil duty that you have
20 been charged to be firmly convinced, and my position is
21 that no doubt is too small if you have doubt that the
22 State, the prosecution has not done their job.

23 The term that's also and often confused in these
24 cases is "not guilty" versus "innocent." It's not your
25 job to find Mr. Allen innocent. It's your job to

1 determine whether he is guilty or not guilty. And again,
2 not guilty does not mean someone is innocent. Not guilty
3 means they have not done their job, and they have not
4 proven the case that Mr. Allen is responsible for
5 attempted murder and kidnapping.

6 Now, there has been a lot of pictures and a lot of
7 evidence, and I'm not going to sit up here and try to tell
8 you that Mr. Watkins ain't been injured. It's very clear.
9 The question is why and question is by whom, okay?
10 Mr. Moyer has done a great job trying to convince you that
11 all this other stuff doesn't matter: photographs, videos,
12 DNA, fingerprints, cell tower information.

13 I don't mean any disrespect to Mr. Watkins by saying
14 this, but he's a crackhead. He's admitted to doing all
15 sorts of drugs and being in all sorts of mental states
16 throughout that evening. Who's the other witness that
17 they are relying on with such great need? Boss. Boss is
18 a crackhead, too. He's admitted to smoking dope that
19 night and drinking and doing whatever else he can get his
20 hands on.

21 I was very intentional and deliberate in asking
22 Mr. Watkins a number of questions about what unfolded that
23 night, and his answer, if you recall, on a large number of
24 occasions is: I don't remember the details. Details
25 matter, details arise, and details provide you with doubt

1 about what happened that night.

2 When Investigator Maltby first got to the hospital
3 and interviewed him, he said, Boss, yeah, I've known him
4 for 15 or 20 years. He's known him for almost two
5 decades. And he said, He's about your height and about
6 your size. We've heard Boss is 5'5", 190. Maltby's 6',
7 two and a half. That is a distinct difference in height
8 and weight as far as an identification goes. And be
9 clear, he didn't give him a lineup at the hospital that
10 day. That was at a future point in time days later when
11 he was already discharged.

12 And look at this. You'll see it. Down here in
13 Number 6. Look at his face. That's what you're looking
14 at. This picture is reflective of what Mr. Allen looked
15 like at the time. Of course, it's two years down the road
16 now and he looks different. But you know what? Stand up.
17 You show me what other black male is sitting at this table
18 that's charged in this case. He's only got one person to
19 point at. He is the only person that the State can
20 provide as a possible suspect of stabbing Mr. Watkins.
21 There's nobody else. Who else is he supposed to say did
22 this? Are you going to look at me and say yeah? No. I'm
23 white. Who else? Nobody. Got Mr. Allen and some of his
24 family in the back, but there ain't nobody else for him to
25 pick. He's got no other choice. Yeah, if I was in his

1 shoes, I'd want to pick somebody out, too, because
2 somebody stabbed him to you-know-where and back. He ain't
3 got no other choice but to pick him. Why? Because they
4 didn't do their investigation.

5 They keep talking to you in this closing argument
6 about the stuff's not important because we got an
7 eyewitness. You've got two crackheads, admitted
8 crackheads who were so high and in the words of Boss
9 "fucked up" that I didn't know what was going on, and I
10 don't remember this, and I don't remember that, and I
11 don't know where we went, and I don't know who was seated
12 where.

13 And let's talk about Boss and his credibility. Yeah.
14 I pled guilty.

15 Well, why'd you plead guilty?

16 Well, I talked to my lawyer and apparently had some
17 conversation about some legal theories.

18 All right. Did you tie up Watkins?

19 No.

20 Did you prevent Watkins from moving or going
21 anywhere?

22 No.

23 You pled to kidnapping, didn't you?

24 Yeah.

25 All right. Did you tie up Reanne?

1 No.

2 Did you prevent her from leaving the trailer?

3 No.

4 Did you do anything from stopping either one of them
5 from going anywhere they wanted to go?

6 No.

7 So you can talk about accomplice liability and the
8 hand of one is the hand of all. He's pled guilty to avoid
9 life without parole. I asked him, I said, You understand
10 what life without parole means?

11 Yes, sir.

12 That means you stay in prison until you die.

13 If I'm him, I'm going to say whatever I've got to say
14 to get my rear end out of trouble.

15 And you heard the offer at the very beginning was 22
16 years to cooperate. Did he do that? No. They serve life
17 without parole on him. Changes his tune. Comes in here
18 and pleads guilty in front of another judge, and we've
19 deferred sentence. So he's got every incentive to tell
20 the prosecution and tell you what the prosecutor wants him
21 to say. Why is that? Because he's looking at a maximum
22 of ten years now based off the recommendation from the
23 prosecutor. But he can ask for less.

24 What motivation would that give you? I'm going to
25 say whatever I've got to say. I'm going to do whatever

1 I've got to do to make sure I don't spend the rest of my
2 life in prison. Whatever it takes.

3 I asked him, Did you assault Mr. Watkins?

4 No.

5 You didn't lay a hand on him.

6 Well, I punched him once in the head.

7 You're charged with attempted murder, and he pleads
8 to assault and battery of a high and aggravated nature,
9 which Your Honor is going to give you as a lesser-included
10 offense here.

11 Regardless of what level offense I argue to you in a
12 minute, assault requires an injury to another person.
13 Assault and battery. Battery: injury. They say he
14 injured him? No. Did he bleed? No. So he's pled to
15 assault and battery high and aggravated, carries 20 years.
16 He pled to kidnapping, carries 30 years. Pled to another
17 kidnapping, carries 30 years. And he pled to conspiracy,
18 conspiracy to commit kidnapping. He didn't commit
19 kidnapping. He put his hand on the Bible and said right
20 here I didn't do those things.

