

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Jun 06 2022
SC Court of Appeals

Appeal from Horry County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

QUATASE J. JENRETTE,

APPELLANT.

APPELLATE CASE NO. 2021-001108

RECORD ON APPEAL

VICTOR R SEEGER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3372

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED SEPTEMBER 20-21, 2021	1
JURY SELECTION.....	6
MOTION FOR SEQUESTRATION	21
RULING OF THE COURT	22
MOTION TO EXCLUDE PHOTOGRAPHS	23
RULING OF THE COURT	24
MOTION TO EXCLUDE PROTION OF 911 CALL.....	25
RULING OF THE COURT	28
OPENING STATEMENT BY MR. OSKIN	40
OPENING STATEMENT BY MR. HILLER	46
TESTIMONY	
J. D. GREEN.....	50
ERIC EASON	66
SAKEELA HEMINGWAY	82
JOHN BRANTLEY	92
DENNIS LEWIS.....	123
TYLER STURKIE.....	151
WAQUITA BROTHERS.....	159
YAKIMA RAY.....	176
RASHAI BRISBON, JR.	189
THE STATE RESTS	205

MOTION FOR DIRECTED VERDICT	205
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	214
CLOSING ARGUMENT BY MR. HOLFORD	227
CLOSING ARGUMENT BY MR. HILLER.....	235
CHARGE ON THE LAW	263
VERDICT	269
SENTENCING	279
INDICTMENT AND SENTENCE SHEET	281
CERTIFICATE OF COUNSEL	285

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY)	2018-GS-26-06682
State of South Carolina,	)
	)
Plaintiff,	) Transcript of Record
	)
vs.	)
	)
Quotase J. Jenrette,	) SEPTEMBER 20 - 21, 2021
	)
Defendant.	)
	)

B E F O R E:

Honorable Michael G. Nettles
Horry County Courthouse
Conway, South Carolina

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

Joshua D. Holford, Esquire
Seth A. Oskin, Esquire
Attorneys for State

Jonathan M. Hiller, Esquire
J. Eric Fox, Esquire
Attorneys for Defendant

Sallie Beth Todd
Circuit Court Reporter

1			<u>I N D E X</u>		
2	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
3	OFFICER J.D. GREEN				
4	By Mr. Oskin	50			
5	By Mr. Hiller		60		
6					
7	DR. ERIC EASON				
8	By Mr. Oskin	66			
9	By Mr. Hiller		78		
10					
11	SAKEELA HEMINGWAY				
12	By Mr. Oskin	82		89	
13	By Mr. Hiller		87		
14					
15	DETECTIVE JOHN BRANTLEY				
16	By Mr. Holford	93		117	
17	By Mr. Hiller		107		
18					
19	INVESTIGATOR DENNIS LEWIS				
20	By Mr. Holford	123			
21	By Mr. Hiller		146		
22					
23	TYLER STURKIE				
24	By Mr. Holford	151			
25	By Mr. Hiller		156		

1	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
2	WAQUITA BROTHERS				
3	By Mr. Holford	159		173	
4	By Mr. Hiller		169		
5					
6	YAKIMA RAY				
7	By Mr. Holford	177		189	
8	By Mr. Hiller		183		
9					
10	RASHAI BRISBON, JR.				
11	By Mr. Holford	190		204	
12	By Mr. Hiller		199		
13					
14	-----				
15	Certificate of Court Reporter.....				280
16					
17		<u>E X H I B I T S</u>			
18	NO.	DESCRIPTION	ID	EV	PAGE
19	ST1	Aerial View of Crime Scene		X	54
20	ST2	Green's Bodycam CD		X	56
21	ST3	911 Call - CD	X		
22	ST4	Photo of crime scene		X	128
23	ST5	Photo of crime scene		X	128
24	ST6	Photo of crime scene		X	128
25	ST7	Photo of crime scene		X	128

1	NO.	DESCRIPTION	ID	EV	PAGE
2	ST8	Photo of crime scene		X	128
3	ST9	Photo of crime scene		X	128
4	ST10	Photo of crime scene		X	128
5	ST11	Photo of crime scene		X	128
6	ST12	Photo of crime scene		X	128
7	ST13	Photo of crime scene		X	128
8	ST14	Photo of crime scene		X	128
9	ST15	Photo of crime scene		X	128
10	ST16	Photo of crime scene		X	128
11	ST17	Photo of crime scene		X	128
12	ST18	Photo of crime scene		X	128
13	ST19	Photo of crime scene		X	128
14	ST20	Photo of crime scene		X	128
15	ST21	Photo from Autopsy		X	142
16	ST22	Photo from Autopsy	X		
17	ST23	Photo from Autopsy	X		
18	ST24	Photo from Autopsy		X	142
19	ST25	Autopsy Report		X	77
20	ST26	Facebook Profile Printout	X		119
21	ST27	Fired Bullet from Autopsy		X	144
22	ST28	Spent casing from crime scene		X	136
23	ST29	Victim's Hat		X	131
24	ST30	Evidence Sheet		X	134
25	ST31	Sketch of crime scene		X	138

State vs Jenrette

5

2018-GS-26-06682

1	NO.	DESCRIPTION	ID	EV	PAGE
2	ST32	Evidence Sheet for bullet		X	144
3	ST33	Brother's written statement	X		173
4					
5	D1	Yakima Ray's written statement	X		183
6					
7	CRT1	Jury Question	X		261
8	CRT2	Jury Question	X		263
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

1 **THE COURT:** Mr. Holford, you may call your first case.

2 **MR. HOLFORD:** Thank you, Your Honor.

3 The state calls The State versus Quotase J. Jenrette.

4 It's true billed indictment 2018-GS-26-06682 for murder.

5 **THE COURT:** Thank you.

6 Ladies and gentlemen, I hold in my hand an indictment
7 which accuses Quotase Jenrette of murdering Kendall Jamar Ray.
8 And the allegations which give rise to this indictment, the
9 events took place on or about January 6th, 2018. I hold in my
10 hand this document, the indictment, it bears absolutely no
11 evidentiary value whatsoever. Mr. Jenrette, as he's seated
12 right here at the defense table, is presumed to be just as
13 innocent as me or you. Bear that in mind as we proceed
14 forward, presumption of innocence is a very real right that
15 belongs to all of us as American citizens.

16 I'm going to ask Mr. Jenrette if he can stand, turn
17 around and face the jury pool. Thank you, Mr. Jenrette. You
18 may be seated.

19 Is anyone related by blood or marriage? Do you have a
20 close social, business, or personal relationship with Mr.
21 Jenrette? If so, please stand.

22 No response.

23 The potential witnesses in this case are as follows, pay
24 very close attention: Officer J.D. Green, Corporal Dwayne
25 Grainger, Sergeant Chris Hunt, Officer Greg Dewitt, Detective

1 John Brantly, Detective David Dudley, Detective Daniel
2 Spencer, Detective Emily Amy Hardwick, Dennis Lewis, Officer
3 Jill Domogauer ---

4 **MR. HOLFORD:** Domogauer, Your Honor.

5 **THE COURT:** --- Domogauer, Lori Dudley, Agent Matthew
6 Singleton, Doctor Eric Eason, Tyler Sturkie, Melody Brisbon,
7 Rashaii Brisbon, Sakeela Hemingway, Waquita Brothers, Yakima
8 Ray. Is anyone related by blood or marriage, or do you have a
9 close social, business, or personal relationship with any of
10 these potential witnesses? If so, please stand.

11 No response.

12 Mr. Holford, I'm going to ask if you could stand,
13 identify yourself and your co-counsel.

14 **MR. HOLFORD:** Yes, Your Honor. My name is Josh Holford.
15 I'm a senior solicitor here in the 15th Circuit. I practice
16 primarily in Horry County.

17 **MR. OSKIN:** Seth Oskin, also an assistant solicitor with
18 Horry County.

19 **THE COURT:** All right. Is anyone related by blood or
20 marriage? Do you have a close social, business, or personal
21 relationship with either of these lawyers? I'm not real sure
22 whether they've ever been engaged in the private practice of
23 law, but if they've ever represented you in the past. If so,
24 please stand.

25 No response.

1 Mr. Hiller and Mr. Fox, if you can stand and identify
2 yourselves.

3 **MR. HILLER:** Good afternoon, ladies and gentlemen. My
4 name is Jonathan Hiller. I am an assistant public defender.
5 I represent people in the Horry County portion of the 15th
6 Circuit.

7 **MR. FOX:** Good morning, ladies and gentlemen. My name is
8 Eric Fox. I'm the deputy public defender for Horry County.

9 **THE COURT:** Is anyone related by blood or marriage? Do
10 you have a close social, business, or personal relationship
11 with either of these lawyers? If so, please stand. Have they
12 ever represented you in the past? If so, please stand.

13 No response.

14 Has any member of the jury panel formed or expressed an
15 opinion about any matter or issue involved in this case? If
16 so, please stand.

17 I mentioned to you that the allegations which give rise
18 to this indictment took place on January 6th, 2018 in the Loris
19 section of Horry County. And the alleged victim is Kendall
20 Jamar Ray. Having been armed with this basic information,
21 does anybody know anything about this case? If so, please
22 stand. Did anybody witness the events which give rise to
23 these allegations? If so, please stand.

24 No response.

25 Have you heard or read anything about it? If so, please

1 stand.

2 No response.

3 Is any member of the jury panel aware of any bias or
4 prejudice towards either the state or the defendant in this
5 case? If so, please stand.

6 No response.

7 Is there any member of the jury panel that's been a
8 victim of a violent crime? If so, please stand.

9 If you could come forward, and counsel feel free to come.

10 **REPORTER'S NOTE:** (Whereby bench conference is held.)

11 **JUROR NUMBER 258:** I'm the victim of a home invasion.

12 **THE COURT:** Okay. This doesn't involve facts similar to
13 a home invasion. And if called upon to serve on this jury,
14 could you set aside your life experience, listen to the
15 evidence presented in this case or the lack of evidence, and
16 the law as I charge it to you and give both the state and the
17 defendant a fair and impartial trial?

18 **JUROR NUMBER 258:** Yes.

19 **THE COURT:** You're qualified to serve. Thank you.

20 **JUROR NUMBER 258:** Thank you.

21 **REPORTER'S NOTE:** (End of bench conference.)

22 **THE COURT:** Is any member of the jury panel a member or
23 contributor of any group whose primary concern is the
24 promotion of law enforcement or victim's rights? There are a
25 number of such groups: Mothers Against Drunk Driving, Students

1 Against Drunk Driving, CAV, Citizens Against Violent Crime.
2 Virtually every sheriff's department throughout the state has
3 a sheriff's association, highway patrol has a similar
4 organization. Do any of you contribute to any of these type
5 organizations or are you a member of them? If so, please
6 stand.

7 No response.

8 Does any member of the jury panel know of any reason
9 whatsoever why you should not serve as a juror in this case
10 with particular emphasis being placed on your ability to be
11 fair and impartial to both the state and the defendant. If
12 so, please stand.

13 Does the state have additional questions?

14 Oh, I'm sorry. Yes, if you could come forward.

15 **REPORTER'S NOTE:** (Whereby bench conference is held.)

16 **THE COURT:** Yes, sir.

17 **JUROR NUMBER 402:** (Inaudible)

18 **THE COURT:** Say that again.

19 **JUROR NUMBER 402:** I worked (inaudible).

20 **THE COURT:** All right. I think that out of an abundance
21 of precaution you probably know a number of these officers as
22 well or know of them. And it's kind of hard to say whether
23 you worked with this one or not, but you could have. And out
24 of abundance of precaution I'm going to excuse you for the
25 purpose of this trial only. I ask that you give me your name

1 and number.

2 **JUROR NUMBER 402:** Chad Wetzel, 402.

3 **THE COURT:** Four?

4 **JUROR NUMBER 402:** Four zero two.

5 **THE COURT:** Mr. Wetzel. Number?

6 **JUROR NUMBER 402:** Four zero two.

7 **THE COURT:** Four zero two.

8 **REPORTER'S NOTE:** (End of bench conference.)

9 **THE COURT:** Four zero two is excused for the purpose of
10 this trial only.

11 Any additional questions from the state?

12 **MR. HOLFORD:** No, Your Honor.

13 **THE COURT:** Any from defense?

14 **MR. FOX:** No, Your Honor.

15 **THE COURT:** All right. Strikes are five and ten, five
16 and ten. And we're going to select two alternates and there
17 will be one and two on each alternate, each alternate.

18 **THE CLERK:** When I call your name and juror number,
19 please come to the front of the courtroom, turn around and
20 face the back of the courtroom, and bring any of your
21 belongings with you.

22 Number 62, Jeanne Conway. Turn around and face the back.

23 **MR. HOLFORD:** Please present this juror.

24 **MR. HILLER:** Please excuse this particular juror.

25 **THE COURT:** You can have a seat.

1 **THE CLERK:** You can go have a seat, ma'am.
2 Number 332, Susan Ruffini. What says the state?
3 **MR. HOLFORD:** Please present this juror.
4 **THE CLERK:** Defense?
5 **MR. HILLER:** Please seat this juror.
6 **THE CLERK:** Please be seated in the jury box.
7 Number 147, Lorilei Greer. What says the state?
8 **MR. HOLFORD:** Please present this juror.
9 **THE CLERK:** Defense?
10 **MR. HILLER:** Please seat this juror.
11 **THE CLERK:** Please be seated in the jury box.
12 Number 145, Paige Graham. What says the state?
13 **MR. HOLFORD:** Please present this juror.
14 **THE CLERK:** Defense?
15 **MR. HILLER:** Please excuse this juror.
16 **THE CLERK:** You are excused from this case.
17 Number 353, Alandria Sherman.
18 Number 167, William Hickman.
19 **MR. HOLFORD:** Are we skipping 353?
20 **THE CLERK:** Yes.
21 **MR. FOX:** Madam Clerk, what was that number?
22 **THE CLERK:** That was 353.
23 **MR. FOX:** I'm sorry, this one.
24 **THE CLERK:** 167.
25 **MR. FOX:** 167. Thank you.

1 **THE CLERK:** What says the state?

2 **MR. HOLFORD:** Please excuse this juror from this
3 particular case.

4 **THE CLERK:** You are excused from this case.

5 Number 269, Christopher Meehan. What says the state?

6 **MR. HOLFORD:** Please present this juror.

7 **THE CLERK:** Defense?

8 **MR. HILLER:** Please seat this juror.

9 **THE CLERK:** Please be seated in the jury box.

10 Number 412 Aaron Wilson. What says the state?

11 **MR. HOLFORD:** Please present this juror.

12 **THE CLERK:** Defense?

13 **MR. HILLER:** Please seat this juror.

14 **THE CLERK:** Please be seated in the jury box.

15 Number 183, Michael Husner. What says the state?

16 **MR. HOLFORD:** Please present this juror.

17 **THE CLERK:** Defense?

18 **MR. HILLER:** Please excuse this juror.

19 **THE CLERK:** You are excused from this case.

20 Number 194, Melinda Jones. What says the state?

21 **MR. HOLFORD:** Please present this juror.

22 **THE CLERK:** Defense?

23 **MR. HILLER:** Please excuse this juror.

24 **THE CLERK:** You are excused from this case.

25 Bernadette Beaton, number 19. What says the state?

1 **MR. HOLFORD:** Please excuse this juror.

2 **THE CLERK:** You are excused from this case.

3 Number 312, Benjamin Pressley. What says the state?

4 **MR. HOLFORD:** Please present this juror.

5 **THE CLERK:** Defense?

6 **MR. HILLER:** Please seat this juror.

7 **THE CLERK:** Please be seated in the jury box.

8 Number 157, Jeffrey Hayes. What says the state?

9 **MR. HOLFORD:** Please present this juror.

10 **THE CLERK:** Defense?

11 **MR. HILLER:** Please seat this juror.

12 **THE CLERK:** Please be seated in the jury box.

13 Number 159, Robin Hayter. What says the state?

14 **MR. HOLFORD:** Please present this juror.

15 **THE CLERK:** Defense?

16 **MR. HILLER:** Please excuse this juror.

17 **THE CLERK:** You're excused from this case.

18 Number 104, James Edbrooke. What says the state?

19 **MR. HOLFORD:** Please present this juror.

20 **THE CLERK:** Defense?

21 **MR. HILLER:** Please seat this juror.

22 **THE CLERK:** Please be seated in the jury box.

23 Number 84, Paula Denny -- Pamela, I'm sorry. What says

24 the state?

25 **MR. HOLFORD:** Please present this juror.

1 **THE CLERK:** Defense?

2 **MR. HILLER:** Please seat this juror.

3 **THE CLERK:** Please be seated in the jury box.

4 Number 257, Raymond Mason. What says the state?

5 **MR. HOLFORD:** Please present this juror.

6 **THE CLERK:** Defense?

7 **MR. HILLER:** Please excuse this juror.

8 **THE CLERK:** You are excused from this case.

9 Number 178, Cynthia Hucks. What says the state?

10 **MR. HOLFORD:** Please present this juror.

11 **THE CLERK:** Defense?

12 **MR. HILLER:** Please seat this juror.

13 **THE CLERK:** Please be seated in this jury box.

14 Number 5, Naim Al-taher. What says the state?

15 **MR. HOLFORD:** Please excuse this juror.

16 **THE CLERK:** You are excused from this case.

17 Number 258, Ryan Mather. What says the state?

18 **MR. HOLFORD:** Please excuse this juror.

19 **THE CLERK:** You are excused from this case.

20 Number 391, Ericka Turner. What says the state?

21 **MR. HOLFORD:** Please present this juror.

22 **THE CLERK:** Defense?

23 **MR. HILLER:** Please excuse this juror.

24 **THE CLERK:** You are excused from this case.

25 Number 37, Ramonia Brown. What says the state?

1 **MR. HOLFORD:** Please excuse this juror.

2 **THE CLERK:** You are excused from this case.

3 Number 388, Renea Thurmond. What says the state?

4 **MR. HOLFORD:** Please present this juror.

5 **THE CLERK:** Defense?

6 **MR. HILLER:** Please seat this juror.

7 **THE CLERK:** Please be seated in the jury box.

8 Number 109, James Farley. What says the state?

9 **MR. HOLFORD:** Please present this juror.

10 **THE CLERK:** Defense?

11 **MR. HILLER:** Please seat this juror.

12 **THE CLERK:** Please be seated in the jury box.

13 Number 349, Robert Sedelow. What says the state?

14 **MR. HOLFORD:** Please present this juror.

15 **THE CLERK:** Defense?

16 **MR. HILLER:** Please seat this juror.

17 **THE CLERK:** Please be seated in the jury box.

18 Number 313, Judy Prince. What says the state?

19 **MR. HOLFORD:** Please present this juror.

20 **THE CLERK:** Defense?

21 **MR. HILLER:** Please excuse this juror.

22 **THE CLERK:** You are excused from this case.

23 Number 408, Tequita Wilkins. What says the state?

24 **MR. HOLFORD:** Please present this juror.

25 **THE CLERK:** Defense.

1 **MR. HILLER:** Please seat this juror.

2 **THE CLERK:** Please be seated in the jury box.

3 Number 321, Grover Richardson. What says the state?

4 **MR. HOLFORD:** Please present this juror.

5 **THE CLERK:** Defense?

6 **MR. HILLER:** Please seat this juror.

7 **THE CLERK:** Please be seated in the jury box.

8 **THE COURT:** Those of you who remain in the jury pool, I'm
9 going to ask that you call back to the clerk's office and
10 you'll be provided that number, call after 6 o'clock, some
11 time before you go to bed call that number. We will be trying
12 another case this week and so your services will be needed.
13 So be sure to check in every evening. Don't everybody call at
14 6 o'clock or the phone will be busy, but some time before you
15 lay your head down on the pillow at night call and follow
16 those instructions. Thank you so much and you're free to
17 leave for the day.

18 **REPORTER'S NOTE:** (Jury pool excused for the day.)

19 **THE COURT:** Any objection with regard to the jury
20 selection process from the state?

21 **MR. HOLFORD:** None, Your Honor.

22 **THE COURT:** Any from defense?

23 **MR. HILLER:** None, Your Honor.

24 **THE COURT:** All right. Mr. Christopher M. Meehan.

25 **JUROR NUMBER 269:** Yes, sir.

1 **THE COURT:** I'm going to ask if you could serve as the
2 foreman of this jury. And I'm going to ask, if you could, to
3 have a seat in this front row right here.

4 All right. Mr. Bailiff, in Horry County were do we put
5 the alternates?

6 **THE BAILIFF:** Right here.

7 **THE COURT:** Okay. Very good. The two alternates who are
8 seated on the ends, we will ask that y'all remain in those two
9 seats as alternates. That way we can keep things straight in
10 that regard. Mr. Meehan, you're going to be required to stay
11 in that seat. The rest of you are sort of general admission.
12 It would probably logistically be best for y'all three to come
13 in last and then everybody file in and go all the way to the
14 end so people don't have to walk over you.

15 Mr. Meehan, you are selected as the foreman of this jury.
16 If there are questions or concerns that develop throughout the
17 trial, I'm going to ask the members of the jury to relay that
18 question or concern to you, you reduce it to writing, give it
19 to the bailiff. If it's something I can help you with, I'll
20 be glad to do so.

21 **MR. FOREMAN:** Yes, sir.

22 **THE COURT:** Additionally, you're going to bear the
23 responsibility of presiding over the deliberation process.
24 And that essentially means that you are to preside over the
25 deliberations, and to ensure that everybody's voice is heard.

1 And I'm going to ask each of you to stand and raise your right
2 hand as the clerk administers the oath.

3 **REPORTER'S NOTE:** (Whereby clerk administers the juror's
4 oath.)

5 **THE COURT:** We're going to take a break for lunch. It's
6 12:30 and I'm sure y'all are probably hungry by now. We're
7 going to reconvene, we've got a few matters that we need to
8 tend to, legal matters outside of your presence. But we're
9 going to need you here at 2:30 this afternoon. The bailiff is
10 going to tell you how to come back into the courtroom and lead
11 you to the jury room. And before we go, I'm going to give you
12 some instructions.

13 You're ordered not to discuss the case amongst yourselves
14 or with anyone else. And Mr. Foreman, when you're in the jury
15 room outside of my presence, I'm going to ask that you enforce
16 that rule. There will be no discussion about this case
17 whatsoever. You can't talk about the subject matter of this
18 case, you can't talk about the lawyers, you can't talk about
19 the witnesses. You can talk about Carolina and Clemson
20 football. You can talk about the weather. You can talk about
21 anything you want to talk about, but you cannot talk about
22 this case because before there's any deliberations you have to
23 have heard all of the evidence and the law as I charge it to
24 you. So let's not do that. When you go home you're probably
25 going to meet with friends, co-workers, significant others,

1 you might even have lunch with them and they're going to say
2 tell me what's going on with your jury duty. This is one
3 occasion that you don't have to answer them. I'm going to
4 order that you not, because it might be that they know
5 something about this case. It might be that they have an
6 opinion about this type litigation. You need to base your
7 decision on what transpires here in this courtroom, not
8 anything else.

9 There's not anything in the world that you can't look up
10 on the Google nowadays. You can do legal research, you can
11 look up personalities on the internet, you can look up events.
12 Do not do that. I'm going to order and demand that you not do
13 that. Once again, you are to base your decision on this case
14 on what transpires here in this courtroom. This is a
15 proceeding that's governed by the rules of criminal procedure
16 and the rules of evidence. And there should be no extraneous
17 investigation or discussion with anyone else.

18 Eventually, throughout the trial of this case you're
19 going to find out where these events took place that give rise
20 to these accusations. Do not go out to that scene and try to
21 do any independent investigation on your own behalf. Do not
22 do that. That would be a violation of the court order. Do
23 not do that in any way, shape, or form.

24 There's also a thing I hear tell called social media. I
25 don't participate in it myself: Facebook, LinkedIn, SnapChat,

1 Instagram, Tweeter. Do not do any tweeting about what you're
2 doing here in this courtroom. That has no place in this
3 judicial system. After this case is resolved, after you have
4 rendered your verdict I will release you from that order and
5 you can put anything on Facebook you want to, or tweet
6 anything you want to. But do not do that until that time.
7 Does everybody understand that?

8 **JURY PANEL:** Yes.

9 **THE COURT:** All right. Mr. Foreman, I'm going to ask
10 that you enforce the rules specifically in regards to
11 discussions about the case. There are to be no discussions
12 whatsoever.

13 I'm going to ask that everyone remain seated as the jury
14 exits the courtroom. 2:30, 2:30 sharp.

15 **REPORTER'S NOTE:** (Jury is released for lunch at
16 12:35p.m.)

17 **THE COURT:** I understand there's some preliminary
18 motions. I'll be glad to hear those at this time.

19 **MR. FOX:** Your Honor, as a preliminary matter we would
20 ask that all witnesses be sequestered. And I'd like for Your
21 Honor to be aware, there are -- we're aware of the Victim's
22 Bill of Rights and the ability of certain victims to be
23 present in the courtroom. There are, of the lay witnesses, I
24 believe four of them are relatives and the fifth is the
25 girlfriend of the now deceased Mr. Ray. The Victim's Bill of

1 Rights which is Section 1 Article -- Article 1 Section 24 of
2 the South Carolina Constitution does list specifically who
3 victims are. That's a parent, so Ms. Melody Brisbon, as the
4 parent she clearly has the right to be here under the Victim's
5 Bill of Rights. The others Rashaii Brisbon is a brother,
6 that's not covered. The Victim's Bill of Rights says parents,
7 spouse, children. It doesn't say anything about siblings.

8 **THE COURT:** All right. Let's hear what the state has to
9 say about that.

10 **MR. HOLFORD:** Your Honor, I do understand the Victim's
11 Bill of Rights. To that regard, I have already spoken to my
12 victim advocate and the state would sequester Mr. Rashaii
13 Brisbon and Sakeela Hemingway, as well as Yakima Ray and
14 Waquita Brothers.

15 **THE COURT:** Okay. And of course you have the latitude to
16 call them in whatever order so that they can be here to
17 observe. I'll let you be the judge on that. But I will grant
18 that, that the parent will indeed be the only designated
19 victim that's not sequestered.

20 **MR. HOLFORD:** Yes, Your Honor. And our lead detective,
21 Detective John Brantly.

22 **THE COURT:** Yes. He is always intitled to be here.

23 **MR. FOX:** Yes, sir. Thank you.

24 **THE COURT:** Anything else? And I'm going to ask that you
25 -- not only are they not going to be in here to witness the

1 testimony from the witness stand, but they are to be
2 instructed by you not to discuss their testimony or questions
3 or anything with one another. And I'm going to ask that you
4 give them that necessary instruction.

5 **MR. HOLFORD:** Yes, Your Honor.

6 **MR. HILLER:** Your Honor, the only other pretrial motions
7 pertain to the evidence that the state has pre-marked already.
8 We specifically looked at them together. There's a
9 significant amount of agreement. I guess this is a two-part
10 motion. First of all, the photographs and then the 911 call.

11 Should I just go through the ones that the defense has no
12 objection with or just the ones that ---

13 **THE COURT:** You can do it however you want to, but it'd
14 probably be best for us to -- if you agree to them, let's
15 focus on the ones you don't agree to.

16 **MR. HILLER:** Yes, sir, Your Honor.

17 The two photographs, and we have remedies proposed that I
18 think would -- let me say first, I don't believe that the
19 state is intending to submit both of these autopsy photographs
20 into evidence. But what the state has pre-marked as 22 is a
21 fairly close-up photo of the victim who was the victim of a
22 gunshot wound to his right eyebrow. It shows the wound. It
23 does have a fairly bloody surgical glove.

24 **THE COURT:** Let me see it.

25 **MR. HILLER:** May I approach?

1 **THE COURT:** Yes.

2 **MR. HILLER:** It does have a fairly bloody surgical glove
3 in the background that just doesn't seem relevant.

4 The other photograph is 22(sic), Your Honor. It's also a
5 picture that's very similar -- 23 is very similar to 22. I
6 believe that ---

7 **THE COURT:** All right. Let me hear what the state has to
8 say about these.

9 **MR. HOLFORD:** Your Honor, I printed both of those in
10 anticipation of an objection to at least one of them. Those
11 are the two pictures that show the injury and the placement of
12 the injury which the state believes is relative and probative
13 for the jury to see where the gunshot wound actually was. I
14 understand that one has a bloody glove and the other has the
15 bottom portion of the face. Those are the only two pictures
16 available. I only intended to introduce one. My intention
17 was to see honestly if the defense preferred one over the
18 other because they both show the injury the state wishes to
19 show.

20 **THE COURT:** All right. I'm not going to allow either.
21 If there's anything that's clear in the law, it's that there
22 is an aversion to autopsy photographs. And there's not
23 anything that's going to prevent you from pointing to where
24 the gunshot wound is on the diagram. I'm not going to allow
25 either one of these.

1 **MR. HOLFORD:** Yes, Your Honor.

2 **THE COURT:** Very good. And we'll set those aside.

3 **MR. HILLER:** The only other matter, Your Honor, involves
4 the 911 call. Unfortunately for Mr. Ray, his death was not
5 instant. He survived for quite a while in a braindead state.
6 His brain was actually fairly damaged by the projectile that
7 entered his skull. And as he's laying on the ground his brain
8 matter is kind of exiting into his nasal cavity and he's --
9 the 911 caller is right on top of him trying to render aid,
10 trying to - what do I do now, what do I do now. And you can
11 very distinctly hear the very labored breathing. It's pretty
12 rough, Judge. I believe that it could be perhaps dubbed out.
13 Certainly the fact that it happened is something that we don't
14 dispute that it happened the way it happened, I just think
15 that the audio, the image and the audio is very prejudicial
16 under the circumstances.

17 **THE COURT:** What do you have to say about that?

18 **MR. HOLFORD:** Your Honor, I would at least like the Court
19 to have a chance to listen to that audio. It's about 8, 9
20 minutes, before making a ruling.

21 **THE COURT:** Now would be a good time to do that.

22 **MR. HOLFORD:** Yes, Your Honor.

23 **MR. HILLER:** It's also on the bodycam footage, Your
24 Honor, that the state intends to call, it's just not anywhere
25 near as obvious as it is on the 911. It's still obvious. And

1 Mr. Brisbon, Rashaii, kind of describes it as snoring and he's
2 not wrong. But obviously we know what's really happening.

3 **THE COURT:** All right. Well let's hear the audio first
4 and then we'll address the part that you have an objection to
5 in the video.

6 **MR. HOLFORD:** Someone with more technical experience is
7 coming up to sign into the computer.

8 **THE COURT:** Oh, okay. All right. When do you anticipate
9 showing the video?

10 **MR. HOLFORD:** Your Honor, the video would be the first
11 witness.

12 **THE COURT:** Okay.

13 **MR. HOLFORD:** The 911 call would be tomorrow.

14 **THE COURT:** While we're waiting on them, let's go ahead
15 and take care of that plea.

16 **(COURT IS IN RECESS)**

17 **THE COURT:** All right. Are we ready?

18 **MR. HILLER:** Yes, Your Honor. I believe the state's
19 going to play the footage or the audio. There is one other
20 thing that I think, maybe we can just listen to it once and
21 get all of the matters resolved with that one listen through.
22 We believe the evidence at trial will show that nobody who was
23 on scene saw exactly what happened. So we have a hearsay
24 concern about the 911 caller saying Quotase shot my brother,
25 both on the body cam and the 911 call. It's certainly

1 something that I don't believe they would be able to testify
2 to at trial based on the information that we've been provided
3 and that goes ---

4 **THE COURT:** Let me hear from the state in that regard.

5 **MR. HOLFORD:** Your Honor, he does tell police and he does
6 say that Quotase shot his brother. That is going to be his
7 statement, that is going to be his testimony. Although, he
8 was not outside at the time the shotting occurred. There were
9 two people outside, there was the defendant and the victim.

10 **THE COURT:** All right. Well I think that would be
11 hearsay. He can testify as to him being inside and hearing
12 the shot. He can testify in that regard, but how can he
13 testify as to he's the one who shot him if he didn't see it?

14 **MR. HOLFORD:** Well, Your Honor, it's not hearsay. He's
15 not saying someone told him that. It's his statement and he's
16 the one who would state it. There's no other person who's
17 saying -- he's the one that's saying that the defendant shot
18 his brother.

19 **THE COURT:** Well I think what they're objecting to more
20 so than the hearsay is speculation.

21 **MR. HOLFORD:** I mean, I guess they can object to the
22 speculation part. That's the point of the trial would be my
23 assertion to the Court. The defendant and the victim were the
24 only two outside and one gets shot once in the head and his
25 brother says that this is the guy who shot. I certainly think

1 the jury should be allowed to hear that the brother says this
2 is the guy who shot him.

3 **THE COURT:** What does the defense have to say about that?

4 **MR. HILLER:** Well, Your Honor, I guess I was analyzing
5 from a hearsay analysis because when the 911 call is played it
6 is being offered for the truth of the matter asserted, and it
7 is an out of court statement at that time. So, yes, it is
8 speculative.

9 **THE COURT:** I think what he's saying is, I understood
10 what he was saying is that he wasn't repeating what someone
11 told him, that's his opinion. But it is indeed hearsay, the
12 recording. I am not going to allow that. That needs to be
13 redacted out, the fact that he says that he's the one who did
14 the shooting. And I'm not going to make a ruling on what this
15 gentleman says on the stand. You can object if he says, makes
16 some statement that he can't substantiate. Clearly you can
17 cover that on cross examination.

18 **MR. HILLER:** Yes, sir.

19 **THE COURT:** But I'm not going to allow that on the video.

20 **MR. HILLER:** So that would go both for the 911 call and
21 then the five or so minutes of body cam footage?

22 **THE COURT:** Yes, to the extent he says that the defendant
23 is the one who did the shooting.

24 **MR. HOLFORD:** Would you like to hear the 911 call or the
25 body cam?

1 **THE COURT:** Well, you know, we're getting close to dinner
2 here, lunchtime. Why don't we do the one that we're going to
3 do first and we'll do that one after, the 911 call afterwards
4 because that's not coming in until tomorrow.

5 **MR. HOLFORD:** Correct, Judge.

6 **THE COURT:** Let's do the one that we're going to call
7 first.

8 **MR. HOLFORD:** Your Honor, this is state's exhibit 2.

9 **THE COURT:** And how long is this?

10 **MR. HOLFORD:** Five and a half minutes.

11 **THE COURT:** I don't want to limit anything, but if
12 there's a specific area we might just go ahead and go to that.

13 **MR. HOLFORD:** Your Honor, I have already limited the
14 video down from the 30, 45 minutes of his body cam down to
15 five and a half minutes.

16 **THE COURT:** So this is -- okay. Good.

17 **REPORTER'S NOTE:** (Whereby video is played.)

18 **THE COURT:** All right. Yes, sir.

19 **MR. HOLFORD:** I was just going to say, Your Honor, that
20 was five minutes and 29 seconds. It's from when the officer
21 arrives and his body cam starts recording audio up until the
22 point where the ambulance lights are seen coming to the scene.
23 That would be the totality of the body cam the state would
24 seek to introduce under the officer whose body cam that was.

25 **THE COURT:** All right.

1 **MR. HILLER:** And, Your Honor, I think especially around
2 that three minute and seventeen second mark, but especially
3 towards the end that breathing that we mentioned is something
4 that we have a 403 concern about, the prejudicial effect of
5 that outweighing any kind of probative value that it has in
6 the case.

7 **THE COURT:** Okay. How would you, how would we be able to
8 delete that?

9 **MR. HILLER:** I do know that some -- I don't own the
10 software, but I do know that some software you can actually
11 take out a wavelength out of the overall, so it doesn't impact
12 what the young man is saying or what the police or the push
13 for the first responders to get their quicker or the officer
14 saying to calm down. None of that would be impacted, but
15 wavelengths can be taken out, Judge. I don't know if it can
16 be taken out of a body cam or not, that's obviously
17 proprietary information that comes in MP3 format but I don't
18 know ---

19 **THE COURT:** Can you delete that?

20 **MR. HOLFORD:** Your Honor, I've never seen a specific
21 portion of an audio from a body cam deleted in this county. I
22 don't know if we have the software or that capability. I know
23 that things are redacted, meaning that they're cut like this
24 one, the end was cut out of it. But as far as eliminating
25 certain sounds or audio from the video, I don't believe that

1 is available.

2 **THE COURT:** Could you just turn down the volume during
3 that period of time?

4 **MR. HOLFORD:** Yes, we could. The state would argue that
5 it's not overly prejudicial. It does, it sounds like snoring,
6 if anything. I don't even know that the jury watching it one
7 time would know what they were hearing during that portion.

8 **THE COURT:** What do you have to say about that?

9 **MR. HILLER:** I cringed the first time I listened to it.
10 I knew what it was.

11 **THE COURT:** Mr. Fox, what do you have to say about that?

12 **MR. FOX:** I think in context if you just heard that and
13 there was no context and you just heard that, it does sound an
14 awful lot like snoring. It's even -- I know we're not doing
15 the 911 call now, but when you know what's happening and you
16 hear that, and they will, the jury will know why the officer
17 was there and what they're responding to, and they can
18 certainly see the body on the ground. It's very clearly the
19 sounds of a man ultimately dying, they will know he died.

20 **THE COURT:** That's what we call the death rattle sort of.

21 **MR. FOX:** It very much is. So again, if you heard that
22 isolated you would think that's the sound of a man snoring.
23 There's other parts, and it isn't as obvious in this one, but
24 you can hear more gurgling and they talk about him spitting up
25 white stuff and blood. That's not what we're going to hear.

1 But I think it is more prejudicial than probative. They can
2 testify to what they saw. The girl that you see there is
3 going to testify. So, you know, I think the evidence can be
4 there in a way that's not so inflammatory and not so
5 prejudicial. They can turn the volume down a little bit if
6 it's not possible to delete it. I admit I don't know how that
7 would be done exactly. But I think it could be done in a way
8 that the evidence can still be presented; or like the autopsy
9 photos, they can still testify about it, what it was, what the
10 injuries were, etcetera. They can testify about all that was
11 seen and observed, but without having to listen to that.

12 **THE COURT:** All right. One of the problems that is going
13 to be difficult is if I ask him to mute the volume during
14 those periods of times, he's going to be the one responsible
15 for doing it. Do you think you could do that?

16 **MR. HOLFORD:** Your Honor, given enough time to sit down
17 with the defense and watch this video and find the time that
18 it starts and the time that it stops, I believe that we could
19 if that's the Court's ruling.

20 **THE COURT:** That's going to be the first witness here
21 today?

22 **MR. HOLFORD:** Yes, Your Honor. And Mr. Oskin will be
23 questioning that witness so I will be able to be by the
24 computer as it's playing myself while Mr. Oskin is dealing
25 with the witness.

1 **THE COURT:** Okay. All right. We're ready for the jury.

2 **MR. HOLFORD:** Your Honor, before the jury comes in, we
3 did talk about it's Q-U-O-T-A-S-E is the appropriate spelling.

4 **THE COURT:** Do you pronounce that Quotase?

5 **MR. JENRETTE:** Quotase.

6 **THE COURT:** Quotase.

7 **MR. HOLFORD:** And I had listed it as Q-U-A a/k/a Q-U-O.

