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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of General Sessions

Roger M. Young, Sr., Circuit Court Judge

Case No. 2017-001950

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SC Court of Appeals

The State,

Respondent,

v.

Appellant.

Santonio Torez Williams,

RECORD ON APPEAL
VOLUME I

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INDEX

Volume I

Trial Transcript	1
Pre-Trial Matters	3
Opening Statements	49
Patricia Coach	
Direct Examination	63
Cross Examination	71
Taquan Coach	
Direct Examination	72
Cross Examination	79
Bruce Turner	
Direct Examination	80
Cross Examination	86
Redirect Examination	87
Mercedes Navas	
Direct Examination	87
Cross Examination	104
Demarius Jefferson	
Direct Examination	105
Cross Examination	127
Redirect Examination	138
Recross Examination	140
Darian Davis	
Direct Examination	142
Cross Examination	152
Redirect Examination	153
Recross Examination	154
Santana Nesbit	
Direct Examination	155
Cross Examination	161
Victor Mercuri	
Direct Examination	164

Cross Examination	171
Redirect Examination.....	173
Recross Examination	173
Nick Gallam	
Direct Examination	173
Cross Examination	182
Redirect Examination.....	183
Chris Johnson	
Direct Examination	184
Cross Examination	191
Janice Ross, M.D.	
Direct Examination	191
Demorris Harris	
Direct Examination	210
Cross Examination	237
Redirect Examination.....	247
Chuck Cain	
Direct Examination	247
Cross Examination	270
Karen Milbrodt	
Direct Examination	280
Cross Examination	282
Michelle Echenmiller	
Direct Examination	286
Clay Simmonds	
Direct Examination	299
Cross Examination	344
Redirect Examination.....	364
Steve Miano	
Direct Examination	365
Cross Examination	379
<u>Volume II</u>	
Trial Transcript (Continued)	392

Steve Miano (Continued)	
Redirect Examination.....	392
Recross Examination	394
Ashton Brighthop	
Direct Examination	395
Cross Examination	400
Redirect Examination.....	401
Recross Examination	402
Christian Gordon	
Direct Examination	402
Cross Examination	413
Phillip Turner	
Direct Examination	418
Cross Examination	425
State Rests its Case in Chief	428
Kahlo Calhoun	
Direct Examination	436
Cross Examination	440
Cheryll Grubbs	
Direct Examination	442
Cross Examination	445
State's Reply	457
Matt Morlan	
Direct Examination	457
Cross Examination	458
Chuck Cain	
Direct Examination	459
Cross Examination	460
Redirect Examination.....	461
Recross Examination	461
Nick Gallam	
Direct Examination	462

Closing Arguments	473
Charge on the Law	515
Verdict.....	531
Sentencing.....	532
Transcript of Post-Trial Motion	535
Victor Mercuri	
Direct Examination	542
Cross Examination	556
Redirect Examination.....	570
Recross Examination	575
J. Strom Thurmond	
Direct Examination	579
Cross Examination	586
Order Denying Defendant's Motion for New Trial and Reconsideration of Sentence	619
True Billed Indictment	627
Certificate of Appellant.....	629

State of South Carolina

Court of General Sessions

County of Aiken

State

v.

Santonio Torez Williams

Defendant.

)
)
) Transcript of Record
) 2016-GS-02-00274
)
)
)

January 30 - February 2, 2017
Aiken, South Carolina

B E F O R E:

The Honorable Roger Young, Judge; and a jury.

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1	48	Photo	95	212
2	49	Disc	95	
3	50	Dft. Facebook	95	438
4	51	Dft. Facebook	95	438
5	52	Dft. Facebook	95	438
6	53	Dft. Facebook	95	438
7	54	Dft. Facebook	95	438
8	55	Phone records	95	338
9	56	Certificate	95	
10	57	Call records	95	349
11	58	Verizon doc.	95	349
12	59	Call records	95	349
13	60	Facebook cert.	95	437
14	61	Inbox messages	95	446
15	62	NO EXHIBIT		
16	63	CD - call	95	532
17	64	Phone number	95	475
18	65	Call detail	530	532

DEFENDANT'S

20	1	Propagation map	351
21	2	Propagation map	351

22

23

24

25

1 You folks are serving on what we call the petit
2 jury. And you will actually listen to the facts
3 presented by both sides, if both sides want to
4 present. But the burden of proof is much higher in
5 a trial like this. But this is where the actual
6 guilt or innocence phase of the process is
7 conducted.

8 A person who has been indicted for a crime
9 never has to prove that they are innocent. The
10 State or the government always has to prove guilt
11 beyond a reasonable doubt is the burden -- or the
12 standard of burden of proof that we have in this
13 country.

14 Now, Mr. Santonio Torez Williams has been
15 indicted for the crime of murder. Now, I'm going to
16 read you this indictment so that you will know what
17 these charges are for the purpose of asking if
18 anybody knows anything about this case. Remember,
19 this is the charging instrument, it's not evidence.,
20 It's the only piece of paper that goes back into the
21 courtroom -- or into the jury room when the jury
22 deliberates. And the only reason -- or it's the
23 only piece of paper that's not evidence. And the
24 only reason it's going back is so that the jury
25 foreman can write the verdict, which will be either

1 guilty or not guilty.

2 Now this indictment, which was issued by the
3 Aiken County Grand Jury, is Indictment
4 2016-GS-02-274. It alleges that Santonio Torez
5 Williams did, while either acting alone or with
6 others, in Aiken County on or about April 14th,
7 2015, feloniously, willfully and with malice
8 aforethought murder by means of
9 shooting her at 219 Diamond Street in Aiken County,
10 South Carolina, and the victim did die as a
11 proximate result thereof on April 14th, 2015, all of
12 this being in violation of Section 16-3-10 of the
13 South Carolina Code of Laws, 1976 as amended.

14 I will ask, is there any member of the jury
15 panel who knows anything at all about this case? If
16 so, would you please stand.

17 I don't know if there was anything in the
18 news --

19 Yes, ma'am. You're in the jury panel?

20 POTENTIAL JUROR: Yes.

21 THE COURT: Okay. You want to come up here?

22 What is your name and number, please?

23 POTENTIAL JUROR: 116.

24 THE COURT: What do you know about it?

25 POTENTIAL JUROR: I'm best friends with his

1 morning. If you would report back at 9:30 and we
2 should be able to get started promptly after that.
3 Thank you very much for your patience and we'll see
4 you tomorrow at 9:30.

5 (The jury exits the courtroom at 12:20 PM.)

6 THE COURT: All right. Now, the rest of you
7 folks, I told you Judge Young, Jeff Young, is going
8 to be presiding over a term of civil court. He sent
9 word up. Since it's 12:30 and they've got a couple
10 little pretrial matters they're trying to work out
11 on that case, he wants you to go ahead and go to
12 lunch and just report back to that jury room that
13 you came into first thing this morning. Report back
14 there at 2:00 and then they will proceed from there
15 to draw a civil jury.

16 All right. Thank you very much for your
17 patience. I probably won't see you again this week,
18 but thank you for showing up for jury service.

19 (Balance of the jury pool excused at 12:21 PM.)

20 THE COURT: Okay. Y'all have some motions for
21 me?

22 MR. MCCARLEY: Yes, sir, Your Honor. The State
23 has asked that we kick it off.

24 I ask that the clerk those up.

25 Your Honor, that is the motion to sequester the

1 State's witnesses during the course of this --
2 during the course of this case. We've received a
3 number of inconsistent statements from a number of
4 different witnesses, and we think it's appropriate
5 to keep those folks out of the courtroom and divided
6 going forward. Not everyone -- obviously, it's in
7 your sole discretion. Not everyone; law enforcement
8 and the like --

9 THE COURT: I usually let them keep their lead
10 investigator in.

11 MR. MCCARLEY: Absolutely.

12 THE COURT: Anybody else has got to wait until
13 you call them.

14 MR. MCCARLEY: Yes, sir.

15 MS. HALL: Two of the witnesses are a Taquan
16 Coach and a Patricia Coach. They are the sister and
17 brother of the deceased. I think they have a right
18 to be present pursuant to the Victim's Bill of
19 Rights, so we'd ask your Court's order not include
20 those family members. Beyond that, we just ask for
21 reciprocal sequestration.

22 MR. MCCARLEY: In that regard, Your Honor,
23 Taquan Coach is actually who's going to be involved
24 probably. You'll hear his name later on in these
25 motions. He's the person at the scene of an earlier

1 shooting who, supposedly, is the person being
2 retaliated against in this incident. So I think his
3 presence would be an issue for the Defense and we'd
4 like him sequestered as well, Your Honor.

5 THE COURT: What's his role?

6 MR. THURMOND: He is the brother of
7 the 16-year-old child who was murdered by
8 Mr. Williams. He was there on this wall at 219
9 Diamond Street, two positions down from his sister,
10 when shortly after 9:00, a dark-colored, four-door
11 car comes by and a single shotgun blast is
12 discharged from the rear driver's side seat.

13 She was not the intended target, he was. He
14 was the intended target because he is the suspect in
15 an unsolved homicide back from January 11th, 2015,
16 where a young man by the name of Donnie Brooks was
17 murdered in the North Augusta area, allegedly by
18 Mr. Taquan Coach.

19 THE COURT: What's the priority that you have
20 as far as calling him?

21 MR. THURMOND: He's the second -- I think the
22 second witness to be called.

23 THE COURT: Well, why don't we hold him out for
24 the first one --

25 MR. MCCARLEY: I think his sister may be the

1 first witness. He's very early.

2 THE COURT: I'll balance the -- he definitely
3 would have a right, but it's balanced against the
4 defendant's rights as well. So if he's going to be
5 called as the second witness or thereabouts, then
6 I'll sequester him.

7 MR. THURMOND: Yes, sir. Thank you, Your
8 Honor.

9 THE COURT: All right. Anything else?

10 MR. BUSH: Yes, Your Honor. May it please the
11 Court. This is going to be an oral motion under
12 Rule 5 of South Carolina Rules of Criminal
13 Procedure. This motion arises out of the Defense
14 receiving expert reports which we believe the State
15 intends to introduce in their case in chief. We
16 received these reports Friday evening at 5:17 PM and
17 another report, an additional report, yesterday at
18 2:27 PM, hence why we don't have a written motion
19 for Your Honor.

20 We would argue that this expert report should
21 have been turned over in accordance with Rule 5(D)
22 under the South Carolina Rules of Criminal
23 Procedure. We served and filed our original Rule 5
24 letter on May 29th, 2015, and the State has had an
25 ongoing duty to give us any information that is in

1 their possession.

2 The report from their expert indicates that the
3 report itself was generated on November 7th of 2016,
4 the report that we received Friday. That's 82 days
5 from the date that the report was generated that it
6 came into our possession, Your Honor. The report
7 that we received yesterday afternoon at 2:27 PM was
8 dated January 12th, 2017, 17 days after the report
9 was generated.

10 Given that these are expert reports and the
11 State intends to introduce them as evidence in chief
12 at trial, we believe they should have been turned
13 over to us as soon as they came into the State's
14 possession. Moreover, the State knew we hired an
15 expert in this case -- a phone expert in this case
16 and got us these reports in a time that didn't give
17 us a reasonable amount of time to give these reports
18 to our expert and have them reviewed prior to trial.

19 Given their violation of Rule 5, we believe
20 that we've been prejudiced, Your Honor, and, as a
21 result, we would ask that this Court would suppress
22 any reports from their expert.

23 THE COURT: A phone expert?

24 MR. BUSH: Correct, Your Honor.

25 THE COURT: From -- is this the person that is

1 going to come in from the phone company and say this
2 is what the reports are?

3 MR. BUSH: It's an FBI special agent, Your
4 Honor.

5 THE COURT: All right. Why do you --

6 MR. THURMOND: May it please the Court. We
7 have long provided the Defense with all of the
8 underlying data, all of the raw data, if you will,
9 all the cell phone records, all the tower locations.
10 The report is, essentially, our work product. It is
11 how we have decided to organize that raw data and
12 present it to the jury.

13 We have assisted in the layout. We've placed
14 our key geographic locations on those maps that are
15 relevant to our case, places where the witnesses say
16 they were on the night in question. We have
17 color-coded phone numbers, both for Mr. Harris and
18 Mr. Williams -- I'm sorry, Mr. Jefferson and
19 Mr. Williams.

20 We selected the calls that we wanted displayed,
21 we selected how they were displayed, we selected how
22 the sectors were displayed, so this is really
23 demonstrative evidence. It's something that we have
24 participated in the creation of.

25 It has been no secret that we were going to be

1 using these maps. We met with defense counsel on
2 January 20th and discussed it, again, on the 22nd.
3 Your Honor, we met in this courtroom on Tuesday, the
4 24th, for approximately four hours with the FBI
5 agent and we were -- it was still in rough draft
6 form. There were still aspects of his report that
7 did not include information that we thought was
8 relevant to the case.

9 So it has been a work in progress that we have
10 shared with them because we told them we had it and
11 we told them that we were working on it. So I take
12 a little bit of issue with we have sat on this since
13 November 7th, 82 days. As of Tuesday, January the
14 24th, it wasn't done. So as soon as it was done to
15 our satisfaction, we have turned that over to them.
16 And again, Your Honor, this is demonstrative in
17 nature and it is our work product.

18 THE COURT: Sounds like y'all have been kind of
19 aware of all of the issues and whatever opinions
20 that he's going to say. You knew about it as of
21 last week, is that not true?

22 MR. BUSH: We were aware of the call detail
23 records, yes, Your Honor. We were not aware of the
24 actual maps that this expert -- Solicitor Thurmond
25 indicates that he may have -- they may have assisted

1 their expert in creating these maps, but the date
2 stamp from the agent who created this map is, again,
3 November 6th, 2016, not in rough draft form at that
4 point, when he dates the reporting being finalized.

5 Moreover, Solicitor Thurmond indicates that
6 this evidence is demonstrative, but I think they
7 intend to introduce this into evidence that the jury
8 can take back with them to review during the course
9 of this trial. So it wouldn't necessarily just be
10 demonstrative evidence, it's evidence that they
11 intend to introduce in the trial that their expert
12 relied on in forming his opinions about where people
13 may or may not have been during the times of this
14 incident, Your Honor.

15 THE COURT: You have an expert?

16 MR. BUSH: We do, Your Honor.

17 THE COURT: Does your expert say they need more
18 time?

19 MR. BUSH: I was unable to get in touch with
20 him until just last night, Your Honor. He was
21 unsure whether or not he was going to be able to
22 review these records prior to our trial beginning.

23 THE COURT: When is he coming?

24 MR. BUSH: We don't intend to call him as a
25 witness, Your Honor.

1 THE COURT: Well, then what does that matter?

2 MR. BUSH: I apologize. We didn't intend to
3 call him as a witness. We don't know whether or not
4 we're going to need him or not until he has the
5 opportunity to review the expert reports that we
6 have.

7 THE COURT: Is there anything that you didn't
8 know about? I mean, that's a surprise?

9 MR. BUSH: Not from the call detail records,
10 no, Your Honor. But the layout, how they've got the
11 maps done, how they're sectioned out, Your Honor,
12 it's different from the previous maps that we were
13 supplied from ATF that they're not using in trial.

14 THE COURT: Well, it doesn't sound like the
15 material in it or the opinion is new material or a
16 surprise to you. Here's what I'll do: I'll give
17 you until tomorrow morning to have your expert
18 review it. If he can demonstrate that it's a
19 completely new theory or something in it that's
20 surprising and he doesn't have a chance to rebut it,
21 I'll consider a continuance.

22 But right now I'm hearing it was a work in
23 progress, y'all knew about it, there's nothing new
24 as far as the theory about it being your client's
25 phone records and where it shows that he was. So

1 I'll take it under advisement and let you review it
2 in the morning after you've had a chance to go over
3 it with your expert.

4 MR. THURMOND: Your Honor, just briefly, Rule
5 5(a)(1)(D), it's a section of reports of
6 examinations and tests, that speaks to scientific
7 tests or experiments. This is more of like a layout
8 and design issue. All the raw data was there. It's
9 just how we have elected with our input on how we
10 want that data shown to the jury.

11 THE COURT: Well, having a little bit of
12 experience with these things, I mean, it's not like
13 this is an opinion about, you know, in a medical
14 case where, like, in my opinion it's deviated from
15 the standard of care or anything; this is almost
16 more like a fact witness than it is an opinion
17 witness.

18 I know you've got to call him an expert, but
19 he's just laying out data and showing this is where
20 it plots on a map. I'm not sure what opinion you're
21 going to be eliciting from him other than these are
22 the records that we got supplied to us from the
23 Verizon or phone company, and if you take those
24 numbers and plot them out on a map, you can follow
25 it from these cell towers.

1 MR. THURMOND: These phone numbers were pinging
2 off this sector on this particular tower, that's all
3 he's going to say.

4 THE COURT: That's what they typically are.
5 That's why I say I'm having a little bit of trouble
6 understanding what prejudice you have. But if your
7 expert looks at them tonight and can come up with a
8 theory of, oh, this is all new and we had no idea
9 that any of this is what we were going to hear, then
10 I'll consider the continuance. But we're not going
11 to kick the evidence out at this point.

12 MR. BUSH: Thank you, Your Honor.

13 THE COURT: What else?

14 MR. BUSH: Your Honor, the third motion here
15 arises from a search warrant from September the 6th
16 of 2016. I've got a copy of those search warrants
17 for Your Honor. These are from Facebook records.

18 Your Honor, this search warrant was secured
19 from Facebook records. We believe it's in violation
20 of the Fourth Amendment of the Constitution of the
21 United States, Article One, Section 10, South
22 Carolina Constitution and South Carolina Code of
23 Laws Section 17-13-140, protecting the right of this
24 defendant against unreasonable searches and seizure.

25 Now, the search warrant for these records, the

1 grounds indicate that they were trying to get
2 information to include all present and deleted user
3 ID numbers, e-mail address, date and timestamp on
4 the account creation date, the most recent log-ins,
5 registered mobile number, profile contact
6 information, mini fee, status update, shares, notes,
7 wall postings, friend listings from Facebook group
8 IDs, group listings with Facebook groups IDs, future
9 and past events, video listing with file name, user
10 photo, private messages and IP logs between the
11 dates of January 1st, 2015 to present.

12 Now, specifically, Your Honor, what we're
13 saying is that we believe the State intends to
14 introduce evidence of, as law enforcement worded it
15 in their search warrant, private messages between
16 our client and other individuals on Facebook. The
17 way in which, as Your Honor may well be aware,
18 Facebook works, you become friends by either
19 accepting a friendship request or sending a
20 friendship request to another person. And then once
21 you're friends on Facebook, you can choose whether
22 or not you would like to post on somebody's wall or
23 you can send them a private direct message.

24 Here, Your Honor, we're saying that these
25 private direct messages should be treated no

1 differently than letters, letters being written back
2 and forth between individuals. Mediums, such as
3 private messages and text messaging and e-mails,
4 those are, essentially, our letters of today. And
5 our forefathers when they envisioned the Fourth
6 Amendment protecting the rights of the people in
7 their papers and in letters, they could only go off
8 what they had, Your Honor. And at that time, it was
9 handwritten notes --

10 THE COURT: I don't disagree with you, but this
11 is not a warrantless search. This is a search
12 warrant. So you're challenging probable cause?