21 Why did you plead guilty? No answer. The answer is
22 because he's going to say or do whatever he's got to do to
23 get out of trouble.

24 Now, I don't know what this business is about not
25 showing identification or a photo lineup to a relative.

1 I've been doing this a long time, and y'all need to decide
2 whether or not that's reasonable. He identified somebody
3 with Investigator Maltby when he first went in. We don't
4 know who that person is. We do not know. There's no
5 picture that was shown, no other identifying information
6 given.

7 He told you in the car that he didn't do anything.
8 He didn't stab him, he didn't harm him. He was scared of
9 his nephew who is 20 years younger than he is.

10 Watkins tells you we left and went to the motel and
11 something was wrong and whoever this prostitute is was
12 saying you know what they're going to do. Well, he just
13 sits there. He's in his car. And he don't just turn
14 around and leave. And then he goes drives them back to
15 their house, he says. Goes inside the house. What? Does
16 that make sense? If you're driving your vehicle and
17 somebody's doing something you don't want them to do and
18 you don't know them and never met them before in your
19 life, you're going to hang around and wait for them? Is
20 it credible? Is it believable? Is it plausible? There's
21 doubt. There's uncertainty. There's question.

22 Could that question have been cleared up? Absolutely
23 it could. They've got several DNA swabs of various items
24 off the car. They've got some zip ties, which we didn't
25 find any used zip ties, but there's belts in the car,

1 right? Why are there no zip ties in the car? Where did
2 those go? Did they look for those? Did they find those?

3 There's gloves at the house. There's a jacket.
4 Jacket looks like it's got blood on it. Did they take
5 that as evidence and test it? No. They want you to just
6 say here, I've got two guys who say something happened,
7 that's enough. That's enough to convict him and make him
8 face those penalties that you've heard. They did not do
9 their job. Remember, doubt, no matter how big or how
10 small, if you have doubt, you must vote not guilty.

11 The assault and battery, my client is charged with
12 attempted murder. And Her Honor is going to discuss with
13 you what that means and what somebody has to be of the
14 mindset in order to be responsible of that offense.
15 She's also going to review with you assault and battery of
16 a high and aggravated nature, assault and battery first
17 degree, and assault and battery second degree. All are
18 various levels of assault. Each requires a certain amount
19 of either injury or intent to injure.

20 Now, you can't go on what you think, and I do not
21 mean any disrespect to you by that comment. But you
22 cannot go on what you think. If you recall when I had my
23 opening arguments, I stood up here and I told you you've
24 got two things that you can evaluate in this case: what
25 comes from the stand and what people say, and what

1 evidence is admitted for you to review.

2 Okay. So, what do we know about the nature of his
3 injuries? He's got several marks on his body that
4 required either a staple or stitches, and he spent about
5 40 hours in the hospital. Had some recovery time after
6 that.

7 What have we not heard? We don't know what
8 doctor did what, how life-threatening the injuries may or
9 may not have been, what follow-up procedures had to be
10 done, what organs were injured, if any. We just know he
11 was in the hospital for about two days and took him a
12 little while to recover. You can't take that leap and
13 say, well, this stab wound or this mark or whatever on his
14 body. It's got to be close to his lungs or his chest.
15 They have to prove the injury, and they have to prove it
16 was life-threatening. And again, Her Honor is going to go
17 over the different levels of assault. And while it may
18 seem hard to believe, if you are going to do your job and
19 do what you have charged and sworn to do, it's my position
20 that if you were to even find him responsible, you can't
21 find him responsible of attempted murder. It's going to
22 be of assault and battery in the second degree. And
23 she'll talk about the elements of that.

24 But briefly, a person commits the offense of assault
25 and battery in the second degree if the person unlawfully

1 injures another person or offers or attempts to injure
2 another person with the present ability to do so, and one
3 of the things that has to be found is that moderate bodily
4 injury occurs. There's moderate bodily injury and there's
5 great bodily injury. I would suggest and submit to you
6 that if anything, moderate bodily injury may have
7 occurred. There were some stitches and there were some
8 staples. But there was no testimony -- that's what you
9 have to remember. There was no testimony about loss of
10 the function of a bodily member or organ, treatment that
11 required anesthesia or any injury that resulted in a
12 dislocation or fracture. Those are significant
13 differences and distinctions between the levels of
14 assault.

15 You may wonder how is it that he ended up in the
16 condition he did. Well, we can't speculate. Remember,
17 the testimony came from up here. Okay. You've got to
18 consider the nature of the injury.

19 Each and every element of each offense beyond a
20 reasonable doubt. Hesitation, it doesn't matter what size
21 or how much of a doubt, if you have doubt, you must find
22 in my client's favor. And, again, you have two choices:
23 guilty or not guilty. Not guilty does not mean innocent.
24 Not guilty means they did not do their job. And, yeah, I
25 asked a lot of questions. Did you go get the video?

1 No.

2 Do some DNA samples?

3 No.

4 Did you trace the phone?

5 No.

6 All of those things are significant because they
7 would have either corroborated or eliminated the story
8 that these two crackheads have given you today. And as I
9 told you from the beginning, it's a fantastic story. I'm
10 asking you to take your time, consider all the evidence
11 and do what's right here and return verdicts of not guilty
12 on both counts for my client.

13 Thank you.

14 THE COURT: Will the attorneys approach for just a
15 moment?

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: Ladies and gentlemen, is everybody all
18 right to keep going? I anticipate, don't hold me to it,
19 but I anticipate my charge on the law is going to be about
20 15 minutes. If everybody is all right, then maybe it
21 might coincide with your lunch getting here, hopefully.
22 If that works out, it will be the first time I've done it
23 perfectly.