8 **THE COURT:** Any objection to the indictment being amended
9 to correct that scrivener's error from the defense?

10 **MR. HILLER:** Not at all.

11 **THE COURT:** It's so corrected, so amended.

12 **REPORTER'S NOTE:** (Jury enters courtroom at 2:31p.m.)

13 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
14 jury, we are about to begin the trial of the state versus
15 Quotase J. Jenrette who has been accused of murder. The forum
16 which you've been subpoenaed to take a part in is criminal
17 court. And I point that out to you because this Court has
18 jurisdiction over civil matters where a good example of that
19 would be a medical malpractice case, a car accident case, a
20 contract dispute where the litigants are litigating about
21 monetary damages, civil court. This is criminal court where a
22 person is accused of violating the criminal codes of the State
23 of South Carolina. And I point that out to you because if you
24 were to stand in the back of this courtroom and look at this
25 proceeding, it would be very difficult if you did not hear the

1 subject matter, to determine whether it's criminal court or
2 civil court because in both forums you have litigants on both
3 sides, you have a judge presiding over the proceeding, and you
4 have a jury listening to the facts of the case.

5 But the similarities really stop there because in
6 criminal court there are very important constitutional
7 safeguards that come into play for all American citizens. The
8 first of which is the defendant, Mr. Jenrette, as he's seated
9 there, he's presumed to be as innocent as me or you or the
10 solicitor for that matter. That's a presumption. It's a very
11 important constitutional safeguard. And that presumption of
12 innocence follows him throughout this trial on into the
13 deliberation process. It's sort of like a protective cloak
14 that guards all of us as American citizens.

15 The second constitutional safeguard is that the state has
16 the burden of proof. There's some theoretical reasons behind
17 that because we live in a free and democratic society and if
18 the government attempts to take away your liberty, they are
19 going to be required to prove it. And there's some practical
20 reasons behind that because the state has all of the resources
21 to do that. They have the sheriff's department; they have the
22 police department; they have SLED. They have all of the
23 resources necessary to prove a case and the law requires that
24 they do that.

25 In some third world countries you can be accused of a

1 crime, hauled before a court, and be required to prove
2 yourself innocent. That's not the way it is in the United
3 States of America. It never was, it never will be. The state
4 has the burden of proof. The defendant need not testify. He
5 need not present any evidence, and there's a reason behind
6 that because we all in our everyday lives have been accused of
7 something that's absolutely impossible to prove yourself
8 innocent. The law doesn't require that. The state has the
9 burden of proof.

10 The third constitutional safeguard is that the state has
11 not only to prove the elements of the offense, but they have
12 to meet the highest burden of proof known to our judicial
13 system, proof beyond a reasonable doubt. Imagine with me, if
14 you will, the scales of justice where the lady is blindfolded
15 from all bias and all prejudice. When the trial starts the
16 scales are even. In a civil case, if the plaintiff, the
17 person who is hurt, tips the scales ever so slightly in their
18 favor they prevail by preponderance of the evidence because
19 after all in that forum all you're talking about is money.
20 But in the criminal court you have very important
21 constitutional rights and a person's liberty is at stake and I
22 envision that as locking up the scales. The highest burden of
23 proof known to our judicial system.

24 I want to talk to you a little bit about how this trial
25 is going to progress. First of all, the state is going to

1 have an opportunity to give what is known as an opening
2 statement. They'll talk to you about what the case is about,
3 what they intend to prove, and how they intend to prove it,
4 and perhaps talk a little bit about the law, and their theory
5 of the case. The defendant will be given an opportunity to
6 give an opening statement. Once again, they aren't required
7 to do so. They don't have to, but they'll be given an
8 opportunity to give an opening statement if they elect to do
9 so.

10 Then we'll begin the introduction of evidence. As I
11 mentioned to you, the state has the burden of proof. They
12 will go first. They will present all of their case in chief,
13 one witness after another. They will call the witness to the
14 witness stand, they will take an oath, have a seat, and the
15 state will ask them direct questions about what they know
16 about this event. Pay very close attention to the questions
17 and the answers that come. The answers are indeed evidence
18 for your consideration in your deliberation.

19 There are other forms of evidence other than the oral
20 testimony: documents, stipulations of counsel, and in certain
21 forums, depositions. But everything that comes from that
22 witness stand you can take into consideration in your
23 deliberation process.

24 After the state presents their evidence, the defendant
25 will be given an opportunity to present any evidence that they

1 want to, but they're not required to do so. If the defendant
2 were to present evidence, then the state would have an
3 opportunity to reply since they had the burden of proof.
4 After that, the lawyers will have an opportunity to give
5 closing arguments which are very similar in form to opening
6 statements, but at that time you will have heard all of the
7 evidence, and these very fine lawyers can point to the
8 evidence that supports their relative theory of the case.

9 Throughout this trial you need to understand that you and
10 I have certain and distinct rolls to fulfill. I'm the arbiter
11 of the law. That means that I preside over the trial, I
12 determine what evidence you get to hear, and I charge you the
13 substantive law at the conclusion of the case. Your roll is
14 different than that. Your job is to listen to the evidence
15 and resolve any factual dispute that exists as a result of
16 that. In every case tried before a jury there's always a
17 question of fact. The very rare occasion, everybody agrees on
18 the facts but disagrees about the inferences to be drawn from
19 the facts. But you as the jurors are going to have the
20 opportunity to resolve those disputes in your deliberation
21 process.

22 If I make an error with regard to the law, if I allow
23 evidence in that I shouldn't, or if I charge the law
24 inappropriately or leave something out those errors are easily
25 corrected. However, your job as the finders of fact, quite

1 often -- if you make an error in that regard, quite often that
2 never can be corrected. So that's why it's important for you
3 to pay very close attention to the evidence as it comes from
4 the witness stand in order for you to deliberate those very
5 issues.

6 Necessarily, it's your job as jurors, you are to evaluate
7 the credibility of witnesses. The law tells us how you're to
8 do that. The first rule is don't abandon your good common
9 sense. We all know in our everyday lives how to determine
10 whether or not someone is telling us the truth. Ask yourself
11 what opportunity the witness had to observe the things to
12 which they're testifying. Ask yourself whether or not they
13 have an interest or bias or whether or not they're prejudiced
14 in their testimony. You can believe one witness against many,
15 many against one. You can believe all of what a witness says,
16 a portion of what a witness says, or none of what a witness
17 says. That's completely within your providence as the triers
18 of fact to make those type decisions. It's important, any of
19 you that have teenage children you realize that it's important
20 to listen to what an individual says but also how they say it,
21 whether or not they look like they're telling the truth, their
22 demeanor. The law says that you can use that in your
23 decisions as to whether or not someone is credible. Pay very
24 close attention to that.

25 There's already been a question asked as to whether or

1 not you can take notes and the answer to that is no because
2 this is a short case, given the nature of the case we're not
3 going to take notes. So that emphasizes the importance for
4 you to pay close attention. And if we were to allow people to
5 take notes some people don't take notes, some people do, some
6 people take good notes, some people take bad notes. So that's
7 just not, in this type trial, it's just not a good idea to do
8 that. So it's important for you to pay very close attention.

9 You are participating in a time-tested system. This is
10 an important case. It's an important case to the State of
11 South Carolina; it's an important case to the defendant, Mr.
12 Jenrette; and most importantly, it's an important case to you
13 because you've taken a solemn oath that you are to listen to
14 the evidence, resolve the issues of fact, and apply it to the
15 law and it's a very solemn oath. Pay very close attention and
16 let's proceed forward with a serious and contemplative mind.

17 I recognize the state at this time.

18 **MR. OSKIN:** Yes, sir, Your Honor. If it may please the
19 Court?

20 **THE COURT:** Yes.

21 **MR. OSKIN:** Occam's razor is a statement that says in
22 life the simplest explanation is overwhelmingly true more
23 times than not. Why did I just hit you with some philosophy
24 before a murder trial? Well, it's not a philosophy, it's a
25 statement. And on the night of January 6th in Loris in Horry

1 County it was proven true and will be proven true to you over
2 the course of the next two days.

3 On January 6th the defendant knocked on Kendall Ray's door
4 where he was staying, and he asked them if he was there and if
5 he wanted to look at a gun that he had for sale. Now he
6 didn't just randomly show up at the house, Mr. Ray knew him.
7 Mr. Ray's family knew the defendant. They had seen him
8 before. This is a mobile home park that's relatively small in
9 size. There's not 20, 40, 60 homes on the property. It's
10 just a couple. And when he showed up it was late in the
11 night, kind of January 5th going into January 6th. It wasn't
12 totally unexpected or unwelcomed.

13 So Mr. Ray said yeah, I'll take a look at it and he
14 walked outside with the defendant to look at this gun. And
15 the gun that he stated that he wanted to sell him was a
16 shotgun, a shotgun, which is a little bigger in size than a
17 pistol. A couple moments go by and Mr. Ray's brother, his
18 moma, his girlfriend, and little niece and nephew are in the
19 house. They're playing the PlayStation and just hanging out
20 together. A couple of moments go by, and they hear a gunshot.
21 They didn't really think anything of it, the defendant was
22 there to sell him a gun, right? He was testing the gun out.

23 And again, location is important. You'll see why you
24 would think shooting a weapon outside would be remotely okay
25 or safe to do. But you'll see where that makes sense in the

1 context of this case. They hear the gunshot; a couple of
2 moments go by, and they hear tires peel off. His brother, Mr.
3 Ray's brother notices that Mr. Ray's cell phone is inside the
4 home. Mr. Ray is like a lot of people; he couldn't go
5 anywhere without his cellphone. I've got mine in my jacket.
6 It's on silent, of course. But his brother knew that
7 something was a little off with him not taking his cell phone
8 out there, or better yet that he didn't plan on being out
9 there too entirely long to be without his cell phone. So that
10 lead his brother to walk outside. And when his brother did
11 that, he walked into something that, short of a parent, it's
12 got to be the worst thing any human could see; his brother on
13 the ground, shot in the head and on the ground. Do you know
14 what he didn't see when he walked outside? He didn't see the
15 defendant because the defendant had fled. There was also no
16 gun ever found on the scene, and we'll get to that and why
17 that's important.

18 At that time they called law enforcement, as anybody
19 would. Law enforcement and EMS respond to the scene and Mr.
20 Ray died shortly thereafter as a result of the gunshot wound
21 to his head, just right of the bridge of his nose here. About
22 right here on your eyebrow, just off center to the right of
23 the eyebrow in his head. Law enforcement was quickly able to
24 develop a suspect. They were able to do that because everyone
25 in the house said that the defendant came to the house asking

1 for Mr. Ray.

2 There's also an individual across the lot who saw this
3 defendant and only this defendant get in his car and leave
4 right after the shooting or shortly thereafter. She had known
5 the defendant and she knew the type of vehicle he drove.

6 Approximately ten days later the defendant is located in
7 the State of North Carolina. At that time he's charged with
8 murder and he stands on trial before you this week.

9 Ladies and gentlemen, that synopsis of what I just told
10 you, that's what the evidence in this case is going to prove.
11 Everybody is going to say that the defendant came to the
12 house, that he asked for the victim, shortly thereafter a shot
13 was fired, and he wasn't there, he was gone, that he left.
14 Now what none of those people will be able to tell you is that
15 they actually saw him do it. But, ladies and gentlemen, all
16 signs point to the defendant. This wasn't 15, 30 minutes,
17 three hours, six days that went by. He went and knocked on
18 the door, specifically asked for the victim, lured him out
19 there under the guise of I'm going to sell you a shotgun, and
20 then shot him in the head with a low caliber weapon. A low
21 caliber weapon means it's smaller than the shotgun.

22 He's on trial for murder and in order for us to prove him
23 guilty we have to prove him guilty beyond a reasonable doubt.
24 Reasonable doubt is just proof that'll leave you firmly
25 convinced of his guilty. Why are you going to be firmly

1 convinced of his guilt? Because of what comes from that
2 witness stand. It's not evidence just because I said it. I
3 didn't just make this up and come to you with it and hope it
4 goes well. You're going to hear from the witnesses that I
5 mentioned on that stand. They're going to tell you about that
6 night. They're going to tell you about the moments that lead
7 to this defendant finding Mr. Ray and what he did to him
8 shortly thereafter and why it was him.

9 Murder in the State of South Carolina is the intentional
10 killing of another with malice of forethought express or
11 implied. Real quick, this gentlemen right here is wearing
12 that robe for a reason, for good reason. If I say anything
13 that differs from what he says when he charges you on the law,
14 by all means, you defer to him. But murder in South Carolina
15 is the intentional killing of another with malice aforethought
16 express or implied.

17 Malice, what does malice mean? Malice is a depraved
18 heart, a wicked spirit, evil, a demonstrated propensity to
19 commit ill will toward another. Aforethought, that is the
20 time that the evil was conceived. Okay. In South Carolina
21 you don't have to have premeditation, but you can. But it
22 doesn't matter in our state whether you plan to kill somebody
23 for three months, three hours ahead of time, or three seconds
24 before you shot them right in the head, it's murder. It's
25 murder because of malice.

1 Express, that's easy. It's I'm going to kill you and
2 then I shoot and kill you. It'd be nice if we caught
3 everybody saying that, but that's not always the way it
4 happens. You have to imply it from the circumstances and
5 that's what you're going to have to do in this case. You
6 imply from that shot just to the right of his nose in his
7 eyebrow, his head, that there was malice intended behind that
8 bullet when it struck Mr. Ray.

9 The Judge has indicated to you that it's going to be a
10 relatively quick trial. It will be. I just want you to
11 simply give us your best attention, pay attention to these
12 witnesses. They don't check your common sense at the door.
13 Nobody's going to be making a Netflix documentary out of this
14 case, but it doesn't change the fact that murder occurred on
15 Barts Road on January 6th. And after the evidence is presented
16 to you, Mr. Holford is going to stand up here in front of you,
17 and I ask you now after the evidence of what you ladies and
18 gentlemen -- to return the verdict that the evidence demands.
19 We're seeking the truth here and the truth is that the
20 defendant killed Kendall Ray. Two men outside, one left for
21 dead, one fled, found in North Carolina ten days later. And
22 the verdict that you'll return will be guilty. Don't
23 overthink this thing. Pay attention to the witnesses, pay
24 attention to the malice. Thank you.

25 **THE COURT:** Thank you, sir. Defense you are recognized.

1 **MR. HILLER:** Thank you, Your Honor. May it please the
2 Court?

3 **THE COURT:** Yes.

4 **MR. HILLER:** When I think about the recent --
5 Afghanistan, what's been going on there, it really makes me
6 love what we have in this country. Think about the Taliban
7 wrecking through, taking at whim basically, no due process,
8 just taking over a country. We stand for the exact opposite.
9 And frankly, we're on the battleground of our entire system.
10 Most of us will never, ever stand accused of murder. Most of
11 us will never stand accused of shoplifting. But the strength
12 of our system is tested in this very room day in and day out.
13 And that is why I believe so strongly in those two bedrock
14 principles of our system.

15 First, the presumption of innocence. You heard about it
16 from the Judge, it bears repeating, it's what's kept us a
17 country for so long. The presumption of innocence, no matter
18 what a warrant or an indictment, no matter any of those
19 charging documents, no matter what they say, today at ten
20 until 3 this afternoon Quotase Jenrette is innocent. He
21 stands before you innocent. He is wearing a fictional, but
22 picture it with me, a robe of righteousness, something that
23 came with him when he became a citizen of this country when we
24 was born, something that can only be taken from him if you the
25 jury unanimously believe that beyond a reasonable doubt he

1 committed murder.

2 Now again, this is not evidence, this is a defense
3 preview of what we believe is to come. The witness stand
4 there is empty, soon it will not be. There will be witnesses
5 who will take an oath to tell the truth. They will look, they
6 will respond to the state's questions, and then of course I
7 will have an opportunity to ask them questions. Please not
8 only listen carefully to what they say, but observe them,
9 observe their demeanor. Like Judge Nettles said, use common
10 sense. Think about what they say, think about why they may
11 say it, think about how they say it. It's so critical to our
12 system.

13 The proof beyond a reasonable doubt that we've heard, is
14 the highest level of proof in the legal system in America.
15 We've got of course, skip the magistrate's stuff, no one
16 really cares about that right now. But car wrecks, you could
17 have \$800,000 on the line and it's basically whose scale tips
18 ever so slightly. It's a big deal, but it's nowhere near the
19 big deal that criminal court is. Family Court, just below us
20 on the second floor, when the State of South Carolina through
21 DSS decides that some parent is no longer fit to even have
22 parental rights, they can file an action to terminate parental
23 rights. It's called a TPR action. When the State of South
24 Carolina seeks to strip a parent, a biological parent, of
25 their rights to their children going forward, that standard of

1 proof is called clear and convincing evidence. It has to be
2 clear and convincing evidence to justify what I consider to be
3 a drastic action. That is still nowhere near the level of
4 proof required of -- required for the state to secure a
5 conviction in criminal court.

6 When we talk about where that evidence comes from, I'll
7 talk a little bit more about the types of evidence down the
8 road a bit, but there's direct and circumstantial evidence.
9 Direct evidence is that witness said that light was green.
10 The other guy said that light was red. The jury decides who
11 is credible. Circumstantial evidence is a bit more tricky, in
12 that there actually is an inference that the jury has to draw.
13 For example, the defense in this case believes that nobody saw
14 what happened outside, therefore, leaving y'all as the jury to
15 have to draw an inference to decide whether or how to vote in
16 the case.

17 The -- again, the burden lies with the state. Mr.
18 Jenrette here does not have to prove a thing. He doesn't have
19 to testify. He has no duty to say hey, I wasn't here, I was
20 at this other place. You know this was three and a half years
21 ago. Cases, especially with Covid, have taken a long time to
22 come to court and that is just a reality of the situation that
23 we've had to deal with.

24 The state wants to point out Occam's razor, I think
25 that's what the solicitor led with. That principal is

1 basically if there's a complex version of what happened and a
2 simple version of what happened and we don't know what
3 actually happened, the simple one is usually the right
4 solution. Simple is usually right. That might be well and
5 good from a legal philosophy from a bygone century, but it's
6 not good enough for a criminal court in South Carolina in the
7 United States of America where the burden of proof is guilt
8 beyond a reasonable doubt.

9 There's another saying, the devil is in the details.
10 There are details that the defense will point out to you along
11 the road of this case. And at the end of it when all of the
12 evidence is heard, the defense is going to ask you all to
13 recall your oath as jurors and find Mr. Jenrette not guilty of
14 murder.

15 **THE COURT:** Thank you. State, you're recognized. You
16 may call your first witness.

17 **MR. OSKIN:** Yes, sir, Your Honor. At this time the state
18 would first call Officer J.D. Green with the Horry County
19 Police Department.

20 **THE COURT:** Yes, sir. If you could please come around.
21 I'm going to ask you if you could approach the clerk, place
22 your left hand on the Bible and raise your right hand as she
23 administers the oath.

24 **J.D. GREEN, HAVING BEEN**
25 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

1 **THE CLERK:** Please be seated. State your full name and
2 spell your last for the Court.

3 **OFFICER GREEN:** I'm Officer J.D. Green. Last name is
4 spelled G-R-E-E-N.

5 **THE COURT:** Okay. And I'm going to ask you if you could,
6 to have a seat, pull up real close to that microphone, speak
7 loudly, clearly, and slowly in order that we can hear
8 everything that you have to say. You can remove your mask if
9 you feel comfortable doing so.

10 **OFFICER GREEN:** Yes, sir.

11 **DIRECT EXAMINATION OF OFFICER GREEN BY MR. OSKIN:**

12 Q: Good afternoon, Officer Green. Who is your current
13 employer?

14 A: Horry County Police Department.

15 Q: All right. How long have you been employed with them?

16 A: A little over seven years.

17 Q: Okay. Do you have any prior law enforcement experience
18 through your time at Horry County?

19 A: I do not.

20 Q: Okay. And what are some of your duties as an officer
21 today?

22 A: I respond to calls for service, whether it be emergent,
23 sometimes really there's a wide variety. It could be civil
24 stuff, it could be criminal stuff, but we file reports and
25 then we respond emergently when need be if someone's in

1 danger.

2 Q: So would I be correct in asking you are you a patrol
3 officer?

4 A: Yes.

5 Q: Okay. All right. Were you in that same capacity in
6 January of 2018?

7 A: Yes, sir.

8 Q: All right. Do you recall being on duty the night of
9 January 5th or 6th, going into the 6th?

10 A: I -- yes, sir.

11 Q: All right. Do you recall or did you respond to a
12 shooting that occurred that night in the Barts Road, or near
13 Barts Road, I'm sorry?

14 A: Yes, sir.

15 Q: All right. What area of Barts Road did you respond to?

16 A: I don't remember the exact numeric, but it would have
17 been documented in the report I completed after.

18 Q: Okay. How would you describe the homes that you
19 responded to?

20 A: The home that I responded to was a single-wide. Most of
21 the ones in the neighborhood are.

22 Q: Okay. You said single-wide, does that mean a mobile
23 home?

24 A: Single-wide mobile home.

25 Q: And were there other mobile homes around that house?

1 A: Yes, sir.

2 Q: Okay. And what area is that mobile home park located in?

3 A: Loris. Is that what you mean, what city?

4 Q: Right. And what county is Loris in?

5 A: Horry County.

6 Q: All right. And you recall responding to the scene?

7 A: Yes, sir.

8 Q: All right. What did you do once you arrived on scene?

9 A: I arrived on scene, noticed two males and a female. One
10 male was lying on the ground being comforted by the female.
11 There was another male that was right there close that seemed
12 to be distraught. Nobody else I noted on the property. Did a
13 quick check of the area, I kind of asked them some questions
14 just to try to make sure that that scene was safe so that the
15 medical personnel could come in and treat the victim.

16 Q: All right. And without telling me what anyone said, or
17 you could have been getting to it, why was medical personnel
18 required?

19 A: Well when the call came out it was dispatched that
20 someone had been potentially injured by gunshot. So
21 obviously, like I said, when I got on scene I noted that one
22 of the males was lying there being comforted by the female.
23 He had an apparent head injury. You know EMS is routinely
24 dispatched when we are if somebody is potentially going to
25 need them. So I came in and noticed that he was injured and

1 the scene, as I said before, and then tried to quickly as
2 possible make sure that it was safe for EMS to come in.

3 Q: Okay. So you personally observe the male that was
4 injured?

5 A: Yes.

6 Q: Could you see where his injury was coming from?

7 A: Just head, not specific location.

8 Q: Okay.

9 A: But I could tell it was on his head.

10 **MR. OSKIN:** Your Honor, if I may approach the evidence?

11 **THE COURT:** Yes.

12 **BY MR. OSKIN:**

13 Q: I'm showing you what's been marked as state's evidence
14 number one. Are you able to recognize that? You can hold it.

15 A: Yes, sir. I can see it. I do recognize it.

16 Q: All right. What is -- what is that?

17 A: That is an overhead view of Barts Road and the area that
18 I responded to that night and the surrounding community.

19 Q: Okay. Is that an accurate reflection of the Barts Road
20 area?

21 A: Yes, sir.

22 Q: That's an area you patrol?

23 A: Yes, sir.

24 Q: That's the area you responded to on the night in question
25 here?

1 A: Yes, sir.

2 Q: Okay. Nothing's been materially altered, edited, or
3 deleted?

4 A: Not that I can tell.

5 Q: Okay.

6 **MR. OSKIN:** Your Honor, at this time the state would seek
7 to move into evidence state's exhibit number one.

8 **THE COURT:** Any objection?

9 **MR. HILLER:** No objection.

10 **THE COURT:** It's into evidence.

11 **(STATE'S EXHIBIT NUMBER ONE**
12 **IS ADMITTED INTO EVIDENCE.)**

13 **BY MR. OSKIN:**

14 Q: I'll have you hold this so the jury can see it if you
15 don't mind, I know it's big.

16 Are you able to indicate on that map the home that you
17 responded to?

18 A: I'm pretty sure it was this house here.

19 Q: Can you circle that with this pen here? You can sit it
20 down. That's fine.

21 When you arrived on scene did you locate -- thank you --
22 when you arrived on scene did you locate any firearms?

23 A: No, sir.

24 Q: How far from the mobile home was the victim lying?

25 A: Very roughly, you know, twenty to thirty yards. That's

1 just a rough estimate from my recollection of three years ago.

2 Q: I understand.

3 **MR. OSKIN:** Your Honor, if I may approach? I'm going to
4 have him recircle with a permanent marker as opposed to my
5 pen.

6 **THE COURT:** Yes.

7 **BY MR. OSKIN:**

8 Q: Here's this pen here.

9 A: Yes, sir. And now you want me to circle roughly where --
10 -

11 Q: No. The same property that you circled; I'm going to
12 have you do it in permanent instead of my pen.

13 A: Yeah.

14 Q: So you did not locate a firearm?

15 A: No. No, sir.

16 Q: Did you have -- were you wearing a body worn camera?

17 A: Yes, sir.

18 Q: Is that standard as part of your ---

19 A: Yes, sir. Standard issue for patrolmen. Yes, sir.

20 Q: All right. Was it activated that night once you arrived
21 on scene?

22 A: Yes, sir.

23 **MR. OSKIN:** May I approach the witness again?

24 **THE COURT:** Yes.

25 **MR. OSKIN:**

1 Q: I'm showing you what's been marked as state's exhibit -
2 pre-marked as state's exhibit number two. Do you recognize
3 that?

4 A: Yes, sir.

5 Q: What is that?

6 A: That would be the disc from my body worn camera.

7 Q: How are you able -- how do you know it's yours?

8 A: I initialed it after viewing it earlier.

9 Q: All right. Has this video been materially altered,
10 edited, deleted, anything changed to it?

11 A: No, sir.

12 Q: Is it a complete, accurate reflection of the scene as you
13 responded to it that night?

14 A: Yes, sir.

15 **MR. OSKIN:** Your Honor, at this time the state would seek
16 to enter into evidence state's exhibit number two.

17 **THE COURT:** Any objection?

18 **MR. HILLER:** No objection.

19 **THE COURT:** It's into evidence.

20 **(STATE'S EXHIBIT NUMBER TWO**
21 **IS ADMITTED INTO EVIDENCE.)**

22 **MR. OSKIN:** Your Honor, at this time the state would seek
23 to publish state's exhibit two. I ask for the Court's
24 indulgence for just a minute.

25 **REPORTER'S NOTE:** (Whereby state's exhibit number two is

1 published for the jury.)

2 **MR. OSKIN:** Your Honor, before I proceed, the state would
3 ask for an instruction to the jury that we're in compliance
4 with an evidentiary ruling by Your Honor in regards to the
5 muted video. We're not hiding anything from their presence.

6 **THE COURT:** There were certain motions filed with regard
7 to the video itself, and what you saw was a result of my
8 ruling.

9 **MR. OSKIN:** Thank you for your patience, Your Honor.
10 I'll proceed with questioning.

11 **THE COURT:** Very good.

12 **BY MR. OSKIN:**

13 Q: Officer Green, what time of night did you respond to
14 Barts Road?

15 A: The middle of the night. I'd have to refer back to the
16 report for an exact time.

17 Q: Do you have your report on you?

18 A: I do not have a copy.

19 Q: If I gave you a copy of the report would that help you?

20 A: Yes, sir.

21 **MR. OSKIN:** Permission to approach this witness?

22 **THE COURT:** Yes.

23 **BY MR. OSKIN:**

24 Q: Is that your report from that night?

25 A: Yes, sir.

1 Q: Okay. And is this the purpose of why you take the
2 report?

3 A: Absolutely. Yes, sir.

4 Q: Because how long has it been since you responded to the
5 scene that night?

6 A: Three years.

7 Q: How many scenes do you estimate that you've responded to
8 since that night? How many scenes do you estimate you've
9 responded to since then?

10 A: A few hundred. I don't know exact, but a couple hundred.

11 Q: All right. So after seeing your report, are you able to
12 recall what time of night you responded?

13 A: Yes, sir. I have a dispatch and arrive time that were
14 documented.

15 Q: Okay. And there's a difference between -- is there a
16 difference between dispatch time and arrival time?

17 A: Yes, sir.

18 Q: Okay. What time did dispatch inform you of the incident?

19 A: 1:14a.m.

20 Q: Okay. And what time did you arrive on the scene at Barts
21 Road?

22 A: I arrived on scene at 1:23.

23 Q: So that's approximately nine minutes; is that correct?

24 A: Yes, sir.

25 Q: Okay. Was there a truck in the driveway when you

1 arrived?

2 A: No, sir. I don't remember any vehicle. No truck, I
3 don't remember a truck being in the yard.

4 Q: Okay. And do you, I think I asked you earlier, but after
5 seeing your report do you recall where exactly the victim was
6 in proximity to the house when you arrived?

7 A: Yes, sir, in the front yard, what I would consider where
8 the driveway leads up to the residence. Like I said, roughly
9 20 to 30 yards away from the residence.

10 Q: Did you know who was assisting him there on the ground?

11 A: I did not know any persons there prior to that night.

12 Q: Did you later learn from ---

13 A: Yes, sir. Once the scene was rendered safe and medical
14 personnel came in and did their job then, yes, I identified
15 all subjects on scene.

16 Q: Okay. Who did you identify on the scene?

17 A: The victim, Mr. Ray. The female who was comforting him
18 when I arrived was Waquita Brothers, was the female who was
19 there with Mr. Ray. Then Mr. Ray's brother, Rashii Brisbon,
20 Jr.

21 Q: Were you involved in the development of any suspect,
22 without telling me what anybody said?

23 A: No. Well, no. I mean I documented, I got a brief
24 statement initially. No solid identification. I don't know
25 if that answers your question. I got a name.

1 Q: Okay. And do detectives arrive on scene in addition to
2 responding officers?

3 A: Yes. Absolutely. Yes, sir.

4 Q: And that happened relatively shortly after, shortly after
5 you responded?

6 A: Yes, sir. Once we come in and control that scene to make
7 sure that it stays secure, appropriate personnel are notified.

8 Q: Did the individuals on scene that you just named, did
9 they identify a person of interest immediately upon
10 responding?

11 A: Like I said, a name. They gave me a name, Quotase. I
12 documented it also.

13 Q: Officer, nothing further from me at this time. Please
14 answer any questions that Mr. Hiller or Mr. Fox may have.

15 A: Yes, sir.

16 **THE COURT:** Mr. Hiller, you're recognized, cross
17 examination.

18 **MR. HILLER:** Thank you, Your Honor.

19 **CROSS EXAMINATION OF OFFICER GREEN BY MR. HILLER:**

20 Q: Officer Green, I believe your testimony was that you were
21 dispatched to the scene in regard to a 911 call regarding a
22 shooting incident.

23 A: Yes, sir.

24 Q: So of course when you arrived, I'm not trying to repeat
25 what you said, but I'm just making sure I understand the

1 process. First step was to make sure the scene was correct,
2 or make sure the scene was secure, right?

3 A: Yes.

4 Q: Now, did another officer arrive at a very close time as
5 your arrival time?

6 A: Yes.

7 Q: Was that Corporal Grainger?

8 A: I'm pretty sure he came in either almost simultaneously
9 with me or pretty close after I pulled up.

10 Q: And on your body cam footage he appears to be roping off
11 the crime scene.

12 A: I'd have to look at the footage to know.

13 Q: Did you rope off the crime scene?

14 A: Did I rope it off?

15 Q: Yes, sir.

16 A: I don't remember roping it off, sir.

17 Q: Did you start a crime scene log?

18 A: I personally didn't, but we had several officers on
19 scene.

20 Q: Okay.

21 A: I don't remember starting it myself.

22 Q: But you said that you did talk with people that who were
23 present on the scene?

24 A: You mean fellow officers or? I talked to fellow officers
25 and then obviously the people that I just named in my report.

1 Q: Rashii Brisbon and Waquita Brothers?

2 A: Yes.

3 Q: Any other adults on scene that you spoke with immediately
4 there?

5 A: No.

6 Q: Okay.

7 A: Not personally.

8 Q: And other adults that you saw on scene when you ---

9 A: I mean there were adults outside of the, what you said
10 was roped off at various points. I mean we were there for
11 quite a while and there were other adults outside of the crime
12 scene, but none that spoke with. I remained inside and don't
13 remember speaking with any other adults.

14 Q: Would you characterize the scene when you arrived as dark
15 or was it light out still?

16 A: I mean it was dark because it was nighttime but there was
17 ambient light, there were nightlights around. I mean it
18 wasn't black, pitch black.

19 Q: It was a cold night if I remember.

20 A: It was cold.

21 Q: Do you remember how cold?

22 A: Not exactly.

23 Q: Was there ice on the ground?

24 A: I don't remember there being ice on the ground. No, sir.

25 Q: Now, CID, that's the detectives, right?

1 A: Yes, sir.

2 Q: Eventually they get on scene. Do you remember how long
3 after you were on scene, how long it took them to get there?

4 A: No, not exactly. No, sir.

5 Q: Would you be surprised if their arrival time was
6 2:38a.m.?

7 A: I don't know that I would say I would be surprised
8 considering how large the county is and the fact that they
9 respond from various locations in the middle of the night.

10 Q: But eventually a detective arrives. Do you remember
11 which detective arrived on scene?

12 A: No, sir.

13 Q: Could David Dudley have been the detective that arrived
14 on scene?

15 A: I'm going to look to see if I documented it, but if I
16 didn't document it, I don't remember who specifically.
17 Normally a few detectives arrive, and I'm not always informed
18 who may be lead detective. You know they kind of come in and
19 work as a team. No, no specific name as far as what detective
20 arrived.

21 Q: I guess that kind of goes back to the solicitor's point
22 that you write it down so that when you need it later it's
23 there.

24 A: Yeah.

25 Q: But if you don't, you don't. Do you remember walking

1 around the scene when the detective, whoever it was, it
2 doesn't matter to me, but whenever that detective arrived do
3 you remember walking around the scene with him kind of giving
4 him the lay of the land?

5 A: So generally I didn't do that. That conversation
6 happened for sure with the detectives that responded, but I
7 don't remember speaking specifically. We have, you know,
8 several of our officers that showed up, two of which were
9 supervisors on the shift. They more than likely were the ones
10 that briefed the detectives who arrived.

11 Q: Now, don't tell me what anyone said of course, but do you
12 remember receiving information that after this car started --
13 you said there was not a truck there when you got there,
14 correct?

15 A: Uh-huh. (Affirmative response.)

16 Q: Do you recall looking for evidence on the ground about
17 spinning tires?

18 A: We looked around for tire marks and shell casing, yes.

19 Q: Do you recall identifying what you thought to be spin
20 marks on the ground?

21 A: I can't recall.

22 Q: Okay.

23 A: So I didn't -- that's another team that's called in to do
24 -- we try not to disturb any more than we have to as an
25 initial responder. Then a case with the severity of this

1 crime, you know, we have a crime scene unit that comes out and
2 processes the scene.

3 Q: And you basically hand the scene off to them, right?

4 A: That's the detective's crime scene. Yes, sir.

5 Q: I believe that kind of goes back to your other point.
6 You said that you were not involved in the development of the
7 subject in this case. That was CID, right?

8 A: Right.

9 Q: Okay. Just one second.

10 **MR. HILLER:** Court's indulgence. No further questions,
11 Your Honor.

12 **THE COURT:** Any redirect?

13 **MR. OSKIN:** None from the state at this time, Your Honor.
14 We would respectfully ask that Officer Green be released from
15 his subpoena.

16 **THE COURT:** Any objection from defense?

17 **MR. HILLER:** No, sir.

18 **THE COURT:** You're free to leave. Thank you, sir.

19 **OFFICER GREEN:** Yes, sir.

20 **THE COURT:** You may call your next witness.

21 **MR. OSKIN:** Your Honor, at this time the state would next
22 call Doctor Eric Eason.

23 **THE COURT:** Doctor Eason, please come forward and
24 approach the clerk. I'm going to ask if you could to place
25 your left hand on the Bible, raise your right hand as the

1 clerk administers the oath. And you can lay your stuff down
2 if you'd like. That'd probably be helpful. Very good.

3 **DOCTOR ERIC EASON, HAVING BEEN**
4 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

5 **THE CLERK:** Please be seated. State your full name and
6 spell your last name for the Court.

7 **DOCTOR EASON:** First name Eric, E-R-I-C. Last name
8 Eason, E-A-S-O-N.

9 **THE COURT:** Doctor Eason, I'm going to ask you to pull up
10 real close to that microphone and speak loudly, clearly, and
11 slowly in order that we can hear everything that you have to
12 say. Thank you, sir.

13 **DOCTOR EASON:** Is that good?

14 **THE COURT:** Yes.

15 **DOCTOR EASON:** Is this on?

16 **THE COURT:** I don't know. Let's just speak loudly.

17 **DOCTOR EASON:** Okay. I can do that.

18 **DIRECT EXAMINATION OF DOCTOR EASON BY MR. OSKIN:**

19 Q: Good afternoon, Doctor. Thank you for being here.

20 A: Hello. Thank you.

21 Q: Are you a duly licensed physician and surgeon?

22 A: Yes.

23 Q: All right. What states are you licensed?

24 A: Currently South Carolina and Illinois.

25 Q: All right. How long have you been licensed to practice

1 your profession?

2 A: I graduated med school in 1998 so my first license would
3 have been in 1998.

4 Q: All right. Now, are you presently engaged in the
5 practice of your profession?

6 A: Yes.

7 Q: All right. Where did you receive your medical training,
8 sir?

9 A: I received my medical degree from the Medical University
10 of South Carolina in Charleston, South Carolina. Then, do you
11 want me to keep going through the educational process?

12 Q: Yes, sir. Tell us about how educated you are.

13 A: Right. So I received my medical degree at MUSC in 1998.
14 I then spent a year in Columbia, South Carolina at the
15 University of South Carolina School of Medicine and completed
16 a family practice internship. During that year I decided to
17 switch specialties, so I changed into pathology and moved back
18 down to Charleston and then from 1998 until 2003 completed my
19 pathology residency training. During those four years I
20 decided to subspecialize in forensic pathology, so in 2003 I
21 moved to Atlanta, Georgia and at Emory University through the
22 Fulton County Medical Examiner, completed my forensic
23 pathology fellowship that was one year. When that was over, I
24 then started my fulltime work in forensic pathology at the
25 Georgia Bureau of Investigation.

1 Q: All right. And as part of some of your job duties across
2 the years has it included the performance of autopsies?

3 A: Yes. That's my main job. Yes.

4 Q: If you can recall, about how many autopsies have you
5 performed in your career?

6 A: I have performed around 4,000 postmortem examinations, of
7 which most of those would have been autopsies.

8 Q: I know you mentioned -- I'm shifting gears here a little
9 bit. Do you specialize in a particular branch of medicine
10 now, or did you start somewhere else in your career? Do you
11 specialize in anything now?

12 A: Forensic pathology, correct.

13 Q: Okay. Would you please just tell this jury what all
14 pathology involves?

15 A: Yes.

16 Q: So pathology is a specialty of medicine. We are medical
17 doctors, but we don't actually see patients. We analyze
18 tissue from patients to help diagnose cancer and other
19 diseases. Then we analyze bodily fluids, such as blood, to
20 run lab tests and help clinicians diagnose disease in the
21 patients. A branch of pathology is forensic pathology, which
22 is what I do. That is where you conduct an autopsy on someone
23 who has died suddenly or unexpectedly, and the goal is to
24 determine the cause of death and manner of death.