13 MR. BUSH: We're challenging probable cause and
14 his expectation of privacy in these direct messages,
15 Your Honor, more the expectation of privacy in these
16 direct messages. We're saying that --

17 THE COURT: You're saying that they're
18 absolutely undiscoverable?

19 MR. BUSH: We're saying that just because law
20 enforcement can get onto somebody's Facebook doesn't
21 mean they would have access to go and read their
22 Facebook messages. No different than if someone was
23 convicted of a crime, law enforcement couldn't go in
24 and start opening the mail in their home to read
25 what their letters might say.

1 THE COURT: Well, that's why they went and got
2 a search warrant, right?

3 MR. BUSH: Correct, Your Honor.

4 THE COURT: So they didn't just -- I mean, they
5 didn't go digging into private accounts. They could
6 see what -- there was a public account?

7 MR. BUSH: They could, Your Honor.

8 THE COURT: Then they went and got a search
9 warrant?

10 MR. BUSH: Correct, Your Honor.

11 THE COURT: So --

12 MR. BUSH: And there's no nexus in the search
13 warrant to state why they were going after these
14 direct messages, these private messages as law
15 enforcement indicated that they were.

16 So if there was a nexus between the crime and
17 these Facebook private messages, I could see where
18 that might be acceptable. But unless there's a
19 nexus between private messages on Facebook and a
20 murder, which law enforcement didn't know at the
21 time because they didn't have access to those
22 messages prior to getting the search warrant, you
23 know, we -- our client's expectation of privacy
24 would be to keep those direct messages suppressed,
25 Your Honor.

1 THE COURT: What's the State's response?

2 MS. HALL: Your Honor, an investigator with our
3 office actually sought this search warrant. It was
4 based off of his viewing of the public page of the
5 defendant which had communication about the
6 Ridgeview Manor shooting, the January 11th, 2015,
7 shooting, as well as posts related to the Diamond
8 Street shooting involving this particular case.

9 Based off of that -- and it is also outlined in
10 the investigator's affidavit for the search warrant
11 that in his experience in investigating violent
12 crimes such as homicides, robberies, and home
13 invasions, he has firsthand knowledge that many
14 defendants and their coconspirators utilize Facebook
15 during the planning execution and post-deliberation
16 of the crime.

17 As Mr. Bush was saying, these are
18 communications much like -- these inbox messages are
19 like text messages, sending back and forth. It's
20 not public. But that's exactly what we were seeking
21 to look for because it was obvious that the
22 defendant was using Facebook to communicate about
23 these events. And the search warrant is for what is
24 not public.

25 THE COURT: Well, let me look at these. I

1 haven't seen them before.

2 All right. So as I understand this, the police
3 had information that the defendant was involved in
4 this shooting and that the shooting was retaliation
5 on a gang-related previous shooting. The police did
6 investigation on Facebook, saw the defendant and
7 this Mr. Gordon both had Facebook pages, and because
8 they had posted pictures depicting gang affiliation
9 on their Facebook pages, which were public, they
10 then got this search warrant to get their private
11 records off of Facebook. Is that what it boils down
12 to?

13 MR. BUSH: Essentially, yes, Your Honor.

14 THE COURT: Did I miss anything?

15 MR. BUSH: I believe -- you know, just other
16 than the Ridgeview Manor, you know, murder, I guess,
17 is part of their basis for searching these records
18 and finding these private messages.

19 MS. HALL: Your Honor, as part of the gang
20 affiliation, oftentimes there is a certain way that
21 people write when they're affiliated with a gang.
22 That is depicted in private messages that they're
23 referring. That sort of information is within the
24 private messages.

25 THE COURT: Okay. But you're challenging

1 probable cause to issue the search warrant. Is that
2 what you're challenging?

3 MR. BUSH: Just to the private messages, yes,
4 Your Honor.

5 THE COURT: Well, I understand that they're
6 private messages. The question is, did they have
7 probable cause to seize those private messages? Is
8 that what your objection is?

9 MR. BUSH: That is correct, Your Honor.

10 THE COURT: It's not that private messages on
11 Facebook are undiscoverable?

12 MR. BUSH: Correct, Your Honor.

13 THE COURT: Just that they didn't have probable
14 cause to have Facebook give them access to those
15 particular private messages?

16 MR. BUSH: Yes, Your Honor.

17 THE COURT: So your response to that?

18 MS. HALL: Your Honor, the investigator laid
19 out particular knowledge that he had from previous
20 investigations that Facebook message is utilized to
21 communicate during the course before a crime and
22 after a crime.

23 Now, that is not public communication, these
24 people aren't publicly communicating about crimes,
25 it's within these private messages that they

1 communicate. It was obvious from a public page that
2 he had an active account, had an active account
3 during this time and was actively communicating
4 about these particular events on the public page.
5 So there was probable cause to believe that he was,
6 in fact, communicating in the messages that could
7 not be seen by the public.

8 THE COURT: Okay. Well, I agree. Based on
9 what I have heard by way of argument and what I've
10 read in the supporting affidavit that accompanies
11 the search warrant was the basis for the search
12 warrant, they've laid out a sufficient groundwork
13 that I think gave rise to probable cause for the
14 issuance of the search warrant; that they had
15 knowledge or they had reliable information that the
16 defendant was involved in the shooting, was a gang
17 member; that this was a gang-related shooting, and
18 that the intended target was a gang member and this
19 victim happened to be in the wrong place at the
20 wrong time. But they were making comments on the
21 death of the victim, which I understand is the
22 motive for the shooting on Facebook.

23 So I think that gives rise to probable cause
24 for the issuance of a search warrant so that they
25 could then go after any -- and look and see if there

1 are any private messages associated with the
2 defendant's Facebook account. So your motion is
3 denied. All right.

4 MR. BUSH: Thank you, Your Honor.

5 THE COURT: What else?

6 MR. MCCARLEY: Your Honor, the brief that the
7 State sent you raised approximately five issues.
8 And they requested -- Mr. Thurmond requested that I
9 speak to those. I'm handing up two cases, one for
10 you and your clerk --

11 MR. THURMOND: Your Honor, can we -- could we
12 let the victim's mother step out? Some of this
13 subject matter is kind of sensitive, and she'd like
14 to step out.

15 THE COURT: Sure.

16 MR. MCCARLEY: Your Honor, it's our
17 understanding that the State is going to seek to
18 introduce what -- I don't know how we all want to
19 refer to it, the murder of Donnie Brooks, the
20 January 2015 murder, for which the State alleges
21 this incident is retaliation.

22 In their brief to you, Your Honor, they cite
23 State v. -- I don't know how to pronounce this, I
24 apologize -- Ratschi [phonetic]. In that case, Your
25 Honor, that was a close personal intimate

1 relationship; bank accounts and dating and, again,
2 intimate. It was a domestic call, it began as a
3 domestic call, and they go to motive there in a 404
4 analysis to get the prior bad act and character
5 evidence in.

6 In this case, Your Honor, it's actually the
7 opposite: There is no relationship between the
8 parties and they're trying to create one with gangs
9 and gang retaliation. So I think we can distinguish
10 this incident from the case that the State cites on
11 those grounds.

12 Furthermore, Your Honor, one of the cases that
13 I handed up, Spears, begins with a 404 analysis, but
14 then demands a 403(b) probative prejudicial
15 analysis. The State's brief to you does not go into
16 403. I'd like to go into 403 particularly as it
17 relates to them trying to get the previous shooting
18 in.

19 Relevant evidence may be excluded if its
20 probative value is substantially outweighed by, one,
21 the danger of unfair prejudice, which is any undue
22 tendency to suggest decision on improper bases such
23 as emotion.

24 Your Honor, I think when we talk about gangs,
25 it's not classic emotion like an autopsy photo or

1 anything like that, but I think it definitely gives
2 rise. It's, essentially, an aggravating
3 circumstance in a lot of ways. And that's the way a
4 lot of people view it. And, frankly, with gangs,
5 oftentimes, rightfully so.

6 Improper basis -- gives rise to an improper
7 basis for the decision of the jury. They'd find him
8 guilty of being in a gang as opposed to what he's
9 charged with, Your Honor, essentially lowering the
10 bar.

11 Number two under 403(b) is confusion of the
12 issues. I think this absolutely confuses the issue
13 when you discuss first murder, second murder,
14 Brooks' murder. It's going back and forth. I think
15 if the State wanted to go down that road --

16 THE COURT: Brooks was the first --

17 MR. MCCARLEY: Donnie Brooks' murder. The
18 murder of Donnie Brooks would be the first murder.

19 THE COURT: Okay.

20 MR. MCCARLEY: And what they're seeking to
21 bring into this case, Your Honor. I think it
22 definitely confuses the issue and will confuse the
23 jury.

24 Misleading the jury. I think, essentially,
25 they're misleading the jury. They want to talk

1 about this first murder and folks' involvement in
2 that and gangs' involvements in that. When my
3 client -- near as I can tell, to the State's credit,
4 they did turn over the investigative materials from
5 the first murder, which is unsolved, uncharged.
6 They did turn those over to me because they were
7 going to seek to get them into the case. And I have
8 reviewed them. I haven't seen anything where my
9 client was there. So it's just -- it's just a large
10 distance that can only be covered by putting them in
11 gangs between these two. And I think that is going
12 to mislead the jury, Your Honor.

13 In State v. Smith, Your Honor -- going back to
14 the 404 analysis, has to be clear and convincing
15 evidence. In State v. Smith, and I'm going to quote
16 this case: Evidence of Defendant's possible
17 involvement in an earlier murder, which second
18 murder victim appeared to confess in a phony suicide
19 note was not admissible to show that second murder
20 was committed in order to exculpate in the first
21 crime.

22 And this is where it's important: Evidence of
23 the defendant's involvement in an earlier crime was
24 not clear or convincing inasmuch as there was no
25 evidence placing him at the scene. Your Honor, the

1 person actually placed at the scene would be Taquan
2 Coach, who was the suspect in the first --

3 THE COURT: Well, as I understand it, they're
4 not alleging your client was involved in the first
5 murder. It's just that this was gang retribution
6 for -- they were in opposite rival gangs and the
7 murder of Donnie Brooks took place in retribution --

8 MR. MCCARLEY: The second --

9 THE COURT: The second murder took place for
10 retribution for Donnie Brooks, not that your client
11 was involved in any way with Donnie Brooks.

12 MR. MCCARLEY: Correct.

13 THE COURT: They were in the same gang, I take
14 it.

15 MR. MCCARLEY: Right. I think involving that
16 unsolved, uncharged murder in this case is going to
17 involve him for the jury. And that's why we'd ask
18 Your Honor to keep that first case out. If --

19 THE COURT: Does it involve him? I mean, is
20 there evidence that he's involved in the first one?

21 MR. MCCARLEY: The State is going to present
22 evidence that he's in a gang that was involved in
23 the first one. They're trying to involve him in
24 that, otherwise, why would we be discussing it?

25 THE COURT: Well, other than just they happen

1 to be members in the same gang, that's not enough.
2 There's got to be some linkage -- somebody has got
3 to be -- there's got to be some evidence to show
4 this was done in revenge.

5 MR. MCCARLEY: That's correct.

6 THE COURT: So not -- you're correct. I mean,
7 the gang affiliation by itself is highly
8 prejudicial; however, it can be used to show motive
9 if they can show something other than pure
10 membership in a gang.

11 MR. MCCARLEY: Correct.

12 THE COURT: Has to be clear and convincing
13 evidence.

14 So what you got?

15 MR. THURMOND: Respectfully, the Court and
16 Mr. McCarley are using the term gang a whole lot
17 more than we are planning to. This January 11th
18 homicide of Donnie Brooks occurred at the Ridgeview
19 Manor Apartments. An individual by the name of
20 Christian Gordon gave the name of Taquan Coach to
21 law enforcement as the last person he saw, the only
22 person he saw, outside the window and running away
23 from the scene moments after Donnie Brooks was
24 murdered with a shotgun. Your Honor --

25 THE COURT: And he was the intended victim in

1 this murder, Taquan?

2 MR. THURMOND: Yes, sir. Yes, sir. There are
3 numerous --

4 THE COURT: At least, that's your theory --

5 MR. THURMOND: Yes, sir.

6 THE COURT: -- he was the intended victim?

7 MR. THURMOND: Numerous Facebook pictures and
8 posts on January the 11th, the day Donnie Brooks was
9 murdered, on this defendant's Facebook page, to
10 include a photograph of the incident location with
11 North Augusta Public Safety still processing the
12 scene, and numerous photographs showing Donnie
13 Brooks, Christian Gordon, and Santonio Williams all
14 together on numerous occasions.

15 I'm not prepared to call them all gang members,
16 although I have reason to believe that they are.
17 But the three of them had a close personal
18 relationship, which is the reason for the
19 retaliatory shooting as Taquan Coach missing him on
20 the 14th of April, just about three
21 months afterwards.

22 THE COURT: Can you prove all this without
23 reference to gang membership then?

24 MR. THURMOND: There's going to be a little bit
25 of incidental reference to gang membership.

1 Post-arrest Mr. Williams makes a statement to one of
2 his cellmates that he shot these people, missed him,
3 but shot her, referring to Taquan Coach and

4 But he kind of laughed about he was
5 trying to shoot both of them and that it was in
6 retaliation for his friend that got killed and would
7 elevate his status in the gang. That's from a
8 jailhouse informant.

9 Your Honor, there is an allegation that Taquan
10 Coach is a member of a neighborhood group or a gang
11 called the Wolf Pack. And there is going to be
12 testimony that a day or so after the shooting that
13 Santonio Williams made a statement to a
14 Mr. Jefferson that he got to shooting at the Wolf
15 Pack. So we think that is relevant.

16 So I think there's some incidental gang
17 affiliation evidence that's going to come out, but
18 this is not a gang prosecution on our end. We're
19 not going to offer any expert testimony on gangs.
20 Several of the pictures, there's a whole bunch of
21 hand gestures, which I don't have a clue what they
22 mean, we're not going to offer any evidence of that.

23 But it's kind of an old-fashioned retaliation:
24 Three really good friends, one was killed, they
25 retaliated. Incidentally, 10 minutes before the

1 murder of and one minute after, this
2 defendant is on the phone with Christian Gordon, who
3 is an individual that advised law enforcement that
4 Taquan Coach was the probable suspect in the death
5 of Donnie Brooks. So it all kind of ties together.
6 But we are not just going to gratuitously dump a
7 bunch of gang membership out there. But those
8 couple of limited occasions that I have mentioned --

9 THE COURT: What if you kept out any references
10 to gang membership other than what the defendant
11 said?

12 MR. THURMOND: And that would be two occasions:
13 I got to shooting at the Wolf Pack and I shot these
14 people, in part, to elevate my status in the gang.

15 THE COURT: That's words out of his mouth?

16 MR. THURMOND: Yes, sir.

17 THE COURT: Okay. If you keep out of the rest
18 of the references to gangs and -- because you can
19 shoot somebody in retribution and have nothing to do
20 with a gang, correct?

21 MR. THURMOND: Correct, Your Honor.

22 THE COURT: And you don't have anybody that's,
23 other than him, out of his own mouth, saying this
24 was gang related?

25 MR. THURMOND: Yes, sir.

1 And just for the record, the Ratschi [phonetic]
2 case, the quote, the rule that evidence tending to
3 show motive or absence of motive on the part of the
4 accused is relevant and admissible, and that a wide
5 latitude of the admission of this kind of evidence
6 is permissible. They're particularly applicable in
7 cases of circumstantial evidence, motive being a
8 circumstance bearing on the identity of the accused
9 as a perpetrator of the crime is precisely the
10 factual scenario of this case.

11 MR. MCCARLEY: We're agreeable to only the Wolf
12 Pack -- only those two instances gang-related
13 terminology coming in.

14 THE COURT: I'd feel a lot more comfortable
15 with it because it's clear if you read case law on
16 gang-related incidences, our courts are very
17 hesitant to throw out gang membership because it has
18 such a highly prejudicial effect. So if you've got
19 a case that you can put together without reference
20 to gang membership and the only references that will
21 come in would be out of the defendant's
22 mouth himself, if he takes the stand, or, I guess,
23 you have it through other witnesses, not him, taking
24 the stand.

25 But if you have it coming out of words that he

1 said to other people, then, you know, that's what he
2 says, it was his motive and then you got it in, and
3 I think you lessen the prejudicial effect. But the
4 probative value is -- it's there, definitely there.
5 But it's just the -- the prejudicial value is so
6 high that I think our courts would prefer to find a
7 way to keep it out, if at all possible.

8 If you've got evidence, which you do, it's
9 through him, his mouth, that can come in. But the
10 rest of it, I'm a little bit hesitant to let it in
11 because it is so highly prejudicial. So if we've
12 got an agreement that it doesn't come in except
13 through witnesses that say he said that it was gang
14 related, then let's go there.

15 MR. THURMOND: Yes, sir. We can establish that
16 relationship without discussing gang membership.
17 The title on all Mr. Williams' Facebook posts on
18 that day of Mr. Brooks' -- love you forever,
19 brother, rest in peace, gone but not forgotten. So
20 there's ample opportunity for us to establish their
21 close personal relationship between these Facebook
22 posts and through testimony not specifically
23 representing gang membership.

24 THE COURT: Okay.

25 MR. MCCARLEY: Did Your Honor want to rule as

1 to the first -- or January of 2015 shooting, whether
2 evidence comes in or not?

3 THE COURT: I think that is clearly in because
4 it is relevant as to motive. You can shoot somebody
5 in revenge or retribution and not be a member of a
6 gang. And it sounds like they've got, at least,
7 some evidence to say this is why it all took place.
8 And then if he -- if they can show through his own
9 words that it was gang related, well then he's got
10 to live with what he said.

11 MR. MCCARLEY: Yes, sir. In their brief, the
12 second point is that they're going to seek -- or
13 possibly going to seek to introduce a jail phone
14 call where my client is rapping back and forth with
15 a friend, rapping in regards to hip-hop lyrics, not
16 just talking.

17 And I just want to hand up to Your Honor --
18 I've given one to the State -- what we believe those
19 lyrics -- I talked with Mr. Thurmond and he said we
20 would handle this if and when they seek to introduce
21 it. I just wanted to hand that up in response to
22 bullet point number 2 in the State's brief, Your
23 Honor.

24 THE COURT: Who is he singing this to? I read
25 this in the brief.

1 MR. MCCARLEY: A friend on the phone. He is
2 detained and calls his friend on the cell phone.
3 The friend raps, he raps back, or vice versa. I
4 can't remember who raps first.

5 THE COURT: What's your position on this?

6 MR. THURMOND: I think, to put a little more
7 context on that call, those lyrics have been written
8 down, so it's not just kind of
9 stream-of-consciousness rapping.

10 Your Honor, I think we would ask if the Court
11 would maybe withhold ruling on that evidence until
12 Your Honor has heard from some of the witnesses and
13 seen some of the exhibits, I think we'd be in a much
14 better position to put some context to it and maybe
15 flesh out a little more of the basis for --

16 THE COURT: It doesn't jump out at me as a
17 confession right off, but we'll see how it plays
18 out.

19 MR. THURMOND: Yes, sir.

20 THE COURT: So that's under advisement.

21 MR. MCCARLEY: I believe point number three, we
22 actually already discussed already. It's in regards
23 to Wolf Pack. We already discussed that during
24 point number one.

25 Number four: Witness intimidation being

1 introduced. Your Honor, the State is going to seek
2 to introduce another two jail phone calls
3 whereabouts my client is talking to Christian Gordon
4 through other people's cell phones. People put cell
5 phones on speaker and talk to second, third, and
6 fourth parties. And he says -- makes some chess
7 references. And Christian Gordon is expected to
8 testify that means that someone, a witness -- a
9 possible witness in this trial is supposed to be
10 killed, possible witness against my client.