24 But the conversation I was just having with the
25 attorneys at the bench is they have agreed to allow you to

1 have a copy of my charge in your jury deliberation room.
2 I'm going to give you some instructions about that. They
3 didn't have to do it, but they did it to help guide in
4 your deliberations. And I'm happy that they agreed to do
5 that. I am, however, still required to give you these
6 instructions and read them to you. It's just the way it
7 is in South Carolina. So there you go.

8 CHARGE ON THE LAW

9 THE COURT: All right. Madam foreperson, ladies and
10 gentlemen of the jury, you have seen and heard the
11 evidence presented as well as the arguments of counsel.
12 It now becomes my duty and obligation to instruct you on
13 the law applicable in this case. It will then be your
14 duty and obligation to begin your deliberations through
15 which process you will decide the facts, apply the law as
16 instructed by the Court, and determine whether the State
17 met its burden of proof.

18 It is your exclusive duty to determine the facts in
19 this case. You do that based upon your own common sense
20 examination and evaluation of the testimony and other
21 evidence received during the trial of this case. You
22 12 jurors alone will decide what weight, value and effect
23 that is to be given to any particular testimony or other
24 evidence received. Your ultimate goal is to determine
25 whether the State has met its burden of proof in this

1 case, and in doing so, you will have fulfilled your
2 obligations as jurors to determine whether the State has
3 met its burden of proof beyond a reasonable doubt.

4 In this case the State of South Carolina, through the
5 circuit solicitor, has charged the defendant with the
6 criminal offenses known as attempted murder and
7 kidnapping. The allegations charging the defendant with
8 these crimes are set forth in the indictments that have
9 been previously explained to you. The indictments are not
10 evidence in this case, and may not be considered by you as
11 evidence against the defendant.

12 As to each of the charges set forth in the
13 indictments, the defendant has entered a plea of not
14 guilty. That plea of not guilty has therefore placed upon
15 the State the burden of proving the allegations that are
16 set forth in the indictments, the burden of proving each
17 of the essential elements of any crimes charged, and
18 therefore, the burden of proving the guilt of the
19 defendant to the satisfaction of you 12 jurors beyond a
20 reasonable doubt, for any verdict of guilty can be
21 returned as to any indictment.

22 The burden is never upon a defendant to prove that he
23 is not guilty or to prove that he is innocent, because in
24 some cases that might not be possible. The burden is
25 always upon the State, because they have made the

1 allegations, to prove the defendant guilty beyond a
2 reasonable doubt.

3 You are further instructed that it is a vital,
4 important and cardinal rule of law that every defendant in
5 a criminal trial, no matter how serious the offense might
6 be for which he stands charged, shall always be presumed
7 innocent of that charge, and that presumption of innocence
8 shall be with the defendant from the moment of his arrest,
9 and even throughout the course of the criminal process,
10 and even throughout the course of the actual trial. The
11 presumption of innocence shall be with the defendant even
12 as you go into the jury room to begin your deliberations,
13 and that presumption of innocence shall be with him there
14 and be with him forever unless you 12 jurors determine
15 that he is no longer entitled to that presumption of
16 innocence. It is only if, unless and until you are
17 satisfied of the defendant's guilt beyond a reasonable
18 doubt that he would no longer be entitled to the
19 presumption of innocence.

20 I remind you that during this trial you and I have
21 certain duties to perform. As the trial judge, it is my
22 responsibility to preside over the trial of this case, and
23 I also have the duty to rule on the admissibility of
24 evidence offered during this trial. You are to consider
25 only the competent evidence before you. If there was any

1 testimony ordered stricken from the record, you must
2 disregard that testimony. You are to consider only the
3 testimony which has been presented from this witness
4 stand, any exhibits which have been made a part of the
5 record in this case, and any stipulations of counsel.

6 I have the additional duty to charge you the law
7 applicable to this case. As the presiding judge, I'm the
8 sole judge of the law of the case, and it's your duty as
9 jurors to accept and apply the law as I now state it to
10 you. If you already have any idea as to what the law is
11 or what the law ought to be and it does not agree with
12 what I tell you now the law is, you must abandon this idea
13 because you are sworn to accept the law and apply the law
14 exactly as I state it to you.

15 In every case tried in this court before a jury, the
16 jury becomes the sole and exclusive judge of the facts in
17 the case. A trial judge cannot comment on or make any
18 statement to a trial jury about the facts in a case.
19 Since you the jury are the sole judge of the facts in the
20 case, you are not to infer from what I have said during
21 the progress of this trial in ruling upon the
22 admissibility of evidence or otherwise or anything that I
23 say now during the course of this instruction to you that
24 I have any opinion about the facts in this case. I do
25 not. The law does not allow me to have an opinion about

1 the facts, and this is a matter solely for you the jury to
2 determine. As jurors, it is your duty to determine the
3 effect, value, weight and truth of the evidence presented
4 during this trial.

5 The State has the burden of proving the defendant
6 guilty beyond a reasonable doubt. Some of you may have
7 served as jurors in civil cases where you were told it is
8 only necessary to prove that a fact is more likely true
9 than not true such as by the greater weight or
10 preponderance of the evidence. In criminal cases, the
11 State's proof must be more powerful than that. It must be
12 beyond a reasonable doubt.