25 Q: As part of your profession are you a member of any

1 specialized medical or scientific groups or associations?

2 A: Yes. I'm a member of the College of American
3 Pathologists, which consists of the doctors who have practice
4 pathology. Then the American Academy of Forensic Sciences,
5 which includes forensic pathologists, like I am, but also
6 other individuals involved in forensic science, like
7 ballistics and DNA testing, etcetera.

8 Q: Okay. And for the Court's purposes, are there special
9 requirements to obtain that certification or to be a member of
10 the American Board of Pathology?

11 A: To be certified by the American Board of Pathology you
12 have to be a doctor, you have to train in pathology, and then
13 you have to do the training in forensic pathology, which is
14 one year that I did in Atlanta. Then when that is all
15 completed you then take an exam down in Florida, and then you
16 become board certified is what they call it.

17 Q: Have you been qualified in a court of law to testify
18 before?

19 A: Numerous times, yes.

20 Q: All right. About how many do you think if you had to
21 guess?

22 A: Getting close to 200.

23 Q: All right.

24 **MR. OSKIN:** Your Honor, at this time the state would seek
25 to offer Doctor Eric Eason as an expert in the field of

1 pathology.

2 **THE COURT:** Any query with regard to his qualifications?

3 **MR. HILLER:** Nothing with regard to qualification, Your
4 Honor.

5 **THE COURT:** All right. Mr. Foreman, ladies and gentlemen
6 of the jury, ordinarily a witness can only testify as to
7 things they heard, saw, or felt, or smelled. Things of their
8 immediate perception. However, there's an exception to that
9 rule when a person is qualified as an expert. If this Court
10 determines based on their experience and education that they
11 are an expert in some area, they not only can testify as what
12 they heard, saw, and felt, they can render opinions in their
13 field of expertise. This witness is qualified as an expert in
14 forensic pathology and is allowed to render opinions in that
15 regard. However, just by virtue of the fact that a person is
16 an expert does not mean that you have to accept his opinion.
17 You evaluate it and give it the weight that you think it
18 deserves.

19 Yes, sir.

20 **MR. OSKIN:** Thank you, Your Honor.

21 **BY MR. OSKIN:**

22 Q: Doctor Eason, have you had the opportunity to review the
23 records of the Anatomical Pathological Autopsy of Kendall Ray?

24 A: Yes.

25 Q: And just to be clear, you did not perform this autopsy,

1 did you?

2 A: That's correct.

3 Q: All right. Who did perform this autopsy?

4 A: I have that Doctor Proctor, Edward Proctor, performed the
5 autopsy in 2018.

6 Q: All right. And why is Doctor Proctor not available for
7 testimony today?

8 A: From what I've been told, he is on medical leave. He
9 apparently contracted Covid a few months ago. And this would
10 be the third case that I've testified for him. It's called
11 surrogate testimony. So I didn't actually do the autopsy or
12 prepare the report, I reviewed it independently and have come
13 up with the same conclusions. It's standard procedure in
14 forensic pathology when a pathologist is not available.

15 Q: All right. You got ahead of me.

16 A: I'm sorry.

17 Q: No problem. Have you been in this position before?

18 A: Yes.

19 Q: In fact, you said this is your third time. You've had to
20 see me two other previous times.

21 A: That's right. Correct.

22 Q: In addition to your numerous testimonies about autopsies.

23 A: Yes.

24 Q: All right. Where was Mr. Ray's autopsy performed?

25 A: Let's see. At Grand Strand Regional Medical Center.

1 Q: All right. What external injuries were apparent on Mr.
2 Ray?

3 A: I have that the main injury was consistent with the
4 gunshot wound that was located in the right eyebrow area. I'm
5 not sure if we have pictures. And that the bullet would have
6 entered and then injured the brain.

7 **MR. OSKIN:** Your Honor, can I have permission for this
8 witness to step down and just indicate to the jury where the
9 injury occurred at?

10 **THE COURT:** Yes.

11 **BY MR. OSKIN:**

12 Q: I'm going to have you stand dead center, Doctor Eason, so
13 the whole jury can see you. Stand up straight. And if you'll
14 please indicate on your person where the victim was shot.

15 A: Roughly around right here. That's what Doctor Proctor
16 found. He took photos of it and described it in the autopsy
17 report.

18 Q: I appreciate that. Were there any internal injuries to
19 his brain as a result of that shot?

20 A: Yes. I have that the bullet macerated, which would have
21 been essentially softening or disintegrated the brain,
22 pulpification of the brain, so it would have been severe
23 injury really to the right side of the brain.

24 Q: Is that, in layman's terms, is that the traumatic injury
25 or the extensive hemorrhaging to the brain?

1 A: Correct.

2 Q: Is that indicated in this report?

3 A: Correct. So a lot of bleeding occurred into the brain
4 that was damaged. Correct.

5 Q: Were you able to tell, based off of your review, what the
6 bullet's path was through Mr. Ray's brain?

7 A: I have the direction. I have that it was going from
8 front to back, from left to right and I have slightly
9 downward. It doesn't say the exact path that it went through.
10 Although, it mentions the interior right hemisphere, which is
11 the front part of the right side of the brain, that that part
12 was damaged, but I don't have an exact wound track in here.

13 Q: Did you notice any stippling or tattooing at the entrance
14 wound?

15 A: I did not. And can I explain what that means?

16 Q: Please.

17 A: Right. So when a bullet is fired and when a pathologist
18 describes a gunshot wound, you have to describe entrance wound
19 versus exit wound. The other thing that you need to describe
20 is presence of gunshot residue around the wound because that
21 could indicate a range of fire. So when a gun is fired, the
22 flame from the gun, the burned gunpowder from the gun, which
23 causes soot, unburned gunpowder, and the bullet they all leave
24 the gun when the gun is fired. If the gun is directly
25 touching the skin when it's fired the hot flame from the gun,

1 soot from the gun, and other particles can deposit around the
2 skin and that's going to be indicative of a contact gunshot
3 wound. As the gun starts to move away from the body, inches
4 away up to about two to two and a half feet, the flame won't
5 reach the target, the soot won't reach the target, but
6 unburned gunpowder will strike the skin and cause what we call
7 tattooing or stippling. And that's indicative of an up close
8 and personal gunshot wound. It's not contact, but it's within
9 inches of the body. We call it close range or intermediate
10 range. When the gun reaches about two to two and a half feet,
11 none of that other material can reach the target, and all
12 you're left with is just a round hole with no soot, no burning
13 around the wound and we call it either a distant range gunshot
14 wound or indeterminant range gunshot wound. So in this case
15 here, since Doctor Proctor did not find any soot or any
16 stippling or tattooing, the best guess is that the range of
17 fire was distant range. Another way to say it is the gun was
18 more than likely at least two to two and a half feet from the
19 body when it was fired.

20 Q: Prior to the review of Mr. Ray, had the entrance wound
21 been cleaned or examined by medical staff?

22 A: Yes, it had. He made it, the decedent made it to the
23 hospital and had organs harvested. The wound was actually
24 stapled shut by the emergency room and by the surgeons. I
25 don't know if Doctor Proctor removed them, but I did not see a

1 picture of the wound with the staples removed and it would
2 have been cleaned too.

3 Q: Is that possible that would affect any stippling or
4 tattooing?

5 A: The soot, yes, because soot can be wiped away, but
6 stippling cannot.

7 Q: That's why it's called tattooing?

8 A: That's right. Exactly.

9 Q: And just to clarify, legal terms, medical terms, but I'm
10 further than two and a half feet from you right here?

11 A: Yes.

12 Q: Stop me.

13 A: I would need a ruler. I'm terrible at that. Contact
14 would be this; up close and personal would be here; and then
15 around two to two and a half feet would be like right there.
16 It's just a good guess.

17 Q: And that's where your estimate starts for this case?

18 A: That's right.

19 Q: Based off the wound as it arrived?

20 A: Right. As it appeared in Doctor Proctor's report.

21 Q: You also mentioned the harvesting of the decedent.

22 A: Yes.

23 Q: What is that process?

24 A: I have that there was surgical absence of the heart,
25 lungs, liver, kidneys, and pancreas. So those would have been

1 transplanted to somebody else.

2 Q: Okay. And at which point would Mr. Ray have been
3 determined brain dead, before -- would they have done that
4 before he was determined braindead or after?

5 A: Let's see, he was declared braindead on January 6th, 2018
6 and then the harvesting occurred on January 9th, 2018. So
7 you're declared braindead first.

8 Q: And the day the autopsy occurred?

9 A: I have January 10th, 2018.

10 Q: So based on that particular autopsy, and within the
11 bounds of reasonable and medical certainty, was an expert
12 opinion formed concerning the death of Mr. Ray?

13 A: Yes. The cause of death I have listed as gunshot wound
14 to head with extensive cerebral trauma.

15 Q: Do you agree with that determination of death as a
16 qualified expert in that field?

17 A: Yes, I do.

18 **MR. OSKIN:** Your Honor, may I approach Madam Court
19 Reporter?

20 **THE COURT:** Yes.

21 **MR. OSKIN:** May I approach this witness, Your Honor?

22 **THE COURT:** Yes.

23 **BY MR. OSKIN:**

24 Q: Doctor Eason, I'm showing you what's been pre-marked as
25 state's exhibit number 25. I'll ask if you're able to

1 recognize that.

2 A: This is a copy of the autopsy report that Doctor Proctor
3 prepared and that I reviewed prior to coming here.

4 Q: Is it an accurate reflection of the autopsy, again what
5 you just said, the one that you reviewed as part of your
6 testimony today?

7 A: Yes.

8 Q: There's been no material edits, alterations, deletions?

9 A: Not that I can see.

10 Q: It is the report that you read?

11 A: Yes.

12 **MR. OSKIN:** Your Honor, at this time the state would seek
13 to move into evidence state's exhibit number 25.

14 **THE COURT:** Any objection?

15 **MR. HILLER:** No, sir.

16 **THE COURT:** It's into evidence.

17 **(STATE'S EXHIBIT NUMBER TWENTY-FIVE**
18 **IS ADMITTED INTO EVIDENCE.)**

19 **BY MR. OSKIN:**

20 Q: And what was the manner of death?

21 A: Manner of death is the circumstances under which the
22 death occurred, and in South Carolina we have five. We have
23 natural, that's death due to natural disease or old age;
24 accident, which the death was preventable, usually due to
25 trauma or drug overdose; suicide in which the individual takes

1 his own life; we have undetermined when we can't figure out
2 one of the other manners; then homicide when the death is due
3 to the actions of another individual. So in this case here
4 the manner of death was certified as homicide.

5 Q: Nothing further from the state, Doctor Eason. Please
6 answer any questions of Mr. Hiller.

7 **THE COURT:** Mr. Hiller, cross examination.

8 **MR. HILLER:** Yes, sir, Your Honor.

9 **CROSS EXAMINATION OF DOCTOR EASON BY MR. HILLER:**

10 Q: You covered most of the questions I had, Doctor, but just
11 to make sure that I'm clear. So gunshot residue can be wiped
12 off?

13 A: Soot can, but not tattooing.

14 Q: Right.

15 A: Correct.

16 Q: So in a case where there's medical treatment, you would
17 almost expect not to find soot?

18 A: That's true.

19 Q: But obviously like you said, the stippling actually is
20 embedded.

21 A: Permanent, yes.

22 Q: Okay. So again, no stippling at this wound site,
23 therefore, the original medical examiner and then you by
24 surrogate ---

25 A: Surrogate, right.

1 Q: Okay. --- could conclude that the mussel of the gun was
2 no closer to two to two and a half feet from the victim at the
3 time?

4 A: That's the best estimation, yes.

5 Q: Okay. Now, another job of the pathologist or the medical
6 examiner seems to be a little more pedestrian, just reporting
7 basic information like age, height, weight, and time of death?

8 A: Correct.

9 Q: What was Mr. Ray's weight, I'm sorry, height?

10 A: I'm sorry, 72 inches in length so that six feet.

11 Q: Six feet on the dot, correct?

12 A: That's right.

13 Q: And the weight, probably the reason for the range is the
14 organ harvesting?

15 A: That's true too. I have that he weighed approximately
16 225 to 250 pounds and that's minus the organs that were
17 harvested.

18 Q: Now, I think you already broke down the trajectory that
19 Doctor Proctor provided, but since it's been just a little bit
20 of time, just to remind everyone, anterior is the front?

21 A: Correct.

22 Q: Posterior is the back?

23 A: That's right.

24 Q: So if a bullet is traveling anterior to posterior it's
25 going front to back?

1 A: Correct.

2 Q: And then the left to right, that's obvious.

3 A: Right.

4 Q: Now, inferior means down?

5 A: Correct.

6 Q: Superior means up?

7 A: Correct.

8 Q: So when Doctor Proctor noted during his original autopsy
9 that the bullet was moving inferior, that means it's moving?

10 A: Slightly downward.

11 Q: Slightly downward.

12 A: Something like that is a rough guess.

13 Q: Okay. I have no further questions.

14 **THE COURT:** Any redirect?

15 **MR. OSKIN:** Very briefly, Your Honor.

16 **REDIRECT EXAMINATION OF DOCTOR EASON BY MR. OSKIN:**

17 Q: Doctor Eason, is it possible that if the victim in this
18 matter was looking down ---

19 A: Sure.

20 Q: --- would that explain the path that it has?

21 A: Correct. I need to qualify my answers on the wound tract
22 direction. So basically wound tract direction is always based
23 on if the individual were standing in the anatomic position.

24 Q: Can you come down?

25 A: Sure.

1 **MR. OSKIN:** If he may, Your Honor?

2 **THE COURT:** (Affirmative response.)

3 **MR. OSKIN:** Thank you.

4 **BY MR. OSKIN:**

5 A: As long as everyone can see me. So the first day of med
6 school we learn about what's called the anatomic position in
7 anatomy class. So any direction is based on as if somebody
8 were like this when something happens to them. So if I have
9 an entrance wound here and the exit wound is to my left back,
10 if I'm standing in the anatomic position that means that the
11 bullet is going front to back and right to left, not up or
12 down. All right. That does not necessarily mean that the gun
13 was over there because I could have actually been standing
14 this way or my head could have been turned. So it's always
15 based on the anatomic position. So the problem is I don't
16 know what position the decedent's head was in when the shot
17 occurred. I hope that answers.

18 Q: Doctor Eason, nothing further from the state.

19 **THE COURT:** Any objection to this witness being excused?

20 **MR. OSKIN:** No, sir. And he would be released from his
21 subpoena, please.

22 **MR. HILLER:** No objection at all.

23 **THE COURT:** You're free to leave. Thank you, sir.

24 **DOCTOR EASON:** Thank you.

25 **THE COURT:** All right. You may call your next witness.

25 Q: Good afternoon, Ms. Hemingway. Are you currently

1 employed, ma'am?

2 A: Yes.

3 Q: All right. Where at?

4 A: I just started at Snooky's Restaurant Bar and Grill.

5 Q: Okay. Where did you live in January of 2018?

6 A: In Duford, North Carolina -- South Carolina, sorry.

7 Q: Did you know an individual named Kendall Ray?

8 A: Yes.

9 Q: How did you know him?

10 A: He's my brother.

11 Q: Your blood brother?

12 A: Oh, yeah.

13 Q: And was he older or younger?

14 A: No, he's the oldest.

15 Q: Did he have any kids?

16 A: Yes.

17 Q: How many?

18 A: Three.

19 Q: Did he also go -- did he have a nickname?

20 A: Boot.

21 Q: Boot.

22 A: Uh-huh. (Affirmative response.)

23 Q: Do you have any other brothers or sisters?

24 A: I do. Four more brothers.

25 Q: Oh wow.

1 A: Three more brothers, sorry.

2 Q: The only girl.

3 A: Only girl, in the middle.

4 Q: What are your other brother's names?

5 A: We have Devan that comes right behind Kendall, then it's

6 me, and then we have Rashii, and Mikel.

7 Q: Okay. Where does your family live?

8 A: My mom currently stays in North Carolina with my two

9 youngest brothers, Mikel and Rashii. And Devan still stays in

10 Playcard, South Carolina, Loris.

11 Q: Did y'all used to have family land near Barts Road?

12 A: Yes. My aunt, she passed away.

13 Q: Did Kendall ever stay there?

14 A: Yeah. That's home for him.

15 Q: Okay. Was that his home in January of 2018?

16 A: Yes.

17 Q: Do you recall the night, maybe the night going into the

18 morning of January 5th, January 6th?

19 A: Uh-huh. (Affirmative response.)

20 Q: Were you with Kendall that night?

21 A: Yeah. Well, before. I got off work and got something to

22 eat. I picked him up and took him home. We clowned and

23 laughed. He started playing a game and I told him that I'll

24 see him tomorrow.

25 Q: So were you guys just hanging out together?

1 A: Yeah.

2 Q: Driving around?

3 A: No, not just driving around. I just picked him up

4 because he needed a ride.

5 Q: Okay. But it was just you two before you dropped him

6 off?

7 A: Yeah. Me, him, and my uncle. My uncle was driving.

8 Q: Okay. I'm just making sure I'm clear. So you dropped

9 him off at his home on Barts Road?

10 A: Yeah.

11 Q: All right. And then at that point did you leave after

12 you dropped him off?

13 A: Not right afterwards. We sat there a minute and talked

14 and laughed. Then I probably left probably like ten minutes

15 before, ten minutes after I meant.

16 Q: Okay. And do you recall about what time of night you got

17 there?

18 A: No, I don't.

19 Q: Was it like 7p.m.; was it later?

20 A: It was later.

21 Q: Was it dark out?

22 A: Yeah, it was dark.

23 Q: Don't tell me what anybody said, did you later learn

24 something had happened to Kendall?

25 A: Yeah. I stayed probably like 15 or 20 minutes from Barts

1 Road.

2 Q: Uh-huh. (Affirmative response.)

3 A: Just, you know, getting ready for bed and my mom called
4 me and told me that he was shot and to rush to Grand Strand.

5 Q: Did your brother Kendall, did he have a gun with him when
6 y'all were together that night?

7 A: No. It was just him and his phone.

8 Q: His phone, was he always with that phone?

9 A: Always with his phone.

10 Q: Do you remember who else was in the house at Barts Road
11 when you dropped him off?

12 A: When I dropped him off I only remember his girlfriend,
13 Waquita, being there.

14 Q: Okay.

15 **MR. OSKIN:** If I may approach this witness, Your Honor?

16 **THE COURT:** Yes.

17 **BY MR. OSKIN:**

18 Q: Let me show you what's already been admitted into
19 evidence. It's a big map here. I'm going to hold it up.
20 Does that look like the area of Barts Road and where Kendall's
21 home was?

22 A: Yes.

23 Q: Do you see it indicated on the map there?

24 A: Yes.

25 Q: Is that an accurate reflection of the house he was at

1 where you dropped him off?

2 A: Yes.

3 Q: Do you remember what kind of car you were in that night
4 by chance?

5 A: I believe my uncle had an Impala then.

6 Q: Okay. And you said you just remember Waquita being in
7 the trailer when you dropped him off?

8 A: Yes.

9 Q: Did you recall there being a black car out front when you
10 got there?

11 A: Yes. Waquita's car.

12 Q: That's Waquita's car?

13 A: Yeah.

14 Q: All right. Ms. Sakeela, that's all of the questions that
15 I have. Please answer any questions from Mr. Hiller.

16 A: Okay.

17 **THE COURT:** Mr. Hiller, cross examination.

18 **MR. HILLER:** Thank you, Your Honor.

19 **CROSS EXAMINATION OF MS. HEMINGWAY BY MR. HILLER:**

20 Q: Ms. Hemingway, so your uncle, what's his name?

21 A: We call him Slab, but his name is Jontell.

22 Q: Slab is -- so you and Mr. Ray and your uncle, y'all had
23 dinner together; is that right?

24 A: He picked me up. He picked me up from work and I grabbed
25 something to eat, a Hibachi place from across the street. I

1 was working at IGA then. And we went to pick up Kendall, and
2 we went back to Barts Road.

3 Q: Where did y'all pick up Kendall from?

4 A: North Carolina in Green Acres.

5 Q: In the Tabor City area?

6 A: Yeah.

7 Q: And you don't remember exactly when your uncle dropped
8 you and -- so you and your uncle picked up Kendall in Green
9 Acres, which Green Acres is in Tabor which isn't very far
10 away, right?

11 A: Right.

12 Q: It's like Tabor City, Loris, a little place on the border
13 there. But your uncle then brings you and Kendall back to
14 Barts Road.

15 A: Right.

16 Q: And you hang out, I think you said ten minutes or so?

17 A: Yeah, yes.

18 Q: Then did your uncle bring you to your house?

19 A: No. My boyfriend picked me up.

20 Q: Okay. And then you got the call that Mr. Ray had been
21 shot and you got down to Grand Strand?

22 A: Yes.

23 Q: How did you get down to Grand Strand?

24 A: My boyfriend.

25 Q: Okay.

1 A: Uh-huh. (Affirmative response.)

2 Q: And did you talk to the detective down there at the
3 hospital?

4 A: I don't think, not at first.

5 Q: Do you remember seeing him?

6 A: I believe so.

7 Q: It sounds like, it seems to me that a bunch of family was
8 down there, just kind of in support, right?

9 A: Yes.

10 Q: That's very fair. And Ms. Waquita, she was still at
11 Barts Road when you left?

12 A: Yes.

13 Q: Okay. No further questions.

14 A: Thank you.

15 **THE COURT:** Any redirect?

16 **REDIRECT EXAMINATION OF MS. HEMINGWAY BY MR. OSKIN:**

17 Q: Ms. Sakeela, did you ever know the defendant before all
18 of this?

19 A: Yes.

20 Q: Do you know his moma too?

21 A: Yes.

22 Q: Do you know where they live?

23 A: They lived in the back behind us. We lived in a trailer
24 park, so they lived in the back part.

25 Q: Okay.

25 (COURT IS IN RECESS)

1 **THE COURT:** Anything from the state before we proceed?

2 **MR. HOLFORD:** Your Honor, for scheduling purposes I did
3 want to bring to the Court's attention the state's intention
4 for tlhis next witness is to call the lead investigator, John
5 Brantly. I mentioned that to defense. I didn't know if the
6 Court wanted to go later tonight or break for the evening and
7 resume tomorrow. I know that if we resume tomorrow, the state
8 would still wrap up its case tomorrow.

9 **THE COURT:** Okay. I think we're going to plow forward
10 and when it gets close to five and we get to a natural break,
11 we'll just stop. Obviously, that will require that he not
12 discuss testimony with anybody over the evening hours. That's
13 not a problem at all. We'll just keep on going forward.

14 **MR. HOLFORD:** Yes, Your Honor.

15 **MR. HILLER:** I guess since, and of course obviously no
16 objection to the Court's ruling at all. I did just want to
17 bring up the fact that in the state's opening they did mention
18 a ten-day window and Mr. Jenrette being found in North
19 Carolina. I think it would appropriate to go into those
20 circumstances now. He actually turned himself in on a
21 violation of probation. He was on supervised North Carolina
22 probation, and he turned himself in. And that's when
23 Detective Brantly and, I believe, Detective Lynch went up
24 there to talk to him.

25 **THE COURT:** There will be no mention of probation or the

1 circumstances beyond or around that. Is this our investigator
2 right here?

3 **MR. HOLFORD:** Yes, Your Honor.

4 **THE COURT:** All right. You understand that we're not
5 going to talk about anything having to do with the previous
6 charges, if he was in custody at the time, we aren't going to
7 mention that?

8 **DETECTIVE BRANTLY:** Correct. Yes, Your Honor.

9 **THE COURT:** All right. Very good. All right.
10 We're ready for the jury.

11 And if a question sort of lends itself to why this, that,
12 or the other, before you mention anything about that let's
13 discuss it outside of the presence of the jury.

14 **DETECTIVE BRANTLY:** Yes, sir.

15 **REPORTER'S NOTE:** (Jury enters courtroom at 4:05p.m.)

16 **THE COURT:** You may call your next witness.

17 **MR. HOLFORD:** Thank you, Your Honor. The state calls
18 Detective John Brantly.

19 **THE COURT:** Yes, sir. Detective, come forward and place
20 your left hand on the Bible and raise your right as the clerk
21 administers the oath.

22 **DETECTIVE JOHN BRANTLY, HAVING BEEN**
23 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

24 **THE CLERK:** Please be seated.

25 **THE COURT:** Come around and have a seat in the witness

1 chair. Pull up real close to that microphone. I'm going to
2 ask that you speak loudly, clearly, and slowly in order that
3 we can hear everything that you have to say. Let's start with
4 your full name, please, sir.

5 **DETECTIVE BRANTLY:** Yes, sir. Detective John Brantly, B-
6 R-A-N-T-L-Y.

7 **DIRECT EXAMINATION OF DETECTIVE BRANTLY BY MR. HOLFORD:**

8 Q: Detective Brantly, where are you currently employed?

9 A: Horry County Police Department.

10 Q: And how long have you been there?

11 A: Fifteen years.

12 Q: What's your current assignment?

13 A: I'm a detective with the Major Crimes Division with our
14 Special Victims Unit.

15 Q: And what's Special Victims Unit?

16 A: Mostly sexual assault cases.

17 Q: Okay. Back in 2018 what was your assignment?

18 A: I was a detective with our Major Crimes Division in our
19 Homicide Division.

20 Q: How long have you been a detective with Horry County
21 Police?

22 A: I believe since late 2016.

23 Q: Okay. Back on January 6th, 2018, did you get a call?

24 A: I did.

25 Q: And what was that call in reference to?

1 A: It was requesting to respond to a shooting that occurred
2 on Barts Road in the Loris section of Horry County, in which
3 the outcome of the victim was not favorable.

4 Q: Okay. Now, let's talk a little about how many detectives
5 were in the Homicide Unit at the time?

6 A: At the time I believe we had about eight or nine in the
7 unit.

8 Q: And are you all sitting at the precinct waiting for calls
9 or how does that work?

10 A: No. As in the night that was in question, we all try,
11 our wives would not agree, but we try to lead a fairly normal
12 life however we're all on call 24/7. So whatever we may be
13 doing, or whatever we might be doing, we would respond in that
14 fashion from wherever we are.

15 Q: Do you remember where you were in the early morning
16 hours, a little bit after midnight, around 1 o'clock on
17 January 6th?

18 A: I was in bed.

19 Q: Okay. So when you get a call what do you do?

20 A: We get a -- insure we're semi awake and we get a brief
21 rundown of the situation of where the location would be at,
22 whether the victim was still at the scene or if he was at the
23 hospital, who else would be assisting and responding, and then
24 whatever we would need that we can think of right of the bat.

25 Q: And does only one detective participate in a homicide

1 investigation?

2 A: No, no. It's every -- it's a unit case.

3 Q: As the lead investigator, how is that different from
4 being assigned certain tasks?

5 A: You're basically running, what we call the point person.
6 You're asking other detectives to do certain things for you
7 that you cannot do yourself, to be at different locations, to
8 assist with different things whether it be search warrants or
9 social media or things of that aspect where we can all come
10 together collaboratively and bring everything towards the
11 table.

12 Q: So this night you said Barts Road, is that where you
13 responded?

14 A: That is not where I responded. I was informed that the
15 victim had been transported to Grand Strand, along with the
16 members family. Those being specifically at the location
17 where the incident took place, which I felt was a priority to
18 interview as quickly as possible.

19 Q: Okay. So you went to Grand Strand.

20 A: Correct.

21 Q: Do you know about what time that was that you got there?

22 A: I'd have to refer to my Report of Investigation.

23 Q: Do you write a report?

24 A: I'm sorry.

25 Q: Have you written a report for this case?

1 A: I have, yes.

2 Q: Would it help refresh your recollection if I showed you a
3 copy of it?

4 A: Yes, sir.

5 **MR. HOLFORD:** Your Honor, may I approach?

6 **THE COURT:** Yes.

7 **BY MR. HOLFORD:**

8 Q: I'm going to hand you a stack of papers. Are you
9 familiar with the stack that I've handed you?

10 A: Yes.

11 Q: What does that appear to be?

12 A: This would be my Report of Investigation that I wrote
13 specifically for this case.

14 Q: If you could refer to that and then you can put it aside.
15 Would that help refresh your recollection as to what time you
16 responded to Grand Strand?

17 A: Yes. I, to answer your previous question, I did receive
18 the call about roughly 2a.m., responded to Grand Strand right
19 about 2:45a.m.

20 Q: Okay. So did anyone go to the scene at Barts Road?

21 A: I believe at the time Detective David Dudley went to the
22 scene, to Barts Road, as well as we went ahead and requested
23 our Crime Scene Unit respond to Barts Road. I believe there
24 were some other detectives that may have responded to Barts
25 Road as well, specifically to either canvas the area to see if

1 anyone saw or heard anything or if anything else took place.

2 My main focus was to go to Grand Strand though.

3 Q: Okay. Would you have been the one that assigned David
4 Dudley to go the scene, or did you have a sergeant at the
5 time?

6 A: We had a sergeant at the time. I believe initially,
7 because we're both fairly quick to get up and respond, that
8 they would have probably split us at that time and then other
9 people filter in where needed.

10 Q: So when you went to Grand Strand who did you meet with?

11 A: I met with the victim's mother.

12 Q: Who was that?

13 A: Can I refer one more time just for the name?

14 Q: Would you have written that down in there?

15 A: Yeah. I would hate to get the name wrong. Ms. Melody
16 Brisbon.

17 Q: All right. And did you meet with anyone else?

18 A: Also the victim's brother, Rashai or Rashii, the
19 pronunciation may be one or the other.

20 Q: And did you speak to them about what they knew?

21 A: I did. We ---

22 Q: Now, don't -- sorry, I don't mean to cut you off.

23 A: That's all right.

24 Q: Just make sure, you can't say anything that they told
25 you.

1 A: Okay.

2 Q: But did you meet with them?

3 A: I did meet with them, yes.

4 Q: Okay. And did you interview them?

5 A: I did, yes.

6 Q: Tell me about any searches that you were interested in
7 doing. Do you normally get search warrants or is there
8 another process?

9 A: Probably a little bit of both. When we have exhausted
10 other efforts where a victim, a witness, a family member
11 cannot readily provide us with information whether it be
12 social media, a Facebook profile, something like that, then we
13 would have a detective assigned to do a search warrant for
14 whether it be a device or social media platform.

15 Q: Did you get a search warrant for the residence of 2354
16 Barts Road?

17 A: I specifically did not.

18 Q: Okay. Would you have been given consent to search that
19 residence?

20 A: Yes, more than -- yes. I believe Ms. Melody did sign a
21 consent to search for the residence.

22 Q: Okay. And then you said -- I'm going to jump back to
23 something you said earlier.

24 A: Sure.

25 Q: You said crime scene responded. Tell me about crime

1 scene, are they associated with the detective's unit, are they
2 a separate division, and what's their roll different from your
3 roll as the detective?

4 A: We all fall under the umbrella of criminal
5 investigations. Ours is more of a dealing with people,
6 looking for -- dealing with search warrants, dealing with
7 interviews, and things of that aspect. Crime Scene Unit is
8 more of technical, a little more scientific, where they are
9 dealing with the scene itself whether there be anything of
10 evidentiary value.

11 Q: While you were still a Grand Strand did you develop a
12 suspect in this case?

13 A: Almost immediately.

14 Q: And who was that?

15 A: That would have been the defendant.

16 Q: Okay. Did you begin searching for him?

17 A: Yes.

18 Q: And tell me about that process. How did you start
19 searching for the defendant?

20 A: A that time we wanted to ensure that we got proper name,
21 proper identification of the individual, being able to go
22 through certain aspects of where an individual may be located
23 at, whether they're at home, whether they're at a family
24 members house, girlfriend, anything of that aspect. What kind
25 of vehicle they may be driving, things of that nature where we

1 can narrow down, pinpoint, and locate a suspect of a crime.

2 Q: Were there any other suspects? Is this a case where you
3 had multiple people that you were looking into, or did you
4 zero in on someone?

5 A: This was a case of -- not a case of who done it, this was
6 a case of where were they at.

7 Q: In trying to locate the defendant, were you able to find
8 out who his mother was?

9 A: Yes.

10 Q: Who was that?

11 A: Can I refer for a name one more time?

12 Q: Yes.

13 A: Latonya Riggins.

14 Q: Were you able to identify the defendant's girlfriend?

15 A: Yes.

16 Q: Who was that?

17 A: Brooke Gore.

18 Q: Now, you were able to identify them, but were they
19 suspects in this case?

20 A: Yes.

21 Q: Okay. Suspected of shooting the victim?

22 A: Yes.

23 Q: Brooke Gore and Latonya Riggins were?

24 A: No, I'm sorry. I apologize. I thought you were
25 referring still to the defendant. The mother, no. The

1 girlfriend, no. But they were individuals who would have had
2 either intimate knowledge of where the defendant was located
3 at the time or potentially with the defendant.

4 Q: Okay. Was a -- did you go to the mother's house to try
5 and locate the defendant?

6 A: Yes. I contacted some other detectives that had the
7 ability while I was still conducting an interview, and they
8 went and attempted to locate him at that residence and he was
9 not there.

10 Q: He was not there?

11 A: He was not there.

12 Q: Okay. And did you attempt to locate him at his
13 girlfriend Brooke Gore's residence?

14 A: Yes.

15 Q: Was he there?

16 A: No, he was not.

17 Q: Okay. You talked about Facebook. Did you have officers
18 looking at Facebook?

19 A: Yes. We were looking at Facebook profiles of the
20 defendant as well as the girlfriend and other family members
21 to pinpoint additional personnel people or locations of where
22 the defendant might be at.

23 Q: And that night did you get anything useful from it? Were
24 you able to find the defendant from that information?

25 A: We were not able to locate the defendant that night from

1 that information.

2 Q: Tell me about the US Marshall Taskforce and Daniel
3 Spencer. How did they, or how could they assist in any type
4 of homicide investigation?

5 A: So they are a huge asset to us when we work cases.
6 Unfortunately, with being a detective with our agency, we're
7 confined to the constraints of Horry County. Having Detective
8 Spencer, who is a detective with our agency, however he is
9 sworn in on the US Marshall's Taskforce that does allow him to
10 have national jurisdiction to be able to go and look for
11 suspects primarily in this case for us in jurisdictions
12 outside of Horry County.

13 Q: And later that day, around it looks like at 4 or 5 on
14 January 6th p.m. in the afternoon now so we've gone a little
15 over 12 hours. Did they attempt to locate the defendant in
16 North Carolina?

17 A: They did. I believe the address would have been where
18 the girlfriend, and from what we were hearing, the defendant
19 was staying at there in Tabor City at Brooke Gore's address.

20 Q: Was that successful? Were you able to find the defendant
21 there?

22 A: Was not able to find the defendant there.

23 Q: Now, let me go back just to make sure we're clear on
24 this. Mr. Ray, how did you term it, when you got the call it
25 did not look positive?

1 A: No. The information that I was provided when I got the
2 call to initially respond is that there was a victim at a
3 house on Barts Road in Horry County that had sustained a
4 gunshot wound to the head.

5 Q: And when you responded to the hospital, was he
6 technically still alive?

7 A: He was. Those that were working on him at the hospital,
8 I believe I did briefly speak with them prior to speaking with
9 the victim's mother and brother, but they said the outcome was
10 not going to be good. At the time there was no activity, and
11 unfortunately at that time it was a matter of they were
12 waiting on when he was going to pass.

13 Q: Did you ever have the opportunity to speak to Mr. Ray?

14 A: No. Unfortunately I did not.

15 Q: Was he able to speak to anyone?

16 A: Not at all.

17 Q: Did you -- was there a funeral planned in this case?

18 A: There was.

19 Q: As part of your investigation, did you attend the
20 funeral?

21 A: I did attend the funeral, yes.

22 Q: And tell me what type of information or what were you
23 trying to do there other than support the family?

24 A: Obviously at that time, aside from being able to bring
25 justice to the family and the case to a close, supported the

1 family in their time of grievance. We're there just to be
2 observant, both visually and hear what things are being said,
3 see if there is anything whatsoever that we can gain from that
4 location to aide in our investigation, especially if we're
5 still continuously looking for an individual that is wanted to
6 murder.

7 Q: Was there anything additional that was relevant to this
8 case that was learned?

9 A: Unfortunately there wasn't.

10 Q: Tell me about cell phones. You talked a little bit about
11 Facebook, but cell phones and trying to track someone's
12 location. What is law enforcement able to do?

13 A: We're able to request through a carrier via search
14 warrant, a lot of times it'll be what we consider exigent
15 circumstances so immediate information that we would need such
16 as this case where we are trying to track a phone number
17 whether it be via location, calls or text messages that have
18 been recent. Literally any information that we can try and
19 put our hands on. Like I said before, this was more of a case
20 where we're trying to track an individual down, we weren't
21 trying to figure out who did it.

22 Q: And did you in fact have search warrants done in this
23 case for cell phone information?

24 A: Yes, we did.

25 Q: Did you receive cell phone records back from Verizon and

1 AT&T?

2 A: Yes.

3 Q: And were you able to determine the defendant's location
4 based on those records?

5 A: Unfortunately not.

6 Q: Were you able to determine relevant or probative
7 information in this case based on those records?

8 A: I don't believe so.

9 Q: But you looked?

10 A: Yes. Due diligence was most definitely done.

11 Q: You were trying to track down cars, people, phones,
12 Facebook.

13 A: Yes.

14 Q: And you came up empty?

15 A: Unfortunately.

16 Q: Did you attend the autopsy?

17 A: Yes, I believe I did.

18 Q: Who else would have attended that, other than the
19 pathologist Doctor Proctor, from your office?

20 A: From our office would have been our crime scene
21 investigation technician, which was Dennis Lewis.

22 Q: Would you have collected anything of evidentiary value
23 from that or would he?

24 A: I would not have. If he was present, he would have done
25 such.

1 Q: And why is that?

2 A: Mainly because of their expertise in process and
3 procedure to maintain the integrity of any evidentiary value.

4 Q: On January 16th were you able to locate the defendant?

5 A: Yes.

6 Q: And in what state was he in?

7 A: North Carolina.

8 Q: About how many days afterwards was that?

9 A: Approximately ten. I can refer to ---

10 Q: So before that would you say you were unsuccessful in
11 locating where the defendant was?

12 A: Yes.

13 Q: As a part of your investigation as lead investigator, do
14 you also request the victim's medical records and turn those
15 things over to the state?

16 A: Yes, I do.

17 Q: Okay. And did you do that in this case?

18 A: I did. Yes, sir.

19 Q: Is that because he might have had medical records prior
20 to the autopsy where he was in the hospital?

21 A: Yes, very much so. The victim was, you know, almost
22 during the entire time that we were still adamantly looking
23 for the suspect, he was on, for lack of better terms, excuse
24 me but he was on life support. He was an organ donor, and
25 they were confirming his status through those organizations

1 that do harvest the organs to be able to do all of that. And
2 all of that would have been included, including the treatment
3 that he initially got when he got there. All of that would
4 have been in the medical records.