11 The State's stance is that intimidation of a
12 witness is proof of a guilty mind. My issue with
13 this, Your Honor, is it's not the person being
14 intimidated that will be testifying. It's going to
15 have to go through a translator. And when you look
16 at State v. Edwards, which I believe the State
17 cited, I hope, because I didn't bring it, it says,
18 Your Honor, there could be no other logical
19 explanation for the statement being made other than
20 to intimidate a witness. The fact that they're
21 having to use, essentially, a translator to make it
22 a threat or make it intimidation of a witness.

23 Your Honor, also in Edwards, they essentially
24 lay out a test whereabouts it has to be both related
25 to the offense charged and reliable. I would argue

1 it's unreliable due to the fact it has to go through
2 a translator who seemingly, actually, is in cahoots
3 with my client. It's actually Christian Gordon, who
4 we've already talked about a couple of times. He
5 was actually at the scene of the murder of Donnie
6 Brooks. And it's not related to the offense
7 charged, it's a chess reference. We would like to
8 keep that out, Your Honor.

9 THE COURT: Okay. Who's talking on your side?

10 MR. THURMOND: Your Honor, it's reliable
11 because it's recorded. It's the defendant's voice.
12 On October the 24th of 2016, Mr. Williams, using
13 somebody else's pin number, calls an individual by
14 the name of Ashton Brighthop. Ashton Brighthop is
15 standing next to somebody by the name of Mack
16 Nelson. Mr. Williams relays through these two
17 individuals to then call Christian Gordon. So you
18 kind of have these two cell phones kind of married
19 up, if you will, to surreptitiously, on two levels,
20 one, somebody else's pin number, and two, through
21 another cell phone, to allow Mr. Williams to speak
22 secretly with Mr. Gordon.

23 I think that goes to the heart of -- that this
24 was a serious step, and steps that they took to
25 avoid detection by the Aiken County Detention

1 Center. Christian Gordon is told a number of
2 things: He's told repeatedly that that king is
3 running all over the board, we're getting ready for
4 trial, it's time to checkmate that king.

5 And the relevance of "we're getting ready for
6 trial," and this was October 24th, this case had
7 been set for trial in November once before, so it
8 was kind of go time, everybody was getting prepared.
9 And both Ashton Brighthop, who heard the call, and
10 Christian Gordon, who was on the call, are prepared
11 to testify, that checkmate, that kind specifically
12 meant Demarius Jefferson because he was the one who
13 had snitched. And he was not incarcerated, he was
14 out on the street.

15 Mr. Gordon makes a couple of comments. I
16 looked for him for two hours on this particular day.
17 There's some suggestion by Mr. Williams about
18 checking the campus. Mr. Jefferson had resided with
19 his girlfriend on the USC-Aiken campus for a period
20 of time.

21 So all of those little details, I think, bring
22 some credibility to that call for whatever value the
23 jury wants to place. I mean, these folks are going
24 to say it meant to silence somebody, harm somebody,
25 including killing somebody. So that's a pretty

1 strong commitment for a defendant to not want the
2 jury to hear from a witness that they were willing
3 to take those steps to silence them.

4 So we think it clearly goes to consciousness of
5 guilt. We'll be prepared to lay proper foundation
6 through both the detention center and from
7 Mr. Christian Gordon who has cooperated and was on
8 the other end of that call. And --

9 THE COURT: He was the recipient of the threat
10 or he was --

11 MR. THURMOND: No. He was supposed to go carry
12 out the threat. And he sang, I've been looking for
13 him. I've been -- talking about Mr. Jefferson.
14 Saying, we've got till November to get this done
15 because we're going to trial, checkmate that king.
16 I don't think Mr. Gordon was being invited to
17 participate in a chess tournament.

18 So he is relaying back to Mr. Williams, we're
19 looking for him, we've been here, we've been here,
20 we've been here, we can't find him. Mr. Williams is
21 saying, you know, if the shoe was on the other foot,
22 I'd do this for you.

23 THE COURT: So you have the person -- what did
24 you say his name was?

25 MR. THURMOND: Christian Gordon.

1 THE COURT: Gordon?

2 MR. THURMOND: Yes, sir.

3 THE COURT: Is going to come in here and say he
4 was taking this as orders from Mr. Williams to --

5 MR. THURMOND: Yes, sir.

6 THE COURT: -- go out and do something to
7 somebody else?

8 MR. THURMOND: Yes, sir.

9 THE COURT: All right.

10 Mr. McCarley?

11 MR. MCCARLEY: Interestingly enough, early in
12 one of the exact same phone calls, they are actually
13 talking about the chess. The guy that he calls
14 says, what are you doing? He says, I'm chilling
15 with Rick playing chess. So checkmate that king
16 means what it means. What does chilling with Rick
17 playing chess mean? Your Honor, we'd just like for
18 you to exclude it. It's not reliable and it's not
19 related to the crime.

20 THE COURT: Well, how about before we get to
21 Mr. Gordon's testimony, I hear what he has to say
22 outside of the presence of the jury?

23 MR. THURMOND: Yes, sir. Let me -- just a few
24 more of these languages. Christian Gordon is the
25 same person who was with Donnie Brooks on January

1 11th and has fingered Taquan Coach as the
2 perpetrator of that crime. Christian Gordon is the
3 same person who's on the phone with Santonio
4 Williams 10 minutes before the homicide and one
5 minute after, gets on the phone with him again on
6 October 24th looking to hunt the State's witnesses.

7 THE COURT: Okay. I still want to hear what he
8 has to say. But if you're going to put him up and
9 play that tape, it might very well come in. I just
10 want to hear what he has to say first.

11 MR. THURMOND: Yes, sir.

12 MR. MCCARLEY: If they're going to put him up,
13 Your Honor, and he's going to lay that foundation,
14 it's going to be that specific, would it be
15 necessary to play the tape?

16 THE COURT: At that point, it's not hearsay.

17 MR. MCCARLEY: Okay.

18 THE COURT: If it's the defendant's voice.

19 MR. MCCARLEY: Is it not bolstering the
20 testimony that he's giving right there to play the
21 tape?

22 THE COURT: It doesn't matter if it bolsters
23 it. It's a statement against the defendant's
24 interest if he is making a threat to somebody.

25 MR. MCCARLEY: Yes, sir.

1 THE COURT: All right.

2 MR. MCCARLEY: Last point, I believe, Your
3 Honor: Autopsy photos the State is going to seek to
4 introduce. I was shown them about 10, 15 minutes
5 ago. I hand up one for the clerk and one for Your
6 Honor, State v. Collins.

7 Your Honor, to the extent that these are going
8 to have a tendency to suggest decision on an
9 improper basis, such as an emotional basis, Your
10 Honor, the medical examiner, pathologist is going to
11 testify to these. Frankly, it's not something
12 that's at issue in this case. There's no question
13 that the girl passed and how she passed.

14 Your Honor, I've highlighted a couple passages
15 there. The bottom of page 4, our analysis depends
16 heavily on the capacity of these photos to draw the
17 jury's attention away from the elements of the crime
18 charged, which are framed to focus the jury
19 primarily on the conduct of the defendant. Seeing
20 the photos of the child partially -- in this case,
21 it was a dog case.

22 The child's partially eaten body lying on the
23 autopsy table prompts an intense emotional response.
24 The photos invoke sympathy for the boy and, also,
25 for his mother for what she must have endured when

1 she saw her son in this condition in the Collins'
2 yard. Consequently, the photos have precisely the
3 effect contemplated by the definition of unfair
4 prejudice, an undue tendency to suggest a decision
5 on an improper basis commonly though not necessarily
6 emotionally.

7 And, Your Honor, these photos are not as
8 gruesome as the ones in Collins, which I actually
9 looked up, but I think it dovetails neatly in the
10 sense that his mother -- her mother is actually on
11 the witness list and is going to be called. She's
12 going to be present. And I think that the jury is
13 going to have an undue tendency to make a decision
14 on an emotional basis as opposed to a factual and
15 legal basis.

16 Reading further on, on page 5, the State
17 argues, however, the photos corroborate the
18 testimony of the pathologist and the dog behavior
19 expert, and thus it's sufficiently high probative
20 value that it is not substantially outweighed by the
21 danger of unfair prejudice.

22 The State is correct that the extent to which
23 an autopsy photograph corroborates other evidence or
24 testimony increases it's probative value; however,
25 the probative value from a photograph's tendency to

1 corroborate will vary depending on the facts of an
2 individual case. In some cases, photographs that
3 corroborate important testimony on issues
4 significant to the case may have very high probative
5 value.

6 Your Honor, I think to any level to which it's
7 probative, it's also cumulative in the sense that
8 the pathologist can testify to it and it's not
9 something that I'm going to argue about. I may not
10 even question the pathologist, Your Honor. It's
11 just not something that's at issue and I think it's
12 specifically designed to get an emotional response
13 from the jury.

14 MR. THURMOND: May I submit the proposed
15 photographs for the Court to view?

16 THE COURT: Yes, sir.

17 MR. THURMOND: Your Honor, we have cropped a
18 couple of those photographs and, if the Court would
19 note, none of them depict the victim's face or any
20 other parts of her body other than the location of
21 the injuries.

22 The murder weapon in this case is somewhat
23 unique. And our argument goes to both corroborate
24 other evidence and, I think, maybe even offer some
25 evidence of malice. She was shot with a 12-gauge

1 Sabot -- S-A-B-O-T -- slug, which is very unusual.
2 It's almost a 500-grain lead projectile, like four
3 times larger than a .9-millimeter, twice as big as a
4 .45-caliber, I mean, a huge chunk of lead. And that
5 Sabot slug is protected by two plastic sleeves to
6 allow that cartridge to travel smoothly down a
7 shotgun barrel. You're essentially firing a rifle
8 bullet through a shotgun barrel. Pretty unique.

9 The photos really go to the angle in which she
10 was shot, corroborate where she was on that wall,
11 the distance from which she was shot. There's a
12 picture where this plastic casing is embedded in her
13 hand that Investigator Chuck Cain took over at MCG
14 in Augusta. And there are numerous injuries to her
15 caused by this one bullet because of that plastic
16 jacketing that separated on each side.

17 So it's going to corroborate evidence that the
18 weapon used was a shotgun, there was one shot fired,
19 and the approximate distance and location from which
20 it was fired. If a layperson looked at that
21 picture, they could not believe there were not
22 multiple shooters with multiple weapons given how
23 destructive it was to her body.

24 The projectile itself was recovered there at
25 MCG, it had just fallen out of her clothes. And

1 then the SLED analyst took that projectile and added
2 it to the weight of the two lead pieces removed from
3 her body to basically get a total weight of what
4 this rifle slug used for hunting large animals, that
5 it was, in fact, that bullet that was fired. We
6 don't have a shotgun to compare it to, but it does
7 corroborate testimony on those points that I've
8 relayed to the Court.

9 MR. MCCARLEY: First of all, Your Honor, I
10 believe all that can come in through other witnesses
11 and without the pictures. Further, the Defense
12 would be willing to stipulate to the angle, the
13 bullet, the weapon, the distance, and the location,
14 especially, Your Honor, the picture of the wall with
15 the blood on it. That's --

16 MR. THURMOND: And, Your Honor, the purpose of
17 that picture with the wall with a small amount of
18 blood on it is that half of that Sabot slug casing
19 was found directly behind her --

20 THE COURT: Are you talking about the one that
21 looks like grass with a curb? Didn't you say a
22 wall? I'm looking at a cinder block wall.

23 MR. THURMOND: A cinder block wall, a low wall.

24 THE COURT: A wall?

25 MR. THURMOND: A wall.

1 THE COURT: W-A-L-L?

2 MR. THURMOND: Yes, sir.

3 THE COURT: I'm not seeing a wall. 26 is --

4 MR. MCCARLEY: That's it, Judge.

5 THE COURT: -- a curb --

6 MR. THURMOND: Your Honor is referring it as a
7 curb. That's a low wall that these children were
8 sitting on.

9 THE COURT: Oh. Well, it just looks like it's
10 about three or four inches high.

11 MR. THURMOND: Yes, sir. It's a whopping two
12 feet high.

13 THE COURT: You can't really tell it from that
14 angle.

15 MR. MCCARLEY: It was also, Your Honor, on
16 social media and in the news media, that portion of
17 the wall with balloons and cards and bears and such.
18 And I think, in particular, that just doesn't have
19 anything to do with the firearm or anything like
20 that. I guess I don't quite understand that -- I'm
21 not a firearms guy -- what, actually, they're
22 seeking to get in about the weapon on the wall with
23 the blood.

24 THE COURT: Well --

25 MR. THURMOND: That picture shows where she was

1 sitting.

2 THE COURT: I'm trying to -- you know, after
3 you've been doing this for a while, you've seen some
4 pretty bad pictures. Compared to a lot of what I've
5 seen, I've seen a lot worse. So there's definitely
6 reason why I think you would need to have this
7 corroborate whatever the pathologist's testimony is
8 going to be with regards to that or any forensics.

9 It's not overly shocking compared to a lot of
10 ones that we see, I guess is the words that I'm
11 trying to get out. So as long as you're tying it in
12 to testimony and not just gratuitously showing them,
13 I'm sure without a proffer of the testimony, you've
14 got somebody to show why they need to show that. If
15 so, then I'll let those in.)

16 All right. What else?

17 MR. MCCARLEY: Nothing from the Defense.

18 THE COURT: Anything from the State?

19 MR. THURMOND: Your Honor, we're having some
20 certified transcripts prepared for some of these
21 jail calls that we would seek to introduce in our
22 case in chief, and we'll have those tomorrow.

23 THE COURT: All right. Well, let's be ready to
24 go at 9:30 in the morning.

25 (Trial in recess for the evening at 2:58 PM.)

1 your mind, but not before that.

2 All right. We will begin now with -- the State
3 has the right to first argument. So we will hear
4 from the solicitor.

5 MS. HALL: May it please the Court. Counsel,
6 Judge.

7 Good morning. I hope you've all had a good
8 night, well rested and you're ready to spend a few
9 days in the courtroom with us. This week you're
10 going to hear a case about revenge, retaliation, and
11 the senseless killing of a 16-year-old child.

12 On a Tuesday afternoon, April 14th, 2015,
13 16-year-old was at a birthday party
14 for her cousin on Diamond Street. There was plenty
15 of family there. It had been posted on Facebook, so
16 was a few friends there too. Now, Diamond Street is
17 just about 20 minutes from this courthouse. It's
18 over by Clearwater Elementary, over next to the
19 Midland Valley recreation softball and baseball
20 fields.

21 That night [REDACTED] and her family had been out
22 there for the better part of the day. When it was
23 dark, [REDACTED] her older brother, Taquan Coach, her
24 older sister, Patricia Coach, and a few friends were
25 sitting out on a cinder block wall out in front of

1 the road in front of the neighbor's house hanging
2 out.

3 Just after 9:00, a dark, four-door car drives
4 up Diamond Street. Nothing out of the ordinary,
5 just a regular car passing by, until a single shot
6 is fired from the rear driver's side window of that
7 car. Patricia and Taquan, they rolled back off of
8 the wall to take cover in the yard. But [REDACTED] she
9 had been struck.

10 She was shot in the abdomen with a 12-gauge
11 shotgun slug. She fell off of that wall and was
12 immediately surrounded by family. 911 was called
13 and EMS responded within minutes. They rushed her
14 to the hospital in Augusta, but they couldn't save
15 her. [REDACTED] died within the hour. So why
16 was she shot that night? Why did [REDACTED] lose
17 her life? Because Santonio Williams was out for
18 revenge that night.

19 Three months prior to this shooting, Santonio
20 Williams' best friend, Donnie Brooks, had been
21 murdered at the Ridgeview Manor Apartments in North
22 Augusta. Law enforcement investigated that case,
23 talked to numerous witnesses, but they were never
24 able to get enough evidence to arrest anyone, to
25 prove who was responsible.

1 But throughout that investigation, they came up
2 with a person of interest, someone who was there
3 that night that could have been responsible. That
4 person was Taquan Coach, who was seated just down
5 from [REDACTED] on the wall that night on Diamond Street,
6 the night she lost her life.

7 As part of this trial, you're going to get to
8 hear from the three guys Santonio Williams was
9 hanging out with that night. And their names are
10 very similar and they start to run together. We've
11 got a Demorris, a Demarius, and a Darian. So what
12 I've done, I've written their names out for you.
13 We're going to refer to them as Mr. Harris,
14 Mr. Jefferson, and Mr. Davis because those first
15 names sound a lot alike.

16 The afternoon of April 14th, 2015, Santonio
17 Williams and these three guys had been riding around
18 in Mr. Jefferson's girlfriend's car, a 2015
19 four-door black Toyota Corolla. And when it got
20 dark, they all ended up at the basketball courts
21 over across from North Augusta Department of Public
22 Safety right off of Buena Vista Avenue.

23 Shortly after they arrived there, Santonio
24 Williams asked Mr. Jefferson if he could borrow
25 that car, the black Toyota Corolla. Mr. Jefferson

1 didn't trust Santonio to take the car by himself, so
2 he told Mr. Harris to drive him. And you're going
3 to get to hear from Mr. Harris that he did drive
4 Santonio Williams from the basketball court and he
5 was getting directions from Santonio Williams where
6 to turn and where to go. Santonio Williams was
7 seated in the back seat behind him. The last
8 direction that Santonio Williams gave Mr. Harris was
9 to drive up Diamond Street.

10 Mr. Harris pulls down Diamond Street and he
11 sees a crowd of people. He sees the people at the
12 party, so he slows down because they're right there
13 close to the road. And in that moment, he hears
14 Santonio Williams rack a shotgun in the back seat.
15 He looks back and he sees Santonio Williams point
16 the gun out the window and fire that fatal shot. He
17 was scared out of his mind. He punched the gas and
18 he got out of there. And he's going to tell you
19 that he doesn't remember every single detail after
20 that shot was fired. His world had been turned
21 upside down. But he remembers that shot and he
22 remembers who was holding the gun.

23 What you're not going to hear in this case is a
24 bunch of forensic evidence. CSI and NCIS, great
25 shows, but they do a great job of skewing reality.

1 Santonio Williams didn't chug a can of soda and
2 chunk it out the window leaving his DNA at the crime
3 scene that could be matched with absolute certainty
4 within a 60-minute timeframe of a television show.
5 That didn't happen. But it doesn't mean he didn't
6 kill [REDACTED] that night.

7 You are going to hear other evidence. Because
8 Mr. Jefferson and Santonio Williams had cell phones
9 on them that night, you're going to get to hear from
10 a special agent with the FBI whose expertise is
11 analyzing call detail records for cell phones. And
12 what he's done is he's mapped out which towers those
13 two phones were using that night.

14 You're going to get to see that when
15 Mr. Jefferson says he was with Santonio Williams,
16 both of their cell phones are using the same tower
17 and the same sector of those towers. And you're
18 going to see just ten minutes before and one minute
19 after 911 was called, Santonio Williams' phone was
20 using a tower over by Diamond Street.

21 You're also going to get to hear from an inmate
22 that was housed with Santonio Williams at the Aiken
23 County Detention Center who overheard Santonio
24 Williams bragging about this, proud of what he had
25 done that night, April 14th of 2015. And that

1 inmate is going to come in here in an orange
2 jumpsuit and shackles.

3 And you're going to see a couple witnesses in
4 orange jumpsuits. I don't get to hand pick my
5 witnesses. The witnesses you're going to get to
6 hear from this week are witnesses in the case
7 because of what they saw and what they heard
8 directly from Santonio Williams. They're not people
9 you're going to want to hang out with this weekend
10 or go to dinner with.