13 Reasonable doubt is the kind of doubt that would make
14 a reasonable person hesitate to act.

15 Proof beyond a reasonable doubt is proof that leaves
16 you firmly convinced of the defendant's guilt.

17 There are very few things in this world that we know
18 with absolute certainty, and in criminal cases the law
19 does not require proof that overcomes every possible
20 doubt. If, based on your consideration of the evidence,
21 you are firmly convinced the defendant is guilty of the
22 crime charged, you must find the defendant guilty. If, on
23 the other hand, you think there is a real possibility that
24 the defendant is not guilty, you must give the defendant
25 the benefit of the doubt and find him not guilty. Facts

1 and circumstances that merely place upon the defendant a
2 grave suspicion of the crime charged or that merely raise
3 a speculation or conjecture of the defendant's guilt are
4 not sufficient to authorize a conviction of the accused.

5 There are two types of evidence which are generally
6 presented during a trial: direct evidence and
7 circumstantial evidence. Direct evidence is the testimony
8 of a person who claims to have actual knowledge of a fact
9 such as an eyewitness. It is evidence which immediately
10 establishes the main fact to be proved.

11 Circumstantial evidence is proof of a chain of facts
12 and circumstances indicating the existence of a fact. It
13 is evidence which immediately establishes collateral facts
14 from which the main fact may be inferred. Circumstantial
15 evidence is based on inference and not on personal
16 knowledge or observation.

17 The law makes absolutely no distinction between the
18 weight or value to be given to either direct or
19 circumstantial evidence, nor is a greater degree of
20 certainty required of circumstantial evidence than of
21 direct evidence. You should weigh all of the evidence in
22 the case. After weighing all the evidence, if you are not
23 convinced of the guilt of the defendant beyond a
24 reasonable doubt, you must find the defendant not guilty.

25 Necessarily, you must determine the credibility of

1 witnesses who have testified in this case. Credibility
2 simply means believability. It becomes your duty as
3 jurors to analyze and to evaluate the evidence and
4 determine if the State has met its burden of proof in this
5 case.

6 In determining the believability of witnesses who
7 have testified in this case, you may believe one witness
8 over several witnesses, or several witnesses over one
9 witness. You may believe a part of the testimony of a
10 witness and reject the remaining part of the testimony of
11 that same witness. You may believe the testimony of a
12 witness in its entirety or reject the testimony of a
13 witness in its entirety. You may consider whether any
14 witness has exhibited to you any interest, bias, prejudice
15 or other motive in this case. You may also consider the
16 appearance and manner of a witness while on the witness
17 stand.

18 As we've discussed, the rules of evidence ordinarily
19 do not permit witnesses to testify to opinions or
20 conclusions. An exception to this rule exists for
21 witnesses we call expert witnesses. A witness who, by
22 education and experience, has become an expert in some
23 art, science, profession or calling, may state an opinion
24 as to relevant and material matter in which the witness
25 claims to be an expert, and may also state the reasons for

1 the opinion. You should consider any expert opinion
2 received in evidence in this case, and like any other
3 evidence, give it the weight you think it deserves. If
4 you decide that the opinion of an expert witness is not
5 based on sufficient education and experience, or if you
6 conclude that the reasons given in support of the opinion
7 are not sound, or that opinion is outweighed by other
8 evidence, you may disregard the opinion entirely.

9 An expert witness's testimony is to be given no
10 greater weight than that of other witnesses simply because
11 the witness is an expert. Further, you are not required
12 to accept an expert's opinion even though it is not
13 contradicted.

14 I instruct you and emphasize that the fact the
15 defendant did not testify is not a factor to be considered
16 by you in any way in your deliberation and in your
17 consideration on the question of the guilt or innocence of
18 the defendant. It must not be considered by you in any
19 manner whatsoever. A defendant has the constitutional
20 right to remain silent, and the assertion of this right
21 must not be considered by you in your deliberations. I
22 repeat, under your oath, you are to draw no conclusion
23 whatsoever from the fact that the defendant in this case
24 did not testify. The fact the defendant did not testify
25 should not even be discussed in the jury room. The burden

1 of proof, as I have stated to you, is on the State. The
2 defendant is not required to prove his innocence. The
3 burden of proof remains on the State to prove guilt beyond
4 a reasonable doubt.

5 In order to establish criminal liability, the State
6 must also prove criminal intent. For a particular crime,
7 the mental state required might be purpose, intent,
8 knowledge, recklessness or criminal negligence.

9 The State must prove criminal intent beyond a
10 reasonable doubt. Criminal intent is a matter that must
11 be determined by the jury from the facts of the case.
12 There is no way to prove criminal intent to a mathematical
13 certainty, so the law says that criminal intent may be
14 inferred from the circumstances shown to have existed.
15 This is how you determine whether or not the element
16 requiring intent was present. It is not necessary to
17 establish intent by direct evidence, and intent may be
18 established by circumstantial evidence or by taking into
19 consideration the acts of the parties and all the facts
20 and circumstances of the case.

21 Criminal intent is a mental state of conscious
22 wrongdoing. It is up to you to determine what the
23 defendant intended to do based on the circumstances shown
24 to have existed in this case.

25 Voluntary intoxication or use of drugs does not

1 constitute a defense to a crime.

2 The defendant is charged with attempted murder.
3 Attempted murder is the performance of an act or acts
4 which tend but fail to kill a human being. In order to
5 prove this crime, the State must prove the defendant had
6 the specific intent to kill and did attempt to kill
7 another person with malice aforethought.

8 Malice is the deliberate intention unlawfully to kill
9 a human. Malice aforethought does not require that malice
10 exist for any particular time before the act is committed,
11 but malice must exist in the mind of the defendant just
12 before and at the time of the act being committed.

13 Therefore, there must be a combination of the previous
14 evil intent and the act. Voluntary intoxication does not
15 impair a person's ability to act with malice aforethought.