5 Q: And based on your investigation that immediately that
6 night up until the time that you met with, or you located the
7 defendant, were there any other suspects in this case that you
8 developed as potentially being the shooter in this case?

9 A: No. I have zero doubt that there was anyone else.

10 **MR. HOLFORD:** Your Honor, I have no further questions.

11 **THE COURT:** Cross examination.

12 **CROSS EXAMINATION OF DETECTIVE BRANTLY BY MR. HILLER:**

13 Q: Now, you -- during your direct testimony you referred to
14 your report several times to refresh your memory, correct?

15 A: Yes.

16 Q: And that's part of the reason you write a report?

17 A: Correct.

18 Q: So when you're here three and a half years later and a
19 name escapes you like Rashii, you can look back and get it.

20 A: Correct.

21 Q: But there's also another very important reason for a
22 report isn't there? To document the full scope of the
23 investigation, document the steps that were taken?

24 A: Correct.

25 Q: Now, you said that there was a team of detectives, or you

1 guys collaborate. It's not just one detective on one case.

2 A: Correct.

3 Q: I believe one of the words that y'all use sometimes is
4 like roundtable?

5 A: Yes.

6 Q: So everyone is equal, bouncing ideas basically,
7 determining next steps?

8 A: Yes.

9 Q: Now, do each of these detectives, and obviously it's a
10 team so it's not your job to do everything determined at that
11 round table or a conversation about where to take the
12 investigation next, correct?

13 A: Correct.

14 Q: Is it the lead detective's job to synthesize the other
15 steps taken by those detectives, or are those detectives
16 supposed to write their own reports for what they do?

17 A: Um, there are times that both are done.

18 Q: Okay. Are there times when neither are done?

19 A: You would have to have one or the other.

20 Q: You would have to have that detective's actions
21 synthesized in the lead investigative report or that detective
22 him or herself would have had to write their own report?

23 A: Yes.

24 Q: Are you aware of whether or not David Dudley wrote a
25 report in this case?

1 A: I would have to refer back.

2 Q: Well you certainly can.

3 A: I'm unsure of that.

4 Q: I'm not sure what you would refer to.

5 A: That would be in my writing right there.

6 Q: Sure, take your time.

7 A: Like I said, this would not be in here. This is what I
8 would have wrote.

9 Q: Right. So if it's not in your report, it would stand to
10 reason that David Dudley's report exists?

11 A: I would believe so.

12 Q: Okay.

13 A: Yes, there's aspects in my report where it's referenced
14 the actions of David Dudley.

15 Q: Okay. Aspects of your report that document the actions
16 of David Dudley. Did I hear you right?

17 A: Yes.

18 Q: Okay. Thank you. You mentioned cell phone records was
19 one of the ideas, to get cell phone records from carriers,
20 correct?

21 A: Correct.

22 Q: And you identified a number that you believed to be
23 associated with Mr. Jenrette?

24 A: Yes.

25 Q: And a Magistrate Judge issued a search warrant?

1 A: Yes.

2 Q: And the cell phone company has to comply, right? That's
3 compulsory, they don't get to pick?

4 A: Correct.

5 Q: So they did comply?

6 A: Yes.

7 Q: Now, you said that it's not -- I think you said a couple
8 of times now, this isn't a who done it?

9 A: Uh-huh. (Affirmative response.)

10 Q: You have software for cases where it is a who done it,
11 don't you? Does your agency have access to cell phone
12 tracking software?

13 A: Yes.

14 Q: Is it CellHawk still?

15 A: Yes.

16 Q: Okay. So could you please tell the jury a little bit
17 about what CellHawk is so I don't mess it up?

18 A: CellHawk is a program that can be utilized by an agency
19 that -- where cell phone records that we receive from a
20 subpoena from a cell phone carrier can be inserted and it can
21 determine whether there's been activity on that phone or not.

22 Q: Did you run the cell phone records you received from the
23 cell phone carrier through CellHawk in this case?

24 A: I believe, I believe so.

25 Q: Would a report have been generated?

1 A: A report, a CellHawk report?

2 Q: Yes.

3 A: More than likely.

4 Q: And that would have been turned over to the solicitor?

5 A: I would think so.

6 Q: And then obviously to the defense?

7 A: Correct.

8 Q: Okay.

9 MR. HILLER: Court's indulgence.

10 BY MR. HILLER:

11 Q: I believe the -- I believe you testified on direct that a
12 vehicle of interest was identified?

13 A: Yes.

14 Q: Don't tell me who told you, I mean obviously we're all
15 pretty sure it's the folks on scene that would have provided
16 you with information from which you developed your
17 investigative process, correct?

18 A: Yes.

19 Q: No one else was there to know. What vehicle were you
20 looking for?

21 A: It would have been a big body GMC.

22 Q: Not a make or model? I mean obviously GMC is the make,
23 but nothing more specific in terms of model, year, or exact
24 make?

25 A: It was not an exact, I don't believe there was an exact

1 model. They did reference a big body truck.

2 Q: Okay. And I'm sure you searched tax records, things like
3 that to try to identify the owner?

4 A: Yes.

5 Q: Were you successful in that regard?

6 A: Yes. It was initially reported as a truck, but then
7 specified as an SUV. It would have been blue in color and it
8 was the same vehicle that the defendant's mother was
9 previously driving and parked behind the house.

10 Q: What vehicle was the mother previously driving, or how
11 did you determine ---

12 A: The blue in color GMC SUV.

13 Q: So you wrote in your report blue in color GMC SUV?

14 A: Yes.

15 Q: Your report isn't numbered by page, and that's
16 understandable. Bear with me while I number it. Page 5 of
17 your report, just chronologically, your entry from January 6th,
18 2018.

19 A: I see what you're referring to.

20 Q: And just to be clear, you identified Mr. Jenrette's
21 mother as driving a Chevrolet Trailblazer?

22 A: It says here, identified Quotase's mother as Latonya
23 Riggins with a phone number who owns a Chevrolet Trailblazer.

24 Q: Okay.

25 A: I would have been referring to Page 3 if you're going in

1 chronological order where it would say, it was stated that the
2 GMC was an SUV not a truck.

3 Q: Okay. That's what Rashii told you at the hospital,
4 right?

5 A: Correct.

6 Q: Which you recorded, not only summarized, very, very
7 scrupulously but also actually audio recorded, right?

8 A: Yes.

9 Q: But then that report, that's what someone told you. Then
10 you went and looked actually at the records, and you found
11 that my client's mother owned a Chevrolet Trailblazer.

12 A: Okay.

13 Q: It's kind of close to a GMC, correct? Same parent
14 company?

15 A: Yes.

16 Q: Okay. But not a big body GMC. Also, you said that you
17 identified, what steps did you take to make the
18 identification? Your report just makes that one sentence.
19 What steps exactly, if you could walk us through the process
20 of identifying his mother as the owner of a Chevrolet
21 Trailblazer.

22 A: I believe that would have been ran through the other two
23 detectives that were assigned to try to locate the mother
24 and/or her vehicle.

25 Q: Would that have been -- would those steps have been

1 included in the discovery packet turned over to the solicitor?

2 A: I have no idea.

3 Q: Okay. Now, Ms. Riggins, she lived actually in that same
4 trailer park community, right?

5 A: Behind the victim.

6 Q: Do you recall if that was a South Carolina registered
7 vehicle?

8 A: I do not recall.

9 Q: You do not recall. You just don't know at all?

10 A: No, I don't recall.

11 Q: Right. But you don't recall?

12 A: I don't recall.

13 Q: Okay. But right now you don't know the registration of
14 that vehicle, right? It was not put in your report?

15 A: Right now I do not recall.

16 Q: And it wasn't put in your report?

17 A: No.

18 Q: Now, you mentioned Facebook. Did you or your team get
19 any search warrants for Facebook records?

20 A: I'd have to check the remainder of the casefile to see if
21 it was included there.

22 Q: But that stuff was not documented in your report?

23 A: Photos from Facebook profiles are documented that were
24 received.

25 Q: Photos like public photos from Facebook profiles like

1 downloaded? I'm just trying to follow.

2 A: Yeah. Photos that would be uploaded to a Facebook
3 profile accessible by the public.

4 Q: Okay. So like maybe screenshot the profile or something
5 like that?

6 A: Those were the photos that were shown to me by the
7 victim's mother and brother.

8 Q: Okay. So really this case stems from folks at the scene
9 identifying somebody by the name of Cortez (sic)(sic), last
10 name unknown.

11 A: Later identified as Quotase Jenrette.

12 Q: Says the state?

13 A: Via the witnesses that were ---

14 Q: Now, I believe you've been in here for the whole trial,
15 correct?

16 A: Correct.

17 Q: And before? I just remember in passing, His Honor's
18 comment that, not to paraphrase the Judge, but basically the
19 understandable knowledge that the state's resources are vast.
20 It's the solicitor's office; it's the sheriff's office, which
21 is your sister agency, your partner agency perhaps; if needed,
22 the fugitive task force; and of course patrol and crime scene
23 investigative division of the police department, correct?

24 A: Okay.

25 Q: They all collaborate, I guess we can include SLED in

1 that, right?

2 A: If needed, yes.

3 Q: Okay. When it comes to making -- when a person makes an
4 out of court identification what are some of the ways that law
5 enforcement can help sure up the identification? Can you tell
6 the jury what a photo lineup is?

7 A: A photo lineup would be an arrange of usually six photos
8 that would be either derived from a jail system or a DMV, and
9 provided to eyewitnesses to assist in identification of a
10 suspect.

11 Q: So it's one suspect, correct? Is it ever more than one
12 suspect in the array of six?

13 A: If there are more suspects in the crime. It differs from
14 case to case.

15 Q: So if there was only one suspect, there would only be one
16 suspect and then five other who look similar, correct?

17 A: Correct.

18 Q: And the point is to allow the identifying individual an
19 opportunity to select the suspect from the six?

20 A: Yes.

21 Q: And that was not done in this case, was it?

22 A: The need for it was not there, no.

23 Q: The need for it was not there?

24 A: Correct.

25 Q: But you could have done it, right?

1 A: Correct.

2 Q: But so how would have taken that step hindered your
3 investigation?

4 A: I don't believe it would have hindered or assisted in it.

5 Q: Okay.

6 **MR. HILLER:** Court's indulgence one more time, Your
7 Honor.

8 **BY MR. HILLER:**

9 Q: So I think you said you divided time and resources, so
10 you went to the hospital. Did you ever have the occasion to
11 go out to Barts Road?

12 A: I believe I went out, I may have gone out and followed up
13 with the family maybe a day or two later. Then I believe I
14 went out once Mr. Jenrette was in custody.

15 Q: Obviously your responsibility that night were to the
16 hospital and to interviewing the witnesses who reported to the
17 hospital from the incident location?

18 A: Yes.

19 Q: Okay. No further questions.

20 **THE COURT:** Any redirect?

21 **MR. HOLFORD:** Yes, Your Honor.

22 **REDIRECT EXAMINATION OF DETECTIVE BRANTLY BY MR. HOLFORD:**

23 Q: Detective Brantly, were you the one involved in the cell
24 phone search warrants?

25 A: No.

1 Q: Okay. Did another agent do that?

2 A: Yes.

3 Q: Or a detective do that?

4 A: Yes.

5 Q: Did you yourself run any CellHawk program?

6 A: I did not.

7 Q: Are you sure that one was done in this case?

8 A: I'm not even certain one was done.

9 Q: Okay. If it would have been done, you would have turned

10 it over to me?

11 A: Most definitely.

12 Q: And I would have turned it over?

13 A: Most definitely.

14 Q: Facebook records, you didn't do a search warrant for

15 Facebook records, did you?

16 A: I did not, no.

17 Q: You said you have pictures?

18 A: That were shown during the interview with the mother and

19 brother.

20 Q: Okay.

21 A: It was just off of their phone. They just turned their

22 phone around and said ---

23 Q: And would you have taken a picture of those?

24 A: I believe I might have. I'm not a hundred percent

25 positive.

1 Q: If you had, would you have turned it over?

2 A: Oh, yes, absolutely.

3 Q: I'm not going to have you show this to the jury, just for
4 ID, state's 26. What does state's 26 appear to be?

5 (STATE'S EXHIBIT NUMBER 26 IS

6 MARKED FOR IDENTIFICATION ONLY.)

7 BY MR. HOLFORD:

8 A: It is a ---

9 Q: Not what's in it.

10 A: Correct. It's a viewing of a Facebook profile that would
11 be accessible to the public if they were not friends with an
12 individual.

13 Q: Okay. And does that appear to be at least one of the
14 pictures you were referencing?

15 A: Yes.

16 Q: And did you turn that over to me?

17 A: Yes.

18 Q: So you would have turned that stuff over and we would
19 have turned it over to them?

20 A: Yes.

21 Q: This truck, is it possible that someone owns more than
22 one vehicle?

23 A: Very much so.

24 Q: Is it possible that someone has a registered vehicle in
25 their name and might drive another?

1 A: Very much possible.

2 Q: Photo lineups, explain to me, and I know you wanted to
3 say, but explain to me why is it not necessary in this case to
4 do a photo lineup for the defendant?

5 A: When those individuals that are intimately involved with
6 aspects of the crime that has taken place that you're
7 interviewing, and they are adamant of who the individual is
8 immediately, there's no question about it, there's no well it
9 might have been a white male, such and such age or this or
10 that, or we don't know, or we're kind of iffy about it. That
11 was not the case in this situation at all.

12 Q: So if a person is known to the witness and they're
13 identified ---

14 A: Yes.

15 Q: --- then would it be necessary to do a sixpack lineup?

16 A: Not at all.

17 Q: When do you do a sixpack lineup?

18 A: When you're unsure of maybe who the suspect is. When you
19 potentially have focus of, you know, who would it have been.
20 At the time of this investigation, I felt that it would have
21 been, for lack of better term, time wasted to get a photo ID
22 lineup of someone we've already positively identified, and
23 that time would be better spent trying to track the suspect
24 down.

25 Q: Does a photo lineup allow you to identify someone who

1 might be unknown to me? Like if I were to pick someone out of
2 a lineup, would it be someone I didn't know?

3 A: If you recognize them.

4 Q: Okay. So they're used to identify an individual that a
5 witness may not know?

6 A: Yes.

7 Q: Okay. But in this case that's not what we're dealing
8 with?

9 A: Not at all.

10 Q: They knew who the defendant was?

11 A: One hundred percent.

12 Q: And who his mom was?

13 A: Yes.

14 Q: I have no further questions.

15 **THE COURT:** All right. You may step down.

16 **MR. HILLER:** Recross, Your Honor.

17 **THE COURT:** There's no such thing as recross. It's
18 direct, cross examination, redirect. You have an obligation
19 to object to anything new. That's the way the Rules of
20 Evidence have been and always will be. That will apply for
21 all witnesses.

22 **MR. HILLER:** Thank you.

23 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
24 jury, we're going to recess for the evening. I'm going to ask
25 that you be back at 9:30, 9:30 sharp in the morning. Resist

1 the temptation to stay up and watch late night TV tonight
2 because you don't have to work tomorrow. These are very
3 important matters. We need for you to be alert, well rested.
4 And we'll see you at 9:30. Once again, no independent
5 investigation, no social media, no research of any sort.
6 We'll see you back at 9:30 in the morning.

7 Everyone remain seated as the jury exits the courtroom.

8 **REPORTER'S NOTE:** (Jury exits courtroom at 4:48p.m.)

9 **THE COURT:** For planning purposes, how many more
10 witnesses does the state have?

11 **MR. HOLFORD:** Five, Your Honor.

12 **THE COURT:** Pardon?

13 **MR. HOLFORD:** Five.

14 **THE COURT:** Okay. All right. Anything from the state
15 before we recess for the evening?

16 **MR. HOLFORD:** No, Your Honor.

17 **THE COURT:** Anything from defense?

18 **MR. HILLER:** No, sir.

19 **THE COURT:** All right. We'll stand at ease until 9:30 in
20 the morning.

21 **MR. HOLFORD:** Yes, Your Honor. Thank you.

22 **(COURT IS IN RECESS)**

23 **THE COURT:** We're ready for the jury.

24 **REPORTER'S NOTE:** (Jury enters courtroom at 9:32a.m.)

25 **THE COURT:** Good morning, ladies and gentlemen. I want

1 to thank you for being here and being here on time.

2 I recognize the state. You may call your next witness.

3 **MR. HOLFORD:** Thank you, Your Honor. The state calls CSI
4 Dennis Lewis.

5 **THE COURT:** Mr. Lewis, please come forward. I'm going to
6 ask you if you could sit your materials down.

7 **INVESTIGATOR LEWIS:** Yes, sir.

8 **THE COURT:** Place your left hand on the Bible and raise
9 your right hand as the clerk administers the oath.

10 **DENNIS LEWIS HAVING BEEN**

11 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

12 **THE CLERK:** Please be seated.

13 **THE COURT:** Have a seat in the witness chair. I'm going
14 to ask if you could sit your stuff down, get comfortable. I
15 ask that you pull up real close to that microphone, speak
16 loudly, clearly, and slowly in order that we can hear
17 everything that you have to say. And let's start with your
18 full name, please, sir.

19 **INVESTIGATOR LEWIS:** Dennis McLain Lewis.

20 **THE COURT:** And spell Lewis.

21 **INVESTIGATOR LEWIS:** L-E-W-I-S.

22 **THE COURT:** Very good. Thank you.

23 **DIRECT EXAMINATION OF INVESTIGATOR LEWIS BY MR. HOLFORD:**

24 Q: Investigator Lewis, where are you currently employed?

25 A: Horry County Police Department.

1 Q: How long have you been with the police department?

2 A: Going on seventeen years.

3 Q: And what's your current assignment?

4 A: I'm an investigator with the Crime Scene Unit.

5 Q: How long have you been doing that?

6 A: About eight years.

7 Q: Okay. Will you tell the jury a little bit about what you
8 do as an investigator with the crime unit?

9 A: We're called out at random to major crimes, anything like
10 murders, homicides, major events. What we do is go and
11 document the scene through photographs, photography,
12 measurements, drawings, writing down, just collecting
13 evidence, putting everything in perspective that we find at
14 the scene.

15 Q: Is there any specific training that you do?

16 A: Yes, sir.

17 Q: That's different from maybe a detective or a patrol
18 officer?

19 A: Yes, sir. We got to fingerprint school, and crime scene
20 analysis school, blood spatter analysis. We go to photography
21 school. Yes, sir. There's a big difference.

22 Q: Have you done all of that?

23 A: Yes, sir.

24 Q: Have you testified in court before?

25 A: Yes, sir.

1 Q: Back on January 6th, 2018 were you also with the crime
2 scene division?

3 A: I was.

4 Q: And did you have an occasion to respond to Barts Road in
5 Loris?

6 A: I did.

7 Q: And what was the nature of your response?

8 A: I was informed by my lieutenant Peter Cestare that there
9 was an individual that had been wounded and transported to the
10 hospital.

11 Q: About what time did you get that call? Well tell me
12 this, are you at the precinct, are you on call all of the
13 time, are you at home?

14 A: We do take call. We kind of swap off on call and I was
15 on call at that time.

16 Q: Okay. So when you get the call, would you have been at
17 your house?

18 A: At my house. Yes, sir.

19 Q: Do you remember about what time you got that call?

20 A: Yes, sir. About 3a.m. in the morning.

21 Q: Okay. And then did you respond to the scene?

22 A: I did.

23 Q: Do you know about what time you got there?

24 A: I got to the scene approximately, let me look, about 4
25 o'clock.

1 Q: Okay. Was the victim still on the scene at that point?

2 A: He was not.

3 Q: All right. So tell me about this, we have a crime scene
4 and there's a victim but they moved him before crime scene
5 investigators got there?

6 A: Yes, sir. Attempting life saving techniques, EMS will
7 perform their duties. When they get there and they see that
8 life was still in the victim, they transported him to the
9 hospital.

10 Q: So preservation of the scene is important?

11 A: It is.

12 Q: But life saving techniques override that?

13 A: Comes first. Yes, sir.

14 Q: So when you arrived the victim was no longer on the
15 scene?

16 A: He was not.

17 Q: Was there -- is there crime scene tape? Is it blocked
18 off? Are people able to come in and out? How does that work?

19 A: Well uniform patrol, when they arrive they will set up
20 the scene and rope it off with crime scene tape, the
21 perimeter, set forth a pretty good perimeter outside the
22 location of the crime scene. And nobody is allowed in and
23 out.

24 Q: And tell me, what is the exact location? I've been
25 saying Barts Road, but what is the exact street address there?

1 A: 2354 Barts Road.

2 Q: And do you have a report that you do in this case?

3 A: Yes, sir.

4 Q: Okay. And when I ask you detailed questions like that
5 are you referring to your report?

6 A: I am.

7 **MR. HOLFORD:** Your Honor, the state would ask permission
8 that the CSI Investigator be allowed to refer to his report --
9 -

10 **THE COURT:** The rules allow for that.

11 **MR. HOLFORD:** Thank you.

12 **BY MR. HOLFORD:**

13 Q: Did you take photographs of this scene?

14 A: I did.

15 Q: Would you recognize them if I showed them to you?

16 A: Yes, sir.

17 **MR. HOLFORD:** May I approach, Your Honor?

18 **THE COURT:** Yes.

19 **BY MR. HOLFORD:**

20 Q: I'm going show you what's been marked as state's exhibit,
21 let go through these, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
22 15, 16, 17, 18, 19, and 20, so 4 through 20. Will you just
23 flip through there and see if you're familiar with those
24 pictures?

25 A: Yes, sir. I am.

1 Q: Are those pictures you took?

2 A: Yes, sir. They are.

3 Q: Do they appear to be a fair and accurate copy of the
4 pictures you took from that night?

5 A: They do.

6 Q: Any additions, deletions, changes to them?

7 A: No, sir.

8 **MR. HOLFORD:** Your Honor, at this time state would seek
9 to introduce state's 4 through 20 into evidence.

10 **THE COURT:** Any objection from defense?

11 **MR. HILLER:** No, sir.

12 **THE COURT:** They're into evidence.

13 **(STATE'S EXHIBIT NUMBERS FOUR THROUGH**
14 **TWENTY ARE ADMITTED INTO EVIDENCE.)**

15 **MR. HOLFORD:** Permission to publish?

16 **THE COURT:** Yes.

17 **BY MR. HOLFORD:**

18 Q: Can you see this TV screen?

19 A: Yes, sir, I believe so.

20 Q: I'm going to show you 4. What is that a picture of in
21 state's 4?

22 A: That's a photo card that we make before we start
23 collecting photographs.

24 Q: Okay. So what's the important information on here?

25 A: To give the date and the time, who I am, and the case

1 number.

2 Q: Okay. State's 5?

3 A: That's a picture of Barts Road. I believe that's looking
4 south.

5 That's a photograph of the residence facing east towards
6 Barts Road. I'm facing west taking that photograph.

7 Q: On state's 6. All right. State's 7?

8 A: That's also a photograph of the front of the residence.

9 A closer up photo of the residence and the area where the
10 incident occurred.

11 Q: Okay. That was state's 8. This is state's 9.

12 A: A photograph of the residence and location of the
13 incident. Yes, sir.

14 Q: What type of residence is that?

15 A: It's a singlewide mobile home.

16 Q: State's 10, what's that a picture of?

17 A: It's an area that was adjacent to the incident location
18 that there was some type of substance that looked like it
19 could be anything, just a wet discoloration on the ice and I
20 took a photograph of it.

21 Q: Was there ice and snow out there that night?

22 A: Yes, sir.

23 Q: Was it pretty cold?

24 A: Very cold, in the teens.

25 Q: Do you have any idea what this substance was?

1 A: No, sir.

2 Q: Okay. Could it be from melted ice?

3 A: It could have been. I mean honestly it could be

4 anything.

5 Q: It could have been a spilled drink?

6 A: Sure.

7 Q: Okay. What's that a picture of in 11?

8 A: That's the picture of the incident location.

9 Q: Okay. And what are we seeing right here?

10 A: That's a ballcap.

11 Q: Okay. And what is this spot right here?

12 A: It appeared to be a blood spot on the ice.

13 Q: And I'm going to -- would you have taken a closer up

14 picture of that?

15 A: I would have.

16 Q: All right. Is that state's 12?

17 A: That's it. Yes, sir.

18 Q: Did you collect that hat?

19 A: I did.

20 Q: When you collect evidence what do you do with it?

21 A: I secure it. I take it and place it in a brown paper bag

22 and secure it and put it in my vehicle and then transport it

23 back to the ML Brown Building where I type up an evidence

24 sheet and turn it over to the evidence department.

25 Q: I'm going to hand you what's been marked as state's 29.

1 Are you familiar with what state's 29 is?

2 A: Yes, sir.

3 Q: And how are you familiar with that?

4 A: That's the ballcap I picked up at the incident location
5 that morning.

6 **MR. HOLFORD:** Your Honor, at this time state would seek
7 to introduce state's 29 into evidence.

8 **THE COURT:** Any objection?

9 **MR. HILLER:** No, sir.

10 **THE COURT:** It's into evidence.

11 **(STATE'S EXHIBIT NUMBER TWENTY-NINE**
12 **IS ADMITTED INTO EVIDENCE.)**

13 **BY MR. HOLFORD:**

14 Q: Does it appear to have any substance on there?

15 A: It didn't appear to. No, sir. Yes, sir, it does.

16 Q: And we can see if it does or doesn't, right?

17 A: You can. Yes, sir.

18 Q: Tell me about testing blood and DNA. What's the purpose
19 of testing for blood or DNA?

20 A: For identification purposes or elimination.

21 Q: Okay. So it's to identify a person?

22 A: Yes, sir. It can identify them.

23 Q: Tell me this, can it tell how blood got somewhere?

24 A: No, sir.

25 Q: Can it tell when blood got somewhere?

1 A: No, sir.

2 Q: It would just identify maybe who had the hat on?

3 A: Yes, sir, it would.

4 Q: Okay. Do you know whose hat that was?

5 A: I was informed on scene that it belonged to the victim.

6 Q: Okay. Did you know who the victim was at that point?

7 A: Yes, sir.

8 Q: Had the victim been identified?

9 A: Yes, sir.

10 Q: State's 13 is that -- well, you tell me what it is.

11 A: That's just a view of the incident location. It shows

12 what appeared to be blood stain and the ballcap and where EMS

13 had been performing life saving techniques.

14 Q: Is that what that plastic is?

15 A: It is.

16 Q: Okay. What is that?

17 A: It's something that EMS discarded when they tore open the

18 package to get something out to help the victim.

19 Q: State's 14?

20 A: That's the ballcap.

21 Q: State's 15?

22 A: That's the DNA swabs that I collected of the red stain

23 that was found there on the ice.

24 Q: So you did do a DNA swab of that red substance?

25 A: I did. Yes, sir.

1 Q: And again, that was to try and identify?

2 A: Yes, sir. It would be for identification or elimination.

3 Q: Okay. Did you -- now do you do the actual DNA testing?

4 Are you specialized in that area?

5 A: No, sir.

6 Q: Okay. What's the procedure for that?

7 A: We seal up the DNA swabs and send them to SLED, the State
8 Law Enforcement Division in Columbia, South Carolina.

9 Q: When you collect evidence you store it?

10 A: At the evidence facility there at the Horry County Police
11 Department.

12 Q: And then is everything always sent to SLED?

13 A: No, sir.

14 Q: Who makes that determination?

15 A: Myself and the detective.

16 Q: And what's that determination based off of?

17 A: Well if it's got any probative value, whether it's of any
18 evidentiary value or would be pertinent to the case.

19 Q: I'm going to hand you ---

20 **MR. HOLFORD:** May I approach, Your Honor?

21 **THE COURT:** Yes.

22 **BY MR. HOLFORD:**

23 Q: I'm going to hand you what's been marked as state's 30.

24 Are you familiar with state's 30?

25 A: Yes, sir. I am.

1 Q: And what is that?

2 A: That is my evidence sheet I typed up.

3 Q: Okay.

4 A: For the evidence that was collected at Barts Road.

5 Q: And do you keep these in the ordinary course of business?

6 A: I type that up and give the original to the evidence
7 section and I keep a copy.

8 Q: And does it show what you collected from that scene?

9 A: Yes, sir, it does.

10 Q: Is it a true and accurate copy?

11 A: It is.

12 **MR. HOLFORD:** Your Honor, state would seek to introduce
13 state's 30 into evidence.

14 **MR. HILLER:** Without objection from the defense, Your
15 Honor.

16 **THE COURT:** Yes. It's into evidence.

17 **(STATE'S EXHIBIT NUMBER THIRTY**
18 **IS ADMITTED INTO EVIDENCE.)**

19 **BY MR. HOLFORD:**

20 Q: So on state's 30 we can see what all you collected?

21 A: Yes, sir.

22 Q: And it includes the green ballcap, the blood swabs from
23 the pool of blood, swabs from the wet spot, and then we'll get
24 to the next ones here in just a second. But that shows that
25 you document it, and what you've collected, and what you've

1 submitted?

2 A: It does. Yes, sir.

3 Q: On state's 16, what is that a picture of?

4 A: That's a picture of the wet spot or seemed to be a wet
5 spot on the ground and the incident location.

6 Q: And there's a marker 3 there.

7 A: Yes, sir.

8 Q: What's that?

9 A: That would be where I swabbed it, took DNA swabs of that.

10 Q: And then if we go back to state's 20 and look at CS3, do
11 they match up?

12 A: I can't really see. They should.

13 Q: CS3 says DNA swabs collected from wet spot close to
14 ballcap.

15 A: Yes, sir.

16 Q: Okay. So that's how we know we can look at item 3 and
17 then your evidence log and know what it is?

18 A: Yes, sir. It should match.

19 Q: Understood. Tell me about state's 11, what's that a
20 picture of?

21 A: That's the spent casing that was found on the front
22 porch.

23 Q: Okay. And then if we look back here to CS4, spent
24 casing. Can you tell what type of casing it is?

25 A: It's a 30-30 Winchester RP.

1 Q: What type of casing is that?

2 A: That's for a high-powered rifle, centerfire round.

3 Q: I'm going to show you what's been marked as state's 28.
4 Are you familiar with state's 28?

5 A: Yes, sir. I am.

6 Q: Tell me what that is.

7 A: That is a 30-30 spent casing that was located on the
8 front porch there at Barts Road at the incident.

9 Q: How do you know that that's the spent casing we see in
10 the picture?

11 A: Because there's the evidence box that I filled out in my
12 handwriting with this tamper proof evidence seal tape.

13 **MR. HOLFORD:** Your Honor, at this time the state would
14 seek to introduce state's 28 into evidence.

15 **THE COURT:** Any objection from defense?

16 **MR. HILLER:** No, Your Honor.

17 **THE COURT:** It's into evidence.

18 **(STATE'S EXHIBIT NUMBER TWENTY-EIGHT**
19 **IS ADMITTED INTO EVIDENCE.)**

20 **BY MR. HOLFORD:**

21 Q: What type of firearm fires this casing?

22 A: It's a rifle.

23 Q: And it's a spent casing. Tell us what that means.

24 A: Well it means that the bullet would have fired, the
25 bullet that was supposed to be on the spent casing or the

1 casing itself is now gone, so it's spent. It's been fired.

2 The firing pin has been hit by the firing pin of the gun and

3 it's been spent, shot.

4 Q: How big of a round or projectile comes out of the end of
5 that 30-30?

6 A: 30-30 is about 300ths of an inch. It's a pretty good
7 size, a little less than a half inch.

8 Q: Let's go back to state's 18. What is that a picture of?

9 A: That's a picture of the living room at the residence.

10 Q: Does there appear to be a gaming system and a TV?

11 A: Yes, sir.

12 Q: Just inside?

13 A: Inside. Yes, sir. Inside that residence at Barts Road.

14 Q: State's 19, I'll show it to you.

15 A: I think that's footwear impressions.

16 Q: There's a glare on the TV.

17 A: Yeah. Yes, footwear impressions that was on the front
18 porch.

19 Q: Now, you have footwear impressions. Did you ever collect
20 shoes that you were able to include or exclude?

21 A: No, sir.

22 Q: So you never got shoes?

23 A: No, sir.

24 Q: At the time that night you took pictures of the
25 impressions so that if you had shoes you could ---

1 A: We could compare them. Yes, sir.

2 Q: And then state's 20, what's that a picture of?

3 A: A picture of another mobile home that's on the property.

4 Q: In the same area?

5 A: Yes, sir.

6 Q: But this is not -- is this the incident location?

7 A: No, sir.

8 Q: Did you do a sketch in this case, or do you typically do
9 sketches?

10 A: We do. I did a rough hand sketch of it. Yes, sir.

11 Q: Do you measure distances from locations?

12 A: We do. Yes, sir.

13 Q: I'm going to show you what's been marked as state's 31.
14 Are you familiar with state's 31?

15 A: I am. Yes, sir.

16 Q: Is that a true and accurate copy?

17 A: It is.

18 Q: Is that a sketch you did?

19 A: That is the sketch I did.

20 **MR. HOLFORD:** At this time the state would seek to
21 introduce state's 31 into evidence.

22 **MR. HILLER:** Without objection.

23 **THE COURT:** It's into evidence.

24 **(STATE'S EXHIBIT NUMBER THIRTY-ONE**
25 **IS ADMITTED INTO EVIDENCE.)**

1 **MR. HOLFORD:** May I publish, Your Honor?

2 **THE COURT:** Yes.

3 **BY MR. HOLFORD:**

4 Q: So if we're looking at state's 31, what was the distance
5 from that singlewide mobile home to where the blood pool and
6 the hat was found?

7 A: It's 33 feet and 10 inches from the north corner of the
8 mobile home.

9 Q: Okay.

10 A: I mean from the south corner and then from the north
11 corner would be 72.03.

12 Q: As a diagonal?

13 A: Yes, sir.

14 Q: Okay.

15 A: That's from the two reference points of the front corners
16 of the mobile home.

17 Q: Okay. So about 10 yards in front of the mobile home?

18 A: Yes, sir.

19 Q: That's about right. Did you find any other pools of
20 blood or trails of blood?

21 A: No, sir.

22 Q: Did you find any other shell casings out there?

23 A: I did not. No.

24 Q: Did you find any casings by the -- I mean I know the
25 answer is no because you just said no casings anywhere -- but

1 by the blood or the hat ---

2 A: No, sir.

3 Q: --- where the victim was?

4 A: No casings. No, sir.

5 Q: That large caliber casing, where was that located?

6 A: On the front porch.

7 Q: Okay. Did you determine if it had anything to do with
8 this case?

9 A: By examining it, it looked like it was old, and by
10 smelling it there wasn't any gunpowder smell to it from a
11 recently fired spent casing. So I determined that it had no
12 value to this case.

13 Q: But at the time that night, were you collecting any types
14 of evidence you could?

15 A: Yes, sir, of the spent casings.

16 Q: Okay.

17 A: Anything we seen that was of evidentiary value to that
18 case. Yes, sir.

19 Q: Was the -- did you ever locate a gun?

20 A: We did not.

21 Q: Did you search inside the house?

22 A: No, sir. The only -- myself, in the living room area is
23 the only are I went.

24 Q: Okay. Were there any firearms in there?

25 A: No, sir.

1 Q: Any firearms outside?

2 A: No, sir.

3 Q: Any firearms discarded in bushes or ---

4 A: We searched the property and we did not find any.

5 Q: After you -- once the scene was documented, what did you
6 do next?

7 A: Went back to the ML Brown Building and typed up my
8 evidence sheets.

9 Q: Okay. And did you take photographs of anything else in
10 this case?

11 A: I did. I went to an autopsy.

12 Q: All right. Tell me about that. What's an autopsy?

13 A: It's just where the pathologist performs their medical
14 procedures to determine the cause of death.

15 Q: And why do you go?

16 A: For documentation and photograph and notes.

17 Q: Did you take pictures there?

18 A: I did.

19 Q: I'm going to hand you what's been marked as state's 21
20 and 24. Are you familiar with those?

21 A: I am.

22 Q: Let me ask you this, are those all of the pictures you
23 took there?

24 A: No, sir.

25 Q: Is an autopsy pretty messy?

1 A: Yes, sir. It is.

2 Q: Explain to me the procedure. Do they cut the body open?

3 A: We have to cut the chest cavity open. They also have to
4 open the open, the skull, and examine the brain and all of the
5 inner organs. Yes, sir.

6 Q: So it's pretty ---

7 A: Yes, sir. It is.

8 Q: --- pretty bad?

9 A: It is.

10 Q: But you document that?

11 A: I do.

12 Q: But I haven't shown them to you?

13 A: No, sir.

14 **MR. HOLFORD:** Your Honor, at this time the state would
15 seek to introduce state's 21 and 24 into evidence.

16 **THE COURT:** Any objection from defense?

17 **MR. HILLER:** No, sir.

18 **THE COURT:** It's into evidence.

19 **(STATE'S EXHIBIT NUMBER TWENTY-ONE AND TWENTY-FOUR**
20 **ARE ADMITTED INTO EVIDENCE.)**

21 **BY MR. HOLFORD:**

22 Q: So on state's 21, again, what type of thing is this?

23 A: That's a photo card. It's showing the time, the date,
24 who took the pictures, and what it was for.

25 Q: And what was the time and date?

1 A: I think it was January the 10th.

2 Q: Okay.

3 A: And it was about 7:15 in the morning.

4 Q: State's 24, what is that?

5 A: That is a fired projectile that I removed from the
6 victim's brain.

7 Q: Did you remove it yourself from the brain?

8 A: Well it's myself or the pathologist. We work in
9 conjunction with one another. They identify it and then a lot
10 of the times I do remove it myself. Yes, sir. I pick it up
11 and put it in my evidence box.

12 Q: Did you -- after you collected that, what did you do with
13 that piece of evidence?

14 A: I secured it in that little brown box and transported it
15 back to the ML Brown Building and typed up my evidence sheets,
16 turned it over to the evidence section.

17 Q: I'm going to show you what's been marked as state's 27
18 and 32. Are you familiar with those items?

19 A: I am.

20 Q: And how are you familiar with them?

21 A: This is the evidence sheet I typed up at the ML Brown
22 Building and submitted to the evidence section.

23 Q: And is that 32?

24 A: From the autopsy, 32. Yes, sir.

25 Q: Okay. And what's state's 27?

1 A: Twenty-seven is the small caliber fired bullet that I
2 removed from the victim's brain.

3 Q: And again, tell me how you -- how are you sure that
4 that's the same bullet?

5 A: Because of the packaging that it's in. It's my
6 handwriting with my evidence tampering tape that I submitted
7 to the evidence section.

8 **MR. HOLFORD:** Your Honor, at this time the state would
9 seek to introduce state's 27 and 32 into evidence.

10 **THE COURT:** Any objection?

11 **MR. HILLER:** No, sir.

12 **THE COURT:** Into evidence.

13 **(STATE'S EXHIBIT NUMBER TWENTY-SEVEN AND THIRTY-TWO**
14 **ARE ADMITTED INTO EVIDENCE.)**

15 **BY MR. HOLFORD:**

16 Q: And again, state's 32 gives a list of what was collected.
17 On there it says two buccal swabs from the victim. What's a
18 buccal swab?