11 And the Defense is going to tell you they're
12 bad people and you can't trust them. Well, they're
13 not great people, but I'm not asking you to take one
14 person's word for it. You're going to get to hear
15 from a lot of witnesses and you're going to hear a
16 lot of evidence, and it all lines up.

17 So what does the State have to prove in this
18 case? Santonio Williams is charged with murder.
19 That's the killing of another person with malice
20 aforethought. What is malice? Malice is hatred,
21 ill-will, or hostility towards another person. Put
22 simply, it's meanness. And that malice -- malice
23 aforethought does not mean that the malice has to be
24 present for any set certain amount of time before
25 the shooting, just has to be present right before

1 and during the killing. Malice can be developed in
2 a split second, in the blink of an eye before the
3 trigger is pulled.

4 And like the Judge just told you, in criminal
5 cases the State has to prove the defendant's guilt
6 beyond a reasonable doubt. And we welcome that
7 burden. In life, anyone can cause you to doubt just
8 about anything, but in the courtroom, that doubt has
9 to be reasonable, it has to be rational. The
10 Defense would like you to think that reasonable
11 doubt is this mirage out there, just out of reach.
12 But like the Judge told you, if after you've heard
13 all the evidence in this case, you are firmly
14 convinced that Santonio Williams killed [REDACTED] that
15 night, he's guilty.

16 You're going to hear from a lot of witnesses
17 this week. There's going to be a lot of evidence
18 presented. And I ask that you pay close attention.
19 You play a vital role in the judicial system. We
20 are fortunate. We do not have a king, a dictator, a
21 ruler coming in here to unilaterally decide guilt or
22 innocence. For over 200 years, citizens just like
23 you, jurors just like you have come into the
24 courtroom with different backgrounds, different life
25 experiences, and their common sense.

1 You were checked at the front door this morning
2 through a metal detector. Your bags were checked,
3 but you didn't have to check and leave your common
4 sense at the door. You bring that in here with you
5 to decide what happened in this case.

6 And after you've seen all of the evidence and
7 you've heard from all the witnesses, the only
8 rational, logical, reasonable verdict is that
9 Santonio Williams is guilty of murder. Thank you.

10 THE COURT: Defense?

11 MR. MCCARLEY: Thank you, Your Honor.

12 Good morning. The Government is absolutely
13 going to be able to prove to you beyond a reasonable
14 doubt, even beyond a shadow of a doubt, that a
15 tragedy occurred. This is absolutely a tragedy,
16 nobody is going to argue that. If you think I'm
17 arguing that, then you've misinterpreted what I'm
18 saying and why. Okay? This little girl lost her
19 life, that's a fact. I'm not going to argue it,
20 there's no reason to argue it.

21 What they're not going to be able to prove is
22 the identity of who's responsible for this tragedy.
23 One of the things she didn't say, the solicitor
24 didn't say that they do have to prove is the
25 identity of who did it. You can have a crime. We

1 have crimes all the time that they can't prove who
2 did it. She already told you about one, this
3 Ridgeview Manor shooting in January, unsolved,
4 uncharged.

5 There is going to be some evidence, okay,
6 that's why you're here, that Santonio Williams was
7 involved, but they're not going to be able to prove
8 beyond a reasonable doubt that it was Santonio.
9 This is my client, Santonio Williams. Okay? And
10 that's his father sitting right there a couple rows
11 back -- and his fiancée -- Mr. Jennings. His
12 adopted mother actually was going to be here this
13 morning, but had a panic attack in the hallway.
14 That's how serious what we're dealing with is.

15 In a trial, the facts and the law come
16 together. Okay? The facts are absolutely and
17 completely up to you. I really appreciate what the
18 Judge had to say, none of the facts come from me,
19 none of them. None of what you just heard from the
20 State is a fact. It has to come from that witness
21 stand and evidence gets entered through that witness
22 stand. So I'm not going to talk to you about the
23 facts of this case, because I don't know them. They
24 don't even exist yet. And because they don't exist
25 yet, Santonio is innocent.

1 If you have any other thought in your mind as
2 you sit right here besides the fact that that young
3 man is innocent, then you're not fulfilling the oath
4 that you just took, because that's the law. And
5 unlike the facts in this case that change day to
6 day, okay, the law is not going to change over the
7 next couple of days, so I can talk to you about
8 that.

9 And what I want to talk to you about first and
10 foremost is -- well, not first and not foremost, but
11 first. I'm going to work my way through the law
12 kind of as y'all were being exposed to it. Okay?
13 You've heard about a grand jury, you've heard about
14 an indictment. And research shows that a lot of
15 jurors, when they get polled after a trial,
16 misunderstand what a grand jury is. Okay?

17 A grand jury is a group of 18 people, 12 of
18 whom have to agree. It's 18 people and a police
19 officer in a room. There's no judge, there's no
20 lawyers, there's no defendants, there's nobody
21 that's been accused of anything. It's a police
22 officer and 18 people, 12 of whom have to agree.
23 And out of that comes this piece of paper that
24 everybody has, it's the indictment. It says what
25 that police officer said to the grand jury. Okay?

1 And it matters not, it's nothing. It's no evidence.

2 I know you've heard it said, but it's very,
3 very important and it helps us understand just how
4 innocent Santonio is as we stand right now. Because
5 I'll tell you what, if this was any kind of
6 evidence, the clerks, the judge would be getting
7 very, very, very mad at me right now. Okay?

8 Another very -- getting into the two main --
9 the two main pillars of the criminal justice system,
10 okay, are the presumption of innocence -- you can
11 probably tell by how many times I've talked it
12 already, okay, and reasonable doubt, which is the
13 level of proof that has to be proved to convict
14 somebody of a crime. Okay?

15 The presumption of innocence. There's a
16 federal court judge that likes to refer to it as a
17 steel curtain that we all have around us. We all
18 have around us all the time, it goes everywhere with
19 every American citizen every day. It's with
20 Santonio in this courtroom right now. And the
21 government tries to break down that steel curtain
22 with evidence. Okay? And they'll throw evidence at
23 that steel curtain. And does it chip away at it?

24 Does it break it? That's for y'all to decide,
25 absolutely and completely for y'all to decide.

1 Part of the presumption of innocence is the
2 right to remain silent. We don't have to defend
3 ourselves. In this country we don't have to defend
4 ourselves. The burden is absolutely and completely
5 on the State 100 percent. I don't even have to be
6 making this argument. I don't have to get out of
7 that chair. Santonio probably wouldn't be very
8 happy with me if I didn't, but I don't. That's how
9 strong our presumption of innocence is.

10 Reasonable doubt. You're going to absolutely
11 hear a lot about that, already have. If you are
12 firmly convinced of a fact, then you believe that
13 fact beyond a reasonable doubt. Another way to put
14 that is if you hesitate to act, then you have a
15 reasonable doubt. Anything that would cause you to
16 hesitate to act means you have a reasonable doubt.

17 I was actually walking to work this morning and
18 passed by the Terminix truck, the little termite
19 truck. I was thinking -- obviously, been thinking
20 about this for months and months. And it made me
21 think about reasonable doubt. Found your dream
22 house -- imagine you found your dream house. You
23 got it inspected, closing date is coming up. You've
24 been over there, you, your family, your spouse, just
25 you, who knows. You love it.

1 And you go in that house right before the
2 closing date, you're walking around, you see a
3 termite, just one termite in a big beautiful house
4 that you love. Does that termite make you hesitate
5 to act? What if you go into another room, there's
6 another termite? What if you go upstairs in another
7 room and there's another termite? Does all that
8 make you hesitate to act? And I'm going to come
9 back to that. Okay? I'm absolutely going to come
10 back to that when we close this case.

11 Last thing, credibility, is going to be a very,
12 very big thing in this case. Okay? And you are in
13 charge of what's credible and what's not; not the
14 judge, not the government, not me, you judge that.
15 When people take the stand and say things, are they
16 credible? Do you believe them? Do you believe what
17 they're saying beyond a reasonable doubt? Do these
18 people make you hesitate? Because that's absolutely
19 your purview. That's what you decide, is whether or
20 not to believe these people. Just because the
21 Solicitor's Office calls them to the stand doesn't
22 mean they're believable at all.

23 Ms. Hall just said that I was going to try to
24 convince you that reasonable doubt is some mirage.
25 It's not. It's going to be sitting right there the

1 next two to two and a half days and you're going to
2 see it. And because you're going to see it, you're
3 going to know that Santonio Williams is not guilty.

4 THE COURT: All right. Folks, I think what
5 we'll do is take a 10-minute break, use the restroom
6 while we get ready for the first witness. So please
7 don't begin deliberations or discussions. While
8 y'all are back there -- I like to let you pick the
9 foreperson of the jury.

10 If you can't come to an agreement on who it
11 will be, I'll pick somebody. The foreperson of the
12 jury doesn't get any extra pay or anything, they
13 just write down the verdict at the end of the trial
14 and lead the discussions when we have the
15 deliberations. But I'd like to see if y'all can
16 pick your own jury foreperson. So do that while
17 we're on the break and we'll see you back in about
18 10 or 15 minutes.

19 (The jury exits the courtroom at 10:34 AM.)

20 THE COURT: Okay. Let's take 10 minutes while
21 you get your first witness ready.

22 (Short break.)

23 THE COURT: All right. The defendant is in the
24 courtroom.

25 Bring the jury back in, please.

1 (The jury enters the courtroom at 10:49 AM.)

2 THE COURT: Okay. Folks, I understand y'all
3 have chosen Ms. Lindale.

4 Is that you?

5 THE JUROR: Yes, sir.

6 THE COURT: All right. You're the foreperson
7 of the jury, congratulations.

8 We will begin now with the State calling their
9 first witness.

10 MS. HALL: The State calls Patricia Coach.

11 PATRICIA COACH

12 being first duly sworn, testified as follows:

13 THE WITNESS: Amen.

14 THE CLERK: Have a seat up here in the witness
15 box, stating your full name and spelling your last
16 name.

17 THE WITNESS: My name is Patricia Coach, last
18 name C-O-A-C-H.

19 DIRECT EXAMINATION

20 BY MS. HALL:

21 Q. Good morning, Patricia.

22 A. Good morning.

23 Q. Patricia, please tell the jury how old you are.

24 A. I'm 20.

25 Q. And where are you from?

- 1 A. Augusta, Georgia.
- 2 Q. Okay. How far did you go in school?
- 3 A. I finished high school.
- 4 Q. Where did you go to high school?
- 5 A. Aiken High.
- 6 Q. What was your relationship to
- 7 A. My little sister.
- 8 Q. Do you have any other siblings?
- 9 A. Yes, ma'am.
- 10 Q. Who are they?
- 11 A. Taquan Coach and Jenny Roper.
- 12 Q. Are they older than you?
- 13 A. Yes, ma'am.
- 14 Q. So [REDACTED] was the baby of the family?
- 15 A. Yes, ma'am.
- 16 Q. How old was [REDACTED] when this happened?
- 17 A. Sixteen.
- 18 Q. Where did she go to high school?
- 19 A. Aiken High.
- 20 Q. I'll turn your attention to the night of April
- 21 14th, 2015. That's a night you're never going to
- 22 forget, right?
- 23 A. Yes, ma'am.
- 24 Q. Where were you that day?
- 25 A. On Diamond Street.

1 Q. Is that in Aiken County?

2 A. Yes, ma'am.

3 Q. What time did you get out to Diamond Street?

4 A. Around 3:00 or 4:00 in the evening.

5 Q. Did [REDACTED] come with you?

6 A. Yes, ma'am.

7 Q. Why were y'all there that afternoon?

8 A. My cousin birthday party.

9 Q. What's your cousin's name?

10 A. Tyson Coleman.

11 Q. Was the party advertised or posted on social
12 media?

13 A. Yes, ma'am.

14 Q. Facebook?

15 A. Yes, ma'am.

16 Q. Do you remember about how many people were
17 there that night?

18 A. About 20, 25.

19 Q. Family?

20 A. Yes, ma'am.

21 Q. Some friends?

22 A. Yes, ma'am.

23 Q. What was the mood like that afternoon?

24 A. Everybody was just talking and listening to
25 music, having a good time.

1 Q. Okay. Around 9:00 that night, what were y'all
2 doing?

3 A. Just sitting outside on the brick wall.

4 Q. Okay. Can you describe that brick wall for me?

5 A. It's kind of long, so it was a good bit of
6 people of us on there.

7 Q. And who all was sitting on the wall with you?

8 A. Me, my sister, my brother --

9 Q. Your brother being Taquan Coach?

10 A. Yes, ma'am. A couple of my cousins and
11 friends.

12 Q. Tyson Coleman?

13 A. Yes, ma'am.

14 MS. HALL: Permission to approach the witness,
15 Your Honor?

16 THE COURT: You may.

17 Q. Ms. Coach, I'm showing you what has previously
18 been marked as State's Exhibit 2. Do you recognize
19 this?

20 A. Yes, ma'am.

21 Q. What is it?

22 A. The brick wall we were sitting on.

23 Q. Does this picture accurately depict the wall on
24 April 14th, 2015?

25 A. Yes, ma'am.

1 MS. HALL: At this time, the State would move
2 to introduce State's Exhibit 2 into evidence.

3 MR. MCCARLEY: No objection, Your Honor.

4 THE COURT: Admitted.

5 (State's Exhibit No. 2 admitted into evidence.)

6 MS. HALL: Permission to publish, Your Honor?

7 THE COURT: You may.

8 BY MS. HALL:

9 Q. Ms. Coach, I'm going to have you step down for
10 just a second. You can go to the other side for me.
11 If you could just point out where [REDACTED] was sitting
12 on this wall?

13 A. I was, like, right here, so my sister was,
14 like, right here on the left side of me.

15 Q. So you were the first person on the wall?

16 A. Yes, ma'am.

17 Q. Then [REDACTED]

18 A. Yes, ma'am.

19 Q. Can you please point out where Taquan Coach
20 was, your brother?

21 A. I'd say somewhere down here.

22 Q. Just a few people in between?

23 A. Yes, ma'am.

24 Q. Okay. You can go ahead and take a seat. Thank
25 you.

1 All right. Ms. Coach, just after 9:00 that
2 night, y'all were sitting on the wall. What did you
3 see?

4 A. A dark-colored, four-door car roll up the
5 street. And it was kind of normal, nobody think
6 nothing of it. And the back seat window of the
7 driver came down and you just seen the light in
8 the -- you heard the gunshot and everybody was kind
9 of scattering, they ran. But I didn't know what was
10 going on, so I kind of just -- I felt the power from
11 the gun. My sister was, like, so close to me, so
12 when it came, I just kind of fell back and --

13 Q. Back off of the wall?

14 A. Yes, ma'am. And after the ringing, you could
15 just hear my sister screaming saying she got hit and
16 stuff.

17 Q. You said you saw the flash. What do you mean
18 by that?

19 A. The light from the gun.

20 Q. The flash from the end of the gun?

21 A. Yes, ma'am.

22 Q. And that came from the back driver's side
23 window?

24 A. Yes, ma'am.

25 Q. Was that window already down?

1 A. It came down.

2 Q. Okay.

3 A. It wasn't already down.

4 Q. And how far was the car away from y'all?

5 A. The next lane on the street.

6 Q. So just one lane in between you and the car
7 that night?

8 A. Yes, ma'am.

9 Q. Okay. Did that car ever stop?

10 A. No, ma'am.

11 Q. Could you see who was in the car?

12 A. No, ma'am.

13 Q. Could you tell even how many people were in the
14 car?

15 A. No, ma'am.

16 Q. Could you tell if someone was in the back seat?

17 A. Yes, ma'am.

18 Q. Could you see their face?

19 A. No, ma'am.

20 Q. Was there anything unusual whatsoever about
21 that car before the shot?

22 A. No, ma'am.

23 Q. Headlights were on?

24 A. (Nods head).

25 Q. Okay. You stated that when the gunshot went

1 off, you rolled back off of the wall into the yard.

2 Where was [REDACTED] at that point?

3 A. She had fell on the ground on her back.

4 Q. In front of the wall or behind it?

5 A. In front of the wall.

6 Q. Okay. So you said you heard her screaming.

7 What happened at that point?

8 A. She was just screaming like she got hit and she
9 needed help.

10 Q. Was she breathing at that point?

11 A. Yes, ma'am.

12 Q. And she could speak?

13 A. Yes, ma'am.

14 Q. Do you remember what, if anything, she said?

15 A. When the ER people was asking her her name and
16 stuff, she was like, ask my sister. She didn't want
17 to talk, but they were trying to get her to talk.

18 Q. Did you stay with your sister until EMS
19 arrived?

20 A. Yes, ma'am.

21 Q. And at some point after that, did law
22 enforcement arrive?

23 A. Yes, ma'am.

24 Q. Did you give a statement to law enforcement
25 that night about what you saw and who was there with

1 you?

2 A. Yes, ma'am.

3 Q. Did you go to the hospital that night?

4 A. Yes, ma'am.

5 Q. Did you see [REDACTED] there?

6 A. No, ma'am.

7 Q. The last time you saw her alive was on Diamond
8 Street?

9 A. Yes, ma'am.

10 MS. HALL: I beg the Court's indulgence.

11 Q. I'm just going to get you to show me one more
12 thing on this picture. Hold it up for the jury to
13 see. Can you show us which direction of travel the
14 car was coming?

15 A. This way.

16 Q. Okay.

17 A. Up towards here.

18 Q. So the car was coming up and y'all were on the
19 left of the car?

20 A. Yes, ma'am, on this side.

21 Q. I have no further questions for you. Please
22 answer any the Defense may have.

23 THE COURT: Cross?

24 CROSS-EXAMINATION

25 BY MR. MCCARLEY:

1 Q. I'm sorry for your loss, ma'am. The car never
2 stopped; is that correct?

3 A. That's correct.

4 Q. Okay. How much time was it between when you
5 saw the window go down and then heard or felt the
6 shot?

7 A. Like, seconds.

8 Q. Okay. And the car never stopped?

9 A. It never stopped, but it slowed down. Like, it
10 slowed down and then the window came down and then
11 the shot.

12 Q. Okay. Do you remember telling Sergeant Turner
13 that the person in the car had a white shirt on that
14 night?

15 A. No. I can't recall.

16 Q. Okay. I don't have any further questions.

17 THE COURT: Redirect?

18 MS. HALL: No, Your Honor.

19 THE COURT: You may step down.

20 Next witness.

21 MR. THURMOND: Your Honor, the State calls
22 Taquan Coach.

23 TAQUAN COACH

24 being first duly sworn, testified as follows:

25 THE WITNESS: Yes, ma'am.

1 THE CLERK: Have a seat up here in the witness
2 box. State your full name and spell your last name,
3 please.

4 THE WITNESS: My name is Taquan Coach,
5 C-O-A-C-H.

6 DIRECT EXAMINATION

7 BY MR. THURMOND:

8 Q. Mr. Coach, good morning. Try to speak real
9 loudly and clearly for me. Okay?

10 A. Yes, sir.

11 Q. How old are you?

12 A. I'm 22.

13 Q. Where do you live?

14 A. Aiken, South Carolina.

15 Q. How far did you go in school?

16 A. I went to the 10th grade.

17 Q. I got a couple of questions I need to ask you
18 about your prior record. Were you convicted of
19 possession of cocaine in January of 2013?