16 If you find the defendant is not guilty of the
17 charge of attempted murder, you may consider whether the
18 defendant is guilty of the lesser charge of assault and
19 battery of a high and aggravated nature. A person commits
20 the offense of assault and battery of a high and
21 aggravated nature if the person unlawfully injures another
22 person and, A, great bodily injury to another person
23 results; or B, the act is accomplished by means likely to
24 produce death or great bodily injury.

25 "Great bodily injury" means bodily injury which

1 causes a substantial risk of death or which causes serious
2 permanent disfigurement or protracted loss or impairment
3 of the function of a bodily member or organ.

4 If you find that the defendant is not guilty of the
5 charge of assault and battery of a high and aggravated
6 nature, you may consider whether the defendant is guilty
7 of the lesser charge of assault and battery in the first
8 degree. A person commits the offense of assault and
9 battery in the first degree if the person unlawfully
10 offers or attempts to injure another person with the
11 present ability to do so, and the act is accomplished by
12 means likely to produce death or great bodily injury, or
13 the act occurred during the commission of a robbery,
14 burglary, kidnapping or theft.

15 "Great bodily injury" means bodily injury which
16 causes a substantial risk of death or which causes serious
17 permanent disfigurement or protracted loss or impairment
18 of the function of a bodily member or organ.

19 If you find that the defendant is not guilty of the
20 charge of assault and battery in the first degree, you may
21 consider whether the defendant is guilty of the lesser
22 charge of assault and battery in the second degree. A
23 person commits the offense of assault and battery in the
24 second degree if the person unlawfully injures another
25 person or offers or attempts to injure another person with

1 the present ability to do so and moderate bodily injury to
2 another person results, or moderate bodily injury to
3 another person could have resulted.

4 "Moderate bodily injury" means physical injury
5 requiring treatment to an organ system of the body other
6 than the skin, muscles and connective tissues of the body
7 except when there is penetration of the skin, muscles and
8 connective tissues that require surgical repair of a
9 complex nature or when treatment of the injury requires
10 the use of regional or general anesthesia.

11 The defendant is also charged with kidnapping. The
12 State must prove beyond a reasonable doubt the defendant
13 knowingly and unlawfully seized, confined, inveigled,
14 decoyed, kidnapped, abducted or carried away another
15 person without authority of law. To do a thing unlawfully
16 is to do it willfully against the law.

17 "Knowingly" means with knowledge, consciously, not
18 accidentally.

19 "Seize" means to take hold of suddenly or forcibly.

20 "Confine" means to limit, restrict or enclose within
21 bounds, imprison, or shut, or keep in.

22 "Inveigle" means to lure, entice or lead astray by
23 false representations, promises or other deceitful means.

24 "Decoy" means to lure by or as if by decoy. A decoy
25 is something to entice a person into a trap.

1 Kidnap is to remove a person against his will by
2 unlawful force or fraud.

3 "Abduct" means to carry off secretly or by force for
4 an illegal purpose.

5 "Carry away" means to remove.

6 The State does not have to prove that the defendant
7 did all these things. Instead, if you find beyond a
8 reasonable doubt that the defendant did any of these
9 things, you may find the defendant guilty of kidnapping.

10 Something done without authority of law is something
11 which the law does not sanction, permit, allow, condone or
12 provide justification for. The kidnapping does not have
13 to be for any personal or monetary gain, for an illegal
14 purpose, but maybe for any reason whatsoever.

15 I will give you a copy of these instructions in
16 written form. During your deliberations, you may refer to
17 the instructions to guide your decision-making. You must
18 consider the instructions as a whole and not follow some
19 and ignore others. Please return the instructions to the
20 Court at the time your verdict is rendered.

21 Ladies and gentlemen, your verdicts must be unanimous
22 ones. Madam Foreperson, when the jury agrees on the
23 verdicts, you'll write the verdict on the verdict form and
24 sign your name as the foreperson.

25 And let me just show you the verdict form. It's two

1 pages. The first charge of attempted murder is on the
2 first page as you will see, and it lists all the
3 lesser-included charges that you can consider as well.
4 And on the second page is the charge of kidnapping, and
5 then there's an area for you to sign as the foreperson and
6 date it once the jury has reached its unanimous verdict.

7 When you have reached your unanimous verdict,
8 activate the light outside of your jury deliberation room
9 to signal that you've reached a verdict. At that time
10 we'll receive you back into the courtroom.

11 I ask that you now return to your jury room, but do
12 not begin deliberations until you're told by the bailiff
13 to do so. There's a couple of matters that I must take up
14 with the attorneys before you begin your deliberations.

15 Thank you so much.

16 (WHEREUPON, the jury exits the courtroom at 12:16 p.m.)

17 THE COURT: Any objection to my charge on the law
18 from the State?

19 MR. MOYER: Not from the State.

20 THE COURT: Any from the defense?

21 MR. MARCHANT: None, Your Honor.

22 THE COURT: All right then. Very well. Will y'all
23 make sure that we got all the exhibits together? And I
24 want to commend both of y'all for an outstanding case.
25 Y'all tried a great case.

1 (WHEREUPON, a recess is taken at 12:21 p.m., and the jury
2 starts their deliberations.)

3 (WHEREUPON, Court's Exhibit Number 2 was marked for
4 identification; the jury entered the courtroom at
5 3:34 p.m.)

6 THE COURT: First of all, I want to say on behalf of
7 everybody involved in this case and the attorneys in this
8 case, we appreciate how seriously you're taking your duty.