19 A: It's just two, it looks like Q-Tips, that we take and we
20 swab the victim's mouth to just get the DNA from the victim
21 for identification purposes or elimination purposes.

22 Q: Okay. So to identify someone?

23 A: Right.

24 Q: Is it typical to do that if you have not -- if you don't
25 know who someone is?

1 A: Yes, sir.

2 Q: Would you do it if you already knew who he was?

3 A: I do. Yes, sir. At the autopsies we do.

4 Q: Could you have then compared that to any evidence at the
5 scene?

6 A: We could have. Yes, sir.

7 Q: Did you in this case?

8 A: No, sir. We didn't send anything to SLED.

9 Q: Tell me why. Why was it not necessary?

10 A: Well the victim was identified. We knew it was the
11 victim and with the EMS personnel there, everybody has
12 identified that the blood or the appeared to be blood on the
13 ground was from the victim. So we already identified it,
14 there was no need to send it off for identification purposes.

15 Q: State's 27, you said it's a small caliber. Tell me about
16 that.

17 A: Yes, sir. Just by the size of it, you can just tell it's
18 small which is consistent with a small caliber.

19 Q: Is it consistent with that Winchester round you found?

20 A: No, sir.

21 Q: And again, there were no other casings found?

22 A: No other casings. No, sir.

23 Q: So was there anything to compare this to?

24 A: There was not.

25 Q: Did you ever find a firearm in this case?

1 A: We did not.

2 Q: So you never had a firearm to compare this to see if ---

3 A: No, sir.

4 Q: Did you ever do a search of the defendant's car?

5 A: No, sir. I don't believe I did.

6 Q: Did you ever get his cell phone in this case?

7 A: No, sir.

8 Q: Ever collect anything from him?

9 A: No, sir, I didn't. No, sir.

10 Q: So nothing from him that you could have compared to the
11 evidence you collected?

12 A: No, sir. There was nothing to compare it with.

13 **MR. HOLFORD:** Your Honor, I have no further questions.

14 **THE COURT:** Cross examination.

15 **CROSS EXAMINATION OF INVESTIGATOR LEWIS BY MR. HILLER:**

16 Q: I seem to remember this cold snap. It was really cold --
17 -

18 A: It was.

19 Q: --- everywhere in Horry. Do you recall how long that
20 cold snap lasted?

21 A: No, sir, I don't.

22 Q: But when you said that when you were there the ground --
23 how firmly frozen would you say the ground was?

24 A: Very frozen. Yes, sir. It was frozen.

25 Q: Had that unidentified substance, I believe it was where

1 you placed the marker 3, had that already frozen by the time
2 you got there?

3 A: Yes, sir.

4 Q: So it was just basically discolored?

5 A: Discolored. Yes, sir.

6 Q: I believe you noted in your report or in the notes to
7 your report that it was 14 degrees out there.

8 A: It was in the teens. Yes, sir.

9 Q: And you noted that the outside lighting was poor.

10 A: It was.

11 Q: Were there a lot of streetlights in that mobile home
12 community?

13 A: No, sir.

14 Q: Was the front porch light on?

15 A: It wasn't when I was there.

16 Q: Just when you were there, right?

17 A: Yes, sir.

18 Q: As far as you know. Now, you said in your notes that
19 there were no tire impressions that you could notice.

20 A: That's correct.

21 Q: And you attributed that to the ground being frozen?

22 A: Yes, sir.

23 Q: Now, when you said tire impressions, what do you mean?

24 A: An impression that the tire would make when it comes in
25 contact with some type of surface.

1 Q: So like an actual tread mark?

2 A: Tread mark would be a tire impression. Yes, sir.

3 Q: What about a spin mark?

4 A: Yes, sir. We can identify spin marks, that it was a spin
5 mark, but I mean as far as having anything for evidentiary
6 purpose ---

7 Q: I guess I'm asking is there a difference between a spin
8 mark and a tire impression or is that ---

9 A: Well there would be. A spin mark is just something
10 that's left, if it's on asphalt just burning the rubber on
11 asphalt and it leaves a black mark.

12 Q: Obviously a tire can spin on a frozen surface, right?

13 A: It can. Yes, sir.

14 Q: But you just -- because of the frozenness of the ground
15 you couldn't tell exactly.

16 A: Did not see any tire impressions. No, sir.

17 Q: What kind of -- would you call it a driveway or just a
18 parking area?

19 A: Just like a front yard, residence, the driveway drove in,
20 I mean it opened up to the residence and drove up to the front
21 door.

22 Q: What was the primary surface material of where the cars
23 would be parked?

24 A: Just like a sandy soil.

25 Q: Kind of what you would normally find at that elevation,

1 kind of going from the ocean to the Pee Dee?

2 A: Yes, sir.

3 Q: So you basically said, correct me if I'm wrong, your
4 basic job is to take measurements. I think you actually did
5 take measurements.

6 A: Uh-huh. (Affirmative response.)

7 Q: Collect swabs from substances that you find.

8 A: That's correct.

9 Q: Lift fingerprints if there are any.

10 A: Yes, sir.

11 Q: But you didn't life any fingerprints in this case, did
12 you?

13 A: No, sir.

14 Q: Just basically look for, physically look for and collect
15 evidence that you may find?

16 A: Yes, sir. I get with the detective and the detective
17 advised me that the victim -- the suspect that come up on the
18 porch was wearing gloves.

19 Q: Okay. Thanks. Thank you. But you're not the detective
20 yourself, right?

21 A: I'm not. I'm the investigator with the Crime Scene Unit.

22 Q: So in this case, although you did collect some evidence,
23 you didn't find anything of forensic value that would help
24 identify a suspect in this case, did you?

25 A: No, sir.

1 Q: I don't have any further questions.

2 **THE COURT:** Redirect.

3 **MR. HOLFORD:** Nothing further, Your Honor.

4 **THE COURT:** You may step down.

5 **INVESTIGATOR LEWIS:** Thank you, Your Honor.

6 **THE COURT:** Any objection to this witness being excused?

7 **MR. HILLER:** Not from the defense.

8 **THE COURT:** You're free to leave.

9 **INVESTIGATOR LEWIS:** Thank you, Your Honor.

10 **THE COURT:** You may call your next witness.

11 **MR. HOLFORD:** Your Honor, the state calls Tyler Sturkie.

12 **THE COURT:** Mr. Sturkie, please come forward. I'm going
13 to ask if you will approach the clerk, place your left hand on
14 the Bible and raise your right hand as she administers the
15 oath.

16 **TYLER STURKIE, HAVING BEEN**
17 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

18 **THE CLERK:** Please be seated.

19 **THE COURT:** Come around and have a seat in the witness
20 chair. Pull up real close to that microphone. I'm going to
21 ask that you speak loudly, clearly, and slowly in order that
22 we can hear everything that you have to say. Let's start with
23 your full name, please, sir.

24 **AGENT STURKIE:** My name is Tyler Sturkie.

25 **THE COURT:** Mr. Sturkie, if you feel comfortable, you can

1 remove your mask if you feel comfortable doing do.

2 **AGENT STURKIE:** Thank you.

3 **DIRECT EXAMINATION OF AGENT STURKIE BY MR. HOLFORD:**

4 Q: Are you an agent with SLED?

5 A: Yes, sir. I am.

6 Q: Agent Sturkie, well I just asked you if you are with
7 SLED. How long have you been employed by SLED?

8 A: Seven years.

9 Q: And can you tell the jury what SLED is?

10 A: SLED is the South Carolina Law Enforcement Division for
11 the entire State of South Carolina. I work in the forensic
12 services laboratory and service all police agencies within the
13 state.

14 Q: And what do you do in the forensic services laboratory?

15 A: My specific duties is to be an analyst in the Trace
16 Evidence Department. In the Trace Evidence Department at SLED
17 we analyze evidence pertaining to gunshot residue, fire
18 debris, paint, fibers, glass, explosives, and general
19 unknowns.

20 Q: What type of education did you receive?

21 A: I received a Bachelor of Science Degree in Chemistry from
22 Newberry College. Then when I was hired by SLED I began a
23 year long training program in the analysis of gunshot residue.
24 This training consisted of written and practical examinations
25 on the practice and theory of gunshot residue. I have also

1 attended courses at the Hooke College of Applied Sciences
2 titled Gunshot Residue Identification, Scanning Electron
3 Microscopy, and Advanced X-Ray Microanalysis.

4 Q: Do you have certifications that you do where you
5 recertify?

6 A: Yes, sir. Every year we partake in a proficiency test
7 for all disciplines that the Trace Evidence Department does.
8 And if we do not succeed in passing these then we have to go
9 through any retraining. In my entirety at SLED I have not had
10 to retake any proficiency exam.

11 Q: So you've always passed your proficiency exam?

12 A: That's correct. Yes, sir.

13 Q: Have you ever testified in court before?

14 A: Yes, I have.

15 Q: Have you been qualified as an expert before in General
16 Sessions?

17 A: Yes, sir.

18 Q: And what was your specific field that you've been
19 qualified in?

20 A: I have been qualified as a gunshot residue expert and a
21 fire debris analysis expert.

22 **MR. HOLFORD:** Your Honor, at this time the state would
23 tender Agent Sturkie as an expert in gunshot residue analysis.

24 **THE COURT:** Any query with regard to his qualifications?

25 **VOIR DIRE EXAMINATION OF AGENT STURKIE BY MR. HILLER:**

1 Q: How many times have you testified in court before, Agent?

2 A: Twenty-six.

3 **MR. HILLER:** No, sir, Your Honor.

4 **THE COURT:** He is so qualified and he is going to be
5 allowed to render opinions in the area of gunshot residue.
6 We've already talked about how to evaluate expert testimony
7 and I will tell you in greater detail at the conclusion of the
8 case.

9 Yes, sir.

10 **BY MR. HOLFORD:**

11 Q: Did you receive any evidence in this case, State versus
12 Quotase Jenrette?

13 A: I personally did not receive evidence, but our laboratory
14 did.

15 Q: Okay. And tell me about that process. If you personally
16 did not receive it but your laboratory did.

17 A: Sure. So whenever evidence is taken at a local agency
18 and needs testing by our service laboratory, they will submit
19 it through an Evidence Control Department. That evidence is
20 assigned a lab number, specific item number, and held in
21 evidence control until it is time for analysis by a specific
22 department. In our case there are times where we take
23 evidence from evidence control and put it into the Trace
24 Evidence Department's custody just simply for space and
25 availability. There are times we don't analyze certain things

1 based off of trial dates or other circumstances because we do
2 service the entire State of South Carolina. We don't always
3 get to every item of evidence as quickly as possible. So for
4 this particular case the item of evidence was held in our
5 Trace Evidence Department before issuing a report.

6 Q: Okay. And what item of evidence was that that was
7 submitted?

8 A: May I refer to my report?

9 **MR. HOLFORD:** Your Honor?

10 **THE COURT:** Yes.

11 **BY MR. HOLFORD:**

12 A: When this item of evidence was submitted to the SLED
13 laboratory it was assigned a lab number L18-04996. And the
14 item that we received was an item submitted as a GSR kit from
15 victim Kendall Ray's hands.

16 Q: And are you able to tell when that item was submitted to
17 SLED?

18 A: I am. Yes, sir.

19 Q: And when was that?

20 A: According to my copy of the chain of custody, we received
21 this item of evidence on April 10th of 2018.

22 Q: All right. And tell the jury just basically what is a
23 gunshot residue kit?

24 A: Sure. So gunshot residue kits are kits that are
25 administered usually by investigators or police officers in

1 the field on an individual's hands or clothing or some other
2 inanimate object that is suspected to be in the vicinity of
3 when a firearm has been discharged. Gunshot residue itself is
4 composed of particles from the primer, the propellant, and a
5 projectile of a firearm when it has been discharged. These
6 particles are usually molten or spheroidal in shape and
7 contain elements of lead, barium, and antimony. When a weapon
8 has been fired, these particles will disburse around that
9 general area and a GSR kit can be administered to determine
10 whether or not the presence or absence of gunshot residue is
11 there.

12 Q: And did you generate a report in this case?

13 A: I did generate a report. Yes, sir.

14 Q: And what was the basis of that report?

15 A: This report -- the only item that was submitted was the
16 one I just stated, submitted as a GSR kit from the victim
17 Kendall Ray's hands. And the basis of this report was to
18 issue a no analysis performed. At the time of the request for
19 this trial we had not yet completed analysis of this kit. The
20 reason being is it is a victim kit. A lot of times a victim
21 of a gunshot wound is known to have been shot by a weapon.
22 The likelihood of this individual having gunshot residue on
23 them is extremely high. And we don't always get to every
24 piece of evidence because we do service the entire state. So
25 there are times in this circumstance where a no analysis

1 performed report is issued in order to testify in court such
2 as this.

3 Q: Are you able to tell, if it was gunshot residue from a
4 victim, are you able to tell whether they fired a gun, or one
5 was fired at them?

6 A: When we test for gunshot residue we are simply looking
7 for presence or absence of those particles. If we do find
8 gunshot residue, if it is present, I can only tell you one of
9 three things. One is that the individual fired a weapon; two
10 is that the individual was in the vicinity when a weapon was
11 fired; or three that individual touched an object that had
12 gunshot residue on it. I cannot decide which of those three
13 is more likely than the other, simply that presence or absence
14 of GSR.

15 Q: Okay. And if GSR is present, are you able to tell the
16 manner of death? Are you able to tell if it was an accidental
17 shooting, an intentional shooting, a homicide, a suicide, any
18 of those things?

19 A: I cannot tell any type of investigative answer from the
20 presence of gunshot residue.

21 **MR. HOLFORD:** I have no further questions, Your Honor.

22 **THE COURT:** Cross examination.

23 **CROSS EXAMINATION OF AGENT STURKIE BY MR. HILLER:**

24 Q: So I guess just to make sure I understand you right, you
25 didn't test the kit, one, because there wasn't time?

1 A: There is time. We can be requested to analyze the kit.
2 Mentioning of time, since this kit was submitted back in 2018
3 it has been some time since we had the opportunity to go to
4 court to testify on the analysis of this kit. So we do have
5 the time to test the kit, we were just asked not to test a
6 victim kit simply because it is a victim kit.

7 Q: And you said the probability was extremely high, you
8 believe that you would have found gunshot residue?

9 A: Yes, sir. If an individual has a bullet hole wound, the
10 likelihood is very high that gunshot residue will be on them.

11 Q: But not necessarily where the swab or the kit was taken,
12 correct? I mean if the shot is in the head and the kit was
13 from the hand, you don't necessarily know. Obviously if the
14 kit was from the head, that's a very good assumption that
15 there would be GSR on the head, correct?

16 A: That is correct. We do have -- when gunshot residue is
17 expelled it generates a cloud or a plume of smoke and anything
18 in that general vicinity whether it be the clothing, the
19 hands, or any object in that area will likely have gunshot
20 residue. Most kits are taken from the hands of an individual.
21 And when we test those, regardless of the area of the body in
22 which the gunshot wound may be found, the presence of gunshot
23 residue on a victim is high.

24 Q: Does the term you used vicinity have a specific
25 definition or is it just a nebulous range area?

1 A: So there are research articles that give certain ranges
2 of vicinity. There are very many factors that go into effect
3 as far as caliber of weapon, amount of particles that would be
4 discharged. A general rule of thumb as vicinity as typically
5 within ten feet of a discharged weapon. For example, a pistol
6 certainly as the type of gun varies and differs the vicinity
7 will also change, but a general rule is around ten feet. Any
8 object or person in that area will likely have gunshot
9 residue.

10 Q: Is it the higher the caliber the larger the vicinity
11 correlation?

12 A: In theory, the larger the caliber the more gunshot
13 residue can be deposited and thus the vicinity will be larger
14 as well.

15 Q: I have no further questions.

16 **THE COURT:** Any redirect?

17 **MR. HOLFORD:** No, Your Honor. I would ask that Agent
18 Sturkie be released from his subpoena.

19 **THE COURT:** Any objection?

20 **MR. HILLER:** Absolutely not.

21 **THE COURT:** You're free to leave. Thank you.

22 **AGENT STURKIE:** Thank you.

23 **THE COURT:** You may call your next witness.

24 **MR. HOLFORD:** Your Honor, the state calls Waquita
25 Brothers.

1 **THE COURT:** Yes, ma'am. If you could place your left
2 hand on the Bible and raise your right hand as the clerk
3 administers the oath.

4 **WAQUITA BROTHERS, HAVING BEEN**
5 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

6 **THE CLERK:** Please be seated.

7 **THE COURT:** Have a seat in the witness chair. Watch your
8 step. Pull up real close to that microphone and speak loudly,
9 clearly, and slowly in order that we can hear everything that
10 you have to say. Let's start with your full name and if you
11 feel comfortable you can remove your mask so we can hear you
12 better.

13 **MS. BROTHERS:** Okay.

14 **THE COURT:** If you feel comfortable doing so.

15 **MS. BROTHERS:** My name is Waquita Brothers.

16 **THE COURT:** Very good.

17 **DIRECT EXAMINATION OF MS. BROTHERS BY MR. HOLFORD:**

18 Q: Ms. Brothers, where do you currently live?

19 A: I live in North Carolina.

20 Q: And how long have you lived in North Carolina?

21 A: A year.

22 Q: Where did you live prior to that?

23 A: South Carolina, Green Sea Road.

24 Q: Okay. Tell me this, do you know Kendall Jamar Ray?

25 A: Yes.

1 Q: How did you know him?
2 A: He was my boyfriend.
3 Q: Did you know him by another name?
4 A: Yes.
5 Q: What did you call him?
6 A: Boot.
7 Q: Boot?
8 A: Yes.
9 Q: Okay. How long had you and Boot been dating?
10 A: Two and a half years.
11 Q: Back on January the 6th, 2018, were you with Boot that
12 night?
13 A: Yes.
14 Q: Where were you?
15 A: In the house.
16 Q: All right. In what house?
17 A: His house, where he lived.
18 Q: Where was that? What road was that?
19 A: It was in Playcard. I don't know the exact road.
20 Q: Okay. If I showed you a map of that area, this is
21 state's 1, are you able to say what house that was? If this
22 is Highway 19 and this is Barts Road here. Barts Road is
23 right here and this is Highway 19.
24 A: Here.
25 Q: Okay. The one that's circled?

1 A: Yes.

2 Q: Okay. So that's where you were that night. Now tell me
3 how long had you been dating Kendall or Boot?

4 A: Two and a half years.

5 Q: Did you have any kids with him?

6 A: No, sir.

7 Q: Did he have any kids?

8 A: Yes.

9 Q: How many kids did he have?

10 A: Three.

11 Q: Let me ask you, have you ever been convicted of any
12 crimes?

13 A: No, sir.

14 Q: That night, tell me about it. Walk me through it, what
15 happened?

16 A: Me and Kendall or Boot and Rashii were sitting on the
17 chair in the living room in the house and I don't know exactly
18 what his name is, Cortez (sic), came in the house and --- well
19 first of all, it was a horn that blowed first outside.

20 Q: Let me stop you real quick. You just pointed. Who did
21 you point to?

22 A: This guy here.

23 Q: And can you identify how he's dressed in the court?

24 A: White shirt, khaki pants.

25 Q: So you said you didn't know exactly his name but you

1 identified him as Cortez (sic) and you pointed to the
2 defendant?

3 A: Right.

4 Q: Have you seen the defendant before?

5 A: Yes.

6 Q: Did you know who he was?

7 A: Yes.

8 Q: Did you have a good relationship with him? Did you know
9 everything about him?

10 A: No, sir.

11 Q: But you had seen him?

12 A: Yes.

13 Q: And you knew who he was?

14 A: Yes.

15 Q: And you said he came to the house?

16 A: Yes.

17 Q: All right. But then you backed up, you said the horn
18 blew outside.

19 A: Yes.

20 Q: All right. So let's start back there.

21 A: Okay. So we were sitting in the living room, we heard a
22 horn blow outside. When I say we, I mean me, Boot, and
23 Rashii.

24 Q: Was anyone else in the house with you at that time?

25 A: No.

1 Q: Okay. Any adults in the house?

2 A: It was just us three adults, but there was two kids in
3 the back room.

4 Q: How old were the kids?

5 A: Approximately three and eight.

6 Q: Okay. So just you, Kendall/Boot, Rashii, and then two
7 kids?

8 A: Uh-huh. (Affirmative response.)

9 Q: All right. So you heard a horn.

10 A: Right.

11 Q: And then what happened?

12 A: Kendall asked Rashii who was that outside and Rashii
13 proceeded to the door and said that it was Chelle's son,
14 Cortez (sic).

15 Q: Who is Chelle?

16 A: Cortez (sic)'s mother.

17 Q: Okay. Did you know her?

18 A: Yes.

19 Q: Had you seen her before?

20 A: Yes.

21 Q: Did she live in the area?

22 A: Yes.

23 Q: Did you know where she lived?

24 A: Yes.

25 Q: Okay. Was it walking distance, driving distance?

1 A: Either one.

2 Q: Okay. Did she live in that same trailer park?

3 A: Yes, sir.

4 Q: Did she have a mobile home?

5 A: Yes.

6 Q: All right. So it's Chelle's son, Cortez (sic), at the

7 door and then what happened?

8 A: He asked was Boot in the inside.

9 Q: Who is he?

10 A: Cortez (sic).

11 Q: Okay.

12 A: He asked was Boot inside and Rashii said yes. Cortez

13 (sic) asked for him to come -- no, Boot told him to come on

14 the inside.

15 Q: And did Quotase come on the inside?

16 A: Yes.

17 Q: Did he ask for Boot by name?

18 A: Yes. Boot, he just asked was Boot there.

19 Q: So Quotase comes inside and then what happens?

20 A: Cortez (sic) states to him that he has a firearm for

21 sell.

22 Q: Okay. Did he say what kind of firearm? Do you remember?

23 A: No, sir.

24 Q: And then what happened?

25 A: He tells him to bring it -- Boot tells him to bring it

1 inside.

2 Q: And did he bring it inside?

3 A: No, because Boot said he'll go outside with him.

4 Q: Okay. So they went outside?

5 A: Yes.

6 Q: And then what happened?

7 A: I went to go take a shower before -- I went to go take a
8 shower when they walked outside, about that time.

9 Q: Let me ask you this, did Boot have a gun on him?

10 A: No, sir.

11 Q: Did he take a gun outside?

12 A: No, sir.

13 Q: Did he take a gun outside?

14 A: No, sir.

15 Q: Did he have a gun in the house?

16 A: No, sir.

17 Q: All right. So you went to take a shower. Who else went
18 outside with the defendant and the victim?

19 A: No one else.

20 Q: Did anyone else come up to the door?

21 A: No, sir.

22 Q: Did you see anyone else come inside the house?

23 A: No, sir.

24 Q: Did you see anyone else come inside the house?

25 A: No, sir.

1 Q: Did you see anyone else outside?

2 A: No, sir.

3 Q: So Boot, the victim, and the defendant went outside, you
4 went to take a shower, then what happened?

5 A: I went in the shower, it was not even five minutes I
6 heard one single shot and then so I got out the shower. By
7 the time I was getting out of the shower I heard tires
8 spinning out the yard.

9 Q: Okay. Let me ask you, how thick are the walls in that
10 mobile home?

11 A: They're thin. They've not real thick at all.

12 Q: You said you heard one shot. Are you sure it was one?

13 A: Yes.

14 Q: Okay. Do you know what type of gun? Do you have any
15 knowledge or ---

16 A: No, sir.

17 Q: You heard tires spinning and then what happened?

18 A: And then I got out the shower and Boot was not in the
19 house, but his cell phone was still sitting on the chair.

20 Q: Okay. And so what did you do?

21 A: I immediately asked Rashii where's Boot because this is
22 like five minutes later and he still wasn't back in the house.

23 Q: Okay. And then what happened?

24 A: I asked Rashii were he went or where he'd gone. He said
25 he probably left with Cortez (sic).

1 Q: So at that point you didn't think much of it, you thought
2 maybe they had left together?

3 A: Well, no. I didn't think they would leave together
4 because they don't hang out. They don't hang out.

5 Q: Okay. Now, let me ask you this, you heard a gunshot
6 outside, but you didn't immediately run outside.

7 A: No.

8 Q: Was it rare to hear a gunshot out there?

9 A: I wouldn't say it was rare, but yeah, right now, yes,
10 it's rare.

11 Q: You said he wanted to sell him a gun and you heard a
12 gunshot. What did you think?

13 A: I just had a bad feeling.

14 Q: Okay. Did you eventually go outside?

15 A: Yes.

16 Q: And what did you find?

17 A: Boot laying on the ground.

18 Q: Was there anyone else out there?

19 A: No, sir.

20 Q: Was there a gun around him?

21 A: No, sir.

22 Q: Was there another car still out there?

23 A: Besides my car, no, sir.

24 Q: Okay. And what type of car did you have?

25 A: A Chrysler Crossfire.

1 Q: And so what did you do?

2 A: Well Rashii went to the door and said that Boot was
3 laying on the ground. I went outside and there he was on the
4 ground. So I told Rashii to call 911.

5 Q: Do you remember when officers arrived?

6 A: Yes.

7 Q: When they came up to you who was outside with the victim
8 on the ground?

9 A: Me.

10 Q: Were you close to him, were you standing around?

11 A: Close to him, beside him.

12 Q: Were you holding him?

13 A: Yes.

14 Q: So if an officer has a bodycam that shows what happened
15 outside, the person holding him was -- was there anyone else
16 holding him at that point?

17 A: No, sir.

18 Q: That would have been you?

19 A: And Rashii, but he was walking around. Yes, sir.

20 Q: So the young male on the phone, that was Rashii?

21 A: Yes.

22 Q: You did not see what happened outside, did you?

23 A: No, sir.

24 Q: You don't have -- were there cameras on that house?

25 A: No, sir.

1 Q: Were there cameras in that neighborhood?

2 A: No, sir.

3 Q: Do you wish there were?

4 A: Yes.

5 Q: When you said you heard tires spinning, what did you
6 mean?

7 A: Someone like trying to leave fast so their tires spin.

8 Q: Okay. I have no further questions.

9 THE COURT: Cross examination.

10 **CROSS EXAMINATION OF MS. BROTHERS BY MR. HILLER:**

11 Q: So let me try to understand the sequence right because
12 it's very important to get this right. Your boyfriend leaves,
13 goes out the front door, correct?

14 A: Yes.

15 Q: And how long after that do you decide to get a shower?

16 A: Right after that.

17 Q: And I believe you said you were in the shower for not
18 even five minutes?

19 A: Correct.

20 Q: And obviously it takes a minute to get out of the shower,
21 get toweled off. You know how cold it is outside, right?

22 A: Right.

23 Q: So that takes -- do you remember how much time it takes
24 to get presentable again?

25 A: No, sir.

1 Q: You said you heard tires spin. Was that when you were
2 still in the shower?

3 A: I was already out the shower.

4 Q: Okay. So how much time do you think passed between the
5 gunshot and the tire spin?

6 A: Not too much longer. Not even probably 30 seconds.

7 Q: And what was Rashii doing when you came out of the
8 shower?

9 A: He was in the living room?

10 Q: He hadn't gone outside yet?

11 A: No, sir.

12 Q: Now, I believe the solicitor asked you if you saw anyone
13 else outside.

14 A: Right.

15 Q: You said you didn't see anyone else outside.

16 A: No.

17 Q: You didn't look outside, did you?

18 A: When you said look outside, what are you pertaining to?
19 Earlier when he first came in, or after?

20 Q: At any time did you ever look out the window, look out
21 the door at any time?

22 A: No.

23 Q: You described the person that you knew as Cortez (sic) to
24 the officers. Do you remember that?

25 A: What was that?

1 Q: Do you recall describing what the person you call Cortez
2 (sic) looked like to the officers?

3 A: They didn't ask me at the time. No, sir.

4 Q: They didn't?

5 A: Not at the very moment they didn't ask.

6 Q: So you don't recall if you told them like gave them a
7 general height description, what he was wearing? They didn't
8 ask you anything about what he might look like?

9 A: Yes. When we got to the hospital, but not right then
10 outside. They were asking who was in the home during that
11 time. They were more concerned about who was in the home and
12 where the kids were.

13 Q: You were on that scene for quite a while, right?

14 A: Yes.

15 Q: Because you had to wait for the detective?

16 A: Yes.

17 Q: And they wouldn't let you leave until you talked to the
18 detective?

19 A: Right.

20 Q: So about how long do you think you were actually on that
21 scene before they finally let you get in your car and go?

22 A: Approximately like an hour, and hour and 20 minutes.

23 Q: So in all of that time no one asked you what this ---

24 A: Yeah. When the detective came he asked. The officers
25 did not ask.

1 Q: Okay. Okay. You wrote a statement to that detective,
2 right? No, you wrote a statement before the detective came,
3 right?

4 A: I wrote a statement when, sir?

5 Q: Did you -- you wrote a statement that night, didn't you?

6 A: Yes.

7 Q: Okay. Have you seen your statement since that night?

8 A: No, sir.

9 Q: Do you remember who you wrote the statement to, or who
10 asked you to write the statement?

11 A: No, sir.

12 Q: Do you remember if your statement contained a description
13 of the person you called Cortez (sic)?

14 A: No, sir.

15 Q: Do you know if the statement you gave to the detective
16 was recorded?

17 A: Yes. It was recorded I think, but I'm not quite sure.

18 Q: Okay. Fair enough. I'm not trying to trick you; I'm
19 just trying to get to the bottom of what happened out there.
20 So you're in the shower, you hear a gunshot, and that's what
21 make you I assume quit the shower early, correct?

22 A: Yes.

23 Q: Were you planning on spending more than five minutes in
24 the shower?

25 A: Yes.

1 Q: And then you hear the tires spin?

2 A: Uh-huh. (Affirmative response.)

3 **MR. HILLER:** One moment, Your Honor. Court's indulgence.
4 No further questions.

5 **THE COURT:** Any redirect?

6 **MR. HOLFORD:** Yes, Your Honor.

7 **REDIRECT EXAMINATION OF MS. BROTHERS BY MR. HOLFORD:**

8 Q: Ms. Brothers, you were asked if you gave a statement that
9 night to police; is that correct?

10 A: Yes.

11 Q: I'm going to hand you what's been marked as state's 33.
12 Are you familiar with what that is?

13 A: Yes.

14 Q: How are you familiar with that?

15 A: Very familiar.

16 Q: How?

17 A: That's my handwriting. I wrote that.

18 Q: Okay. Does it have a date and time?

19 A: Yes.

20 **MR. HOLFORD:** Your Honor, at this time state would seek
21 to introduce state's 33 into evidence.

22 **THE COURT:** Might counsel approach the bench?

23 **REPORTER'S NOTE:** (Whereby bench conference was held in
24 the presence of the jury but outside of their hearing.)

25 **(STATE'S EXHIBIT NUMBER THIRTY-THREE**

1 **IS MARKED FOR IDENTIFICATION ONLY.)**

2 **BY MR. HOLFORD:**

3 Q: Ms. Brothers, let me ask you this, at 1:45 in the morning
4 on January 6th, 2018 did you write out a statement to police?

5 A: Yes.

6 Q: And at that time did you say that you were sitting in the
7 house? And say that it was you, Rashii, Kendall, and the
8 kids?

9 A: Yes.

10 Q: Did you say that someone blew a horn outside in that
11 statement?

12 A: Yes.

13 Q: That a guy by the name of Cortez (sic) came to the door?

14 A: Yes.

15 Q: That he had a gun for sell?

16 A: Yes.

17 Q: That Kendall told him to come in?

18 A: Yes.

19 Q: And Cortez (sic) said he was outside?

20 A: Yes.

21 **MR. HILLER:** Leading, Your Honor.

22 **THE COURT:** Sustained.

23 **BY MR. HOLFORD:**

24 Q: I'm going to show you, it's just for ID, take a look at
25 state's 33. Has what you told the jury today been any

1 different than you told the police the night that they showed
2 up?

3 A: No.

4 Q: Is there any question in your mind that that man, the
5 defendant, sitting at the table is the same man that came over
6 that night?

7 A: Yes.

8 Q: Yes, meaning what?

9 A: Yes, that was him who came over that night?

10 Q: That's Cortez (sic)?

11 A: Yes.

12 Q: Did you know how to spell his name that night?

13 A: No.

14 Q: Okay. I have no further questions.

15 **THE COURT:** All right. Any objection to this witness
16 being excused?

17 **MR. HILLER:** No, sir.

18 **THE COURT:** You're free to leave. Thank you, ma'am.

19 All right. We're going to take a brief moment to allow
20 the jury to refresh themselves. Once again, do not discuss
21 the case in any way, shape, or form.

22 Everyone remain seated while the jury exits the
23 courtroom.

24 **REPORTER'S NOTE:** (Jury exits courtroom at 10:39a.m.)

25 **THE COURT:** Anything from the state before we recess for

1 a moment?

2 **MR. HOLFORD:** No, Your Honor.

3 **THE COURT:** Anything from defense?

4 **MR. HILLER:** No, sir, Your Honor.

5 **THE COURT:** All right. We'll stand at ease for five
6 minutes.

7 **(COURT IS IN RECESS)**

8 **THE COURT:** Anything from the state before we proceed?

9 **MR. HOLFORD:** No, Your Honor.

10 **THE COURT:** Anything from the defense?

11 **MR. HILLER:** No, Your Honor.

12 **THE COURT:** We're ready for the jury.

13 **REPORTER'S NOTE:** (Jury enters courtroom at 10:53a.m.)

14 **THE COURT:** You may call your next witness.

15 **MR. HOLFORD:** Your Honor, the state calls Yakima Ray.

16 **THE COURT:** Yes, ma'am. Please come forward. I'm going
17 to ask you if you could to please place your left hand on the
18 Bible and raise your right hand as the clerk administers the
19 oath.

20 **YAKIMA RAY, HAVING BEEN**
21 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

22 **THE CLERK:** Please be seated.

23 **THE COURT:** Come around and have a seat in the witness
24 chair. I'm going to ask that you pull up real close to that
25 microphone, speak loudly, clearly, and slowly in order that we

1 can hear everything that you have to say. And if you feel
2 comfortable you can move that mask so we can hear you better
3 if you feel comfortable doing so. Let's start with your full
4 name.

5 **MS. RAY:** My first name is Yakima Ray.

6 **THE COURT:** You can take it off.

7 **MS. RAY:** Take it off. Okay. I'm so nervous.

8 **DIRECT EXAMINATION OF MS. RAY BY MR. HOLFORD:**

9 Q: Ms. Ray, how old are you?

10 A: I am 28.

11 Q: And where are you living currently?

12 A: Currently I am in Fair Bluff, North Carolina.

13 Q: Okay. Have you ever lived in South Carolina?

14 A: Yes.

15 Q: Back in January, 2018 where were you living?

16 A: January, I was living at 2354 Barts Road which is my
17 mom's address.

18 Q: Okay. Is your mom still with us?

19 A: No. My mom was killed in a car accident seven years ago
20 by a drunk driver.

21 Q: Okay. I'm going to show you what's been entered as
22 state's exhibit 1. That circled house there, do you know what
23 that is off Barts Road?

24 A: Yeah. That's my mom's place.

25 Q: That's your mom's place.

1 A: Uh-huh. (Affirmative response.)

2 Q: Okay. How were you related to Kendall Jamar Ray?

3 A: Kendall was -- he wasn't legally adopted by my mom, but
4 she took care of him just about his whole life, so everywhere
5 we moved he was with us.

6 Q: Was he a cousin?

7 A: Yes. He was a cousin. Two sister's kids.

8 Q: Okay. Would you refer to him as a brother?

9 A: Yes.

10 Q: But he wasn't a blood brother?

11 A: No.

12 Q: Understand. The night of January -- early morning of
13 January 6th, 2018, were you out there that night?

14 A: I was outside across the highway of Barts Road in a
15 neighbor's yard.

16 Q: Okay. I'm going to ask you to point on here, on state's
17 1, where were you?

18 A: I was in this yard here.

19 Q: Okay. So across the street from them?

20 A: Yes.

21 Q: Okay. And what did you see that night?

22 A: That night we were kind of hanging out in the yard. We
23 were going back and forth in the house because we just had a
24 little cook out, out there in that area. And after everything
25 kind of died down, it's normally not quiet out there, but that

1 particular night it kind of got real silent out there. So we
2 all kind of went inside and you know just trying to gather up
3 last minute things so we could all go home, everybody can go
4 where they came from. And at the time, there was a red truck
5 in my mom's yard. I couldn't really see the full detail of
6 the kind of model of the vehicle that it was, but I know it
7 was a red truck.

8 Q: Now, when you say truck do you mean pick-up truck?

9 A: It was sort of like a 4-door Jeep, like one of them, not
10 a newer model. It was sort of like a back in the day Jeep,
11 but I know it had four doors.

12 Q: Would you call a Jeep or an SUV a truck?

13 A: I want to say it's more of like a Jeep shaped vehicle.
14 Of course, they are all labeled trucks as SUV's but, I mean I
15 have an SUV but it's a Buick. But I just know it was a red 4-
16 door truck.

17 Q: But I guess what I'm getting at is when you say a truck
18 you don't necessarily mean a pick-up bed?

19 A: No. It didn't have a pick-up bed on the back of it. No.
20 It was like four doors.

21 Q: And what did you see that night?

22 A: I saw, I call him Cortez (sic) because I know him, but I
23 saw him on my mom's porch.

24 Q: Is the person you call Cortez (sic) in the courtroom
25 today?

1 A: Yes.

2 Q: And what's he wearing?

3 A: He's wearing that white shirt.

4 Q: Is he in between two attorneys at the defense table?

5 A: Yes.

6 Q: Okay. You said you knew him. How did you know him?

7 A: I mean his mom and Kendall's mom hung out several times.

8 Q: Okay. Did his mom live in the area as well?

9 A: Yes.

10 Q: Do you remember where she lived?

11 A: Yes. She lived at kind of not behind us, but it was a

12 path you could use to get you to the back of the trailer park

13 which is known as this road here.

14 Q: Okay. Where did she live?

15 A: They stayed right here. There's a path you can take to

16 get behind our house. So to get to the back of the trailer

17 park, and where we stayed at, we would use the path to get to

18 the back instead of walking all the way around the dirt road.

19 Q: So you knew who he was and his family?

20 A: Oh yeah, definitely.

21 Q: Is there any question that he's the person you saw that

22 night?

23 A: There is not. I saw him.

24 Q: Okay. And what did you see him do?

25 A: He was knocking on the door for about two minutes exact,

1 and then my younger cousin, who is Kendall's biological
2 brother, was there opening the door for him.

3 Q: Now, were you at -- you were still across the street?

4 A: Yeah. At this point I'm across the street being nosey.
5 I mean, that's my roll in that scenario. That's usually who I
6 am, I'm the nosey neighbor. I watch for everything. I mean,
7 it's usually a lot of stuff going on out there so I'm always
8 outside. I'm known for being outside in that area. So in
9 that particular moment I was just not in the yard, but I'm
10 watching across the street because I don't really know -- you
11 know I know that my brother does a lot of things with a lot of
12 guys. So I don't interfere with what they have going on, but
13 I know I was watching. I was looking.

14 Q: Did you see anyone else other than the defendant out
15 there that night?

16 A: I saw Cortez (sic) knock on the door and my brother came
17 outside. I don't know what was being discussed, but I know he
18 came outside for Cortez (sic).