20 A. Yes, sir.

21 Q. And failure to stop for a blue light in April
22 of 2016?

23 A. Yes, sir.

24 Q. What was your relationship to Ms.
25

1 A. My sister.

2 Q. Your sister?

3 A. Yes, sir.

4 Q. Do you have any other siblings?

5 A. Patricia Coach. And that's all. She's my
6 sister also.

7 Q. All right. Let's go to April 14th, 2015.

8 Where were you that afternoon, that evening?

9 A. I was on Diamond Street.

10 Q. What time did you go there?

11 A. I went around there, like, 2:00 or 3:00 that
12 afternoon.

13 Q. Speak up for me. Everyone's got to hear you.

14 Okay?

15 A. I went down there around, like, 2:00 or 3:00
16 that afternoon.

17 Q. Why were you there?

18 A. Well, a cousin -- my cousin birthday party,
19 like a get-together.

20 Q. What's his name?

21 A. Tyson Coleman.

22 Q. And was that party advertised or published on
23 social media sites?

24 A. Yes, sir.

25 Q. About how many people were there?

1 A. Like, 25.

2 Q. What was the mood like at that party for your
3 cousin's birthday?

4 A. It wasn't nothing. We was just all around
5 talking, gathering together.

6 Q. About 9:00, what were y'all doing?

7 A. Nothing, out there in the front on the brick
8 wall sitting.

9 Q. Who all was sitting on the wall with you?

10 A. Couple people; me, my sister, my cousin, a lot
11 of family members. That's really about it.

12 Q. Let me show you what's in evidence as State's
13 No. 2.

14 MR. THURMOND: May he step down for just a
15 moment?

16 THE COURT: Yes, sir.

17 Q. Come stand right here with me, please. I want
18 you to show this jury about where you were sitting
19 on the wall.

20 A. I was sitting about right here.

21 Q. And where was your sister [REDACTED] sitting?

22 A. She was about right here.

23 Q. About how many feet from you was she sitting?

24 A. She was, like, two or three people down from
25 me.

1 Q. Two or three people down. Sit back on the
2 witness stand, please.

3 Tell me what happened shortly after 9:00 that
4 evening. What did you see?

5 A. We was just chilling on the brick wall and I
6 seen a dark car roll up. He came up and stopped
7 slow. He shot one time and kept on going.

8 Q. Let me stop you right there. Can you describe
9 the car any better than that? Two doors or four
10 doors?

11 A. It was a four-door car. I don't know what kind
12 of car it was. It probably looked like a little
13 Honda or Toyota, something like that. I know it was
14 a four-door car though.

15 Q. So it drove by. What did you see next?

16 A. I seen the gunshot come from the back, from the
17 back, like, the driver's seat, then they left.

18 Q. The seat behind the driver's seat?

19 A. Yes, sir.

20 Q. Could you see who was in the car?

21 A. No, sir. I didn't see nobody that was in the
22 car.

23 Q. Could you tell how many people were in the car?

24 A. No, sir.

25 Q. Did you see where the car went?

1 A. No, sir. I know the car just kept straight up
2 the road.

3 Q. What happened immediately after the gunshot?
4 What did you do?

5 A. Well, I was getting up off the ground or
6 whatever --

7 Q. How did you get on the ground?

8 A. I fell back once they shot the gun or whatnot.

9 Q. And what did you observe once you got up off
10 the ground?

11 A. I realized my sister was shot. So I called the
12 ambulance and I was calling my mother and them.

13 Q. What happened next? Who arrived next?

14 A. The ambulance and then police arrived, then my
15 grandfather and mom arrived or whatever. That was
16 really about it.

17 Q. Did you tell the police what you saw?

18 A. Yes, sir.

19 Q. Where did you go next?

20 A. I went to the hospital.

21 Q. Did you see your 16-year-old sister at the
22 hospital?

23 A. No, sir, they didn't let us see her.

24 Q. Where was the last place you saw her?

25 A. Diamond Street.

1 Q. Mr. Coach, are you familiar with an individual
2 known as Donnie Brooks?

3 A. Yes, sir.

4 Q. And are you aware that he was killed January
5 11th, 2015?

6 A. Yes, sir.

7 Q. Where was he killed?

8 A. Ridgeview.

9 Q. Were you at Ridgeview Manor Apartments the day
10 he was killed? That's a yes or no.

11 A. No, sir.

12 Q. Not at all that day?

13 A. Yes, I was there that day, but I wasn't there
14 when he died.

15 Q. Are you aware that that murder remains
16 unsolved?

17 A. Yes, sir.

18 Q. Are you're aware that you're a suspect in that
19 investigation?

20 A. Yes, sir.

21 Q. Both by law enforcement --

22 A. Yes, sir.

23 Q. -- and on the street?

24 A. Yes, sir.

25 Q. Why in the world would someone want to kill

1 your 16-year-old sister, [REDACTED]

2 A. I don't think nobody would want to kill my
3 sister [REDACTED]

4 Q. Who were they shooting at, Mr. Coach?

5 MR. MCCARLEY: Objection; speculation, Your
6 Honor.

7 THE COURT: Sustained.

8 THE WITNESS: They was shooting at me.

9 THE COURT: What?

10 MR. MCCARLEY: Your Honor, move to strike.

11 THE COURT: You weren't supposed to answer the
12 question. The jury will disregard that.

13 MR. THURMOND: Can we approach briefly?

14 THE COURT: Yes, sir.

15 (Sidebar conference.)

16 MR. THURMOND: That's all the questions I have
17 for you. Please answer any that Mr. McCarley may
18 have. Thank you.

19 CROSS-EXAMINATION

20 BY MR. MCCARLEY:

21 Q. I'm sorry about your sister.

22 A. (Nods head).

23 Q. Did I hear correctly that you've been convicted
24 of possession of cocaine?

25 A. Yes, sir.

1 Q. And also hear correctly that you've been
2 convicted of failure to stop for a blue light?

3 A. Yes, sir.

4 Q. Okay. Did you murder Donnie Brooks?

5 A. No, sir.

6 MR. MCCARLEY: No further questions.

7 THE COURT: Redirect?

8 MR. THURMOND: None, Your Honor.

9 THE COURT: You may step down.

10 Next witness.

11 MS. HALL: State calls Sergeant Bruce Turner
12 with the Aiken County Sheriff's Office.

13 BRUCE TURNER

14 being first duly sworn, testified as follows:

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Have a seat in the witness box.
17 State your full name and spell your last.

18 THE WITNESS: My name is Bruce Alonzo Turner.
19 Last name spelling T-U-R-N-E-R.

20 DIRECT EXAMINATION

21 BY MS. HALL:

22 Q. Sergeant Turner, where are you employed?

23 A. Aiken County Sheriff's Office.

24 Q. And what is your position there?

25 A. My current position is sergeant.

1 Q. And what does that job entail?

2 A. I oversee the duties of the daily road patrol
3 of the shift that's working that day.

4 Q. And how long have you held that position?

5 A. I've held that position now for three to four
6 months.

7 Q. How long have you been with the Aiken County
8 Sheriff's Office total?

9 A. A total of four years. It will be five in
10 March of this year.

11 Q. What is your educational and training
12 background?

13 A. I have my Associate's Degree in political
14 science.

15 Q. Have you been to the police academy?

16 A. I have.

17 Q. How did you become involved in this case?

18 A. I was dispatched to it on the date of the
19 incident.

20 Q. Dispatched to 219 Diamond Street?

21 A. That's correct.

22 Q. Is that within Aiken County?

23 A. It is.

24 Q. And where were you when you got that call?

25 A. I was in the Clearwater shopping center in

1 Aiken County, which is --

2 Q. How far away is that?

3 A. Right up the road from it. Approximately one
4 to two minutes away.

5 Q. So you got there pretty fast?

6 A. Yes, ma'am.

7 Q. Do you remember what time you arrived on scene?

8 A. I arrived on scene at 2110 hours, which is
9 9:10 PM.

10 Q. Once you got there, what did you observe?

11 A. I observed pretty much chaos. There was a lot
12 of people around.

13 Q. Did you see the victim?

14 A. I did.

15 Q. Okay. Where was she?

16 A. The victim was laying on the ground next to the
17 three pillars with what appeared to be a gunshot
18 wound to the stomach area.

19 Q. And once you saw her, what did you do?

20 A. I immediately secured the scene, made sure that
21 there were no other subjects around, and had EMS
22 come in.

23 Q. Okay. Did you stay with the victim until EMS
24 got there?

25 A. I did.

1 Q. Do you remember how long it took EMS to get
2 there?

3 A. I do not.

4 Q. Okay.

5 A. Approximately, I believe maybe five to ten
6 minutes.

7 Q. Pretty quick?

8 A. Yes, ma'am.

9 Q. Okay.

10 MS. HALL: Permission to approach the witness,
11 Your Honor?

12 THE COURT: You may.

13 Q. Sergeant Turner, I'm showing you what has
14 previously marked as State's Exhibit 3. Do you
15 recognize this?

16 A. I do.

17 Q. What is it?

18 A. It's the incident location at 219 Diamond
19 Street.

20 Q. Is that within Aiken County?

21 A. Yes, it's within Aiken County.

22 Q. Is your patrol vehicle in that picture?

23 A. Yes, ma'am, it is.

24 MS. HALL: Your Honor, at this time the State
25 moves to enter State's Exhibit 3 into evidence.

1 MR. MCCARLEY: No objection.

2 THE COURT: Admitted.

3 (State's Exhibit No. 3 admitted into evidence.)

4 MR. THURMOND: Permission to publish, Your
5 Honor?

6 THE COURT: You may.

7 BY MS. HALL:

8 Q. Sergeant Turner, is this exactly how the road
9 looked when you got there?

10 A. Yes, ma'am.

11 Q. Very dark?

12 A. Very dark with a lot of people.

13 Q. Okay. Lot of people, very dark. Were there
14 streetlights?

15 A. There were not any streetlights that I can
16 remember.

17 Q. Definitely not ones that were bright?

18 A. No.

19 Q. Okay. After EMS arrived and transported [REDACTED]
20 what did you do?

21 A. At that point, I began to collect statements
22 from witnesses in the area while my other deputies
23 roped off the scene, which they'd done prior to EMS
24 arriving.

25 Q. And what's the purpose of roping off or taping

1 off the scene?

2 A. To secure whatever evidence that may be inside
3 of that crime scene as far as shell casings and
4 things of that nature.

5 Q. Okay. You started taking statements from
6 people there at the scene.

7 Did you call anyone else out there to help you?

8 A. I notified my lieutenant, who was currently on
9 scene, also I briefed him of what I had. At that
10 point he advised dispatch to notify CID forensics to
11 respond.

12 Q. What is CID?

13 A. Our criminal investigations division.

14 Q. Okay. Based on the statements you received
15 that night, did you notify dispatch of what kind of
16 car to be on the look out for?

17 A. Correct. Once I arrived on scene and secured
18 the scene, I did BOLO the information out to
19 incoming units to be on the look out for the car
20 that had done this.

21 Q. Did you have a description of the person or
22 suspect?

23 A. I was advised of a dark-in-color -- they
24 believed to be blue, not sure. They believed it was
25 a four-door, smaller car.

1 Q. But no description of the actual suspect, the
2 person?

3 A. No.

4 Q. Okay. How long did you stay on scene?

5 A. Until I was relieved -- until I was advised
6 that I could leave by Investigator Cain.

7 Q. Was that several hours later?

8 A. Yes, ma'am. I believe it was around 11:45 that
9 night.

10 Q. Did you have any further involvement in this
11 investigation?

12 A. I did not.

13 Q. That's all the questions I have for you,
14 Sergeant Turner.

15 THE COURT: Cross?

16 CROSS-EXAMINATION

17 BY MR. MCCARLEY:

18 Q. Sergeant Turner, how are you?

19 A. Doing good.

20 Q. Good. I have here your incident report from
21 that night. Were you told that the person in the
22 car had on a white T-shirt?

23 A. I was.

24 Q. Okay. And also you just said that information
25 you got was that the car was blue?

1 A. They believed it to be blue. They advised
2 dark-in-color, smaller car.

3 Q. Okay. Thank you very much, Sergeant.

4 MR. MCCARLEY: No further questions, Your
5 Honor.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MS. HALL:

9 Q. Were the witnesses also -- when they gave their
10 statement about the color of the vehicle, were they
11 also clear that it was dark and they couldn't really
12 see?

13 A. They were.

14 MS. HALL: Thank you, Your Honor.

15 THE COURT: Recross?

16 MR. MCCARLEY: No, sir, Your Honor.

17 THE COURT: You can step down.

18 Next witness.

19 MR. THURMOND: The State calls Mercedes Navas,
20 N-A-V-A-S.

21 MERCEDES NAVAS

22 being first duly sworn, testified as follows:

23 THE WITNESS: Yes.

24 THE CLERK: Have a seat in the witness box.

25 State your full name and spell your last name.

1 THE WITNESS: My name is Mercedes Navas,
2 N-A-V-A-S.

3 DIRECT EXAMINATION

4 BY MR. THURMOND:

5 Q. How old are you?

6 A. Twenty-five.

7 Q. Where do you live?

8 A. In Aiken.

9 Q. Are you currently in school?

10 A. Yes, sir.

11 Q. Where are you in school?

12 A. USC-Aiken.

13 Q. When do you graduate?

14 A. In May.

15 Q. What's your major?

16 A. Exercise and sports science.

17 Q. What are you going to do after you graduate?

18 A. My plan right now is a physical therapy
19 assistant.

20 Q. Are you currently employed?

21 A. No.

22 Q. Full-time student?

23 A. Yes.

24 Q. Ms. Navas, back in April of 2015, who were you
25 dating at the time?

1 A. Demarius Jefferson.

2 Q. And how long did y'all date?

3 A. About two years.

4 Q. So back in April of 2015, about how long had
5 you been dating him at that point?

6 A. A few months. Couple months.

7 Q. Where were you living in April of 2015?

8 A. I was living on campus.

9 Q. And would Mr. Jefferson regularly stay with you
10 at your dorm while y'all were dating?

11 A. Yes.

12 Q. Ma'am, I want to ask you some questions about
13 April 14th, 2015, the date of this event. What kind
14 of car were you driving back then?

15 A. A Toyota Corolla.

16 Q. What color?

17 A. Black.

18 Q. Two-door or four-door?

19 A. Four.

20 Q. Who was that car registered to?

21 A. I believe it's registered to my mother and
22 grandmother.

23 Q. And when did you get the car?

24 A. March.

25 Q. So basically brand new in April?

1 A. Yes.

2 Q. I want to show you a couple of photographs.
3 I'm going to show you what's marked as State's
4 No. 4, 5, 6, 7, 8, and 1 and ask you just to flip
5 through those for me and tell me if you recognize
6 them.

7 A. Yes, sir.

8 Q. What are they?

9 A. Pictures of the car.

10 Q. Do they truly and accurately depict what they
11 purport to show?

12 A. Yes.

13 MR. THURMOND: Your Honor, we would move those
14 into evidence.

15 I'll recite the numbers again for the court
16 reporter. That's going to be State's 4, 5, 6, 7, 8,
17 and 1.

18 MR. MCCARLEY: No objection.

19 THE COURT: Admitted.

20 (State's Exhibit Nos. 1, 4, 5, 6, 7, and 8
21 admitted into evidence.)

22 BY MR. THURMOND:

23 Q. Did Mr. Jefferson have a car of his own back in
24 April of 2015?

25 A. No.

1 Q. Did he regularly borrow your car?

2 A. Yes.

3 Q. Did you allow him to borrow your car on April
4 14th, 2015?

5 A. Yes.

6 Q. Was your car clean or dirty when you loaned it
7 to him?

8 A. I honestly don't remember.

9 Q. Did you regularly keep your car clean?

10 A. I tried to.

11 MR. THURMOND: Your Honor, we would request to
12 publish these exhibits to the jury at this time and
13 have her step down.

14 BY MR. THURMOND:

15 Q. I'll show you what's marked as State's No. 4.
16 Whose car is that?

17 A. Mine.

18 Q. And State's No. 5, that's a picture of your
19 license tag? That's your black Toyota?

20 A. Yes.

21 Q. And State's No. 6, 7, and 8, is that the
22 condition that you regularly kept your car in?

23 A. I tried not to, but it happened sometimes.

24 Q. And what do you notice specifically about
25 State's No. 6, 7, and 8?

1 A. A lot of dirt.

2 Q. Is there dirt in all seating locations of the
3 vehicle? Is that a fair assessment?

4 A. Yes.

5 Q. Let me ask you about State's No. 1. Is that
6 yours or Mr. Jefferson's pink car charger?

7 A. It was probably mine. I try to keep a car
8 charger in the car at all times.

9 Q. Thank you. You can have a seat back on the
10 witness stand.

11 Ma'am, that morning of April the 14th, 2015,
12 about what time did he take your vehicle,
13 Mr. Jefferson?

14 A. Maybe sometime between 10:00 and 12:00 PM.

15 Q. And what were you doing that day?

16 A. I had class all day.

17 Q. And where were y'all when he got the car from
18 you?

19 A. On campus at my dorm.

20 Q. Is that the USC-Aiken dorm? Is that what
21 you're referring to as campus?

22 A. Yes.

23 Q. Had he spent the night there with you the night
24 before, the night of the 13th?

25 A. Yes.

1 Q. And did you talk to him throughout the day on
2 the 14th?

3 A. Yes.

4 Q. How did you-all communicate?

5 A. Well, he had my phone, so I was communicating
6 with him through my iPad.

7 Q. All right. Make sure we all heard. You let
8 Mr. Jefferson use your car and your phone on the
9 14th?

10 A. Right.

11 Q. And you could communicate with him through your
12 iPad?

13 A. Right.

14 Q. Okay. What was your telephone number at the
15 time?

16 A. (727) 247-9470.

17 Q. (727) 247-9470; is that correct?

18 A. Yes.

19 Q. Did Mr. Jefferson have a working phone of his
20 own at the time?

21 A. No, that's why he borrowed mine.

22 Q. So he's got your car and your phone?

23 A. (Nods head).

24 Q. When did you next see Mr. Jefferson?

25 A. I believe the Wednesday -- that Wednesday.

- 1 Q. The Wednesday?
- 2 A. Uh-huh.
- 3 Q. That would be the 15th; is that correct?
- 4 A. (Nonverbal response).
- 5 Q. When was he supposed to return the car?
- 6 A. Tuesday night or Tuesday afternoon.
- 7 Q. So he was supposed to come back on the 14th but
- 8 you didn't see him until the 15th?
- 9 A. Right.
- 10 Q. And were you pleased or displeased with him
- 11 when he returned a day later?
- 12 A. Very displeased.
- 13 Q. When did you become aware that Mr. Jefferson
- 14 had loaned out your car?
- 15 A. He told me Friday, that would be the 17th.
- 16 Q. The Friday?
- 17 A. Right.
- 18 Q. The 17th?
- 19 A. Right.
- 20 Q. Of April 2015?
- 21 A. (Nods head).
- 22 Q. Did you have a conversation with Mr. Jefferson
- 23 about him loaning your car to a Santonio Red
- 24 Williams?
- 25 A. Well, that's who he told me he loaned the car

1 to.

2 MR. MCCARLEY: Objection; hearsay.

3 THE COURT: She can say what she said.

4 MR. MCCARLEY: I believe she started with he
5 told me.

6 THE COURT: You can't tell us what somebody
7 else said, but you can tell us what you said.

8 BY MR. THURMOND:

9 Q. What did you say to Mr. Jefferson about loaning
10 your car to somebody else?

11 A. Why would you do that.

12 Q. Okay. And that somebody else is who, ma'am?

13 MR. MCCARLEY: Objection; speculation. She has
14 no idea, she wasn't present.

15 THE COURT: Well, she might very well be able
16 to know that.

17 MR. MCCARLEY: By hearsay.

18 THE COURT: That's okay.

19 MR. MCCARLEY: Then I would object on hearsay
20 grounds as well, Your Honor.

21 THE COURT: All right.

22 MR. THURMOND: Can she answer?

23 THE COURT: She can answer that question.

24 BY MR. THURMOND:

25 Q. Can you answer that question, please?

1 A. I'm sorry. Can you repeat it?

2 Q. Who had your car?

3 A. Who did I loan the car to?

4 Q. You loaned your car to Mr. Jefferson?

5 A. Right.

6 Q. And you got very upset with Mr. Jefferson, I
7 believe you testified, because your car had been
8 loaned to someone else?