9 To begin with, Madam Foreperson, the difference
10 between attempted murder and assault and battery of a high
11 and aggravated nature, I hate not to give you an answer on
12 this, but I don't think the law allows me to. What I've
13 done is I've given you a definition straight from the
14 statute. I've given you a definition there, and you'll
15 just have to compare those two in it -- in my charge. But
16 that is actually what the statute says.

17 But as I looked at my statute, I think -- I mean my
18 charge, I think you're exactly right. I was a little
19 light on the explanation about malice. So I've talked to
20 the attorneys, and I'm going to charge you this. In
21 addition to what I charged you, malice is the deliberate
22 intention unlawfully to kill a human, and add this:
23 malice is hatred, ill will or hostility towards another
24 person. It is the intentional doing of a wrongful act
25 without just cause or excuse and with an intent to inflict

1 an injury. So that's what malice is.

2 I hate to send you back with no answer between
3 attempted murder and assault and battery of a high and
4 aggravated nature, but I will tell you that any difference
5 I might explain to you is contained in the charges
6 themselves. All right? Thank you.

7 (WHEREUPON, the jury exits the courtroom at 3:36 p.m.)

8 THE COURT: Mr. Marchant?

9 MR. MARCHANT: For the record, I object to the
10 additional instruction to the jury on malice. I
11 understand that that's Your Honor's ruling. We had some
12 discussion on the bench. But I need to put that on the
13 record that we do object to that additional instruction.

14 THE COURT: Absolutely.

15 MR. MARCHANT: Thank you, Your Honor.

16 THE COURT: And I overruled your objection.

17 I will note for the record this is the first time
18 under the new statute and under some new case law that I
19 charged attempted murder, and so this charge was -- for
20 attempted murder was a work in progress, and therefore, I
21 decided to expound on malice just a little bit more.

22 All right. Anything else?

23 MR. MOYER: No, Your Honor.

24 MR. MARCHANT: No, Your Honor.

25 THE COURT: All right. We're in recess pending a

1 verdict.

2 (WHEREUPON, proceedings recessed at 3:37 p.m.; the jury
3 enters the courtroom at 3:51 p.m.)

4 THE COURT: While you all have been in there working,
5 we have been out here working, too, and needed to take a
6 quick break before we could bring you back in.

7 Madam Foreperson, it's my understanding that the jury
8 has reached a verdict; is that correct?

9 JURY FOREPERSON: Yes, ma'am.

10 THE COURT: Would you please hand the verdict form to
11 the bailiff.

12 The verdict form appears to be in order. And I'll
13 ask Madam Clerk to publish it, please.

14 VERDICT

15 THE CLERK: Indictment Numbers 2017-GS-23-09396 and
16 9398, State vs. Anthony Allen, as to the charge of
17 attempted murder, we the jury unanimously find the
18 defendant guilty of attempted murder. As to the charge of
19 kidnapping, we the jury unanimously find the defendant
20 guilty.

21 THE COURT: All right. Anything else from the State
22 before I release the jury?

23 MR. MOYER: No.

24 THE COURT: Anything from the defense?

25 MR. MARCHANT: I'd ask you to poll the jury, Your

1 Honor.

2 THE COURT: All right. Madam Clerk, will you poll
3 the jury.

4 (Pause in proceedings.)

5 THE COURT: All right. As I call your juror number,
6 if this is your verdict, if you would so signify by saying
7 "yes."

8 Juror Number 139?

9 JUROR NUMBER 139: Yes.

10 THE COURT: Okay. Juror Number 78?

11 JUROR NUMBER 78: Yes.

12 THE COURT: Juror Number 21?

13 JUROR NUMBER 21: Yes.

14 THE COURT: Juror Number 204?

15 JUROR NUMBER 204: Yes.

16 THE COURT: Juror Number 23?

17 JUROR NUMBER 23: Yes.

18 THE COURT: Juror Number 98?

19 JUROR NUMBER 98: Yes.

20 THE COURT: Juror Number 35?

21 JUROR NUMBER 35: Yes.

22 THE COURT: Juror Number 33?

23 JUROR NUMBER 33: Yes.

24 THE COURT: Juror Number 5?

25 JUROR NUMBER 5: Yes.

1 THE COURT: Juror Number 67?

2 JUROR NUMBER 67: Yes.

3 THE COURT: Juror Number 104?

4 JUROR NUMBER 104: Yes.

5 THE COURT: And Juror Number 164?

6 JUROR NUMBER 164: Yes.

7 THE COURT: All right. Anything else from the State
8 or the defense before releasing ---

9 MR. MOYER: No, Your Honor.

10 MR. MARCHANT: No, Your Honor.

11 THE COURT: All right. Thank you so much for what
12 you've done for us this week. We really do appreciate it.
13 I'm going to step back there and just say goodbye to you.
14 I'm not going to hold you up, but I just want to say
15 goodbye to you before you leave. Thank you.

16 (WHEREUPON, the jury exits the courtroom at 3:54 p.m.)

17 THE COURT: We'll move to sentencing in just a
18 moment. I'll be back in just a moment. I'm going to let
19 the jury go.

20 (Pause in proceedings; the jury entered the courtroom at
21 4:04 p.m.)

22 THE COURT: All right. We're ready to move to
23 sentencing?

24 MR. MOYER: Yes, Your Honor.

25 THE COURT: All right. Certainly, I'm familiar with

1 the facts in the case, and I know we've talked about
2 Mr. Allen's prior record before, but if you'd go through
3 it for me, please.

4 MR. MOYER: Yes, Your Honor. In 2012, burglary
5 second degree and grand larceny; 2014, criminal domestic
6 violence of a high and aggravated nature. And that's the
7 extent of his convictions.