19 Q: Did you see what happened between them?

20 A: At first it was them on the porch talking and he had
21 something in his hand he was trying to show Boot. That's what
22 we call him, Boot. And he was showing Boot something and the
23 next thing I know it turned into a scramble, like they were
24 tussling. And then from there I heard the gunshot. I seen
25 Cortez (sic) jump in the truck and I seen the truck run down

1 the road, I seen it just drive down the road. And at that
2 particular moment I ran across the street. At that time
3 Boot's little brother, Rashii, he was already outside. He was
4 running down the step to where Boot was. Then I saw my
5 sister-in-law, Waquita, I saw her come outside. Then at that
6 moment I kind of knew something was wrong. But I just, I mean
7 when you see stuff you don't really think, you know, you don't
8 think ahead. You're just there, I'm just looking. And then
9 when I heard the gunshot it was like what's going on because
10 it's gunshots all of the time out there, you know, so I don't
11 really like -- I'm trying not to cry. I just don't remember
12 like reacting in a way to where he was hurt. You know I
13 didn't think like oh he's hurt. I was just thinking at the
14 time, you know, a lot of people come and try to sell my
15 brother guns, a lot of them. And most of the time when you do
16 hear gunshots it's either because they're shooting it to see
17 what it sounds like, or you know how it works. That's what I
18 was thinking in my mind, like you know they're just shooting
19 the gun around. But then after a while the way he drove off
20 with the truck, it just didn't look like some random gun sale.
21 It just looked like something really bad. That's when I got
22 across the street he was already on the ground. He was
23 snoring on the ground.

24 Q: Was anyone else out there?

25 A: Rashii was holding him. Rashii had him in his -- his

1 head in his arm.

2 Q: Afterwards?

3 A: Yeah.

4 Q: And did you give a statement to police that night?

5 A: Yes, I did.

6 **MR. HOLFORD:** I have no further questions, Judge.

7 **THE COURT:** Cross examination?

8 **MR. HILLER:** Yes, Your Honor.

9 **CROSS EXAMINATION OF MS. RAY BY MR. HILLER:**

10 Q: What time did you give that statement to the police that
11 night?

12 A: I kind of don't remember the time.

13 Q: You gave it to the detective, right?

14 A: Yes, sir.

15 Q: Did you talk to any of the first responding officers at
16 all?

17 A: I didn't. I didn't.

18 **MR. HILLER:** May I approach, Your Honor?

19 **THE COURT:** Yes.

20 **MR. HILLER:** Can I get this marked for identification?

21 **COURT REPORTER:** Here you go.

22 **(DEFENSE'S EXHIBIT NUMBER 1 IS**

23 **MARKED FOR IDENTIFICATION ONLY.)**

24 **BY MR. HILLER:**

25 Q: I'm going to just show you something. Don't tell me what

1 it says, but just tell me what it is and if you recognize it.

2 A: Okay. This is my statement.

3 Q: Is there a time written on that statement?

4 A: It says 04:45.

5 Q: 4:45a.m.

6 A: Uh-huh. (Affirmative response.)

7 Q: About what time did this shooting happen? I mean you
8 were there, right?

9 A: Yes, sir.

10 Q: About what time did it happen?

11 A: I'm not too sure of the exact time, but I do know it was
12 definitely after midnight. I do know that because we stayed
13 out that whole night. So I mean I didn't really get a glimpse
14 of the time because everything was happening so fast. I just
15 remember talking to the detective at that moment. Then
16 shortly after we all kind of rushed to Grand Strand, so I
17 really didn't keep up with the time at that moment.

18 Q: So your testimony to this jury was from across Barts
19 Road, the trailer across the street from Barts Road, you saw
20 somebody named Cortez (sic) and your brother, but we know
21 really your cousin, but we understand your close cousin Boot
22 standing on the front porch.

23 A: Uh-huh. (Affirmative response.)

24 Q: Was that front porch light on or off?

25 A: We didn't have a front porch light.

1 Q: At Barts Road, the 2354 is it?

2 A: Yeah. Our front porch light didn't work.

3 Q: Okay. So there's no light on the front porch, but you
4 can still see them there?

5 A: Uh-huh. (Affirmative response.)

6 Q: Okay. And then you say they -- well there's a scuffle I
7 think you said.

8 A: Uh-huh. (Affirmative response.)

9 Q: And you hear a shot. And a red truck, not with an open
10 bed, but a red 4-door ---

11 A: Yeah.

12 Q: --- peels out of there or leaves fast?

13 A: Uh-huh. (Affirmative response.)

14 Q: Okay. And you didn't go up to see what was going on?

15 A: I didn't. I didn't. At the time I just didn't think
16 nothing bad of it. I mean the scuffle to me was more of like
17 where they were -- it seemed like where he was trying to take
18 the gun back. But at the same time, I mean it just didn't
19 arouse me to run over there like immediately to see exactly
20 what was going on because I didn't really think nothing of it
21 at the time. I mean I'm just looking at it as if like it's
22 just a regular homeboy. He lived in the area so I just didn't
23 think that he would honestly be that brave enough to come up
24 there and do that.

25 Q: How long did it take for the blue lights to show up in

1 the front yard?

2 A: I'll say about -- it took them about 15-20 minutes at the
3 most for an actual officer.

4 Q: Okay. But you didn't tell an officer what you saw?

5 A: Well Waquita and Rashii was already talking to the
6 officers at the time. I was kind of still in a shock so I
7 kind of sat beside -- well they didn't let me get too close to
8 him, but I just stayed near Boot's body.

9 Q: So you were actually on scene with Boot, Rashii, and
10 Waquita?

11 A: Yes. Rashii and Waquita were more of like to the front
12 where the house was because they were inside the house and
13 they knew that, just like I knew, that it was him that came
14 and got him out of the house. So with me, I kind of told the
15 officer, you know, what I saw from outside.

16 Q: You told the detective?

17 A: Yes, sir.

18 Q: Did he record your statement?

19 A: Well this is the only statement that I wrote.

20 Q: But you were talking to him, right?

21 A: Uh-huh. (Affirmative response.)

22 Q: Told him your story. Do you know if he recorded you tell
23 him?

24 A: Oh, I don't recall.

25 Q: Okay. Why in your statement -- Okay. You testified that

1 it was a red truck?

2 A: Uh-huh. (Affirmative response.)

3 Q: And you're sure about that?

4 A: Uh-huh. (Affirmative response.)

5 Q: Isn't it true that in your statement, the last thing that
6 you wrote is I couldn't see the vehicle color, but I saw the
7 make and model? So now it's a red truck?

8 A: Yeah. It was definitely a red truck.

9 Q: But at the time of, when your memory should be the
10 freshest, you couldn't tell the color?

11 A: At that moment, no, I couldn't because I was too shaken
12 up. But I mean the vehicle that he was driving at the moment,
13 I mean, that was the same vehicle that they were using the
14 whole time that they were living in the trailer park. That's
15 the vehicle that they were using. That's the vehicle that was
16 parked in their yard.

17 Q: A red truck?

18 A: That red 4-door truck.

19 Q: Okay. What's the make a model?

20 A: Like I said, it was a Jeep. It was a Jeep model vehicle.
21 I want to say a old version of a Jeep Cherokee, but I just
22 know it was a Jeep shaped -- a box Jeep shaped truck.

23 **MR. HILLER:** Court's indulgence.

24 **BY MR. HILLER:**

25 Q: So you were having a cookout across the street, you're

1 not sure of the exact time, right?

2 A: Well our cookouts usually last a long time and he knows
3 it. I mean we have ---

4 Q: Most cookouts last a long time. I have no problem with
5 how long you cookout lasts. I was just ---

6 A: I mean it's just, that's just what we do out there.

7 Q: How many of y'all were at that cookout?

8 A: At the time when everything was trying -- when we were
9 cleaning everything up it was probably about three or four of
10 us. Two of the people, which is the house, the people that
11 own the house where I was at, they are a little elderly. It's
12 a guy and a lady. And the third person, he's sort of like an
13 uncle to us, his name was Jerry. And us four was outside.

14 Q: Did Jerry or the other two elderly folk say anything
15 about what they saw, or did they see anything?

16 A: No. They didn't get a chance to see it because they had
17 all kind of went in the house. And like I said, at the
18 beginning we had all kind of went back and forth, in and out,
19 just putting stuff away.

20 Q: How much distance do you think is from where you were
21 across the street and where that porch is at your mom's house?

22 A: I don't -- I'm not really exactly sure a number, but I
23 can probably say it's about -- minute wise it would probably
24 take me about two minutes to walk from Mr. Ernest's house,
25 which is whose house that was, to my mom's house. I mean it's

1 a nice big space in between the two. Both houses have big
2 yards and then you have the highway.

3 Q: Okay. No further questions.

4 **THE COURT:** Redirect?

5 **REDIRECT EXAMINATION OF MS. RAY BY MR. HOLFORD:**

6 Q: Ms. Ray, when you gave the statement to the police at
7 4:45 on January 6th, 2018, who did you say you saw leaving in
8 the vehicle?

9 A: Cortez (sic).

10 Q: And who did you say shot your brother?

11 A: Cortez (sic).

12 Q: No further questions.

13 **THE COURT:** All right. You may step down.

14 **MS. RAY:** Thank you.

15 **THE COURT:** You may call your next witness.

16 **MR. HOLFORD:** Your Honor, the state calls Rashii Brisbon,
17 Jr.

18 **THE COURT:** Come forward. I'm going to ask you if could
19 to approach the clerk. Place your left hand on the Bible,
20 raise your right hand as the clerk administers the oath.

21 **RASHII BRISBON, JR., HAVING BEEN**
22 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

23 **THE CLERK:** Please be seated.

24 **THE COURT:** Have a seat in the witness chair. I'm going
25 to ask if you could to pull up real close to that microphone,

1 speak loudly, clearly, and slowly in order that we can hear
2 everything that you have to say. And if you feel comfortable
3 you can remove your mask so that we can hear you better.
4 State your full name and spell it for us, please.

5 **MR. BRISBON:** Rashii Brisbon, Jr. R-A-S-H-I-I Brisbon B-
6 R-I-S-B-O-N, Jr.

7 **DIRECT EXAMINATION OF MR. BRISBON BY MR. HOLFORD:**

8 Q: Rashii, how old are you?

9 A: Nineteen.

10 Q: Have you ever been convicted of any crimes?

11 A: No, sir.

12 Q: Where did you go to school?

13 A: Green Sea Highschool.

14 Q: What did you do? Did you play any sports out there?

15 A: Yes, sir. Football, basketball, baseball, track.

16 Q: Did you go to school afterwards?

17 A: Yes, sir.

18 Q: Where'd you go?

19 A: I got offered to play football at Brevard College.

20 Q: Are you working right now?

21 A: Yes, sir.

22 Q: Where do you work?

23 A: Redline Power Sports.

24 Q: What do you do there?

25 A: I'm a salesman.

1 Q: Do you ride?

2 A: Yes, sir.

3 Q: Do you do anything around the community? You haven't
4 been in trouble; do you do anything else?

5 A: Host ride outs, as in community ride outs, do stuff for
6 the community kids.

7 Q: You help kids out in that community?

8 A: Yes, sir.

9 Q: Back in -- tell me this, how are you related to I'll call
10 him Kendall Jamar Ray, but how are you related to Kendall?

11 A: My brother.

12 Q: Blood brother?

13 A: Yes, sir.

14 Q: Is there another name you used to call him?

15 A: Boot.

16 Q: Boot. That's how he was known. I'm going to ask you
17 about that night, January 6th, 2018. Tell me, in the early
18 morning hours where were you?

19 A: At a friend's house.

20 Q: All right. Then where did you go after your friend's
21 house?

22 A: To my girlfriend's house and then after that I came home.

23 Q: Okay. And where was home for you?

24 A: Playcard.

25 Q: Playcard. What road was that on?

1 A: 2354 Barts Road.

2 Q: I'm going to show you what's been entered as state's 1.

3 Is that house on there?

4 A: Yes, sir.

5 Q: And where is it?

6 A: The one circled.

7 Q: The circled one?

8 A: Yes, sir.

9 Q: Is that where you are were living?

10 A: Yes, sir.

11 Q: Who all lived with you at the time?

12 A: My moma, my little brother, my older brother, my uncle,

13 and my little cousin.

14 Q: That night who all was present at that house?

15 A: Just me, my brother, his girlfriend, and my niece, I mean

16 my little cousin, my two little cousins.

17 Q: When you say your brother are you talking about ---

18 A: Boot.

19 Q: And who was his girlfriend?

20 A: Waquita.

21 Q: And then the two kids, how old were they? Do you

22 remember?

23 A: One was three maybe, and the other one was seven.

24 Q: Okay. Young kids.

25 A: Yes, sir.

1 Q: Anyone else there with you at that point?

2 A: No, sir.

3 Q: What were you doing?

4 A: Playing a game, chilling.

5 Q: And what happened?

6 A: Well it was about 11 going on 12, if not 12. We were
7 playing a game and a car pulled up -- a truck pulled up. My
8 brother had asked me who it was because he was still playing a
9 game, so he told me to look and see who it was. So when I
10 looked out the window I just seen a truck. I told him what
11 color the truck was, a white truck. I told him the truck and
12 I sat back down. So we're still playing the game, ain't
13 nobody come to the door yet, or ain't nobody knock on the door
14 yet. So I opened the door, I got up, opened the door and
15 Cortez (sic) was standing at the porch.

16 Q: Who is Cortez (sic)? Is he in the courtroom?

17 A: Yeah, right there.

18 Q: Is he the defendant sitting between his two attorneys?

19 A: Yes, sir.

20 Q: Do you know him?

21 A: Not really. I mean I know of him, like been around, but
22 I don't ---

23 Q: Okay. You don't know him, know him, but you know who he
24 is?

25 A: Right.

1 Q: Had you seen him before?

2 A: Yes, sir.

3 Q: Any question in your mind that night who did -- that the

4 defendant was the man who showed up at your house?

5 A: No, sir.

6 Q: That was him?

7 A: Yes, sir.

8 Q: And you call him Cortez (sic)?

9 A: Yes, sir.

10 Q: Was anyone with him at the time?

11 A: No, sir.

12 Q: So he came up to your house, what did he say? What did

13 you do?

14 A: He asked where my brother was, and I told him right here.

15 Q: Did he ask for your brother by name?

16 A: Yes, sir. He asked where Boot was or was he home.

17 Q: So he knew him?

18 A: Yes, sir.

19 Q: And then what happened?

20 A: My brother told him to come in because it was cold

21 outside. He like told him to come on in.

22 Q: All right. How cold was it?

23 A: It was cold, January cold.

24 Q: Do you remember if the defendant was wearing anything?

25 A: Yes, sir. He had on like the little gloves, the little

1 gloves you can buy from the Dollar Store, cold gloves.

2 Q: Cold weather gloves?

3 A: Cold weather gloves, right.

4 Q: So he came inside, did anyone else come in with him?

5 A: No, sir.

6 Q: All right. And then what happened?

7 A: My brother told him what's up, and he told my brother he
8 had a pistol grip shotgun for sale. He told him to come check
9 it out.

10 Q: Did he have it with in inside the house?

11 A: No, sir.

12 Q: Did your brother have a gun on him?

13 A: No, sir.

14 Q: All right. So what happened after that?

15 A: He was like, all right, I'm coming. My brother told him
16 he was coming, so he walked back outside.

17 Q: And ---

18 A: Go ahead, I'm sorry.

19 Q: You go ahead.

20 A: My brother was just - after he walked back outside, he
21 told me like he didn't really want it, he was just going to go
22 ahead out there and check it out anyway.

23 Q: Okay. A pistol grip shotgun is what it was?

24 A: Yes, sir.

25 Q: Did you stay inside?

1 A: Yes, sir.

2 Q: And then what happened after that?

3 A: After Boot paused the game and went outside, I heard a
4 shot, not instantly like as soon as he walked outside. He
5 walked outside, a couple of minutes went by, not long, and
6 then I heard a shot. I didn't pay it no attention though
7 because that's what you do when you -- that's what they
8 normally do when you get ready to buy a gun, you shoot it to
9 make sure it shoots. So I didn't pay it no attention. Then I
10 heard the truck crank up and then it just left real fast.

11 Q: What - how many shots did you hear?

12 A: One.

13 Q: How sure are you that it was just one shot?

14 A: Positive. It was right there by the house.

15 Q: Do you know what type of shot it sounded like?

16 A: Not a loud one, not no shotgun.

17 Q: Did it sound like a rifle?

18 A: No, sir. A pistol.

19 Q: Small caliber, large caliber?

20 A: Small.

21 Q: Now, let me ask you this. You said it was a truck, are
22 we talking about a pickup truck?

23 A: SUV.

24 Q: Okay.

25 A: Yes, sir.

1 Q: Is it rare to refer to an SUV as a truck? Is that
2 normal?

3 A: Yes, sir.

4 Q: Okay. I just want to make sure we're being clear.
5 What'd you think at that time? You said you didn't think much
6 of it, so what ---

7 A: I just continued to play the game and then I heard the
8 truck drive off, and I was thinking like maybe he rode
9 somewhere with him real fast, so I stood up. When I stood up
10 and looked out the window and seen the truck drive off, I was
11 like maybe he went somewhere real fast. Then so I turned
12 around, like sit back on the chair, and I looked before I sat
13 down, and his phone was still on the chair, and he don't go
14 nowhere without his phone.

15 Q: Your brother's phone was there?

16 A: Right. Yes, sir. Boot's phone was on the chair. He
17 don't go nowhere without his phone.

18 Q: And what did you do then?

19 A: Instantly opened the door.

20 Q: What'd you see?

21 A: I seen my brother.

22 Q: How was he?

23 A: He was laid out.

24 Q: On the ground?

25 A: Yes, sir.

1 Q: Did you go to him?

2 A: Yes, sir, instantly.

3 Q: Did you call 911?

4 A: Not at first, I called my moma. I just called my moma
5 first. I call her before anything. So I had called her first
6 not even thinking. And I was just holding on to him and then
7 I called 911 after I called my moma.

8 Q: Where was Waquita at this point?

9 A: She was right, she was right behind me, like she was just
10 screaming and stuff.

11 Q: When you called 911 officers eventually they show up,
12 right?

13 A: Right.

14 Q: And if we've seen a bodycam of a female holding your
15 brother, who would that have been?

16 A: Waquita.

17 Q: And then if we saw a young male on the phone, who would
18 that have been?

19 A: Me.

20 Q: Now, the officer may not be able to say what you were
21 saying that night, but did you tell the officers right then
22 when they were standing there in front of you what had
23 happened?

24 A: I don't remember honestly.

25 Q: Okay. Did you tell the officers when they arrived who

1 showed up to your house?

2 A: I just remember talking to the detective at the hospital.

3 Q: Okay.

4 A: Telling him everything that happened. As far as talking
5 to anybody as in the officers or paramedics at the house, I
6 don't remember.

7 Q: Okay. And did you call your mom on the phone out there?

8 A: Yes, sir.

9 Q: Let me ask you this, if you were talking to your mom and
10 you said they shot, do you mean multiple people?

11 A: No, sir.

12 Q: Okay. Because if we heard on a bodycam you talking to
13 moma and you said they shot him, they shot Boot. Are you
14 telling the jury that there were more people outside?

15 A: No, sir.

16 Q: Okay. Is that a way to refer to one person?

17 A: Yes, sir.

18 Q: When you gave a statement to police, who did you tell
19 them came to your house?

20 A: Cortez (sic).

21 Q: And did you see anyone else out there that night?

22 A: No, sir.

23 **MR. HOLFORD:** I have no further questions, Your Honor.

24 **THE COURT:** Cross examination.

25 **CROSS EXAMINATION OF MR. BRISBON BY MR. HILLER:**

1 Q: Tough night, huh?

2 A: I'm sorry?

3 Q: It was a tough night, right?

4 A: Right.

5 Q: After your brother left for the hospital in the

6 ambulance, you left the scene too, didn't you?

7 A: Yes, sir.

8 Q: Someone gave you a ride to the hospital?

9 A: Yes, sir.

10 Q: Was that Slab, your uncle?

11 A: Yes, sir.

12 Q: You met your mom down at the hospital?

13 A: Yes, sir.

14 Q: And then you met the detectives, right?

15 A: Right.

16 Q: And you said you remembered talking to him. Do you

17 remember him, do you remember him recording your statement?

18 A: Recording it?

19 Q: Yeah.

20 A: No, sir.

21 Q: But what you told him, that was based on your very recent

22 recollections?

23 A: Right. Yes, sir.

24 Q: Do you agree that you wanted to help the police find the

25 person who shot your brother?

1 A: Yes, sir.

2 Q: So you told them the details that you could remember to
3 help aid in their investigation, right?

4 A: Yes, sir.

5 Q: You certainly wouldn't have left anything out?

6 A: Right.

7 Q: Because that might not have helped them. So you were at
8 home is what you told them.

9 A: Yes, sir.

10 Q: Now, was Kendall there, Boot?

11 A: Yes, sir.

12 Q: Waquita?

13 A: Yes, sir.

14 Q: And y'all were just hanging out?

15 A: Right.

16 Q: And of course the kids, you said the kids were already in
17 bed?

18 A: Yes, sir.

19 Q: And that was all that was at your house, or at the house
20 on Barts Road, correct?

21 A: Yes, sir.

22 Q: And I believe you told him that someone that you know as
23 Cortez (sic) came up to the house?

24 A: Right.

25 Q: Do you remember the description, how tall were you back

1 in -- and I'm sure you've grown. You were only 16 at the
2 time, right?

3 A: Sixteen. Yes, sir.

4 Q: So you've probably hit a growth spurt since then. Do you
5 remember how tall you were at the time?

6 A: Like 5'9, 5'10.

7 Q: Do you remember -- did you describe Cortez (sic) as
8 taller or shorter than you?

9 A: About the same height.

10 Q: About the same height. Did you remember anything about
11 his hair?

12 A: No, sir. He had on a toboggan.

13 Q: I'm sorry, a what?

14 A: He had on a toboggan.

15 Q: A toboggan. Okay. Did you describe him as light
16 skinned, dark skinned, brown skinned?

17 A: Brown skin.

18 Q: I believe you -- so you described the vehicle just a
19 moment ago, right? You described it as a white truck?

20 A: GMC. Yes, sir.

21 Q: It was a GMC. What kind of GMC? Do you remember the
22 make?

23 A: No, sir, just an SUV.

24 Q: How did you know it was a GMC?

25 A: It was on the grill of the vehicle.

1 Q: The lettering on the grill. Now, does your -- you've got
2 a little porch there at Barts Road, right?

3 A: Right.

4 Q: A couple of steps up. Do you remember if there was ice
5 on that porch that day?

6 A: No, sir.

7 Q: Okay. Do you remember if the light was on on the porch?

8 A: Yes, sir. It was.

9 Q: The light was on?

10 A: Yes, sir.

11 Q: Okay. Now, I think it was a singlewide mobile home,
12 right?

13 A: Right.

14 Q: Kind of older, newer?

15 A: Yes, sir.

16 Q: Were the walls thin?

17 A: Yes, sir.

18 Q: Did you hear any yelling or fighting or fussing outside?

19 A: No, sir.

20 Q: Any kind of scuffle? Just the only thing you heard was
21 the gunshot?

22 A: Right. Yes, sir.

23 Q: Do you remember telling the detectives that it couldn't
24 have been more than ten minutes that they were outside?

25 A: Yes, sir.

1 Q: And then you heard the tires spin?

2 A: Right. Yes, sir.

3 Q: Now, the solicitor asked you if anyone else was outside
4 or if Cortez (sic) was alone I think. Do you remember him
5 asking you if Cortez (sic) came up there alone?

6 A: Yes, sir.

7 Q: But you don't know if anyone else was inside this
8 vehicle, do you?

9 A: No, sir, I don't know.

10 Q: You don't know what happened outside once that door shut,
11 do you?

12 A: Right. Yes, sir.

13 Q: I mean you know the end result, but you don't know the
14 sequence or what happened?

15 A: Yes, sir.

16 Q: I don't have any further questions.

17 **THE COURT:** Any redirect?

18 **REDIRECT EXAMINATION OF MR. BRISBON BY MR. HOLFORD:**

19 Q: Rashii, is there any question that this defendant is the
20 person who came over that night?

21 A: No, sir. No question.

22 Q: Okay. I have no further questions.

23 **THE COURT:** You may step down and you're free to leave.

24 **MR. HOLFORD:** Your Honor, now that Mr. Brisbon has
25 testified, I would ask that he be allowed to remain in the

1 courtroom.

2 **THE COURT:** Certainly, he may.

3 **MR. HOLFORD:** Thank you.

4 **THE COURT:** You may call your next witness.

5 **MR. HOLFORD:** Your Honor, the state rests.

6 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
7 jury, at this juncture we're required to take up matters of
8 law outside of your presence. I would ask you to return to
9 the jury room, but do not discuss the case in any way, shape,
10 or form.

11 **REPORTER'S NOTE:** (Jury exits courtroom at 11:32a.m.)

12 **THE COURT:** I'll be happy to entertain motions at this
13 time.

14 **MR. HILLER:** Your Honor, at this time the defense would
15 ask the Court to direct a verdict in favor of the defendant on
16 the state failed to carry their burden during their direct.

17 The primary case I would hand up to the Court for
18 consideration is the fairly similar case of State v Bennett,
19 which is a circumstantial evidence case, Your Honor. It's a
20 case out of Spartanburg County. A community center was
21 robbed. There was evidence of a broken window, a fingerprint
22 on a manipulated television that matched the defendant, and
23 there was a drop of blood or two drops of blood below a space
24 on the wall that used to house a TV. So based on the forensic
25 evidence and testimony that Mr. Bennett was known to frequent

1 that community center, the defendant was convicted after the
2 trial court denied his directed verdict motion. The Court of
3 Appeals reversed the trial court and the Supreme Court took
4 the opportunity to set forth the proper framework for whether
5 substantial circumstantial -- for how the trial court should
6 view a case where the evidence is circumstantial. I would
7 argue that this is a circumstantial evidence case, Your Honor.

8 Certainly, we did hear from Yakima. She was across the
9 way. She did not see exactly what happened. She's the closest
10 thing the state has to an eyewitness, but I still believe that
11 this is a circumstantial evidence case.

12 What we have in the circumstantial case, Your Honor, and
13 this is directly from Page 237, that's under the S.E. 2nd, the
14 747 S.E 2nd 444, I'm sorry, it's Page 237. The Supreme Court
15 outlines the reasonable test. Basically, the evidence
16 presented -- so obviously we know that we take all inferences
17 and evidence as being in the light most favorable to the
18 state. And of course, Your Honor is to review the evidence --
19 Your Honor's review of the evidence is limited to its
20 existence or non-existence, not giving it any weight. But in
21 these kind of cases when the evidence submitted raises a mere
22 suspicion of guilt, then the directed verdict should be
23 granted in favor of the defendant.

24 I believe that (inaudible) defines that suspicion as a
25 belief of guilt based on facts or circumstances that do not

1 amount to proof. Cortez (sic) came up, but I didn't see what
2 happened. Cortez (sic) came up, but I didn't see what
3 happened, leaves it up to those 12 members to speculate.

4 **THE COURT:** Let me ask you this, in the state's opening
5 statement and the position, I think, that they were taking
6 initially was just that, that he came up to the house, to the
7 mobile home, knocked on the door. There was a discussion
8 about buying a gun, they go out, shut the door, and then they
9 hear a gunshot, and hear somebody pull off. That's kind of
10 the way it was framed initially. Then we have Yakima Ray who
11 says that she saw Cortez (sic) Jenrette, your client, the
12 defendant, out there and there was a scuffle between the two.
13 She identifies your client as being the person there, and sees
14 the two of them struggle, and a gun goes off. That kind of
15 falls in the category of direct evidence and not
16 circumstantial. What do you think about that?

17 **MR. HILLER:** I think that her credibility is obviously
18 for the jury, and I'm not asking the Court to comment on that.
19 But I believe, and I could be wrong, that that scuffle and
20 that gunshot happened on the porch.

21 **THE COURT:** Let me ask out of pure curiosity, it was
22 never testified to, but did she say anything about the scuffle
23 in the statement? That was never brought out.

24 **MR. HILLER:** It was not. But she also, I understood her
25 to say that that scuffle happened on the porch. We know from

1 the forensic evidence, from the photographs, that the blood is
2 on the ground under a tree.

3 **THE COURT:** Right.

4 **MR. HILLER:** I don't know that her statement is grounded
5 on the facts of this case. But I understand that she did give
6 what is -- and I concede it is close to direct evidence, the
7 scuffle, the gun going off. You know, she's ---

8 **THE COURT:** Well see the people in the house initially
9 testified, and that was the state's position early on, was
10 that nobody saw the shooting. Then Yakima Ray says that she
11 saw the two together and identified the defendant, heard the
12 gunshot.

13 **MR. HILLER:** Yes, sir. And unfortunately, I couldn't
14 prepare that well for Ms. Ray because all I had was her five
15 sentence statement. She -- it's not mentioned in the reports,
16 not reported, it's almost like she was ignored until now. But
17 she's certainly made a difference in the trial. But I did
18 prepare this argument of the circumstantial case knowing that
19 she could say something other than that. But obviously I
20 understand where we are right now. But if it's a jury
21 argument, it's a jury argument, Judge. But I do think that
22 the jury is left to speculate as to what ---

23 **THE COURT:** Well clearly it's a jury argument, but my
24 question to you is do you think that Yakima Ray is direct
25 evidence or circumstantial evidence, whether it's believable

1 or not?

2 **MR. HILLER:** She certainly hears a gun go off; she sees a
3 scuffle.

4 **THE COURT:** And the two parties that she sees engaged in
5 that altercation is the defendant and the deceased.

6 **MR. HILLER:** I mean she does not identify a third person.

7 **THE COURT:** Right. So does that smack of direct evidence
8 maybe?

9 **MR. HILLER:** I mean I do think that the Courts have
10 acknowledged that there maybe somewhat of a sliding scale and
11 that certainly slides closer to direct evidence.

12 **THE COURT:** All right.

13 **MR. HILLER:** I can't really honestly in all candor to the
14 Court say that I am emphatic that it's circumstantial. But
15 since that is her statement, that is for the jury to consider,
16 I suppose.

17 **THE COURT:** Okay. All right. Well we will certainly
18 have a charge conference at a later date and time, but that --
19 her testimony, the testimony of Yakima Ray, presents an issue
20 to the question as to whether or not there should be a charge
21 of voluntary manslaughter in view of the fact that there was a
22 scuffle. What does the state have to say about that?

23 **MR. HOLFORD:** Your Honor, like the defense, I do have --
24 I'll say this for the record. Like the defense I do have this
25 voluntary statement from Yakima Ray that says, As I was

1 leaving away from my mom's house I saw a GMC truck leaving my
2 mom's and the guy that ran up to the vehicle as I was
3 approaching, his name is Cortez (sic). I knew the face when I
4 saw it because he stays in the same neighborhood, and he rides
5 by every day. He shot my brother in the head and took off. I
6 couldn't see the vehicle color, but I saw the make and model.
7 That is the statement that I also have. I believe that her
8 testimony today does raise the issue of potentially voluntary
9 manslaughter, although that was not anticipated by the state.
10 But I do believe that ---

11 **THE COURT:** Of course that statement that you read from
12 is not in evidence. What I'm saying is those discrepancies
13 were not pointed out on the record. How can I rely on that?

14 **MR. HOLFORD:** No. You're correct, Your Honor. I'm
15 saying for the Court's edification that the state was relying
16 upon her statement as to what she saw and heard. And I
17 believe that ---

18 **THE COURT:** Are you saying that -- you read that kind of
19 quickly, but are you saying that what she said here today is
20 consistent with what she said today that she did indeed see
21 the shooting?

22 **MR. HOLFORD:** I believe that it's consistent with the
23 fact that she says he shot my brother. But ---

24 **THE COURT:** But she doesn't go into the detail of it.

25 **MR. HOLFORD:** What I'm saying to the Court is ---

1 **THE COURT:** It's not inconsistent in that she's saying
2 he's the one who shot?

3 **MR. HOLFORD:** Correct. What I'm saying to the Court is
4 that there was not a mention previously about a scuffle, but
5 that certainly in elaborating on her testimony giving more
6 than half a page, she did raise the issue of a scuffle in the
7 court today, which to be fair is not necessarily consistent
8 with other testimony, but it has been raised. So I think that
9 quite frankly it's up to the ---

10 **THE COURT:** But it's not inconsistent with other
11 testimony because nobody saw what happened outside.

12 **MR. HOLFORD:** Correct. But there's been testimony that
13 no one else heard, I guess, a scuffle.

14 **THE COURT:** Right.

15 **MR. HILLER:** Your Honor, I think it's a ---

16 **THE COURT:** It's his turn. I'll hear from you
17 momentarily.

18 **MR. HILLER:** I'm sorry.

19 **MR. HOLFORD:** Your Honor, I believe that if the Court
20 wishes to, that a charge on voluntary manslaughter would be
21 appropriate. Certainly, we would not have an objection ---

22 **THE COURT:** It's not really my desire. It's whether or
23 not the facts warrant. I think that you've conceded that the
24 facts do indicate that there was a scuffle. So do you agree
25 with me?

1 **MR. HOLFORD:** Yes, Your Honor. I agree that the
2 testimony by Yakima Ray raises the evidence, if believed by
3 the jury, that there was a scuffle and would lead to a
4 voluntary manslaughter charge.

5 **THE COURT:** Right. What's the defense's position on it?

6 **MR. HILLER:** Just on that narrow issue of scuffle, I did
7 ask Mr. Rashii Brisbon if the walls in the mobile home were
8 thin. And he heard no evidence of a scuffle.

9 **THE COURT:** Well that's a question of fact. The issue is
10 whether or not there's evidence in the record of a scuffle and
11 I think that there is. My question to you is are you
12 requesting that I charge voluntary manslaughter? That's
13 really ---

14 **MR. HILLER:** Could we make that decision very soon, Your
15 Honor?

16 **THE COURT:** Well I don't really think it's upon your
17 request, I was just asking.

18 **MR. HILLER:** Yeah. I mean ---

19 **THE COURT:** I'm asking you right now, what's your
20 feeling? Do you want me to charge it or not? I'm going to
21 make the call.

22 **MR. HILLER:** Yes, sir. I feel like with the evidence ---

23 **THE COURT:** It is a lesser included charge.

24 **MR. HILLER:** Yes, sir. I would have to believe that it
25 should be charged.

1 **THE COURT:** I agree with you on that. I do. All right.

2 **MR. HILLER:** I'm not sure I love it, but it's happened,
3 so here we are.

4 **THE COURT:** All right. And I was going to make the call
5 on that, I was just asking what you thought would be the best
6 thing to do. I think I'm compelled to do that based on the
7 evidence. It sounds like we all agree on that, doesn't it?

8 **MR. HILLER:** Yes, Your Honor.

9 **THE COURT:** All right. Okay. Mr. -- I'm still having
10 difficulty with his name. They seem to indicate that it's
11 Cortez. Is that phonetically the way that he says it, Cortez?

12 **MR. HILLER:** It's Quotase. The Court has really ---

13 **THE COURT:** Let's ask the defendant. How do you say your
14 name?

15 **MR. JENRETTE:** I say Quotase. I don't know where they
16 got ---

17 **THE COURT:** Quotase. All right.

18 **MR. JENRETTE:** Yes, sir. My name doesn't even pronounce
19 C-O-R-T-E-Z. Cortez is C-O-R-T-E-Z.

20 **THE COURT:** That's why I was saying.

21 **MR. JENRETTE:** So how are they saying Cortez?

22 **THE COURT:** All right. I was just trying to be polite
23 and say your name correctly. But you know what I'm going to
24 do, I'm going to call you Mr. Jenrette.

25 **MR. JENRETTE:** Okay.

1 **THE COURT:** Mr. Jenrette, why don't you stand up and
2 raise your right hand if you could.

3 **QUOTASE JENRETTE, HAVING BEEN**
4 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

5 **THE COURT:** Mr. Jenrette, at this time I'm going to
6 explain certain of your rights. If you do not understand
7 anything that I say, please let me know. Does that sound
8 fair?

9 **MR. JENRETTE:** Yes, sir.

10 **THE COURT:** All right. If you want me to explain
11 anything in more detail, please let me know and I'll be happy
12 to do so.

13 We have now reached the stage of the trial where you may
14 present your defense. You have the right to claim the
15 protection given to you by the Fifth Amendment to the
16 Constitution of the United States of America, which provides
17 in relevant part that no person shall be compelled in any
18 criminal case to be a witness against himself. That means
19 that you cannot be required to testify in this case. You have
20 the right to testify on your own behalf, however, no one can
21 make you testify. This is a personal right and no one can
22 waive this right except you.

23 If you decide to testify, you will be subject to the same
24 rules that govern other witnesses, and you may be examined and
25 cross examined on any relevant issue in this case. In

1 addition, if you have any convictions involving dishonesty or
2 false statement, or for crimes punishable by imprisonment for
3 more than one year and this Court determines that the
4 probative value of admitting this evidence outweighs its
5 prejudicial effect of you, the solicitor will be able to
6 introduce your record to attack your credibility.

7 If you decide to testify, this decision on your part must
8 be freely, voluntarily, and intelligently made with knowledge
9 of the protections given to you by the Fifth Amendment of the
10 consequences of your decision to testify.

11 If you decide not to testify, I will instruct the jurors
12 that they cannot give the fact that you did not testify any
13 consideration whatsoever. That there is to be absolutely no
14 prejudice to you because you did not testify.

15 It's left entirely up to you whether or not to testify.
16 You may talk with your attorney, your family, your friends, or
17 anyone else, but the final decision will be left entirely up
18 to you. Do you understand that, Mr. Jenrette?

19 **MR. JENRETTE:** Yes, sir.

20 **THE COURT:** All right. Have you understood what I've
21 explained to you?

22 **MR. JENRETTE:** Yes, sir.

23 **THE COURT:** All right. Do you have any questions about
24 any of these matters?

25 **MR. JENRETTE:** No, sir.

1 **THE COURT:** Is that a no, sir?

2 **MR. JENRETTE:** No, sir.

3 **THE COURT:** Okay. Have you discussed these matters with
4 your very fine attorneys?

5 **MR. JENRETTE:** Yes, sir.

6 **THE COURT:** All right. Do you wish to talk with them any
7 further about this issue?

8 **MR. JENRETTE:** No, sir.

9 **THE COURT:** Do you wish to testify?

10 **MR. JENRETTE:** No, sir.

11 **THE COURT:** Okay. Very good. Thank you, sir. You may
12 be seated.

13 **MR. HILLER:** Judge, this is a minor point of
14 clarification just so the record is perfectly clear. I
15 believe my directed verdict motion was denied, correct?

16 **THE COURT:** Yes.

17 **MR. HILLER:** Thank you.

18 **THE COURT:** That's a very good point. I recon I do need
19 to rule on that. I do deny the motion. I think it's a
20 question of fact for the jury with regards to the issue of the
21 offense of murder and voluntary manslaughter.

22 **MR. HILLER:** Yes, sir.