9 A. Right.

10 Q. And do you know who that someone else is?

11 A. From my understanding, he calls him Red.

12 That's what I know him by. I don't --

13 MR. MCCARLEY: Objection; hearsay. He calls
14 him.

15 THE COURT: Let me send the jury out for just a
16 minute.

17 (Jury exits the courtroom at 11:27 AM.)

18 THE COURT: I'm having an extremely difficult
19 time hearing what she's saying with no microphone
20 and her pointing that way and having a soft voice.
21 I can't hear what her response is to your question.

22 MR. THURMOND: She can maybe try holding that
23 up to her mouth a little bit.

24 THE COURT: Let's try to elicit what it is that
25 you want to ask her. I can hear what you're asking

1 her, but I can't hear what she's saying back to be
2 able to address his concerns.

3 MR. THURMOND: I was asking if she knew who had
4 her car that night. She knows the defendant. He
5 has been at her apartment before. She sees him two
6 days after the event. She is upset with
7 Mr. Jefferson because he has loaned her car to
8 somebody else.

9 THE COURT: All right. I'm with you. But
10 you're asking her how does she know that he had it?

11 MR. THURMOND: Yes, sir.

12 THE COURT: How is it not hearsay, which is his
13 objection? I want you to address that outside the
14 presence of the jury. How is she -- you're going to
15 have this Mr. Demarius Jefferson?

16 MR. THURMOND: Absolutely. I'll just move on
17 from that point. It's not critical for her to
18 say --

19 THE COURT: Unless she loaned it to him, how is
20 it not hearsay?

21 MR. THURMOND: Yes, sir.

22 THE COURT: That's what I'm getting at.

23 MR. THURMOND: Yes, sir.

24 THE COURT: Again, I can't hear what she's
25 saying very well. I'm not even sure I got that.

1 Bring the jury back in.

2 (The jury enters the courtroom at 11:30 AM.)

3 THE COURT: All right. You may resume.

4 BY MR. THURMOND:

5 Q. If it helps you to hold that microphone in your
6 hand closer to your mouth, we may all be able to
7 hear you better. You're very soft-spoken.

8 Do you know Santonio Williams?

9 A. Know him well? No. I met him, like, once or
10 so, but I don't know him.

11 Q. Where did you meet him?

12 A. He had came to my dorm room one time.

13 Q. What name did you know him by?

14 A. Red.

15 Q. Is he present in the courtroom today?

16 A. Yes.

17 Q. Can you please point him out to me?

18 A. The gentleman in the white shirt.

19 Q. Seated at the defense table with his attorneys?

20 A. Yes.

21 Q. What was his relationship with Mr. Jefferson?

22 Were they friends? Close friends? Acquaintances?

23 A. I'd say they were friends.

24 Q. Was there any other time that you saw Santonio

25 Williams that same week of this incident?

1 A. Yes.

2 Q. When and where?

3 A. It was in the Pine Crest Apartments in North
4 Augusta.

5 Q. On what day?

6 A. It was either a Wednesday or a Thursday.

7 Q. If you went to the -- with the Sheriff's Office
8 on Friday, it had to be Wednesday or Thursday; is
9 that correct?

10 A. Yes.

11 Q. Because the event was on Tuesday; is that
12 accurate?

13 A. Yes.

14 Q. You said you saw him at the Pine Crest
15 Apartments?

16 A. Uh-huh.

17 Q. What were you doing there?

18 A. This guy, I don't really know his name, but
19 called by Bope, he was with Demarius and --

20 Q. You said Bope?

21 A. Yes.

22 Q. He was with Mr. Jefferson?

23 A. Yes.

24 Q. Okay.

25 A. He asked us to take him over there -- or me.

1 Q. To take -- where did you take him?

2 A. Pine Crest.

3 Q. Pine Crest. What happened when you got to Pine
4 Crest?

5 A. We pulled up. He said, you can let me out
6 here. Red had came up --

7 Q. Who did you let out?

8 A. Bope.

9 Q. Where was Mr. Jefferson?

10 A. Sleep in the passenger's side.

11 Q. Front passenger's seat?

12 A. Yes.

13 Q. And who did you see next?

14 A. Red.

15 Q. Red is the defendant, Santonio Williams?

16 A. (Nods head).

17 Q. What did Mr. Williams do?

18 A. He came up to the car, asked did I remember
19 him. And he tried to wake Mr. Jefferson up, but he
20 wasn't budging.

21 Q. How did he try to wake Mr. Jefferson up?

22 A. He reached in the car and tried to shake him.

23 Q. From the driver's side?

24 A. Yes.

25 Q. So reached into your car over you?

1 A. Yes.

2 Q. And did he wake him up?

3 A. No.

4 Q. I want to go back to Friday, April the 17th.

5 What did you do that day?

6 A. I remember I went to Bob Richards Toyota.

7 Q. Bob Richards Toyota?

8 A. Yes.

9 Q. And, ma'am, this is now three days after the
10 murder; is that correct?

11 A. Yes.

12 Q. What did you do at Bob Richards Toyota?

13 A. I was getting an oil change.

14 Q. And who was with you?

15 A. Mr. Jefferson.

16 Q. And what was he doing?

17 A. Sitting in the passenger's seat.

18 Q. And at some point did he use your phone?

19 A. I believe so.

20 Q. And as a result of using your phone, did anyone
21 else come up to Bob Richards?

22 A. Yes.

23 Q. Who?

24 A. Lieutenant Fluery.

25 Q. Lieutenant Fluery. Is he a law enforcement

1 officer?

2 A. Yes.

3 Q. With the Aiken County Sheriff's Office?

4 A. (Nods head).

5 Q. What happened next?

6 A. Well, I was inside handling all the paperwork
7 or whatever. And when they told me --

8 Q. Please speak up.

9 A. I went inside to handle all the paperwork and
10 they asked me to go sit in the waiting area. I saw
11 Mr. Jefferson was still outside and I went outside
12 to see what he was doing.

13 Q. Where did you go when you left Bob Richards?

14 A. To the sheriff's office.

15 Q. You followed the investigator back there?

16 A. (Nods head).

17 Q. And at that time did you provide a statement
18 concerning the use of your vehicle back at the
19 sheriff's office? Did you give consent to have your
20 vehicle searched?

21 A. Yes.

22 Q. And that was on the Friday, the 17th?

23 A. Yes.

24 Q. So on the 17th, Mr. Jefferson was also using
25 your telephone?

1 A. Yes.

2 Q. I want to fast forward, ma'am, I guess about a
3 year to February 17th, 2016. Did you again meet
4 with investigators at the Aiken County Sheriff's
5 Office on about that date?

6 A. Yes.

7 Q. And on that date, what do you recall occurring?

8 A. Being told some information that, you know --
9 (shakes head).

10 Q. Did you provide your iPhone and iPad?

11 A. Yes.

12 Q. And did you consent to the search of those two
13 items?

14 A. Yes.

15 Q. Sometime after the 17th, I'm going to flip back
16 a year now to 2015, did you receive a phone call
17 from a Santonio Williams?

18 A. Yes.

19 Q. What number did he call you from?

20 A. It was a private number.

21 Q. And what, if anything, did he say?

22 A. He was looking for Mr. Jefferson and I believe
23 he asked did any one of us mention his name to the
24 police.

25 Q. He wanted to know if you had mentioned his name

1 to the police. Thank you, ma'am. That's all the
2 questions I have for you.

3 THE COURT: Cross?

4 CROSS-EXAMINATION

5 BY MR. MCCARLEY:

6 Q. Hello, Ms. Navas. Does your car have power
7 windows?

8 A. Yes.

9 Q. It does? Okay. You loaned your car to
10 Demarius Jefferson?

11 A. Yes.

12 Q. And he brought your car back?

13 A. Not when I wanted him to, but yes.

14 Q. Okay. That's all you know?

15 A. Right.

16 Q. You have no idea what he did with your car in
17 between?

18 A. Right.

19 Q. Thank you, ma'am.

20 THE COURT: Redirect?

21 MR. THURMOND: No, sir. No further questions.

22 THE COURT: You can step down.

23 MR. THURMOND: May she be released?

24 THE COURT: Yes. You're free to go.

25 MS. HALL: The State calls Demarius Jefferson.

1

2

DEMARIUS JEFFERSON

3

being first duly sworn, testified as follows:

4

THE WITNESS: Yes, ma'am.

5

THE CLERK: Have a seat in the witness box,

6

stating your full name and spelling your last,

7

please.

8

THE WITNESS: Demarius Jefferson,

9

J-E-F-F-E-R-S-O-N.

10

MR. MCCARLEY: Your Honor, I can't hear.

11

THE WITNESS: Demarius Jefferson,

12

J-E-F-F-E-R-S-O-N.

13

DIRECT EXAMINATION

14

BY MS. HALL:

15

Q. Good morning, Mr. Jefferson.

16

A. Good morning.

17

Q. How old are you?

18

A. Twenty-five.

19

Q. I'll need you to talk loudly. Okay?

20

A. Twenty-five.

21

Q. Where are you from?

22

A. North Augusta.

23

Q. How far did you go in school?

24

A. 12th.

25

Q. 12th grade?

1 A. Yeah.

2 Q. What high school?

3 A. North Augusta.

4 Q. What is your marital status? Are you engaged?

5 A. Yeah.

6 Q. All right. Mr. Jefferson, I don't mean to
7 embarrass you, but I got to ask you a few questions.

8 Are you the same Demarius Jefferson convicted of
9 failure to stop for a blue light in 2013?

10 A. Yes, ma'am.

11 Q. Again, speak up for me.

12 A. Yes, ma'am.

13 Q. And do you currently have pending charges?

14 A. Yes, ma'am.

15 Q. An unlawful carrying of a pistol?

16 A. Yes, ma'am.

17 Q. And that carries up to a year in jail?

18 A. Yes, ma'am.

19 Q. And possession of a controlled substance?

20 A. Yes, ma'am.

21 Q. And that carries up to six months?

22 A. Yes, ma'am.

23 Q. Have you been promised anything in exchange for
24 your testimony today?

25 A. No, ma'am.

1 Q. You're actually not too thrilled about being
2 here today, are you?

3 A. No. I don't want to be here.

4 Q. You don't want to be involved with this, do
5 you?

6 A. No, ma'am.

7 Q. Back in April of 2015, who were you dating?

8 A. Mercedes Navas.

9 Q. All right. Are you still dating her?

10 A. (Shakes head).

11 Q. Do you still communicate with her some?

12 A. (Nods head).

13 Q. Occasionally?

14 A. Yes.

15 Q. Where did she live back in April when y'all
16 were dating?

17 A. USC-Aiken campus.

18 Q. In the dorms?

19 A. Yes.

20 Q. Was it common for you to stay there with her?

21 A. Somewhat.

22 Q. And if someone wanted to find you, they might
23 check USC-Aiken dorms?

24 A. Yes, ma'am.

25 Q. Do you know Santonio Williams?

1 A. Yes, ma'am.

2 Q. How long have you known him?

3 A. For some years.

4 Q. Okay. A couple years. Do you see Santonio
5 Williams in the courtroom today?

6 A. No, ma'am.

7 Q. You don't see him? I need you to look through
8 all the courtroom.

9 A. Yes, ma'am.

10 Q. Okay. Can you point him out for me and tell me
11 what he's wearing?

12 A. A white collared shirt and black tie.

13 THE COURT: I need you to speak up. I can't
14 hear you.

15 Q. Is he seated at the table with his attorneys?

16 A. Yes, ma'am.

17 MS. HALL: Let the record reflect the witness
18 has identified the defendant.

19 THE COURT: So ordered.

20 BY MS. HALL:

21 Q. Mr. Jefferson, were you with Santonio Williams
22 April 14th of 2015?

23 A. Yes, ma'am.

24 Q. Let's start with the beginning of that day.

25 Where did you wake up that morning?

1 A. USC-Aiken.

2 Q. The dorms?

3 A. Yes, ma'am.

4 Q. Mercedes' room?

5 A. Yes, ma'am.

6 Q. And at some point you left. Do you remember
7 what time you left?

8 A. No, ma'am.

9 Q. Okay. Was it dark outside? Daylight?

10 A. No. Probably evening.

11 Q. In the evening, daylight?

12 A. Yeah.

13 Q. Okay. Whose car did you leave the campus in?

14 A. Mercedes.

15 Q. What kind of car was that?

16 A. A black Camry, Toyota.

17 Q. Four-door? Two-door?

18 A. Four-door.

19 Q. Okay. Mr. Jefferson, I'm showing you what has
20 previously been put into evidence as State's
21 Exhibits 4 and 5. Do you recognize these pictures?

22 A. Yes, ma'am.

23 Q. What are they?

24 A. Mercedes' car.

25 Q. That's the car you were in on April 14th, 2015?

1 A. Yes, ma'am.

2 Q. Did you communicate with Mercedes Navas that
3 day while you were gone?

4 A. Off and on a little bit.

5 Q. How did you communicate with her?

6 A. I was on her phone and she was on her iPad.

7 Q. Okay. So you had her cell phone?

8 A. Yes, ma'am.

9 Q. What was her number?

10 A. (727) 247-9470.

11 Q. Okay. And when you left your dorm -- the dorm,
12 where did you go?

13 A. To North Augusta.

14 Q. At some point, did you run into Demorris
15 Harris?

16 A. Yes, ma'am.

17 Q. Okay. And after you saw him, what happened?

18 A. Went to Pine Crest.

19 Q. Okay. Did you just see him or did he get in
20 the car with you?

21 A. Got in the car with me.

22 MR. MCCARLEY: Objection; leading.

23 THE COURT: Overruled.

24 Q. So Mr. Harris gets in the car with you. Where
25 do y'all go?

1 A. Pine Crest.

2 Q. What is that?

3 A. Neighborhood, an apartment complex.

4 Q. In?

5 A. North Augusta.

6 Q. North Augusta. Okay. While in Pine Crest, did
7 y'all see anyone else?

8 A. Yes, ma'am.

9 Q. Who was that?

10 A. Mr. Williams.

11 Q. Okay. And when you saw him, what happened?

12 A. He got in the car with me.

13 Q. Okay. So at this point you're driving,

14 Mr. Harris is in the car, and Santonio Williams is
15 in the car?

16 A. Yes, ma'am.

17 Q. Okay. Where did y'all go next?

18 A. To my friend's house, Darian, to pick him up.

19 Q. Darian. What's his last name?

20 A. Davis.

21 Q. Where did he live at the time?

22 A. Celeste.

23 Q. Celeste Avenue? Did you just pick him up or
24 did you stay at the house?

25 A. I picked him up.

1 Q. After you picked up Mr. Davis, where did you
2 go?

3 A. Philpot Lane, my grandma.

4 Q. Your grandma lives on Philpot Lane?

5 A. Yes, ma'am.

6 Q. What was there? Why did y'all go there?

7 A. We was playing basketball and gambling.

8 Q. Okay. So there's a basketball court on Philpot
9 Lane. Can you describe kind of the layout of that?

10 A. Like --

11 Q. Like, is it a concrete court?

12 A. Yes, ma'am.

13 Q. Okay. Surrounded by grass? Dirt?

14 A. Dirt.

15 Q. Dirt. Okay. So you had to walk through the
16 dirt to get to that court?

17 A. Yes, ma'am.

18 Q. Okay. How long did y'all stay there?

19 A. For a couple hours.

20 Q. Okay.

21 A. Till about --

22 Q. When did you leave?

23 A. When it got dark.

24 Q. Where did y'all go when you left there?

25 A. To the city court.

1 Q. Where is that located?

2 A. On Georgia Avenue.

3 Q. What's it across from?

4 A. Police station in North Augusta.

5 Q. Okay. Mr. Jefferson, I'm showing you State's
6 Exhibits 10 and 11. Do you recognize these?

7 A. (Nods head).

8 Q. Okay. And what are they?

9 A. Basketball courts.

10 Q. Those are the basketball courts y'all were at
11 April 14th, 2015?

12 A. Yes, ma'am.

13 Q. And that accurately reflects those?

14 A. Yes, ma'am.

15 MS. HALL: Your Honor, at this time the State
16 would move to enter State's 10 and 11 into evidence.

17 MR. MCCARLEY: Have I seen them?

18 No objection, Your Honor.

19 THE COURT: Admitted.

20 (State's Exhibit Nos. 10 and 11 admitted into
21 evidence.)

22 MS. HALL: Permission to publish, Your Honor.

23 THE COURT: You may.

24 BY MS. HALL:

25 Q. This is where y'all went once it got dark?

1 A. Yes, ma'am.

2 Q. Okay. And after y'all had been there a while,
3 what happened?

4 A. We was playing basketball and I let my homeboy
5 use the car.

6 Q. Who is your homeboy?

7 A. Mr. Williams and Bope.

8 Q. Did he --

9 A. I mean, Mr. Williams.

10 Q. How did that come about? Tell me about how
11 that came about.

12 A. Asked me to use the car. Asked him to get me
13 something to drink from the gas station.

14 Q. Did you just give Mr. Williams the car?

15 A. He wasn't driving, Mr. Harris was.

16 Q. Okay. Why was Mr. Harris driving?

17 A. Because I told him to drive.

18 Q. You're the one that told Harris to drive?

19 A. Yes, ma'am.

20 Q. Okay. Did Mr. Harris and Santonio Williams
21 leave the basketball courts?

22 A. Yes, ma'am.

23 Q. In Mercedes' black car?

24 A. Yes, ma'am.

25 Q. Okay. When they left, who was driving?

1 A. Mr. Harris.

2 Q. Do you remember about how long they were gone?

3 A. About an hour, hour and a half.

4 Q. What were you doing during this time?

5 A. I was playing basketball. And then I got
6 tired.

7 Q. Who were you playing basketball with?

8 A. Darian Davis.

9 Q. Okay. So Mr. Davis stayed with you at the
10 basketball courts?

11 A. Yes, ma'am.

12 Q. Mr. Harris and Santonio Williams drove off in
13 the car?

14 A. Yes, ma'am.

15 Q. Okay. They'd been gone for an hour, hour and a
16 half. Did you ever try to call them?

17 A. My phone was dead.

18 Q. Your phone was dead?

19 A. Yes, ma'am.

20 Q. Well, Mercedes' phone was dead?

21 A. Yes, ma'am.

22 Q. Did you notice anything shortly before they got
23 back?

24 A. No, ma'am.

25 Q. No unusual noises?

1 A. I heard police sirens everywhere.

2 Q. About how long after the police sirens did they
3 pull back up?

4 A. About 10, 15, 20 minutes after that.

5 Q. And when they got back, who was driving?

6 A. Bope -- Mr. Harris.

7 Q. Okay. He also goes by Bope?

8 A. Yes, ma'am.

9 Q. Okay. When they got back, do you remember
10 where Mr. Harris parked the car?

11 A. On the right side of the court.

12 Q. Over by the wood line?

13 A. Yes.

14 Q. Okay. Did they bring you back a drink?

15 A. No, ma'am.

16 Q. Okay. When y'all left there, where did you go?

17 A. Went to Conifer Court.

18 Q. All right. Sorry. Let me back you up. When
19 Mr. Harris and Santonio Williams got back, what did
20 y'all do?

21 A. Got in the car and we left.

22 Q. Okay. All four of y'all got back in the car?

23 A. Yes, ma'am.

24 Q. Okay. With Mr. Davis?

25 A. Yes, ma'am.

1 Q. Okay. Do you remember, at some point was
2 Mr. Davis dropped off?

3 A. Yes, ma'am.

4 Q. Okay. And where did you drop him off?

5 A. On Celeste.

6 Q. Then where did y'all go?

7 A. Conifer Court.

8 Q. What apartment complex is that? Is that Chalet
9 North?

10 A. Yeah, Chalet North.

11 Q. Can you describe the apartment y'all went to?

12 A. We went to the cul-de-sac.

13 Q. Okay. What's at the end of that cul-de-sac?

14 A. Like, three buildings, apartments buildings.

15 Q. Okay. Mr. Jefferson, I'm showing you what has
16 previously been marked as State's Exhibit 12. Do
17 you recognize this?