8 THE COURT: Okay. All right. Anything else from the
9 State with regard to this?

10 MR. MOYER: I'm sorry. He also had a grand larceny
11 along with that burglary.

12 THE COURT: Okay.

13 MR. MOYER: I don't believe the victim wishes to
14 address the Court, so nothing further, Your Honor.

15 THE COURT: All right.

16 MR. MOYER: He has 591 total days of jail time.

17 THE COURT: Anything else from the State?

18 MR. MOYER: No, Your Honor.

19 THE COURT: All right. Mr. Marchant?

20 MR. MARCHANT: May it please the Court.

21 THE COURT: Yes.

22 MR. MARCHANT: Obviously, you've heard the testimony
23 at trial. Whether it has painted the entire picture of
24 that evening or not, it's at least painted enough of the
25 picture that the jury has made their decision. We

1 certainly respect their decision.

2 He is 26 years old. He does have two children. His
3 father is in the audience. His mother passed away since
4 he's been in the detention center during my period of
5 representation of him.

6 The prior sentences that he had were several years
7 ago. The domestic violence I believe occurred when he was
8 22 and served -- excuse me. The sentence -- he received a
9 sentence when he was 22 and he had been in for, I believe,
10 500 and something days at that time here in the local
11 detention center, and then is on probation for that
12 charge, or probation may have even come to an end during
13 this. The sentence before that for the burglary was a
14 probationary sentence also that occurred several years
15 before that.

16 The struggles that we have had about what to do and
17 how to manage this case didn't really so much come down to
18 involvement. It came down to a disagreement between us
19 and the prosecutor about what the right sentence should
20 be. My client felt from the beginning that he was being
21 treated differently than Boss. With Boss's involvement
22 being what it was, the sentencing recommendation should
23 have been more in line with what we felt he was going to
24 get. Now, you heard that he is -- his recommendation was
25 22. The best the solicitor was ever willing to do was 15,

1 but that was with the requirement he cooperate against his
2 family members. And at the time these negotiations began,
3 his mother was still alive. And as Your Honor knows, she
4 overdosed while he was in the detention center.

5 I don't know what the prosecutor's intentions are
6 with the sister's ex-boyfriend or the sister. The sister
7 has charges as well. But I think what should be moving
8 for the Court is the posture of the codefendant.

9 Obviously, the codefendant has a much lengthier or
10 more serious history such as it put him in the position of
11 life without parole. He had decided to cooperate, and I
12 still am not sure where that sentence for Lewis Allen will
13 end up. He did not admit any responsibility on the stand,
14 and it appears that he's got the opportunity to walk out
15 of here should the Court see fit to give him time served
16 based off the amount of time he's been in the detention
17 center. Is that going to happen? Probably not.
18 Probably not practical, but it's an opportunity that he
19 gets.

20 He's 26. He's been in for almost two years. He's
21 not the man that I believe that was involved in this event
22 that evening. Obviously, there was a lot of drugs and
23 drinking and who knows whatever else went on that evening.
24 But he wants to move on with his life after you hand down
25 whatever sentence you hand down. He believes and we're

1 respectfully asking that you sentence him to 12 years
2 concurrent on all charges. That would leave him the
3 opportunity to lead a productive life after serving, you
4 know, 85 percent of that sentence. He'd be probably 36 or
5 so, maybe 35, 36 if you were to impose a 12-year
6 sentence.

7 Regardless of whatever Your Honor decides, we'd
8 respectfully ask for the mercy of the Court and that any
9 sentence that is imposed, that the charges be run
10 concurrent and not consecutive.

11 And I'm not sure and I don't know if the prosecutor
12 is willing to tell us what he intends to do with the
13 remaining charges.

14 MR. MOYER: Against his client?

15 MR. MARCHANT: Against my client.

16 MR. MOYER: I think at this stage, I'm not quite sure
17 we'll just dismiss those remaining charges, the other
18 kidnapping charge.

19 I would like to respond ---

20 THE COURT: Sure.

21 MR. MOYER: --- just about the difference in posture
22 that we took towards this defendant and the codefendant.
23 I think the facts that you heard throughout this trial
24 shows that there was a vastly different role that was
25 played by the two, and I believe that came -- was clear

1 from the facts and also with consultation with the victim.
2 He was in full agreement with the way we handled the
3 difference in our recommendation between the two due to
4 the fact that he felt actually that Lewis actually seemed
5 -- as he stated on the stand, seemed a little bit scared
6 of this defendant, and so I think that is clear.

7 As far as a sentence, we are prepared to have him
8 sentenced this afternoon, also, if Your Honor would see
9 fit. His attorney is in the courtroom, and he's ready, as
10 I understand it, to stand before you and be sentenced
11 today as well.

12 THE COURT: Okay. Mr. Allen -- and I'm assuming at
13 this point there's nothing you want your client to say.

14 MR. MARCHANT: No, Your Honor.

15 SENTENCING

16 THE COURT: Okay. All right. Mr. Allen, from what I
17 heard the victim say in this case and what I heard EMS and
18 9-1-1 say, it sounds to me like the difference between you
19 standing before me on a murder charge and you standing
20 before me on an attempted murder charge was maybe a matter
21 of, you know, 30 minutes of when this victim was found and
22 when he got medical treatment, the amount of blood, the
23 amount of violence that was involved in this.

24 I take into account that the victim, who had nothing
25 to gain by this, said you were the one who was doing this

1 to him and even when he was begging you to stop. I take
2 into account your age. I take into account that you do
3 have some record. It's troubling that you have the
4 criminal domestic violence of a high and aggravated
5 nature. That's, of course, a very serious charge. I take
6 that into account.