23 **THE COURT:** Does the defendant intend to offer any
24 evidence other than the testimony of the defendant, Mr.
25 Jenrette?

1 **MR. HILLER:** No, Your Honor. We would just ask to rest
2 on the record at the appropriate time and renew our motions.

3 **THE COURT:** I think we're going to do that. And I think
4 we are going to bring the jury out and allow you to rest on
5 the record. Then we'll take a break for lunch and have
6 closing arguments and then charge after lunch.

7 I think now would probably be the most appropriate time
8 to have a charge conference. Here they are right here. Not
9 necessarily in this order, but I'm going to charge presumption
10 of innocence, reasonable doubt, I'm going to explain the
11 responsibilities of the jury and the trial judge. I'm going
12 to charge circumstantial evidence and I'm going to charge the
13 version of circumstantial evidence that says, However to the
14 extent the state relies on circumstantial evidence, all of the
15 circumstances must be consistent with each other and when
16 taken together point conclusively to the accused beyond a
17 reasonable doubt. That's the most recent case and it talks
18 about that particular aspect of circumstantial evidence.

19 **MR. HILLER:** That's the Logan case, correct?

20 **THE COURT:** Yes.

21 **MR. HILLER:** I did have a proposed charge on that.

22 **THE COURT:** All right.

23 **MR. HILLER:** If I may hand it up.

24 **THE COURT:** I've got it.

25 **MR. HILLER:** Okay.

1 **THE COURT:** I am going to charge the law with regard to
2 how to evaluate the credibility of witnesses, expert
3 witnesses, failure of the defendant to testify. What is the
4 position of the state with regard to the mere presence charge?

5 **MR. HOLFORD:** Your Honor, the state would object to mere
6 presence. I don't believe there's any evidence in the record
7 to say that the defendant was merely present. All of the
8 testimony in the record is that there were two people outside,
9 one was shot right in the middle of the head, and the other
10 left in the vehicle. The other being the defendant.

11 **THE COURT:** What would be the defense's position on that?

12 **MR. HILLER:** Well but for Ms. Ray who is the only person
13 outside that can say anything, she does not mention anyone
14 other than Mr. Jenrette at the scene. But no one from the
15 house ---

16 **THE COURT:** Mr. Fox, what do you have to say about that?

17 **MR. FOX:** I think it's one of the things that the state
18 would have to prove, of course, is that it's the right person,
19 the identification that he is present. Right, before he could
20 commit a crime, the defendant would have to be present. I
21 think it's almost always appropriate, Judge. I don't think -
22 we're not at a direct verdict state, we do have Ms. Ray's
23 testimony, Yakima Ray's testimony. It is flatly contradicted
24 in many other ways, for instance, whether there's a light.
25 She says she's across the road ---

1 **THE COURT:** I understand all of those ---

2 **MR. FOX:** So all of those things, I think, call into
3 question, there is that evidence which the jury will sort out.
4 And I think a mere presence charge would be warranted in this
5 case and we would request that, Your Honor.

6 **THE COURT:** Mr. Holford, with the exception of the
7 somewhat impeachable testimony of Yakima Ray, what you have is
8 the evidence of somebody coming to the door, them going
9 outside, there's a discussion about buying a gun, and then
10 everybody identifies Mr. Jenrette as being there. But in
11 order to prove someone guilty of murder or manslaughter there
12 has to be something more than just being there. Don't you
13 agree?

14 **MR. HOLFORD:** Well, Your Honor, the ---

15 **THE COURT:** With the exception of Yakima Ray, which is
16 somewhat impeachable, you have to prove more than that.

17 **MR. HOLFORD:** The competent testimony in the record based
18 on the autopsy report and the crime scene analysis is that
19 there was a single gunshot wound which is consistent with the
20 witness statements. There's a single gunshot wound to the
21 middle of the head and he dies as a result thereof, not by
22 manner of suicide or accident. The manner of death was
23 determined to be homicide based on the autopsy result.

24 **THE COURT:** And there's no question that he's dead and
25 that he was shot. The question is have you proved that Mr.

1 Jenrette did it?

2 **MR. HOLFORD:** Your Honor, I've proven that there were two
3 people outside and that Mr. Ray didn't kill himself.

4 **THE COURT:** Well the testimony with the exception of
5 Yakima Ray, there's nobody that knew who was in the car,
6 nobody knew who else was in the yard. According to Ms. Ray
7 there's always a lot going on out there.

8 **MR. HOLFORD:** The testimony by the people in the house is
9 that no one else was outside, that it was only this defendant
10 that was there and no one else, and they saw no one else. So
11 there's only the defendant and the victim who go out together
12 based on the defendant luring him outside to purchased a
13 shotgun. And only ---

14 **THE COURT:** Didn't one of your witnesses say that they
15 didn't know if there was anybody else in the car?

16 **MR. HOLFORD:** They said they were not able to tell.

17 **THE COURT:** Okay.

18 **MR. HOLFORD:** But one of the witnesses who was able to
19 view the car says that the defendant was the only one in the
20 vehicle. He was the only one outside.

21 **THE COURT:** All right. What does the defense have to say
22 about that, Mr. Fox?

23 **MR. FOX:** Well Yakima Ray said what she said, though
24 certainly as Your Honor has illuded to, there are a great
25 number of credibility issues with that. I think, I'm trying

1 to look through my notes, I believe it was Rashii Brisbon who
2 said he wasn't sure who else was in the car. I think that's
3 correct. Then you have a discrepancy about what kind of
4 vehicle it is, color, make, model, all sorts of things. So I
5 think you're right, if you remove ---

6 **THE COURT:** And there, at least, is some evidence in the
7 record that there is a plural, they, shot.

8 **MR. FOX:** He does say that. And he did, in fairness
9 though, Mr. Holford in further examination he clarified that
10 that wasn't necessarily a they as in more than one. It was a
11 generic reference according to Mr. Brisbon, but he did use the
12 word they, plural. But now he didn't, of course to be fair,
13 Judge, neither he nor Ms. Waquita Brothers said that they saw
14 anybody else, but I think they both said that they just didn't
15 know. One person came up to the door, that's agreed upon.
16 But I think at least one witness did say we don't know if
17 anybody else was in the vehicle.

18 **THE COURT:** I'm going to give that some consideration.
19 And we've all agreed that voluntary manslaughter, given the
20 record, has to be charged. Any other -- any further requests
21 from the defense?

22 **MR. HILLER:** No, sir, Your Honor. I was really prepared
23 to ask for that Logan language, but Your Honor was already
24 willing to do without me asking.

25 **THE COURT:** Well you've got a complete victory on that.

1 I am going to charge that.

2 **MR. HOLFORD:** I apologize, Your Honor. For Logan I see
3 that it was modified to delete the "all of", and just leave
4 "the circumstances". I was unsure if your language still
5 includes the old Logan charge or what it had been modified by
6 in State v Griffin, I guess Logan was modifying Griffin.

7 **THE COURT:** All right. That's a very interesting
8 question.

9 **MR. HOLFORD:** State v Herndon is a 2000 case. I'm not
10 objecting to the Logan charge. I believe that's a completely
11 appropriate charge. I just show that it was modified to
12 delete the two words "all of" and just leave "the
13 circumstances must be consistent with each other".

14 **MR. HILLER:** Is that a 2000 case? Logan was 2013.

15 **THE COURT:** Mr. Fox, do you agree that the word "all"
16 ought to be deleted?

17 **MR. FOX:** I would need to look, Judge. I know Logan,
18 bear with me, Court of Appeals case that modified it. The
19 Supreme Court basically said we decline to adopt it. The
20 Court of Appeals modified Logan and I think expanded it some,
21 and the Supreme Court, my understanding is, and I think that's
22 the case Mr. Holford is referring to, said no we're not
23 adopting that. We decline to do that, and basically Logan is,
24 I'd have to pull up the case, but I think "all of the
25 circumstances" is still correct.

1 **THE COURT:** All right. I will revisit that issue.

2 **MR. FOX:** I'll look at that case, Your Honor.

3 **THE COURT:** Well my charge does say, however to the
4 extent the state relies on circumstantial evidence, all of the
5 circumstances must be consistent with each other, and so on
6 and so forth.

7 And under these circumstances I'm not going to charge
8 inference of malice, particularly with regard -- particularly
9 in view of Yakima Ray's testimony that there was a scuffle.
10 Anybody want to be heard on that?

11 **MR. HOLFORD:** Not as to the charge, Your Honor. The
12 state, I believe, by law is still allowed to argue inference
13 although it may not be charged by the Judge.

14 **THE COURT:** I think that's correct. Yes. I think you
15 can argue any of the facts, and I think that's what the law
16 says is that they are to take into consideration all of the
17 circumstances which would include a gun, but I'm not going to
18 charge that they can infer malice by the use of a deadly
19 weapon.

20 **MR. HOLFORD:** Yes, Your Honor.

21 **THE COURT:** All right. We're ready for the jury.

22 **MR. HILLER:** May I just ask real quickly, Your Honor?

23 **THE COURT:** Yes.

24 **MR. HILLER:** On reasonable doubt you're charging the
25 hesitant to act language or ---

1 **THE COURT:** I charge both of them. It's a double barrel.
2 I charge the simple one and the long one.

3 **MR. HILLER:** Yes, sir. Thank you.

4 **THE COURT:** Any objection to that? Any objection to
5 that?

6 **MR. HOLFORD:** Not from the state, Your Honor.

7 **MR. HILLER:** No, sir.

8 **THE COURT:** Upon further reflection, I am going to charge
9 mere presence and y'all can argue the facts.

10 **MR. HOLFORD:** Your Honor, I would just like to put on the
11 record that I think mere presence brings in, you know, some
12 type of accomplice liability which we don't have here.
13 There's no hand of one, hand of all charge because there's no
14 evidence in the record to show that there was any other person
15 involved. And without a hand of one, hand of all, mere
16 presence, the state would argue, wouldn't necessarily make
17 sense.

18 **THE COURT:** All right. What do you have to say about
19 that, Mr. Fox?

20 **MR. FOX:** I would say what I previously argued, Your
21 Honor. I think it is something that is ---

22 **THE COURT:** It is the law, but you have to prove more
23 than that.

24 **MR. FOX:** Yes. That's right. That would be my argument,
25 Your Honor.

(COURT IS IN RECESS)

1 **THE COURT:** Anything from the state before we proceed?

2 **MR. HOLFORD:** Your Honor, just to the Logan language,
3 that the "all the" be removed before "the circumstances".

4 **THE COURT:** Say that again now.

5 **MR. HOLFORD:** That the language, the state would argue,
6 says "circumstances", not "all the circumstances".

7 **MR. FOX:** And, Your Honor, that's accurate. I reread
8 State v Herndon, which is from 2020 the South Carolina Supreme
9 Court. And in a footnote addressing the Logan charge, they
10 specifically say that they are modifying the Logan charge to
11 remove those two words. Everything else is exactly the same,
12 but the "all of the circumstances, the "all of" is removed.

13 **THE COURT:** You know, as a practical matter I think
14 charges are for lawyers, judges, and the appellate entities.
15 I'm not real sure that they're really -- if you were to try it
16 one hundred times I don't think that leaving those two words
17 out would make a difference, but that is the law and we will
18 comply with it.

19 **MR. HOLFORD:** Yes, sir. Thank you, Your Honor.

20 **THE COURT:** Under these circumstances the state will go
21 first and open in full, and the defense has last argument.
22 Does everybody agree with that?

23 **MR. HOLFORD:** Yes, Your Honor.

24 **MR. HILLER:** Yes, sir.

25 **THE COURT:** Very good. All right. We're ready for the

1 jury.

2 **REPORTER'S NOTE:** (Jury enters courtroom at 1:37p.m.)

3 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
4 jury, you have heard all of the evidence that is going to be
5 presented in this case. Now we're going to move forward with
6 the closing arguments and they're very similar in form to the
7 opening statement that you heard, but they're different in a
8 fundamental way in that at this point in the trial you have
9 heard all of the evidence. These very fine lawyers will be
10 able to point to the evidence that supports their relative
11 theory of the case. What they have to say is not evidence,
12 however, they have spent a lot of time on this case and their
13 observations will aid you immensely in your deliberation
14 process. So it is very, very important that you pay very
15 close attention to the arguments. Under these circumstances
16 the state opens in full, then the defense will give their
17 closing argument, then I will charge you the law.

18 Yes, sir. The state is recognized.

19 **MR. HOLFORD:** May it please the Court?

20 **THE COURT:** Yes.

21 **MR. HOLFORD:** Ladies and gentlemen, make no mistake, on
22 January 6th, 2018 that man, Quotase Jenrette, murdered Kendall
23 Jamar Ray. His family, his loved ones, know him as Boot. He
24 murdered him right outside of his own home.

25 How do we know that? You're going to hear about direct

1 and circumstantial evidence. Direct evidence is I saw
2 something happen. Circumstantial evidence is the
3 circumstances allow me to know that something happened. Last
4 night it rained. I didn't see it rain, I was asleep in bed,
5 but when I woke up this morning I walked outside my house, my
6 grass was wet, my driveway was wet, there were water droplets
7 on my car, I heard thunder in the night. I did not see it
8 rain, but I know it rained. That's circumstantial evidence.
9 Although I did not perceive the rain with my own eyes, I can
10 stand here and tell you that I know for a fact it rained last
11 night. The circumstances point to it.

12 The defense will talk a lot, and the Judge will talk to
13 you about reasonable doubt. It's not beyond any doubt. We're
14 not talking about one hundred percent. We're talking about
15 reasonable doubt. What's reasonable? This case, the
16 evidence, the witnesses, the testimony you've heard should
17 leave you firmly convinced beyond any reasonable doubt just
18 like when I woke up this morning, walked outside, I knew it
19 had rained. Beyond any reasonable doubt. Could some magical
20 thing have happened, sure, but is that reasonable? No. It's
21 just not reasonable to believe anything else happened other
22 than the defendant murdered the victim in this case.

23 How do we know that? Well there were three people inside
24 the home at Barts Road that night. The victim, his younger
25 brother, his girlfriend. There are also two kids, they are

1 not involved in the case because they're children. Who did
2 they see come to the door? The defendant. They call him
3 Cortez. There might be some argument over his name is
4 Quotase, they didn't spell it correctly. They call him
5 Cortez. Without a doubt, they stood, sat on this stand, and
6 said that man right there, that's Cortez, that is the guy that
7 came to our house that night.

8 Why did he come over there? Well he lures the victim
9 outside with this, I want to sell you a gun, a pistol grip
10 shotgun. No shotgun is involved in this case. They get
11 outside and within moments they hear one shot and one shot
12 only. That's important. Why? Because the victim is shot
13 once right here in the head. How do we know it's murder? He
14 shot him right between the eyes. What do you intend when you
15 shoot someone right between the eyes? To kill them. That's
16 an intentional killing. That is malice. When I pull a gun
17 and aim it and fire it right between the eyes of someone, that
18 is malicious, that is murder.

19 You're going to hear an instruction on voluntary
20 manslaughter. That's in the sudden heat of passion with
21 illegal provocation. Us lawyers, the common time that we
22 usually see this, the quintessential case I guess would be if
23 I were to go home and see another man with my wife and I, in a
24 rage, pull out a gun and kill him am I justified in doing so?
25 Absolutely not. But it might move me from murder to voluntary

1 manslaughter. Did I have time to think about what I was
2 doing? Was I so enraged that I did an act that I wouldn't
3 have normally done? That's voluntary manslaughter, that's not
4 this case. That's not luring a victim outside of his own home
5 and shooting him once between the eyes. That's murder. This
6 case is murder.

7 You heard from the witnesses, from the doctor of the
8 autopsy, he corroborates the testimony. One shot right here.
9 CSI Lewis pulls one bullet from the victim's brain.

10 We spent a lot of time talking about what the police did
11 and what wasn't available. And I'll tell you the reason we do
12 that and why we talk about a Winchester casing that has
13 nothing to do with this case, is to eliminate. It's to show
14 you the police did their job. A common tactic is the police
15 didn't do enough. You've seen CSI, surely there are
16 fingerprints somewhere. Surely there's a satellite roaming
17 overhead that we can zero in and see what exactly happened.
18 That's just not real life. Surely there's DNA. If you don't
19 have DNA then you can't prove someone guilty. DNA has been
20 since the 70's. It's not necessary, it doesn't happen in
21 every case. Did they try? Sure. There's one pool of blood
22 by the victim's hat where the victim had been shot one time in
23 the head. They tried to track down cell records, tried to
24 find the defendant. As the officer told you, this wasn't a
25 who did it, this is a where is he. They knew immediately who

1 did it. How did they know immediately? Because the only
2 people there that were alive and able to speak at the time
3 said Cortez did it, the defendant. He's the one responsible.
4 He's the one who came over. He's the one who walked outside
5 alone with the victim. No one else is outside. There are two
6 people outside, one's shot once in the head, one flees the
7 scene.

8 The reason there is no gun found is also important. The
9 victim didn't shoot himself. The manner of death, as the
10 doctor told you, is homicide. We're not talking about a
11 suicide where someone got scared and left the scene. That's
12 not what happened in this case. There's no gun found on the
13 ground. There's no shell casing found on the ground. Shell
14 casing that could be one of two things: it could be a
15 revolver, or it could be the casing was picked up. We don't
16 know. Because what we know is there were only two people
17 outside. One got in the car and left, took the gun, anything
18 else that would have been there with him.

19 Wouldn't it be great if we had his cell phone? If we had
20 his shoe prints from that night? If we had the clothing he
21 was wearing? If we had the gun he used? Absolutely. Why
22 don't we have that? Because he wasn't found that night. It
23 wasn't until ten days later when he fled. They used the US
24 Marshall's to try to track him down. He's not at his mama's
25 house; he's not at his girlfriend's house; we don't know where

1 he is for ten days. So we can't produce evidence that we
2 don't find. It would be great if we had it. It would be
3 really nice if the defendant had a gun on him and we connected
4 it to that bullet, that eliminates that question. But you
5 can't sit here and tell me that if you kill someone out in the
6 middle of nowhere, where there are no cameras, and you take
7 all of the evidence with you, that you can't be found guilty
8 of murder. That just can't be the case.

9 What you know beyond a reasonable doubt is those
10 witnesses there were telling the truth. Now there's another
11 witness, Yakima Ray, the cousin, she called him her brother.
12 What she told the police that night is what she told you here
13 today. That man shot her brother. She saw him leave by
14 himself, no one else.

15 I spent a lot of time talking about little things that
16 you probably thought didn't matter. Why do you call an SUV a
17 truck? The defense is going to talk about the details, well
18 they said truck, it wasn't a truck it was an SUV. We're
19 talking about the way that people express ideas. When you
20 talk about a person doing something, they came over to my
21 house. Well that doesn't necessarily mean multiple people,
22 that's why I went into the process of asking did you mean
23 multiple people? No. He said one person, he said Cortez, he
24 referred to him as they, they killed him. He made that clear
25 from the witness stand what he was talking about. The reason

1 we do that is so they can't get up here and say he said they,
2 must have been multiple people. No one has ever said in this
3 case there were multiple people out there. Never. No one has
4 ever said it's a pickup truck out there, they used the term
5 truck. So I didn't want you to get confused with well they
6 must not be telling the truth because they said truck and it
7 was really an SUV. He said they and it was really one person.

8 The officer's body cam allows you to see how it was that
9 night. It allows you to see the scene as it appeared. It
10 allows you to know that Waquita and Rashii are telling the
11 truth. It allows you to see that Kendall is laid out shot,
12 alone. Waquita is holding him. Rashii is on the phone trying
13 to get help. They're begging for the ambulance to come help
14 their brother. Because Kendall was an organ donor, they keep
15 him somewhat alive. He was pronounced braindead that same day
16 and they harvest his organs. That's why an autopsy isn't done
17 until later. That should have nothing to do with this case.
18 The cause of death, the manner of death is a single gunshot
19 wound to the head by homicide.

20 I brought the SLED guy in, GSR because again it's another
21 thing, well they didn't do the GSR. They did, they took the
22 test, but the SLED guy comes in to tell you that it doesn't
23 make sense to test the GSR kit of a victim who is shot by a
24 gunshot. Why? Because we can't tell you, even if there was
25 particles found, we can't tell you if it was because he was

1 shot by a gun, or if he handled a gun, or if he shot a gun
2 himself. There's just no way. That's not how the science
3 works. But still, I bring them in to sit on the stand to
4 negate that argument of the police just didn't do anything.
5 They weren't trying to find out anything about this. They
6 did. They absolutely investigated this case. And from the
7 minute they met with any witness who was there, who saw what
8 happened, who knows what happened, who heard what happened,
9 they knew who their guy was. And ten days later they found
10 him.

11 The sister dropped him off, you know, you might be
12 wondering well she wasn't there at the time, why did we even
13 call her? Well she corroborates some of the small stuff.
14 They're playing a game, they're sitting in the house, who was
15 there. What I want you to be sure of is that Waquita and
16 Rashii are not trying to set up Quotase. They've got nothing
17 against him. There's no reason to name him as the person,
18 other than the fact that he's the one who did it. There's no
19 ill will. There's no bad blood between them. They didn't
20 pick him out and falsely accuse him. That's the point of
21 talking to these witnesses, who's there. What's your brother
22 doing? He's playing video games. You know, why is there
23 picture inside the house? Well he's got a Play Station, he's
24 playing video games. They're not lying to you. There's no
25 guns found in that house. They're not lying to you. He

1 didn't walk outside with a gun. They're not lying to you.
2 The defendant is the one who came over and murdered their
3 loved one. They are not lying to you.

4 Ladies and gentlemen, this is mostly a circumstantial
5 evidence case. But I submit to you, just like the way you
6 know it rained last night even though you may not have seen
7 it, I didn't see it, you know the defendant murdered Kendall
8 Jamar Ray. There were two people outside, one shot right
9 between the eyes. That's murder. Thank you.

10 **THE COURT:** Thank you, sir.

11 Defense, you're recognized, closing arguments.

12 **MR. HILLER:** Thank you, Your Honor. May it please the
13 Court?

14 **THE COURT:** Yes.

15 **MR. HILLER:** Sorry for that set-up, ladies and gentlemen
16 of the jury.

17 In this case the state failed to carry its burden of
18 proving beyond a reasonable doubt that Quotase Jenrette is
19 guilty of murder. Ultimately this case boils down to the
20 three and a half year recollections of three people who are
21 connected to each other and to the victim in this matter, Mr.
22 Ray.

23 We heard from Rashii Brisbon, his biological brother.
24 Waquita Brothers, his long-term, I believe she said two and a
25 half or so year, girlfriend. And then Ms. Yakima Ray, family

1 to Mr. Ray, such close family that she considers him a
2 brother. These three connected people are the people who
3 pointed the finger at someone they knew as Cortez. They say
4 he's the person who killed Mr. Ray. However, before we can
5 pass judgment on this case, we have to talk about what these
6 people actually know about what happened. It's not -- it's
7 the state's burden, again, of convincing you beyond a
8 reasonable doubt that the crime of murder occurred in this
9 case, and more importantly that Mr. Jenrette was the
10 perpetrator.

11 Let's talk about Ms. Brothers. The solicitor said in his
12 closing argument that it was moments, well not so fast.
13 Waquita Brothers told you that someone named Cortez went in
14 the house, after that she went and got in the shower, she drew
15 a bath, she drew a shower. Then she told you that she was in
16 there about five minutes. That's not moments, that's minutes.
17 She heard a single gunshot. She says that ended her shower
18 early. Then she heard tires spin out. A few minutes later
19 they find Mr. Ray outside. She also said that she didn't look
20 outside when that car got here. It's too simple to say that
21 no one else is on the scene. If you're inside not looking
22 outside, you don't know what's outside. You can't just say
23 they didn't see anyone out there. It's because they didn't
24 look, it's not because they knew. They're not omniscient, you
25 just can't rise up like that and see that nobody is on scene.

1 They don't know.

2 They also don't know what happened outside. If she's in
3 the shower she can't know what's going on outside. And the
4 problem is -- the problem with Ms. Brothers not knowing what
5 happened outside is it's left to you to speculate what
6 happened. Speculation is not enough for a conviction for a
7 murder charge.

8 Now, Mr. Brisbon, the biological brother. He told you
9 that a white GMC truck pulled up. He was specific about GMC
10 on the grill. He told you that Cortez got out, Cortez got up
11 to the door, had the gun for sell; we've heard this story.
12 Now it was up to ten minutes before the gunshot happened;
13 again, not moments, minutes. A lot can happen in ten minutes.
14 I'm not trying to stand here awkwardly, but that was about ten
15 seconds. Ten minutes is a world of time, and the state is
16 asking you, without knowing what happened out there, to fill
17 in those gaps and basically make their case for them. Mr.
18 Brisbon does not know what happened outside, and still you
19 have to speculate.

20 But don't worry, we've got Yakima Ray. She was outside;
21 she was across the street. The circled unit there is the
22 mobile home. Ms. Ray is on this side of Barts Road. When --
23 now we've seen the body cam footage. And of course you can
24 see it again if you'd like. You can tell when Officer Green,
25 the first officer, he starts going this way because there's a

1 ditch right here. He turns and goes up that drive. I'm
2 sorry to turn my back on you, but that's kind of how I
3 oriented myself. He's walking up that drive. Watch how long
4 it takes him to get up there. Now ask yourself for one
5 moment, do you actually believe that someone on this side of
6 the road saw, on a porch without a light on because it was
7 broken, what happened? Do you honestly believe that for one
8 minute? It's your job to judge credibility. She also saw not
9 a white GMC, but a red older model Jeep, maybe a Cherokee.
10 And somewhere parked close to that house, she saw with her
11 naked eye in the dark, Cortez get out. She also saw a scuffle
12 on the porch. Well we have photographs of the porch, of all
13 things in Horry County, with snow and ice on it. We've got
14 some footprints. The officers said that they took those
15 footprints in case they found a shoe. We don't have any
16 evidence of a scuffle. We also don't have any evidence that
17 someone got shot at the porch. We know where Mr. Ray was.

18 The point is, we have three people who are interconnected
19 to each other who want justice for Mr. Ray. That's absolutely
20 understandable. I'm not saying that these three huddled up to
21 specifically single out Mr. Jenrette, but this is a three-and-
22 a-half-year-old case. There is not enough evidence to point,
23 to conclusively move the scale from innocent, which remember
24 we have the presumption of innocence, presumed innocence still
25 until you go back there and deliberate and render a true

1 verdict he is innocent and he should remain innocent beyond
2 that time as well. But until, and only if, that scale is
3 tipped, he is still and remains innocent.

4 We had a cold night, temperature in the teens, we have a
5 frozen ground. According to the CSI investigator, poor
6 lighting. No forensic evidence tying Mr. Jenrette to the
7 scene, none. We have a car that was either red, white, or
8 maybe it was a blue trailblazer which is what Detective John
9 Dudley (sic) said from the stand.

10 Now the state said that it would have been great to have
11 had his cell phone. Well they didn't have a cell phone, but
12 they had the next best and maybe equally good thing, his cell
13 phone records. They sent a mandatory process subpoena to the
14 cell phone carrier saying give us what you've got on this cell
15 phone. They figured out his cell phone, they got it. They
16 told you they have a program called CellHawk. You plug the
17 evidence that you get from the company, you don't need the
18 phone. I've got a phone right here, it's on the cloud too.
19 My phone is in my pocket and it's with my cell phone company
20 and it's with the Icloud. It's how it works these days; it's
21 how it worked in 2019. Now they could have plugged the phone
22 into CellHawk. Maybe they did, maybe they didn't. When I
23 asked the detective about that, he was sure they did. Yeah,
24 we would have given that report to the solicitor. I think
25 they assumed I was trying to assume they didn't give me

1 something; I wasn't. My point was where's the report? They
2 never provided one. You can assume they didn't do it. I'm
3 not saying they didn't do enough, that's y'all job to decide.
4 I'm saying they didn't do it. CellHawk exists. Put the phone
5 records in CellHawk and if it spits out -- and it will spit
6 out data. If the data is inconclusive, give us the report.
7 That's fine. We can argue and work off of an inconclusive
8 report, but what we don't have is a report at all, and that
9 goes to reasonable doubt.

10 Again, it's not your job to do the state's job for them.
11 It's your job to evaluate the evidence presented and decide if
12 that is enough to firmly convince you beyond a reasonable
13 doubt that a crime occurred here, and most importantly that
14 Mr. Jenrette is the perpetrator. Obviously a crime occurred.
15 There's no doubt that Mr. Ray is no longer with us.

16 The proof in this case simply fails. My neighbor has got
17 a pretty big yard. They have a sprinkler system that sits up
18 about this high that broadcasts it. Sometimes they do it at
19 night. Conventional wisdom is you water at night so that when
20 you're in a drought you don't get as much burnout from the
21 sun. So talking about rain, it could be a sprinkler. The
22 point is we don't know what happened. There's not enough here
23 to tip the scale, to break the presumption of innocence.
24 There's not enough to find Mr. Jenrette guilty of murder in
25 this case. We will ask you all to please, after the Judge has

1 charged you, go back, deliberate, and we trust that you will
2 find a verdict of not guilty. Thank you.

3 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
4 jury, you have heard all of the evidence in this case and
5 you've heard the closing arguments. Now it's my time to
6 charge you the evidence. I know we've had lunch and sometimes
7 it gets kind of difficult to stay awake in the midafternoon.
8 I wish there was an entertaining way to give the law, there's
9 not. But it's important that you pay very close attention
10 because in order for you to fulfill your responsibility as a
11 juror, that you've taken a solemn oath to do, you have to
12 listen to the evidence and I know y'all have done that because
13 when the lawyers ask the questions you look at the lawyers,
14 and when the witnesses answer, you look at them. I can tell
15 y'all were paying attention. Y'all will have the ability to
16 resolve the factual issues in this case. But in order for you
17 to do your job you have to understand what the law is. So I'm
18 going to ask that you perk up and pay very close attention as
19 I charge you the law.

20 Mr. Foreman, ladies and gentlemen of the jury, I remind
21 you that during this trial you and I have certain duties to
22 perform. As the Trial Judge it is my responsibility to
23 preside over the trial and I also have the duty to rule on the
24 admissibility of evidence. You are to consider only the
25 competent evidence before you. You are to consider only the

1 testimony which has been made from this witness stand, any
2 exhibits which have been made a part of the record, and any
3 stipulations of counsel.

4 I have the additional duty to charge you the law. As the
5 Presiding Judge I am the sole Judge of the law. And it is
6 your duty as jurors to accept and apply the law as I now state
7 it to you. If you already have an idea as to what the law is
8 or what the law ought to be and it does not agree with what I
9 now tell you the law is, you must abandon this idea because
10 you are sworn to accept the law and apply the law exactly as I
11 state it to you.

12 In every case tried before a jury, the jury becomes the
13 sole and exclusive judge of the facts. A Trial Judge cannot
14 intimate, state, comment on, or make any statement to a trial
15 jury about the facts. The law simply does not allow me to
16 have an opinion about the facts. Since you, the jury, are the
17 sole judge of the facts, you are not to infer from what I have
18 said during the progress of this trial in ruling upon the
19 admissibility of evidence, or otherwise, or anything that I
20 say now during the course of this instruction to you, that I
21 have any opinion about the facts. Once again, the law simply
22 does not allow me to have an opinion about the facts. This is
23 a matter solely for you, the jury, to determine. As jurors,
24 it is your duty to determine the effect, value, weight, and
25 truth of the evidence.

1 The indictment charges the defendant with murder. I
2 remind you that the fact that the defendant was arrested,
3 charged, and indicted is not evidence and cannot be considered
4 by you as evidence of guilt, nor does it create any
5 presumption or inference of guilt. This document is simply
6 the formal written instrument which contains the charge made
7 against the defendant. It is the formal document by which
8 this case is brought into this Court.

9 The defendant has pled not guilty to this indictment, and
10 that plea puts the burden on the state to prove the defendant
11 guilty. A person charged with committing a criminal offense
12 in South Carolina is never required to prove himself innocent.

13 I charge you that it is an important rule of the law that
14 the defendant in a criminal trial, no matter what the
15 seriousness of the charge may be, will always be presumed to
16 be innocent of the crime for which the indictment was issued
17 unless guilt has been proven by evidence satisfying you of
18 that guilt beyond a reasonable doubt. This presumption of
19 innocence does not end when you begin your deliberations, but
20 it accompanies the defendant throughout the trial until you
21 reach a verdict of guilt based on evidence satisfying you of
22 that guilt beyond a reasonable doubt.

23 The presumption of innocence is like a robe of
24 righteousness placed about the shoulders of the defendant
25 which remains with the defendant until it has been stripped

1 from the defendant by evidence satisfying you of the
2 defendant's guilt beyond a reasonable doubt.

3 The presumption of innocence is not a mere legal theory.
4 It is not just a legal phrase. It is a substantial right to
5 which every defendant is entitled unless you, the jury, are
6 satisfied from the evidence of the defendant's guilt beyond a
7 reasonable doubt.

8 What is a reasonable doubt in the law? A reasonable
9 doubt is the kind of doubt that would cause a reasonable
10 person to hesitate to act.

11 The state has the burden to prove the defendant guilty
12 beyond a reasonable doubt. Some of you may have served as
13 jurors in civil cases where you were told that it is only
14 necessary to prove that a fact is more likely true than not
15 true, such as by the greater weight or preponderance of the
16 evidence. In criminal cases, the state's proof must be more
17 powerful than that. It must be beyond a reasonable doubt.

18 Proof beyond a reasonable doubt is proof that leaves you
19 firmly convinced of the defendant's guilt. There are very few
20 things in this world that we know with absolute certainty, and
21 in a criminal case the law does not require proof that
22 overcomes every possible doubt.

23 If, based on your consideration of the evidence, you are
24 firmly convinced that the defendant is guilty of the crime
25 charged, you must find the defendant guilty. If on the other

1 hand, you think there is a real possibility that the defendant
2 is not guilty, you must give the defendant the benefit of the
3 doubt and find him not guilty.

4 There are two types of evidence which are generally
5 presented during a trial: direct evidence and circumstantial
6 evidence. Direct evidence directly proves the existence of a
7 fact and does not require deduction. Circumstantial evidence
8 is proof of a chain of facts and circumstances indicating the
9 existence of a fact.

10 Crimes may be proven by circumstantial evidence. The law
11 makes no distinction between the weight or value to be given
12 to either direct or circumstantial evidence, however, to the
13 extent the state relies on circumstantial evidence, the
14 circumstances must be consistent with each other, and when
15 taken together, point conclusively to the guilt of the accused
16 beyond a reasonable doubt. If these circumstances merely
17 portray the defendant's behavior as suspicious, the proof has
18 failed.

19 The state has the burden of proving the defendant guilty
20 beyond a reasonable doubt. This burden rests with the state
21 regardless of whether the state relies on direct evidence,
22 circumstantial evidence, or some combination of the two.

23 Mr. Foreman, ladies and gentlemen of the jury,
24 necessarily you must determine the credibility of the
25 witnesses who have testified. Credibility simply means

1 believability. It becomes your duty as jurors to analyze and
2 to evaluate the evidence and determine which evidence
3 convinces you of its truth.

4 In determining the believability of witnesses who have
5 testified, you may believe one witness over several witnesses
6 or several witnesses over one witness. You may believe a part
7 of the testimony of a witness and reject the remaining part of
8 the testimony of that same witness. You may believe the
9 testimony of a witness in its entirety or reject the testimony
10 of a witness in its entirety.

11 You may consider whether any witness has exhibited to you
12 any interest, bias, prejudice, or other motive in this case.
13 You may also consider the appearance and manner of a witness
14 while on the witness stand, their demeanor.

15 Ladies and gentlemen, the rules of evidence ordinarily do
16 not permit witnesses to testify to opinions or conclusions.
17 An exception to this rule exists for witnesses we call expert
18 witnesses. A witness who, by education and experience, has
19 become expert in some art, science, profession, or calling may
20 state an opinion as to relevant and material matter in which
21 the witness claims to be an expert, and may also state the
22 reasons for the opinion.

23 You should consider any expert opinion received into
24 evidence, and like any other evidence, give it the weight you
25 think it deserves. If you decide that the opinion of an

1 expert is not based on sufficient education and experience, or
2 if you conclude that the reasons given in support of the
3 opinion are not sound, or that the opinion is outweighed by
4 other evidence, you may disregard the opinion entirely.

5 An expert witness' testimony is to be given no greater
6 weight than that of other witnesses simply because the witness
7 is an expert. Further, you are not required to accept an
8 expert's opinion, even though it is not contradicted.

9 Ladies and gentlemen of the jury, I instruct you and
10 emphasize that the fact that the defendant did not testify is
11 not a factor to be considered by you in any way in your
12 deliberations or in your consideration on the question of the
13 guilt or the innocence of the defendant. It must not be
14 considered by you in any manner whatsoever. A defendant has
15 the constitutional right to remain silent, and the assertion
16 of this right must not be considered by you in your
17 deliberations. I repeat, under your oath, you are to draw no
18 conclusion whatsoever from the fact that the defendant in this
19 case did not testify. The fact that this defendant did not
20 testify should not even be discussed in the jury room. Mr.
21 Foreman, I'm going to ask that you enforce that rule. There
22 will be no discuss about the defendant not testifying in this
23 case.

24 The burden of proof, as I have state to you, is on the
25 state. The defendant is not required to prove his innocence.

1 The burden of proof remains on the state to prove guilt beyond
2 a reasonable doubt.

3 Mere presence at the scene is not sufficient to prove
4 someone guilty of a crime. The burden is on the state to
5 prove every element of the crime charged. If you find, after
6 reviewing all of the evidence, that the state has proved that
7 the defendant was only present at the scene of the crime, that
8 they have not proved beyond a reasonable doubt any other
9 participation in the crime, then you must find the defendant
10 not guilty. The law is that the fact that the defendant was
11 at the scene of the crime is not sufficient to find someone
12 guilty.

13 I'm going to charge you the substantive law with regard
14 to murder. The defendant is charged with murder. The state
15 must prove beyond a reasonable doubt that the defendant killed
16 another person with malice aforethought.

17 Malice is hatred, ill-will, or hostility towards another
18 person. It is the intentional doing of a wrongful act without
19 just cause or excuse and with an intent to inflict an injury
20 or under circumstance that the law would infer an evil intent.

21 Malice aforethought does not require that malice exists
22 for any particular time before the act is committed, but
23 malice must exist in the mind of the defendant just before and
24 at the time of the act -- at the time that the act is
25 committed. Therefore, there must be a combination of previous

1 evil intent in the act.

2 Malice aforethought may be express or inferred. These
3 terms, express and inferred, do not mean different kind of
4 malice but merely the manner in which the malice may be shown
5 to exist. That is either by direct evidence or inference from
6 the facts and circumstances which are proved. Express malice
7 is shown when a person speaks words which express hatred or
8 ill-will for another or when the person prepared beforehand to
9 do the act which was later accomplished. For example, lying
10 in wait for a person or any other act of preparation going to
11 show that the deed was within the defendant's mind would be
12 express malice. In determining the existence of malice, you
13 should examine all of the facts and circumstances of this
14 case.