18 A. Yes, ma'am.

19 Q. What is it?

20 A. Cul-de-sac and apartments.

21 Q. That's the apartment and the cul-de-sec y'all
22 went to that night?

23 A. Yes, ma'am.

24 Q. Fairly and accurately represents that area?

25 A. Yes, ma'am.

1 MS. HALL: Your Honor, at this time the State
2 would move to enter State's 12 into evidence.

3 MR. MCCARLEY: I'd like to see it, Judge.

4 No objection, Your Honor.

5 THE COURT: Admitted.

6 (State's Exhibit No. 12 admitted into
7 evidence.)

8 BY MS. HALL:

9 Q. Mr. Jefferson, when y'all pulled up, was there
10 anybody outside these apartments?

11 A. There's always people outside. Yes, ma'am.

12 Q. Did you recognize any one person?

13 A. No. No, ma'am. Just a girl.

14 Q. There was a girl?

15 A. Yeah.

16 Q. Which apartment did she come out of?

17 A. To the right side.

18 Q. This one right here to the right?

19 A. Yeah.

20 Q. Okay. That girl came out of the apartment on
21 the right?

22 A. Yes, ma'am.

23 Q. Now, when the car got there and stopped, what
24 happened?

25 A. Mr. Williams got out, I got out, the trunk was

1 popped, something was covered up, like a barrel,
2 and --

3 Q. Okay. So what -- who is at the trunk at this
4 point?

5 A. Mr. Williams.

6 Q. Mr. Williams goes to the trunk. You get out
7 with him?

8 A. Yeah. I just get out and I turned back-around
9 and said I couldn't drive.

10 Q. Okay. When you saw him at the trunk, can you
11 describe what you saw?

12 A. Something wrapped up in a white towel and a
13 barrel.

14 Q. A barrel?

15 A. Yes, ma'am.

16 Q. Like a shotgun barrel?

17 A. Yes, ma'am.

18 Q. What did he do with that shotgun after he got
19 it out of the trunk?

20 A. Walked to the side of the house.

21 Q. Which side of that apartment did he go to?

22 A. To the right.

23 Q. To the right?

24 A. Yes, ma'am.

25 Q. Around the right apartment?

1 A. Yes, ma'am.

2 Q. And Mr. Harris was still in the car at this
3 point?

4 A. Yes.

5 Q. Where did y'all go next?

6 A. To the Belvedere Terrace.

7 Q. What's over there?

8 A. Just a neighborhood. Just rode around for a
9 second and then we went to the trailer park.

10 Q. Did you visit anybody there?

11 A. A girl named Cheryll.

12 Q. What's her last name?

13 A. Grubbs.

14 Q. And that's a girl that you knew?

15 A. Yeah.

16 Q. How long did y'all stay there?

17 A. A couple hours.

18 Q. Was Mr. Harris with you while you were there?

19 A. Yes, ma'am.

20 Q. Did you go inside her house?

21 MR. MCCARLEY: I apologize. What was the
22 answer to that? I didn't hear it.

23 THE COURT: Was Mr. Harris still there?

24 THE WITNESS: Yes, sir.

25 BY MS. HALL:

1 Q. Did you go inside Cheryll Grubbs' house or did
2 y'all hang out outside?

3 A. Both.

4 Q. Did Mr. Harris ever get out the car?

5 A. Yes, ma'am.

6 Q. After y'all were there for a few hours, where
7 did y'all go?

8 A. Somewhere in Augusta off Riverwatch, Washington
9 Road.

10 Q. What were y'all going there for?

11 A. That's where Bope -- I mean, Mr. Harris'
12 girlfriend was at.

13 Q. Okay.

14 THE COURT: I need you to speak up.

15 THE WITNESS: That's where Mr. Harris'
16 girlfriend was at.

17 BY MS. HALL:

18 Q. And after that, where did you go?

19 A. Back to USC-Aiken.

20 Q. Did Mr. Harris come with you back to USC-Aiken?

21 A. Um --

22 Q. Do you remember?

23 A. No. He stayed at the house.

24 Q. In Augusta?

25 A. Yeah.

1 Q. Do you remember what time you got back to the
2 USC-Aiken dorms?

3 A. At, like 5:00, 6:00 in the morning.

4 Q. Early morning?

5 A. Yes, ma'am.

6 Q. Did you go back into Mercedes' room at that
7 point?

8 A. No, ma'am.

9 Q. What did you do?

10 A. I went downstairs to my friend's room.

11 Q. What were y'all doing?

12 A. Just chilling.

13 Q. Hanging out? Did Mr. Harris have a cell phone
14 with him the night of April 14th?

15 A. No, ma'am.

16 Q. Okay. Did he ever use Mercedes' phone?

17 A. Yes, ma'am.

18 Q. When was the next time you saw Santonio
19 Williams after that night, after you dropped him off
20 at Chalet North?

21 A. A couple weeks -- a couple days.

22 Q. Couple days?

23 A. Yeah. Maybe a week.

24 Q. Where did you see him at?

25 A. Thomas Park.

1 Q. Okay. Where is that located?

2 A. Highway 25.

3 Q. Okay. What area of the city?

4 A. Belvedere.

5 Q. Okay. And what were you doing there that day?

6 A. Playing basketball.

7 Q. Were there other people there other than you
8 and Santonio Williams?

9 A. Yes, ma'am.

10 Q. Did you hear Santonio Williams talking that
11 day?

12 A. Yes, ma'am.

13 Q. What did he say?

14 A. I had a shootout with the Wolf Pack boys, or
15 something like that.

16 Q. He had a shootout with the Wolf Pack boys?

17 A. Yes, ma'am.

18 Q. On April 17th, did you contact the Aiken County
19 Sheriff's Office?

20 A. Yes, ma'am.

21 Q. How did you do that? Whose phone did you use?

22 A. Mercedes.

23 Q. And at that point you provided a little bit of
24 information that night?

25 A. Yes, ma'am. I asked --

1 Q. What did you ask?

2 A. I asked was a 16-year-old girl shot with a
3 shotgun.

4 Q. Why did you do that?

5 A. Because I was -- I seen the shotgun and then I
6 was hearing stuff.

7 Q. Okay. So you called the sheriff's office.

8 After calling the sheriff's office the first time,
9 did you talk to Santonio Williams again?

10 A. Yes, ma'am.

11 Q. How did you talk to him?

12 A. On a cell phone.

13 Q. Whose cell phone?

14 A. Mercedes.

15 Q. Okay. In that conversation, what did Santonio
16 Williams tell you?

17 A. Keep my mouth closed and wipe down the car.

18 Q. Okay. To wipe down the car?

19 A. Yes, ma'am.

20 Q. Did he tell you what part of the car to wipe
21 down?

22 A. Just, like, the back.

23 Q. Wipe down the back of the car and keep your
24 mouth closed?

25 A. Yes, ma'am.

1 Q. Did you wipe down the car?

2 A. Yes, ma'am.

3 Q. What telephone number did you contact Santonio
4 Williams on?

5 A. I don't remember the number.

6 Q. Okay. Do you remember looking at Mercedes'
7 cell phone records?

8 A. Do I remember looking --

9 Q. Do you remember looking at Mercedes' cell phone
10 records to look at the call logs?

11 A. Yes, ma'am.

12 Q. Mr. Jefferson, I'm showing you the call logs
13 for Mercedes Navas' phone on April 17th of 2015. Do
14 you remember seeing these?

15 A. Yes, ma'am.

16 Q. Okay. And what number was it that you
17 contacted Santonio Williams on that day?

18 A. (706) 755-9252.

19 Q. Just to make sure everybody else heard it,
20 (706) 755-9252?

21 A. Yes, ma'am.

22 Q. Okay. And after you talked to Santonio
23 Williams about wiping the car down, did you call the
24 sheriff's office again?

25 A. No, I went to the sheriff's office.

1 Q. Who did you meet with?

2 A. Um --

3 Q. A member of the sheriff's office, a law
4 enforcement officer?

5 A. Yes, ma'am.

6 Q. Did you talk to that officer before going to
7 the sheriff's office?

8 A. Yes, ma'am.

9 Q. And how did you contact that officer?

10 A. He met me at the Chevy dealership.

11 Q. Okay. How did he know to meet you there?

12 A. He called me and told me to meet him there.

13 Q. And whose phone were you talking on at that
14 point?

15 A. Mercedes'.

16 Q. Okay. And after that, did you go to the
17 sheriff's office?

18 A. Yes.

19 Q. Okay. And you provided a statement?

20 A. Yes.

21 Q. Mr. Jefferson, I don't have any further
22 questions for you. Please answer any the Defense
23 may have.

24 THE COURT: Cross?

25

1

2

CROSS-EXAMINATION

3

BY MR. MCCARLEY:

4

Q. You talked about some pending charges you have earlier with the solicitor; is that correct?

5

6

A. Uh-huh.

7

Q. Who are those charges pending with? Who controls those charges?

8

9

A. Aiken County.

10

Q. Aiken County Solicitor's Office, these folks right here?

11

12

A. I guess. I don't know..

13

Q. You're right. You guessed right. How many times have I met with you?

14

15

A. None.

16

Q. None. How many times have you met with the Solicitor's Office?

17

18

A. Once.

19

Q. One time?

20

A. Twice -- twice.

21

Q. Twice. How many times did you meet with the police in this case?

22

23

A. Several times.

24

Q. Several?

25

A. Yeah.

1 Q. Okay. Your pending charge is actually for
2 distribution of methamphetamine first offense; is
3 that correct?

4 A. Yes.

5 MS. HALL: Objection, Your Honor. I believe we
6 might need to review that.

7 THE COURT: All right. We need to take a
8 10-minute break real quick while we look something
9 up. Go back, use the restroom, don't begin
10 deliberations or discussions about the case.

11 (The jury exits the courtroom at 12:05 PM.)

12 THE COURT: Okay. Ten minutes.

13 MS. HALL: Thank you, Your Honor.

14 (Brief recess.)

15 THE COURT: Are we ready? Everything resolved?

16 MS. HALL: Yes, Your Honor.

17 THE COURT: Okay. What did you find out?

18 MS. HALL: Your Honor, it appears as if the
19 original arrest warrant was for possession with
20 intent to distribute methamphetamine. It was
21 indicted as possession of a controlled substance
22 because it was not, in fact, meth and it was not, in
23 fact, over a gram.

24 THE COURT: Okay.

25 MS. HALL: The substance was actually Ethylone.

1 THE COURT: All right. Then we'll need to
2 correct that.

3 MR. MCCARLEY: Okay.

4 THE COURT: Everybody in? Defendant in?

5 MR. MCCARLEY: Your Honor, I apologize. The
6 mechanics of correcting that are what?

7 THE COURT: Well, I'll just tell them that
8 we've researched it and it turns out that there was
9 a discrepancy in the records and it was, in fact, a
10 controlled substance. Does that suffice everybody?

11 MR. MCCARLEY: Yes, Your Honor.

12 MS. HALL: Yes, Your Honor.

13 THE COURT: All right. Bring the jury in.

14 (The jury enters the courtroom at 12:17 PM.)

15 THE COURT: All right. Folks, we needed to
16 research the discrepancy between two different
17 public records. And as a result, the proper charge
18 was for possession of a controlled substance, not
19 methamphetamine. So that was incorrect information,
20 but it was incorrect information that was published
21 in a public record.

22 You may resume.

23 MR. MCCARLEY: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. MCCARLEY:

1 Q. You've also been convicted of failure to stop
2 for a blue light?

3 A. Yes, sir.

4 Q. You also have pending an unlawful carrying of a
5 pistol charge?

6 A. Yes, sir.

7 Q. Who's prosecuting that?

8 A. I guess you and Aiken County.

9 Q. Aiken County. The sheriff's office right here?

10 A. I thought you were Aiken County too.

11 Q. Same people you met with.

12 Do you remember speaking with Investigator Cain
13 on April 17th of 2015?

14 A. Yes, sir.

15 Q. You do. And you called him, correct?

16 A. Yes, sir.

17 Q. Okay. And then you met with Lieutenant Fluery?

18 A. Yes, sir.

19 Q. You said at the Chevy dealership?

20 A. One of the dealerships on Aiken Augusta.

21 Q. And then you sat down and you gave a recorded
22 interview or statement to Investigator Cain? They
23 turned on a camera and you sat in a room with
24 Investigator Cain and Investigator Eagen, correct?

25 A. Yes, sir.

1 Q. Do you remember that?

2 A. Yes, sir.

3 Q. At the sheriff's office?

4 A. Yeah.

5 Q. Okay. Did you tell them anything at all about
6 Demorris Harris that day?

7 A. No.

8 Q. They asked you lots of questions about April
9 14th, the day this little girl passed away?

10 A. And they made me come back too.

11 Q. Oh, they made you come back?

12 A. Yeah.

13 Q. Because you didn't tell them the whole truth?

14 A. No, because I was under the influence.

15 Q. You were under the influence?

16 A. Yeah.

17 Q. Do you remember saying, I ain't lying to y'all?

18 A. I --

19 Q. Do you remember telling Investigator Cain,
20 quote, I ain't lying to y'all?

21 A. I guess.

22 Q. Okay. You just testified that you rode around
23 in the car all day with Demorris Harris who you've
24 been knowing since high school?

25 A. Yes.

1 Q. You just forgot that? You felt so moved to
2 call law enforcement about this blanket and barrel
3 you saw that you forgot who was driving your car?

4 A. No. I --

5 Q. Forgot who you loaned your girlfriend's car to,
6 she was so mad about?

7 A. No, I didn't.

8 Q. You did forget? So you lied?

9 A. I didn't --

10 Q. You either forgot or you lied. Which one is
11 it?

12 A. Neither one.

13 Q. Neither one? Which one then? Then what
14 happened?

15 A. I just never said nothing. I don't think
16 that's a lie.

17 Q. What phone number -- you took an oath; truth,
18 whole truth, nothing but the truth.

19 A. When I was there, I didn't take an oath.

20 Q. Ah.

21 A. So...

22 Q. So it's okay to lie to the police?

23 A. How did I lie to the police?

24 Q. Didn't tell him Demorris Harris was there.

25 A. Didn't tell them that. That's not a lie.

1 Q. But he was there?

2 A. He was at the courts.

3 Q. He was at the courts?

4 A. Yeah.

5 Q. Just at the courts?

6 A. He was with me all day, man.

7 Q. He was with you all day?

8 A. Yeah.

9 Q. All right. Do you remember giving a phone
10 number to Investigator Eagen and Investigator Cain
11 that day? They asked you for Santonio Williams'
12 phone number. You gave them a phone number?

13 A. What phone?

14 Q. (706) 932-8414. I apologize.

15 A. Whose number that is?

16 Q. You tell me. You're the one that gave it to
17 the investigator.

18 A. I can't tell you because I don't know.

19 Q. But you read out a phone number earlier -- in
20 your earlier testimony, you read out a phone number
21 that was (706) 755-9252.

22 A. Yeah, I did.

23 Q. Okay. Do you remember being interviewed by ATF
24 Agent Matt Morlan?

25 A. Yes.

1 Q. How many times have you met with him since this
2 whole thing happened?

3 A. I met with him on another case.

4 Q. On another case?

5 A. Yes.

6 Q. Do you admit or deny telling Federal Agent Matt
7 Morlan, Red ain't killed that girl?

8 MS. HALL: Objection, Your Honor; hearsay.

9 MR. MCCARLEY: Asking what he told the agent in
10 a recorded interview?

11 MS. HALL: Your Honor, that information was
12 based off of what he said was street talk. The full
13 context is what we need to look at here.

14 THE COURT: Overruled.

15 BY MR. MCCARLEY:

16 Q. Do you admit or deny then saying, Red ain't
17 killed that girl?

18 A. I don't remember.

19 Q. You don't remember.

20 You admit or deny saying, Red ain't killed her?
21 I need an answer.

22 A. I mean, street talk, like she told you.

23 Q. Do you admit or deny saying, they went and
24 picked Brisco up? Tussling with the gun, Brisco
25 took the gun and, boom, pulled the trigger, that's

1 why it didn't hit him, it hit her?

2 A. That was the word on the street.

3 Q. He then asked you what you were talking about.

4 Do you admit (or deny saying, talking about the
5 drive-by? Agent Morlan asked you what you were
6 talking about, and you said, the drive-by?

7 A. I guess.

8 Q. Okay. Your earlier testimony, you said you
9 dropped off Santonio at Conifer Court. And then
10 where did you go?

11 A. I went to Belvedere Terrace.

12 Q. Okay...

13 A. And went to the trailer park.

14 MR. MCCARLEY: Just a moment, Your Honor.

15 BY MR. MCCARLEY:

16 Q. How long have you known Demorris Harris?

17 A. Since high school.

18 Q. When were you in high school?

19 A. My last year was 2010.

20 Q. Okay. So seven years?

21 A. Uh-huh.

22 Q. On April 20th you told investigators with the
23 Aiken County Sheriff's Office that you didn't know

24 Bope's real name.

25 A. I didn't.

1 Q. You'd known him seven years and didn't know his
2 real name?

3 A. I mean, if you got a street name, most
4 people --

5 Q. So where did you learn his real name?

6 A. From his auntie.

7 Q. From his auntie?

8 A. Yeah.

9 Q. Why didn't you just -- you'd known him seven
10 years. He was with you all day. Why didn't you
11 call him and ask him his name?

12 A. He didn't have a phone.

13 Q. He didn't have a phone?

14 A. How can I call him?

15 Q. Would you be surprised if your phone records or
16 Mercedes Navas' records have 55 calls between you
17 and Demorris Harris?

18 A. When I was trying to call him trying to find
19 out what was going on.

20 Q. So you can call him to find out what's going
21 on, but you can't call him to find out his real name
22 because he ain't got no phone?

23 A. I was calling on his auntie phone and whatever
24 phone he calling me on.

25 Q. After Santonio -- after you say Santonio got

1 out of your car, you said you saw something in a
2 towel with a barrel --

3 A. Yeah.

4 Q. -- is that correct?

5 Okay. But you told Aiken County Sheriff's
6 investigators that it had a brown butt stop?

7 A. I don't know what kind of butt stop it had.

8 Q. So you don't know that anymore either?

9 A. I --

10 Q. You told them it was not a pump. Do you
11 remember that?

12 A. No, I don't.

13 Q. You went to Cheryll Grubbs' house?

14 A. Yeah.

15 Q. Okay. And you said Demorris Harris was with
16 you there?

17 A. Yeah.

18 Q. And you said he wanted to go see his
19 girlfriend?

20 A. Yeah.

21 Q. Do you admit or deny telling Cheryll Grubbs,
22 Man, we just did a drive-by and ended up hitting a
23 little girl, a little 18-year-old girl?