7 I take into account -- I take into account that
8 throughout this trial, you have been very respectful and
9 very nice throughout this trial, and I certainly never
10 hold it against anybody for exercising their right to have
11 a jury trial matter. But as attempted murders go, this is
12 -- this is a very brutal one. This is an extremely brutal
13 one.

14 The sentence of the Court is 25 years concurrent on
15 both, credit for 591 days.

16 And to the victim, I wish you the best of luck and
17 continued recovery.

18 Thank you.

19 (Pause in proceedings.)

20 THE COURT: All right. Let's go on the record on
21 this matter.

22 MR. MARCHANT: Just based off the timing of things, I
23 know we had a bench conference, but I would renew all my
24 objections and motions in the case against Mr. Allen that
25 I would have done before the jury came in for sentencing.

1 THE COURT: All right.

2 MR. MARCHANT: And I would also ask for a judgment
3 notwithstanding the verdict based off the evidence.

4 THE COURT: Right. Well, I appreciate it, and your
5 motion is respectfully denied.

6 I will tell you the jury was very complimentary of
7 both of y'all. They were very complimentary. And I know
8 that's not a lot of comfort right at this second, but they
9 really were. And they left here saying what a lot of
10 juries say that they were much more emphatic, that this
11 was a terrific experience. A lot of them were crying.
12 They were crying. So -- but then when they heard a -- but
13 then he did right by not testifying because then when they
14 heard he had a CDV -- he had a CDV, when they went back
15 there, they said, well, I wasn't even worried about it.
16 And I said, well, see, that's why you can't know.

17 MR. MARCHANT: Thank you. I appreciate your patience
18 with me in the case.

19 THE COURT: Oh, no. Y'all are -- y'all are easy.
20 Y'all are an easy trial.

21 MR. MARCHANT: I will be filing the requisite
22 paperwork for the appeal.

23 THE COURT: I understand.

24 MR. MARCHANT: Put that on the record in case for
25 some reason it doesn't get where it needs to go.

1 THE COURT: No. That's fine. That's good.

2 MR. MARCHANT: Thank you, Judge.

3 THE COURT: Alrighty. Thank you.

4 (WHEREUPON, proceedings concluded at 4:35 p.m.; Court's
5 Exhibit Number 3 was marked for identification.)
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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)4 COUNTY OF GREENVILLE)
5
6

7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina, on
14 the 8th, 9th and 10th day of October, 2019.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.
17

18 April 21, 2021
19
20

21 Cheryl A. Smith

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

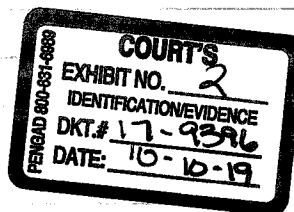
The difference between
1. Attempted murder

and

2. Assault and Battery of
a High and Aggravated
Nature

Please more clearly
define "Malice?"

Kristina Bowling
10/10/2019



WITNESSES

C C Maltby *ST*

Greenville County Sheriffs Office

9/19/2017

ARREST WARRANT NUMBER

2017A2330208459, 2017A2330208463

ACTION OF GRAND JURY

TRUE BILL

Clay Tuttle
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-23-009396

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2018

THE STATE

vs.

ANTHONY BERNARD ALLEN

Indictment for

3410 / 0549

**ATTEMPTED MURDER AND POSSESSION OF A
WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME**

VIOLATION § 16-03-0029 and § 16-23-0490

**ENTERED
ACCT**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
**ATTEMPTED MURDER AND POSSESSION OF A WEAPON
 DURING THE COMMISSION OF A VIOLENT CRIME**

At a Court of General Sessions, convened on **JUN 05 2018** the Grand Jurors of Greenville
 County present upon their oath:

COUNT ONE

ATTEMPTED MURDER

That ANTHONY BERNARD ALLEN did in Greenville County, between September 10, 2017 and
 September 11, 2017, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill
 Anthony Watkins ~~and/or Eric Ross Talley~~. This is in violation of § 16-03-0029 of the South Carolina
 Code of Laws (1976) as amended. *JW*

COUNT TWO

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That ANTHONY BERNARD ALLEN did in Greenville County, between September 10, 2017 and September 11,
 2017, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to
 wit: Attempted Murder. This is in violation of §16-23-0490 of the South Carolina Code of Laws (1976) as
 amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]
 SOLICITOR

BAR # 64155

WITNESSES

C Maltby

ST

Greenville County Sheriffs Office

9/19/2017

ARREST WARRANT NUMBER
2017A2330208461

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-23-009398

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2018

THE STATE

vs.

ANTHONY BERNARD ALLEN

Indictment for

0095

KIDNAPPING

VIOLATION § 16-03-0910

ENTERED
ACCT *JS*

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
KIDNAPPING

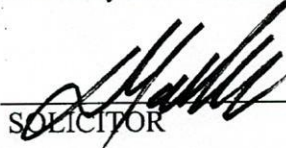
At a Court of General Sessions, convened on
County present upon their oath:

JUN 05 2018

the Grand Jurors of Greenville

That ANTHONY BERNARD ALLEN did in Greenville County, between September 10, 2017 and September 11, 2017, unlawfully seize, abduct, confine, inveigle, decoy or carry away ANTHONY WATKINS, without the authority of law. This is in violation of §16-03-0910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

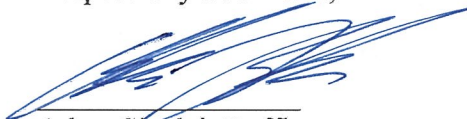

SOLICITOR

BAR # 64155

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of August, 2021.