15 If you find that the state has failed to prove beyond a
16 reasonable doubt that the defendant committed murder, you may
17 consider whether the state has proved beyond a reasonable
18 doubt that the defendant committed the lesser included offense
19 of voluntary manslaughter. To prove voluntary manslaughter
20 the state must prove beyond a reasonable doubt that the
21 defendant took the life of another in the sudden heat of
22 passion based on sufficient legal provocation. Both heat of
23 passion and sufficient legal provocation must be present at
24 the time of the killing to constitute voluntary manslaughter.

25 Sudden heat of passion may for a time affect a person's

1 self-control and temporarily disturb a person's reason. The
2 sudden heat of passion must be the type that would make an
3 ordinary person unable to coolly reflect on his actions or
4 produce an uncontrollable impulse to do violence.

5 Sufficient legal provocation must be the type that would
6 make a person of ordinary reason and caution become enraged
7 and to lose control temporarily. The provocation needed for
8 voluntary manslaughter must come from some act of or related
9 to the victim. Words alone, however vulgar or insulting, are
10 not enough to be legal provocation. Where death is caused by
11 the use of a deadly weapon the words must be accompanied by
12 some overt threatening act which could have produced the heat
13 of passion. The exercise of the legal right, no matter how
14 offensive it is to another, is never sufficient legal
15 provocation for voluntary manslaughter.

16 If the heat of passion had cooled or if there was enough
17 time between the provocation, if any, and the killing for the
18 passion of a reasonable person to cool, the killing would not
19 be voluntary manslaughter. In deciding whether a reasonable
20 person would have enough time to cool off, you should consider
21 all of the circumstances surrounding the killing. You may
22 consider the nature of the provocation, if any, the
23 defendant's mental and physical state, and the circumstances
24 and relationships between the parties.

25 Mr. Foreman, I'm going to come forward and share with you

1 the verdict form.

2 Before we go any further, I want to ask the alternates
3 who have participated in this case to remain with us. Do not
4 go back into the jury room. I will discuss matters with you
5 when we release the jury back, but do not go back into the
6 jury room.

7 Mr. Foreman, your job is to preside over the deliberation
8 process. That is essentially to ensure that everybody's voice
9 is heard. That's going to be your responsibility. I'm going
10 to go over with you the verdict form. It's a two-page
11 document.

12 The State of South Carolina versus Quotase Jenrette and
13 it's entitled Verdict Form. He was indicted for murder. It
14 says: As to the offense of murder, we the jury find the
15 defendant not guilty or guilty. If you find the defendant not
16 guilty of murder, then you may consider the lesser included
17 offense of voluntary manslaughter. If you find the defendant
18 guilty of murder, discontinue deliberations. You can't be
19 guilty of both.

20 As to the offense of voluntary manslaughter, we the jury
21 find the defendant not guilty or guilty. There is a place for
22 you to sign. And it says on here that the verdict must be
23 unanimous. It can't be 11 to one, or six to six, or eight to
24 four, everyone has to agree. Please notify the bailiff when
25 you've reached a verdict. There's a place for you to sign and

1 date it. I'm going to ask that you hold on to the verdict
2 form and have a seat. I'm going to speak to you for just one
3 more moment.

4 Mr. Foreman, when you begin deliberations if anyone gets
5 up and uses the restroom, stop deliberations because everybody
6 has to participate in all of the deliberation process. There
7 may be a question in your mind, you paid close attention to
8 the law, and of course the hard question is a factual question
9 and are your responsibility. I can't help you with that. But
10 if there's a question with regard to the law I can certainly
11 help you with that. If in your deliberations you can't
12 determine whether it's a question of fact or a question of
13 law, write it down, give it to the bailiff and I'll be happy
14 to answer those questions. But I don't think there is going
15 to be any questions because you have listened to the evidence,
16 you have all of the tools necessary to resolve the factual
17 issues, and you paid very close attention to the charge on the
18 law. So y'all have everything necessary to resolve this case.

19 Throughout the trial of this case when I've released the
20 jury to go back to the jury room I tell you not to begin
21 deliberations, and I'm once again going to do that because I'm
22 going to have to ask these very fine lawyers if they have an
23 objection as to the manner in which I've charged the law. If
24 maybe I've inadvertently left something out or I've misstated
25 the law. If that be the case, I'll bring you back in and we

1 will resolve that. And where there's no such clarifications
2 needed, then we will gather up the documentary evidence and
3 the bailiff will go in and give you the documentary evidence
4 and tell you to begin deliberations. But do not do so until
5 you receive instructions from me. I'm going to ask the
6 alternates to remain with me.

7 All right. Everyone remain seated as the jury exits the
8 courtroom.

9 **REPORTER'S NOTE:** (Jury exits courtroom at 2:23p.m.)

10 **THE COURT:** Y'all can have a seat.

11 Were we about to lose one of the alternates? Was he
12 fixing to leave on us? All right.

13 I want to thank y'all for your participation. You'd be
14 surprised how many times we have to elevate one of the
15 alternates to the active jury. I think the last trial that we
16 had, we had someone that came down with Covid and we had to
17 activate them. Quite often people throughout the trial of the
18 case people know somebody as Bubba and his name happens to be
19 Theodore and that develops a conflict, and we have to excuse
20 them and elevate an alternate. But in this case we did not
21 have to do that, but I know y'all get the sensation that y'all
22 have been invited to a dance and didn't get to dance. But you
23 are sort of our insurance policy. Thank you for that. I wish
24 I could release you for the week, but we have one more case to
25 try. It very well might be that you're selected for service

1 on that. So I'm going to ask that you call the clerk's office
2 after six o'clock today and follow the instructions. Do y'all
3 have any questions?

4 **JUROR NUMBER 321:** No, sir.

5 **THE COURT:** All right. I'm going to release you from
6 your order not to discuss the case and you can talk to anybody
7 you want to about the case. However, if you don't want to
8 talk to them about it, tell them that, and if they persist get
9 their name and identify them as best you can, report it to me
10 and I'll deal with them accordingly. I don't anticipate that
11 would happen. You have earned a three-year exemption after
12 your service this week and you'll also be paid handsomely for
13 your service. So I'll ask -- y'all are welcome to stay.
14 Y'all are sort of invested in this, however, if you're going
15 to more than likely come back in the morning and you can
16 certainly ask about the verdict at that time, but you're
17 welcome to stay if you would like. Thank you very much and
18 y'all are free to go at this time.

19 **JUROR NUMBER 321:** Thank you.

20 **THE COURT:** All right. Let's not put them in the jury
21 room.

22 **THE BAILIFF:** I won't.

23 **THE COURT:** Okay. Very good. All right. Is there any
24 objection with regard to the jury charge from the state?

25 **MR. HOLFORD:** No, Your Honor.

1 **THE COURT:** Any from defense?

2 **MR. HILLER:** No, sir, Your Honor.

3 **THE COURT:** All right. I'm going to ask each of you to
4 come forward right here at the court reporter. All of this
5 documentary evidence is in the pile and I'm going to ask both
6 of you on the record if everything in that pile is in
7 evidence? Is there anything in the pile that is not in
8 evidence? I'll let you review it first.

9 **MR. HOLFORD:** These are not in evidence, right?

10 **COURT REPORTER:** That's correct. If y'all want to look
11 through them, these are the ones that did not go in. All of
12 this does.

13 **THE COURT:** I think there was a statement that was marked
14 as court's exhibit. That's not going back.

15 **MR. HOLFORD:** Correct. There are multiple statements
16 marked for ID. There's the 911 call, there are the two
17 autopsy photos, and the Facebook photo are not going back.

18 **THE COURT:** All right. Let's separate those documents.
19 I'm going to ask the state, is everything in that pile in
20 evidence?

21 **MR. HOLFORD:** Everything in this pile, yes, Your Honor,
22 is in evidence.

23 **THE COURT:** Is there anything in the pile that is not in
24 evidence?

25 **MR. HOLFORD:** Not in this pile.

1 **THE COURT:** All right. I'm going to ask defense, is
2 everything in the pile in evidence?

3 **MR. HILLER:** Yes, Your Honor.

4 **THE COURT:** Is there anything in the pile that is not in
5 evidence?

6 **MR. HILLER:** No, sir.

7 **THE COURT:** I'm going to ask the -- if you can take the
8 documentary evidence to the jury room and tell them to begin
9 deliberations. You might need to take two trips. There you
10 have it. All right. We'll stand at ease. I'm going to ask
11 if y'all stay with us in case there's a question so we won't
12 have to hunt anybody up.

13 **REPORTER'S NOTE:** (Jury beings deliberations at 2:27p.m.)

14 **(COURT IS IN RECESS)**

15 **THE COURT:** The first question is: Can we see the
16 officer's body cam footage again. And the answer to that is
17 yes, and we will ask that y'all take the necessary precautions
18 with regard to the audio. It says can we review the court
19 report, I'm not real sure what they mean. I'm going to ask
20 him what he means, of the sister-cousin testimony. I think
21 that we can -- I think that we can agree that the sister-
22 cousin is Yakima Ray.

23 **MR. HOLFORD:** Yes, Your Honor.

24 **THE COURT:** Do y'all agree? We're going to confirm that
25 with the foreman. Then it says: Can we get the girlfriend,

1 and I can't read the rest of what he says, something report.
2 Let's see. If we can get the foreman out here, I'm going to
3 clarify these questions.

4 **REPORTER'S NOTE:** (Foreman enters courtroom.)

5 Yes, sir. I see that you made a request to see the
6 officers body cam footage again. You certainly can do that.
7 We would have to bring y'all in and y'all will have to view it
8 in here in the courtroom.

9 It says: Can we review the court report? I assume you
10 mean the recording -- hear the recording of the testimony of
11 the sister-cousin testimony, and I assume you're talking about
12 Yakima Ray?

13 **MR. FOREMAN:** Yes, sir.

14 **THE COURT:** Okay. And then: Can we get the girlfriend --
15 and I can't read your last question. It says: Can we get the
16 girlfriend -- I'll let you look at it and see if you can tell
17 me what it is.

18 **MR. FOREMAN:** Yeah. It was her -- thank you -- her
19 original police report from the night of the incident,
20 original report. So the police report that she provided on
21 the night of the incident.

22 **THE COURT:** Are you talking about the statement?

23 **MR. FOREMAN:** I'm sorry.

24 **THE COURT:** I assume you're talking about the statement.

25 **MR. FOREMAN:** Correct. The statement, yes, sir. Yes,

1 Your Honor.

2 **THE COURT:** The statement itself, and I'll explain that
3 to the jury as a whole, but the statement itself is not in
4 evidence. So the answer to that is no. And we -- but we can
5 queue up the testimony, and you'll be able to listen to Yakima
6 Ray, the sister-cousin's testimony again. And you'll be able
7 to see the body came.

8 **MR. FOREMAN:** Okay.

9 **THE COURT:** And if we can bring the jury in. Wait.
10 Before we do that, let's get this queued up if we could.
11 We'll be with y'all in just a moment.

12 **MR. FOREMAN:** Yes, Your Honor. Thank you.

13 **THE COURT:** Thank you.

14 **REPORTER'S NOTE:** (Foreman exits courtroom.)

15 **THE COURT:** Let me ask the lawyers concerning the
16 statement, I don't think there's really a discretion there
17 because the statement is not in evidence. Unless there can be
18 an agreement to the contrary, we can't put it in.

19 **MR. FOX:** No, Judge. And I had a question because they
20 worded their request for the sister-cousin and the girlfriend
21 similarly if they are not also asking for the statement of Ms.
22 Ray. I'm not sure about that, but if you would just inquire,
23 or if they are asking for the actual testimony to be played.

24 **MR. OSKIN:** I agree with you. I think they want both
25 written statements.

1 **MR. FOX:** Yeah, that was my impression just on the way
2 they worded the second and third questions.

3 **THE COURT:** Yeah. I assume so, yes. I can clarify that,
4 but clearly they -- wait a minute now. They might not want to
5 hear ---

6 **MR. FOX:** That's what I'm saying. I think what they're
7 actually asking for with both of the witnesses is those
8 original statements.

9 **THE COURT:** I think you're right. A court report, that
10 is different than a statement.

11 **MR. FOX:** Yes, sir.

12 **THE COURT:** All right. Let's bring the foreman out one
13 more time.

14 **MR. HOLFORD:** Your Honor, I believe that they can hear
15 the testimony that was included in the statement because
16 numerous questions were asked, is this what you told police?
17 So they can hear it, but the state agrees those actual written
18 statements are not in evidence and could not be provided.

19 **THE COURT:** Okay. Well I'm not going to offer to play
20 that if that's not what they're asking. If they ask that,
21 I'll do it.

22 **MR. HOLFORD:** I understand, yes.

23 **REPORTER'S NOTE:** (Foreman enters courtroom.)

24 **THE COURT:** We -- I think the terminology that we're
25 using might be a little bit confusing. When you say court

1 report, you're talking about the statement that was given that
2 evening and you want that of the sister-cousin?

3 **MR. FOREMAN:** Actually what was stated today in the
4 courtroom.

5 **THE COURT:** Oh, okay. For the sister-cousin?

6 **MR. FOREMAN:** For the sister-cousin.

7 **THE COURT:** Okay. We can provide that.

8 **MR. FOREMAN:** Okay.

9 **THE COURT:** But then it says: Can we get the girlfriend's
10 ---

11 **MR. FOREMAN:** Original police report.

12 **THE COURT:** Okay. The answer to that is no.

13 **MR. FOREMAN:** Okay.

14 **THE COURT:** All right. So I think that clarifies that.

15 Very good. Thank you.

16 **MR. FOREMAN:** All right. Sure. Thank you, Your Honor.

17 **REPORTER'S NOTE:** (Foreman exits courtroom.)

18 **MR. HOLFORD:** Your Honor, it is queued up and ready to
19 go.

20 **THE COURT:** And how about the testimony, is that ---

21 **COURT REPORTER:** Yes, sir. It's ready.

22 **THE COURT:** We're ready to go. Thank you.

23 **REPORTER'S NOTE:** (Jury enters courtroom at 3:38p.m.)

24 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
25 jury, there have been three things that have been requested.

1 One of which is to watch the officer's body cam. That can be
2 done, and you are fixing to see that here in a moment. The
3 other is, and there's a little bit of difference in the
4 terminology in the question that was provided and the legal
5 reference to what the request is, but the second request as I
6 understand it in speaking with the foreman is to hear the
7 testimony of the sister-cousin again. And that can be
8 provided. That's my understanding of the request of the jury
9 as a whole. Is that correct?

10 **JURY PANEL:** (Affirmative response.)

11 **THE COURT:** Okay. And the third is, as I understand it
12 in speaking with the foreman, y'all want the statement that
13 was given to the police by the girlfriend. That cannot be
14 provided, that is not in evidence. So we will proceed forward
15 and if that is not your request or if you have additional
16 requests, let me know. Very good.

17 **REPORTER'S NOTE:** (Whereby state's exhibit 2 is played
18 followed by the testimony of Yakima Ray.)

19 **THE COURT:** All right. You may return to the jury room
20 and resume deliberations.

21 **REPORTER'S NOTE:** (Jury exits courtroom at 4:06p.m.)

22 **THE COURT:** I'll mark the questions and make them part of
23 the record.

24 **(COURT'S EXHIBIT NUMBER 1 IS**
25 **MARKED FOR IDENTIFICATION ONLY.)**

1 **THE COURT:** All right. We'll stand at ease.

2 **MR. HOLFORD:** Your Honor, I just want to make clear for
3 the record that when we played state's exhibit 2, I muted it
4 at the 3 minute and 14 second mark up until I unmuted it at
5 the 5 minute and 25 second mark.

6 **THE COURT:** Very good. We will stand at ease.

7 **MR. HOLFORD:** Yes, Your Honor.

8 **(COURT IS IN RECESS)**

9 **THE COURT:** What is the state's position about
10 discontinuing deliberations and bring them back in the
11 morning?

12 **MR. HOLFORD:** Your Honor, the state has no objection to
13 them either choosing to stay or coming back in the morning.
14 Whatever they or Your Honor would choose is preferable.

15 **THE COURT:** You really just have no position on it.

16 **MR. HOLFORD:** Your Honor, I don't. I'll be here in the
17 morning or I can stay late tonight.

18 **THE COURT:** All right. What's the defense's position?

19 **MR. HILLER:** Your Honor, at this point I believe we're
20 here at the pleasure of the jury. If they want to stay, we'll
21 stay.

22 **THE COURT:** Okay. Let's have the foreman. Let's have
23 the foreman here.

24 Hold off on the foreman until we look at this question.

25 **THE BAILIFF:** Yes, sir.

1 **THE COURT:** They're asking: Can we get a written
2 description of the definitions of voluntary manslaughter of
3 murder. I can recharge those, that's what my inclination is.
4 I have not and probably will never send written charges back
5 to the jury. What's the state's position?

6 **MR. HOLFORD:** No objection, Your Honor, to recharging.

7 **MR. HILLER:** I agree with you, Your Honor.

8 **THE COURT:** All right. Hang on just one second. We're
9 going to get those charges. What I'm going to do is recharge
10 them the law and then ask the foreman to discuss it with the
11 jury and inform us as to whether or not they want to proceed.
12 It's completely up to them.

13 **MR. HOLFORD:** Yes, Your Honor.

14 **THE COURT:** All right. We're ready for -- we're going to
15 bring the whole jury out. I'll make this note a part of the
16 record.

17 **(COURT'S EXHIBIT NUMBER 2 IS**
18 **MARKED FOR IDENTIFICATION ONLY.)**

19 **REPORTER'S NOTE:** (Jury enters courtroom at 5:14p.m.)

20 **THE COURT:** Mr. Foreman, ladies and gentlemen of the
21 jury, you have asked for the charge on murder and voluntary
22 manslaughter. Pay very close attention.

23 The defendant is charged with murder. The state must
24 prove beyond a reasonable doubt that the defendant killed
25 another person with malice aforethought.

1 Malice is hatred, ill-will, or hostility towards another
2 person. It is the intentional doing of a wrongful act without
3 just cause or excuse and with an intent to inflict an injury
4 or under circumstance that the law would infer an evil intent.

5 Malice aforethought does not require that malice exists
6 for any particular time before the act is committed, but
7 malice must exist in the mind of the defendant just before and
8 at the time that the act is indeed committed. Therefore,
9 there must be a combination of previous evil intent and the
10 act.

11 Malice aforethought may be express or inferred. These
12 terms, express and inferred, do not mean different kind of
13 malice but merely the manner in which the malice may be shown
14 to exist. That is either by direct evidence or by inference
15 from the facts and circumstances which are proved. Express
16 malice is shown when a person speaks words which express
17 hatred or ill-will for another or when the person prepared
18 beforehand to do the act which was later accomplished. For
19 example, lying in wait for a person or any other act of
20 preparation going to show that the deed was within the
21 defendant's mind would be express malice. In determining the
22 existence of malice, you should examine all of the facts and
23 circumstances of this case.

24 I'm going to charge you the law with regard to voluntary
25 manslaughter. If you find that the state has failed to prove

1 beyond a reasonable doubt that the defendant committed murder,
2 you may consider whether the state has proved beyond a
3 reasonable doubt that the defendant committed voluntary
4 manslaughter. Included within the offense of murder is the
5 lesser included offense of voluntary manslaughter. To prove
6 voluntary manslaughter the state must prove beyond a
7 reasonable doubt that the defendant took the life of another
8 in the sudden heat of passion based on sufficient legal
9 provocation. Both heat of passion and sufficient legal
10 provocation must be present at the time of the killing to
11 constitute voluntary manslaughter.

12 Sudden heat of passion may for a time affect a person's
13 self-control and temporarily disturb a person's reason. The
14 sudden heat of passion must be the type that would make an
15 ordinary person unable to coolly reflect on his actions or
16 produce an uncontrollable impulse to do violence.

17 Sufficient legal provocation must be the type that would
18 make a person of ordinary reason and caution become enraged
19 and to lose control temporarily. The provocation needed for
20 voluntary manslaughter must come from some act of or related
21 to the victim. Words alone, however vulgar or insulting, are
22 not enough to be legal provocation. Where death is caused by
23 the use of a deadly weapon the words must be accompanied by
24 some overt threatening act which could have produced the heat
25 of passion. The exercise of the legal right, no matter how

1 offensive it is to another, is never sufficient legal
2 provocation for voluntary manslaughter.

3 If the heat of passion had cooled or if there was enough
4 time between the provocation, if any, and the killing for the
5 passion of a reasonable person to cool, the killing would not
6 be voluntary manslaughter. In deciding whether a reasonable
7 person would have enough time to cool off, you should consider
8 all of the circumstances surrounding the killing. You may
9 consider the nature of the provocation, if any, the
10 defendant's mental and physical state, and the circumstances
11 and relationships between the parties.

12 Mr. Foreman, ladies and gentlemen of the jury, these are
13 indeed important matters and we are -- y'all are here to serve
14 as jurors and we are sort of serving at your pleasure. If
15 y'all would like, and I'm going to ask Mr. Foreman if you'd go
16 back to the jury room and discuss with the jury whether or not
17 you think you'll be more productive to continue deliberations
18 tonight or to return tomorrow in the morning at 9:30 and
19 resume deliberations? There's no pressure one way or the
20 other. This is an important case that needs your attention,
21 and we're going to ask y'all to discuss that. I know
22 everybody has lives and we talked about hours being from 9:30
23 to 5, but there would be some exceptions. This may be an
24 exception. I'm going to allow you to talk with the jury and
25 determine whether or not you'd like to proceed forward into

1 the evening or resume in the morning. I'm going to ask you to
2 do that -- I'm going to ask you to do that and you can come
3 back, the foreman can come back and inform us of your
4 decision.

5 **MR. FOREMAN:** Thank you, Your Honor.

6 **THE COURT:** Everyone remain seated as the jury exits the
7 courtroom.

8 **REPORTER'S NOTE:** (Jury exits courtroom at 5:20p.m.)

9 **THE COURT:** All right. We'll wait right here and see
10 what the decision is about deliberation.

11 They might be hung up on their decision of deliberation.

12 **THE BAILIFF:** Judge, we've got a verdict.

13 **THE COURT:** All right. Before we receive the verdict, I
14 noticed that there are a number of people in the courtroom and
15 it's my responsibility to maintain order in the court. And if
16 you feel as though -- if you feel as though you cannot control
17 your emotions, now would be a good time for you to leave. But
18 if there's any outbursts whatsoever law enforcement will take
19 you into custody and we'll deal with it at a later date and
20 time. There will be no outbursts. Does everybody understand
21 that?

22 **COURTROOM AUDIENCE:** (Affirmative response.)

23 **THE COURT:** Very good. All right. I know it's very
24 difficult times for everybody involved, but we just can't have
25 any outbursts in the courtroom.

1 All right. We're ready for the jury.

2 **THE BAILIFF:** One of them is in the restroom.

3 **THE COURT:** Okay. Well that sounds completely
4 reasonable.

5 We have two more people that have come into the courtroom
6 and I explained to the other spectators that these are
7 difficult times. They've reached a verdict and there will be
8 no outbursts. If you feel as though you can't control your
9 emotions regardless of what the verdict is, then you need to
10 exit the courtroom now. However, if you stay in for the
11 reading of the verdict and the presentation of the verdict and
12 the sentence and there are any outbursts then law enforcement
13 are going to take you into custody and we will deal with it at
14 a later date and time. Does everybody understand that,
15 particularly those who have just walked in?

16 **COURTROOM AUDIENCE:** (Affirmative response.)

17 **THE COURT:** This is a public forum. You are welcome to
18 be here, but there will be order. Thank you very much.

19 **REPORTER'S NOTE:** (Jury enters courtroom at 5:31p.m.)

20 **THE COURT:** Mr. Foreman, have you reached a verdict?

21 **MR. FOREMAN:** We have, Your Honor.

22 **THE COURT:** Is it unanimous?

23 **MR. FOREMAN:** It is, Your Honor.

24 **THE COURT:** I'm going to ask if you could give the
25 verdict form to the bailiff.

1 It seems to be in proper order and I'm going to give it
2 to the clerk for publishing. I ask the defendant to rise.

3 **THE CLERK:** Indictment number 2018-GS-26-06682, the State
4 of South Carolina, County of Horry versus Quotase Jenrette.
5 As the offense of murder, we the jury find the defendant not
6 guilty. As the offense of voluntary manslaughter, we the jury
7 find the defendant guilty. Signed by the foreman, Christopher
8 Meehan dated September 21st, 2021. Ladies and gentlemen of the
9 jury, if this is your verdict so signify by raising your right
10 hand.

11 **THE COURT:** Let the record reflect that everyone has
12 raised their hand.

13 Any additional request for poling?

14 **MR. HOLFORD:** Not from the state, Your Honor.

15 **MR. HILLER:** No, sir, Your Honor.

16 **THE COURT:** All right. Very good. And you may be
17 seated.

18 Ladies and gentlemen of the jury, you have fulfilled your
19 duty as the trier of fact, and you have returned a verdict.
20 As I've explained the law, I can't really comment on the
21 verdict. The law doesn't allow me to have an opinion as to
22 that issue. However, I can thank you for your listening to
23 this matter, and reaching a decision, and giving this matter
24 some finality. You've been able to do what nobody in this
25 courtroom has been able to do, you've been able to resolve

1 this matter and for that I'm grateful. I always ask the jury
2 at the conclusion of their service on a trial if y'all have
3 any questions. Do you have any questions? No questions. All
4 right. We, at this juncture, part of my roll is to sentence
5 the defendant and there's a range for which he can be
6 sentenced and you do not have to take part in that. But you
7 have a vested interest in that you have sat through this
8 trial. This is a public forum. Those of you who wish to
9 witness the sentencing, y'all can stay right where you are.
10 Those of you who would like to go home and would not care to
11 see that, you are free to leave at this time. I want to thank
12 you for that. Those of you who are leaving, all of you, I
13 wish that I could say that this concludes your service but we
14 have another trial in the morning. There will be 14 people
15 drawn for that trial in the morning. If you keep your fingers
16 crossed you might get to serve on two juries in one week. I
17 don't know whether that's something y'all really want to do or
18 not. But you need to be here at 9:30, 9:30 sharp in the
19 morning and we'll engage in what y'all have become familiar
20 with, the voir dire examination about this next case, and then
21 we'll select a jury for that. Thank you very much and I'll
22 speak to you at the conclusion of your service. Those of you
23 who would like to stay, stay; those of you who would like to
24 leave, you're welcome to leave. I'll take it from your
25 sitting here that y'all would like to participate or at least

1 observe the sentencing.

2 I'm going to ask the state to produce the sentencing
3 sheet.

4 **MR. FOX:** Your Honor, I do have a matter I'll need to
5 take up.

6 **THE COURT:** Okay.

7 **MR. FOX:** A post trial motion before sentencing.

8 **THE COURT:** Okay. I'll be happy to hear you.

9 **MR. FOX:** Thank you, Your Honor. The verdict having been
10 reached, at this time the defense would renew all previous
11 motions including our motion for directed verdict and would
12 request a new trial. It is our belief that there is
13 insufficient evidence to justify the verdict, specifically
14 that the one witness who offered any evidence or testimony
15 regarding voluntary manslaughter was Ms. Yakima Ray and I
16 believe her testimony was contradicted by and inconsistent
17 with other critical state witnesses such as Waquita Brothers
18 and Rashii Brisbon, body cam footage, her ability to see what
19 she says she saw, the fact that no other witness, not law
20 enforcement, not Ms. Brothers nor Mr. Brisbon makes any
21 mention of her. I thought that was striking that she is not
22 noted at all, she's not in the body cam footage. No one says,
23 oh yeah, Yakima was there. She is not interviewed until three
24 and a half hours after the shooting. She claims to have been
25 right there and right next to Mr. Ray, the victim. So I think

1 her testimony was not the least bit credible and if you remove
2 that testimony then you're left with the people inside the
3 tailer, Rashii and Waquita, who from their own testimony do
4 not know what happened outside and there is gap of up to ten
5 minutes, it's at least five minutes from their testimony and
6 as much as ten minutes where they do not know what happened
7 outside. So based on all of those factors, we request a new
8 trial, Your Honor.

9 **THE COURT:** I'll be glad to hear from the state.

10 **MR. HOLFORD:** Your Honor, Ms. Ray has been consistent
11 from the time that she was interviewed that night up until the
12 time of trial that this defendant shot the victim in this
13 case. She said that to police. The timeline from when it
14 happened, to the time the police arrived, to then the time
15 that she was interviewed. I think that's maybe where the
16 confusion comes in for the defense. However, it is clear
17 based on all of the evidence presented that there were only
18 two people outside that night, one is deceased, shot one time
19 in the head, the other is this defendant. He was identified
20 by multiple witnesses. The evidence is overwhelming that this
21 defendant shot the victim in the head. It certainly would
22 support voluntary manslaughter given the testimony that there
23 may have been a tussle. Based on that I would respectfully
24 ask the Court to deny the defense's motion.

25 **THE COURT:** I do deny the motion. I think it's a

1 question of fact for the jury to resolve and they have done
2 so. And I'll -- if you could produce the sentencing sheet.

3 **MR. HOLFORD:** Your Honor, Mr. Oskin has gone to print it.
4 He should be back momentarily.

5 Your Honor, for the Court's edification, the family
6 members are present. Ms. Melanie Brisbon, the victim's
7 mother, has been here the entire time as well as Ms. Sakeela.
8 The victim's brother, Mr. Rashii, had to return to work. Also
9 a family member, Dustin, has been here present. They do not
10 wish to address the Court. They wish for me to speak on their
11 behalf.

12 **THE COURT:** Very good.

13 **MR. HOLFORD:** Would you like for me to wait until the
14 sentence sheet is here?

15 **THE COURT:** I think so.

16 **MR. HOLFORD:** Okay. Yes, Your Honor.

17 **THE COURT:** Is your office in this building?

18 **MR. HOLFORD:** Yes, Your Honor.

19 **THE COURT:** We have a printer here. Do you want to print
20 it from here?

21 **MR. HOLFORD:** Do you have DCMS? They don't have access
22 to our system.

23 **THE COURT:** It would be a good idea for future reference,
24 to print out a sentence sheet before you come in.

25 **MR. HOLFORD:** Yes, Your Honor. I don't assume what the

1 jury's verdict is beforehand, that's the only reason I had
2 not.

3 **THE COURT:** Keep it in your file if it's different.

4 Your Honor, voluntary manslaughter is a violent, most
5 serious, no parole offense. In the State of South Carolina it
6 carries, per the statute, two to thirty years, the red book
7 would say zero to thirty because I believe that too does say
8 no mandatory suspension shall not be had, but the statute does
9 say two up to thirty years. It is violent, most serious, and
10 no parole. May I approach?

11 **THE COURT:** Yes. I'll be glad to hear from the state at
12 this time with regard to sentencing.

13 **MR. HOLFORD:** Your Honor, Kendall Jamar Ray was 26 years
14 old at the time he was killed. He had been 26 for just over a
15 month and a half. He had three children. He had brothers; he
16 had sisters; a mother, all that loved him and miss him. In
17 this case, different from some of the cases we see, he did not
18 have a weapon. This is not a drug deal gone wrong. Mr. Ray
19 was in his own home, minding his own business, playing a game
20 with his family when the defendant sought him out, lured him
21 outside the house, and shot him once in the head intentionally
22 killing him. This is not a situation where there was a fight.
23 There was no other weapon involved here. It was not a
24 shooting at each other, nothing to justify the defendant's
25 actions of taking Mr. Ray's life in this case. And certainly

1 nothing to mitigate the fact that he took his life in such a
2 manner.

3 Your Honor, the defendant does have prior convictions
4 from North Carolina from 2015, a felony breaking and entering,
5 assault or physical injury on either probation, law
6 enforcement, or parole, and a common law robbery. At the time
7 he was detained in North Carolina, he was served a probation
8 violation which I assume he completed because he was not
9 extradited here until July of 2018. Your Honor, I show that
10 as his record.

11 Based on those facts, based on the facts in this case and
12 the jury's verdict the state would ask for the maximum for
13 voluntary manslaughter.

14 **THE COURT:** I would ask the defendant if he would stand
15 and y'all can come forward. I'll be glad to hear from the
16 defense.

17 **MR. HILLER:** Thank you, Your Honor. Mr. Jenrette's only
18 record, as the solicitor said, is from North Carolina. It is
19 now a six-year-old record. In the time since -- and he has
20 paid for that crime that he was convicted of. He served his
21 time. He is now a young 24-year-old. Certainly this was a
22 hard fought case. We believe that it was tested well in the
23 court of law which is the process that storied system that we
24 all work in stands for. He didn't -- he exercised his
25 constitutional right and we obviously believe that he

1 absolutely had that right. Now that he stands here before the
2 Court guilty of a lesser included offense, that he should not
3 necessarily just receive the maximum penalty simply for the
4 fact that he exercised his right. And of course, I know that
5 the Court completely agrees with that.

6 He, like I said, is 24 years old. He too has a family;
7 they are here present in the courtroom. They have also
8 attended this. The jury has spoken. It is the jury's job to
9 decide the facts that the litigants bring to court. The facts
10 of this case is that there was a tussle, we don't know what
11 happened. We do not know what happened. But the facts that
12 the jury found salient was that there was a tussle and as a
13 result there was a loss of life for which Mr. Jenrette has
14 been convicted. I don't see that that necessarily deserves a
15 maximum sentence, Your Honor. Considering his young age of 24
16 and the fact that this is an 85 percent, no parole sentence
17 that Your Honor will hand down, and the fact that he has
18 served six months in North Carolina for which I do not believe
19 the department will give him credit since he was -- the
20 warrant was not served on him until he arrived in South
21 Carolina. I do believe that they will could his sentence
22 start date from July of 2018. We would ask the Court for some
23 consideration of that and perhaps sentence in the middle
24 portion of the range, Your Honor. It is a quite large range
25 for a reason, giving Your Honor much latitude.

1 **THE COURT:** All right. What amount of time is he
2 entitled credit for? How many days?

3 **MR. HILLER:** His -- his I mean obviously the detainer was
4 on his while he was in North Carolina. He has been
5 continuously incarcerated since ---

6 **THE COURT:** All right. What I'm asking for is what your
7 position is as to how many days he's entitled to credit for?

8 **MR. HILLER:** I would argue or ask Your Honor to give him
9 credit from January 16th of 2018.

10 **THE COURT:** How many days is that?

11 **MR. FOX:** I can tell you, I have a -- if you'll give me
12 just a moment I can calculate it.

13 **THE COURT:** I'll be glad to hear from the state in that
14 regard as well.

15 **MR. FOX:** January 16th, Jonathan?

16 **MR. HILLER:** Yes. That's the date he turned himself in
17 to North Carolina authorities.

18 **MR. FOX:** All right.

19 **MR. HOLFORD:** Your Honor, I do believe we had a detainer
20 on him from that date. I do not object to any time that he
21 has served prior to conviction. I believe he's entitled to
22 that and would not object to it.

23 **THE COURT:** Mr. Fox is working on the number of days now
24 and you can check.

25 **MR. HILLER:** It's 1,344.

1 **THE COURT:** 1,344?

2 **MR. HILLER:** Yes, sir, Your Honor.

3 **THE COURT:** I'll be glad to hear from the defendant or
4 anybody who would like to speak on his behalf?

5 **MR. JENRETTE:** Me?

6 **THE COURT:** Yes, sir. And you don't have to speak, but
7 if you'd like to now would be the time. It's your
8 opportunity. I just ask that you direct any comments to me
9 and not to the family.

10 **MR. JENRETTE:** So I can't say sorry for what happened to
11 their brother?

12 **THE COURT:** You can tell me that, but don't directly
13 address them.

14 **MR. JENRETTE:** Well I say sorry for what happened to
15 their brother, but honestly I ain't had nothing to do with it
16 you know what I'm saying. I know they lost somebody but I
17 didn't think it would come like this. I would ask you to be
18 lenient.

19 **THE COURT:** Thank you very much.

20 Mr. Fox, would you like to say anything?

21 **MR. FOX:** No, Your Honor.

22 **THE COURT:** All right. Anybody on his behalf? Any
23 family member that would like to speak? It's not necessary,
24 but now is the opportunity to do it if you would like.

25 **MR. JENRETTE:** No, sir.

25 (COURT IS ADJOURNED.)

C E R T I F I C A T E

I, the undersigned, Sallie Beth Todd, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the Transcript of Record of the hearing held in the interest of State of South Carolina versus Quotase Jenrette in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on September 20 and 21, 2021.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Sallie Beth Todd, CVR

Official Reporter

December 20, 2021.

WITNESSES

John M Brantly Jr Horry County Police
Department

Tina Vaughn

ARREST WARRANT NUMBER

2018A2610200135
CDR: 0116 16-03-0010, 0020
DOA: 7/24/2018

ACTION OF GRAND JURY

TRUE BILL

Kathleen Shaffer

Foreperson of Grand Jury
Date:

NOV 14 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS2606682

The State of South Carolina
County of Horry

Joshua D. Holford

18H04217

COURT OF GENERAL SESSIONS

November, 2018 TERM

THE STATE

vs.

Quatase J Jenrette
B/ M

DOB: [REDACTED]
SSN: [REDACTED]

ATTORNEY: Martin D. Spratlin

Indictment for
MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2018 NOV 19 PM 12:32
RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on November 14, 2018, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Quatase J. Jenrette did in Horry County, on or about January 6, 2018, willfully, feloniously, and intentionally kill the victim, Kendall Jamar Ray, with malice aforethought, either express or implied, by means of firing a single gunshot to the victim's head, and the victim did die as a proximate result thereof on or about January 6, 2018, in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
Horry County
2021 SEP 24 P 1:16
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

RENÉE N. ELYS
CLERK OF COURT
Horry County, SC

PRINTED COPY

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2606682Quatase J JenretteAKA: Quatase J JenretteRace: BLACK Sex: M Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]A/W#: 2018A2610200135Date of Offense: 1/6/2018S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Voluntary Manslaughter(2-30 years)in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 No Parole

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

SCB80071

SCB76482

Holford, Joshua D.

SC Bar#

Defendant

Hiller, Jonathan
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 25 days/months/years Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
1344 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFIED COPY

FILED
Horry County
CLERK OF COURT
RENEE N. ELYS
SEP 21 P 6:52
Horry County, S.C.

STATE VS Quatase J Jenrette INDICTMENT/CASE#: 2018GS2606682

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years
And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive ~~weekly~~ monthly pmts. of \$ 25.00 Beginning 10/21/2046

\$14-1-206 (Assessments 107.5 %)		\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
\$56-5-2995 (DUI Assessment)	\$12	\$	
\$56-1-286 (DUI Breath Test)	\$25	\$	25.00
\$14-1-212 (Law Enforce. Funding)	\$25	\$	
\$14-1-213 (Drug Court Surcharge)	\$150	\$	
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	
\$50-21-114(BUI Breath Test Fee)	\$50	\$	
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)	TBD	\$	3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$	
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	40.00
	TOTAL	\$	168.75

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

SCCA/217 (07/2021)

Page 2 of 2

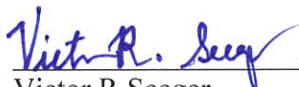
CERTIFIED COPY

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Jun 06 2022****SC Court of Appeals**

Respectfully Submitted,



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 6th day of June, 2022.