24 A. I deny that.

25 Q. You do?

1 A. Yes.

2 Q. You admit or deny saying, I did a drive-by over
3 in Clearwater, my cousin is freaking out? Do you
4 admit or deny that?

5 A. Deny that.

6 Q. Okay.

7 A. Why would I go tell --

8 Q. Do you admit or deny -- I get to ask the
9 questions.

10 Do you admit or deny saying, I told him not to
11 do it because there was so many people standing out,
12 but he did it anyway, man, and we ended up hitting a
13 little 18-year-old girl?

14 A. Deny. She ain't 18, she's 16.

15 Q. Do you admit or deny saying, the guy in the car
16 is freaking out, I don't know what to do, I don't
17 think, they're going to find out, there's no way
18 they got no proof it was us?

19 A. Deny. Why would I tell a girl -- bullshit.

20 Q. No more questions at this time.

21 THE COURT: Redirect?

22 MS. HALL: Yes, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. HALL:

25 Q. Mr. Jefferson, when you first met with

1 Investigator Cain in the recorded interview, did
2 Mr. Cain, the investigator, did he ever specifically
3 ask you about Mr. Harris?

4 A. No, ma'am.

5 Q. Okay. And you didn't bring up his name?

6 A. No, ma'am.

7 Q. Because you weren't trying to get involved in
8 this?

9 A. No, ma'am.

10 Q. You didn't want to be a witness in this case?

11 A. No, ma'am.

12 Q. The number that you gave Investigator Cain, you
13 actually called him back and told him you didn't
14 know -- that -- you called him back and told him
15 that that wasn't the correct number, correct?

16 A. Correct.

17 Q. And when you talked to Special Agent Matt
18 Morlan --

19 MR. MCCARLEY: Objection, Your Honor; leading.

20 THE COURT: Sustained.

21 BY MS. HALL:

22 Q. When you gave your statement to Investigator --
23 Special Agent Matt Morlan, were you telling him what
24 you saw in the car that night with Brisco?

25 A. I couldn't --

1 MR. MCCARLEY: Objection; leading, Your Honor.

2 Q. Were you in the car that night?

3 A. No, ma'am.

4 Q. When the girl got shot?

5 A. No, ma'am.

6 Q. The information that you provided Investigator
7 Matt Morlan, where did you get that information?

8 A. Off the street.

9 Q. Rumors?

10 A. Yes, ma'am.

11 Q. People had told you?

12 A. Yes, ma'am.

13 Q. Not eyewitness testimony?

14 A. No, ma'am.

15 Q. That's all the questions I have for you.

16 MR. MCCARLEY: May I recross briefly, Your
17 Honor?

18 THE COURT: Recross.

19 RECROSS-EXAMINATION

20 BY MR. MCCARLEY:

21 Q. You said you were with Harris all day.

22 A. Yes.

23 Q. You told me you were with Harris all day.

24 A. Yes.

25 Q. But then you just told her that you weren't in

1 the car.

2 A. I was with him all day. Okay? When they left
3 and when I went to play basketball --

4 Q. I don't have any further questions.

5 A. So I can't finish talking?

6 THE COURT: You can finish your answer if you
7 need to.

8 THE WITNESS: I was at the basketball court
9 playing basketball and gambling, let somebody use my
10 car.

11 BY MR. MCCARLEY:

12 Q. Okay.

13 A. Okay.

14 Q. That's your story?

15 A. (Nonverbal response).

16 THE COURT: Okay.

17 All right, folks. We're going to break for
18 lunch now. It's 12:30. Let's be back in the jury
19 room at 2:00. Again, don't begin deliberations or
20 discussions about the case. If you want to go to
21 lunch with anybody on the jury, you can do that.

22 But, again, don't talk about the case, witness
23 demeanor, or anything, don't try to find out

24 anything about the case. If anybody does approach
25 you to talk to about the case, please report that

1 Okay. Bring the jury in.

2 (The jury enters the courtroom at 2:05 PM.)

3 THE COURT: Okay. Well, welcome back, folks.

4 I hope you enjoyed lunch. It's certainly a nicer
5 day today than it was yesterday at lunchtime.

6 Ms. Stark has been dismissed from the jury.
7 She just had an unavoidable childcare situation come
8 up. So we've released her from duty. So we'll now
9 just have one alternate.

10 We'll resume now with the State calling their
11 next witness.

12 MS. HALL: State calls Darian Davis.

13 DARIAN DAVIS

14 being first duly sworn, testified as follows:

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Have a seat in the witness box,
17 stating your full name and spelling your last name,
18 please.

19 THE WITNESS: My name is Darian Davis,
20 D-A-R-I-A-N, Zabriel, Z-A-B-R-I-E-L, Davis.

21 DIRECT EXAMINATION

22 BY MS. HALL:

23 Q. Mr. Davis, how old are you?

24 A. Twenty-four.

25 Q. Where are you from?

1 A. North Augusta.

2 Q. How far did you go in school?

3 A. I'm actually about to graduate this semester.

4 Q. Where are you graduating from?

5 A. Aiken Tech.

6 Q. What's your major?

7 A. Welding.

8 Q. Welding. All right. Are you currently
9 employed?

10 A. Yes, ma'am.

11 Q. And I don't mean to embarrass you, but I have
12 to ask, are you the same Darian Davis convicted of
13 possession with intent to distribute marijuana in
14 2012?

15 A. Yes, ma'am.

16 Q. And you currently have a pending charge?

17 A. Yes, ma'am.

18 Q. Is that possession of controlled substance?

19 A. Yes, ma'am.

20 Q. Does that carry up to six months in jail?

21 A. Yes, ma'am.

22 Q. Have you been made any promises in exchange for
23 your testimony today?

24 A. No, ma'am.

25 Q. Do you know Santonio Williams?

210

1 A. Yes, ma'am.

2 Q. How do you know him?

3 A. We from the same neighborhood. We stayed in --
4 I been knowing him.

5 Q. How long have you known him?

6 A. Since we were little.

7 Q. Fifteen, 20 years?

8 A. Yeah.

9 Q. Do you see Santonio Williams in the courtroom
10 today?

11 A. Yes, I do.

12 Q. What is he wearing?

13 A. A white shirt.

14 Q. Sitting with his lawyers?

15 A. Yes, I would assume.

16 MS. HALL: Let the record reflect the witness
17 has identified the defendant.

18 BY MS. HALL:

19 Q. Mr. Davis, do you know Demarius Jefferson?

20 A. Yes, ma'am.

21 Q. How do you know him?

22 A. We went to school together. I grew up with him
23 too.

24 Q. Were you with Demarius Jefferson on April 14th,
25 2015?

211

1 A. Yes, ma'am.

2 Q. Okay. When did you first see Mr. Jefferson
3 that day?

4 A. It was kind of early, about, like, right before
5 dark, about 4:00 or 5:00.

6 Q. Where did you see him?

7 A. He came to my house.

8 Q. And what did you do after he got to your house?

9 A. He picked me up, we went and played ball.

10 Q. Where did you go play ball first?

11 A. At his grandma's house, Philpot.

12 Q. What kind of car was he driving when he picked
13 you up?

14 A. I assume the black one, the black four-door
15 car.

16 Q. Four-door car. Okay. Was anyone in the car
17 with him when he picked you up?

18 A. Yes, they were.

19 Q. Who was in the car with him?

20 A. Santonio. And I don't know the other guy like
21 that.

22 Q. You didn't know the other guy like that. Have
23 you since identified who that person was?

24 A. They showed me a picture of him, but I still
25 don't know him like that.

212

1 Q. You don't know him, but you recognized the
2 photo?

3 A. Yeah, I recognize him.

4 Q. Mr. Davis, I'm showing you what has previously
5 been marked as State's Exhibit 48. Do you recognize
6 this?

7 A. Yes, I recognize him. I don't know him, but --

8 Q. What is this?

9 A. That's the other guy.

10 Q. That's a picture of the other guy that was in
11 the car when you were picked up by Demarius
12 Jefferson?

13 A. Yeah.

14 Q. And that's your signature identifying him?

15 A. Yeah.

16 MS. HALL: At this time the State moves to
17 enter State's Exhibit 48 into evidence.

18 MR. MCCARLEY: No objection, Your Honor.

19 THE COURT: Admitted.

20 (State's Exhibit No. 48 admitted into
21 evidence.)

22 BY MS. HALL:

23 Q. So you didn't know Mr. Harris, but you did
24 recognize that as being the other person in the car
25 with y'all that night?

1 A. Yeah, I don't know him. I don't know him.

2 Q. You were just with him that day?

3 A. Yeah.

4 Q. Okay. You stated that y'all went to play
5 baseball on Philpot Lane.

6 A. Uh-huh.

7 Q. How long did y'all stay there?

8 A. Probably about an hour. It wasn't that long.
9 It got dark pretty quick.

10 Q. What happened when it got dark?

11 A. We went to the city court and we just continued
12 playing from there.

13 Q. Okay. Let me take you back to the basketball
14 court on Philpot Lane. Can you describe that layout
15 for me?

16 A. I think they stayed in the car. Me and
17 Demarius was playing one-on-one.

18 Q. Okay. Now, when you get out the car, is it all
19 paved or what do you have to walk through to get to
20 the court?

21 A. It's dirt until you get all the way to the
22 court. It's a dirt driveway.

23 Q. So you got to walk through the dirt and the
24 sand to get to it?

25 A. Yeah.

214

1 Q. Okay. Who brought the basketball for y'all to
2 play?

3 A. Demarius.

4 Q. Mr. Jefferson?

5 A. Yeah.

6 Q. You said you went to another basketball court.
7 Where was that second basketball court located?

8 A. City court right next to the police station.

9 Q. The North Augusta Department of Public Safety?

10 A. Uh-huh.

11 Q. Okay. Mr. Davis, I'm showing you what has
12 previously been admitted into evidence as State's
13 Exhibits 10 and 11.

14 A. Yeah, that's the city court right there.

15 Q. That's the basketball courts y'all ended up at
16 that night?

17 A. Yeah.

18 Q. All right. What happened when y'all got there
19 to the North Augusta City basketball courts?

20 A. I hopped out -- I grabbed the ball, I hopped
21 out, and I walked to the court. And I heard them
22 arguing about the car or whatever, so I --

23 Q. Who was arguing about the car?

24 A. Demarius and them, whoever it was.

25 Q. Santonio Williams?

1 A. Yes.

2 MR. MCCARLEY: Objection; leading. Clearly he
3 said he didn't know who it was.

4 THE WITNESS: I said whoever it was.

5 MR. MCCARLEY: Yes, sir, whoever.

6 THE COURT: Overruled.

7 BY MS. HALL:

8 Q. Who was Demarius Jefferson arguing with about
9 the car?

10 A. I guess he was arguing with Santonio.

11 Q. Santonio Williams?

12 A. Yeah.

13 Q. What happened after that?

14 A. I don't know. I walked to the court. I wasn't
15 dealing with none of that.

16 Q. Okay.

17 A. I walked to the court and start dribbling.

18 Q. At some point did anybody leave the basketball
19 courts?

20 A. Yes, they pulled off.

21 Q. Who is they?

22 A. The other two that was up in the car. It was
23 me and Demarius on the court.

24 Q. So you and Demarius Jefferson stayed at the
25 basketball court?

1 A. I don't know who was driving or whatever.

2 Q. But who left -- who were the two people that
3 left in the car?

4 A. Santonio and that other guy.

5 Q. Mr. Harris?

6 A. Yeah.

7 Q. Okay. Do you remember about how long they were
8 gone?

9 A. Probably about an hour or so. I'm not sure. I
10 wasn't keeping up with the time. We played a few
11 games, probably like two or three games.

12 Q. Okay. Did you have a cell phone on you that
13 night?

14 A. I'm not sure if I left it at the house, in the
15 car, or if I even had it with me. I don't remember.

16 Q. But you didn't have it with you at the courts?

17 A. I don't think I did.

18 Q. Okay. Was Mr. Jefferson on the phone at all
19 while y'all were left there by yourselves?

20 A. No.

21 Q. At some point did the car come back?

22 A. Yeah.

23 Q. Okay.

24 A. That's how I got home.

25 Q. What happened when the car got back?

1 A. We hopped in the car.

2 Q. Who is we?

3 A. Demarius Jefferson -- me and Demarius.

4 Demarius Jefferson hopped in the driver's seat. And
5 they dropped -- they dropped me off first on
6 Celeste.

7 Q. So as soon as y'all leave the basketball court,
8 you get dropped off?

9 A. Yep.

10 Q. Okay. Did you talk to any of those guys the
11 rest of the night?

12 A. No. I was too sore, I was trying to get out of
13 there. I took my shoes off and everything.

14 Q. Played hard?

15 A. Yeah.

16 Q. A week after the shooting incident happened,
17 did you provide a statement to law enforcement?

18 A. I think so. I talked to one of the
19 investigators.

20 Q. Were you hesitant to go talk to them?

21 A. I guess so.

22 Q. You weren't happy about going to provide
23 information?

24 A. Nah. Yeah, because I don't want nothing to do
25 with none of that.

1 Q. Did you tell them that day that Santonio
2 Williams was with you on April 14th, 2015?

3 A. I'm not sure. I don't know.

4 Q. Okay. But you're sure Santonio Williams was
5 with you that night, April 14th, 2015?

6 A. Yes.

7 Q. And he left in the dark four-door car?

8 A. I don't know if he drove off.

9 Q. He was just in it?

10 A. Yeah. I just know he left.

11 Q. I have no further questions. Please answer any
12 the Defense may have.

13 THE COURT: Cross?

14 CROSS-EXAMINATION

15 BY MR. MCCARLEY:

16 Q. Mr. Davis, have you ever met with me?

17 A. Huh-uh. I may have. I think you was in the
18 room that other day. I'm not sure.

19 Q. Okay. I've never met with you.

20 A. Okay.

21 Q. Have you ever met with the solicitor's office?

22 A. Yeah. I seen them plenty of times.

23 Q. You met with Investigator Cain right here,
24 correct, the gentleman in the red tie?

25 A. I know who he is, though.

1 Q. You gave him a statement? You sat down and he
2 video-recorded your statement April 20th of 2015?

3 A. Yeah.

4 Q. And in that statement did you say, I would not
5 be able to recognize them again if I saw them?

6 A. Yeah.

7 Q. You said that?

8 A. Yeah.

9 Q. Six days after this happened, you said, I would
10 not be able to recognize them again if I saw them?

11 A. Yeah. But --

12 Q. And you said, I have never seen them before?

13 A. I haven't.

14 Q. All right.

15 A. I recognize them on the pictures when they
16 showed me.

17 Q. I understand. No further questions.

18 THE COURT: Redirect?

19 REDIRECT EXAMINATION

20 BY MS. HALL:

21 Q. Just for clarification, you recognized Santonio
22 Williams, you did not recognize Demorris Harris?

23 A. Yeah. I don't know that guy, never heard his
24 name or nothing.

25 Q. But you've known Santonio Williams for --

1 A. Since we was little.

2 Q. And he was with y'all that night?

3 A. Yeah.

4 Q. No further questions.

5 MR. MCCARLEY: Recross?

6 THE COURT: Yes.

7 RECROSS-EXAMINATION

8 BY MR. MCCARLEY:

9 Q. On April 20th, 2015, you gave a video-recorded
10 statement to Investigator Cain. Did you say, I
11 would not be able to recognize them again if I saw
12 them?

13 A. Maybe. I don't know.

14 Q. Did you say, I have never seen them before?

15 A. I haven't seen him before.

16 MR. MCCARLEY: Just a second, Your Honor.

17 No further questions.

18 THE COURT: You may step down.

19 THE WITNESS: I don't know that guy.

20 THE COURT: You can just step down.

21 THE WITNESS: Okay.

22 THE COURT: Next witness.

23 MS. HALL: The State calls Santana Nesbitt.

24 SANTANA NESBITT

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Have a seat up here in the witness
3 box. State your full name and spell your last name.

4 THE WITNESS: Santana Nesbitt, N-E-S-B-I-T-T.

5 DIRECT EXAMINATION

6 BY MS. HALL:

7 Q. Sergeant Nesbitt, how old are you?

8 A. I'm 29.

9 Q. Where are you from?

10 A. I'm from North Augusta, South Carolina.

11 Q. Where are you currently living?

12 A. Beaufort, South Carolina.

13 Q. Where are you employed?

14 A. In the Marine Corps. I work at Webster
15 training battalion.

16 Q. What is your rank in the Marines?

17 A. Sergeant.

18 Q. Do you know Santonio Williams?

19 A. Yes, I do.

20 Q. How do you know him?

21 A. Just from the neighborhood, from North Augusta.

22 Q. Okay. When did you start communicating with
23 Santonio Williams pretty regularly?

24 A. Around March.

25 Q. Okay. What sticks out in your mind about that?

1 When did y'all start talking? Were you in Beaufort
2 or were you in North Augusta?

3 A. No, I was in North Augusta.

4 Q. What were you home for?

5 A. I was on leave.

6 Q. How long was that leave?

7 A. It was only for, like, a week or so.

8 Q. Okay. But that's when you started
9 communicating with Santonio Williams regularly?

10 A. Yes.

11 Q. What is your telephone number?

12 A. (706) 832-6636.

13 Q. Did you have an opportunity to review your cell
14 phone records from back in March and April of 2015
15 and an opportunity to look at those to determine
16 what Santonio Williams' phone number is?

17 A. Yes. I seen it yesterday.

18 Q. Okay. Sergeant Nesbitt, I'm showing you what
19 has been marked as State's Exhibit 15. Do you
20 recognize this?

21 A. Yes.

22 Q. What is it?

23 A. It's his cell phone number.

24 Q. That's the number that you were able to
25 determine was Santonio Williams' number and the

1 number you contacted him on back in April of 2015?

2 A. Yes.

3 Q. And what is that number?

4 A. (706) 755-9252.

5 MS. HALL: Your Honor, at this time, State
6 moves to enter into evidence State's Exhibit 15.

7 MR. BUSH: No objection, Your Honor.

8 THE COURT: Admitted.

9 (State's Exhibit No. 15 admitted into
10 evidence.)

11 BY MS. HALL:

12 Q. Starting in March of 2015, what was the call
13 frequency between you and Santonio Williams? Daily?

14 A. Yes, I would talk to him every day.

15 Q. Couple times a day?

16 A. Yes.

17 Q. Okay. On the phone number you just listed?

18 A. Yes.

19 Q. At some point after April 14th of 2015 when
20 this shooting happened, did he change his cell phone
21 number?

22 A. Yes.

23 Q. He started -- did he contact you from a
24 different number?

25 A. Yes.

1 Q. Okay. Did Santonio Williams continue to
2 contact you after his arrest in April of 2015?

3 A. He called me from jail, yes.

4 Q. Okay. Can you explain how that system works?

5 A. He called, I put money on the phone, and we
6 talked.

7 Q. Okay. So he was able to call your phone number
8 because you put money on it?

9 A. Yes.

10 Q. Kind of a collect-call system?

11 A. Yes.

12 Q. How often would he call you from the jail?

13 A. Every day.

14 Q. Okay. Did he call you on May 11th, 2015?

15 A. What's --

16 Q. I'm sorry. Let me start over. All right.

17 Now, you talked to him on his cell phone. Starting
18 in March, you talked to him daily at the jail. Were
19 you familiar with his voice?

20 A. Yes.

21 Q. Okay. I'm showing you what has previously been
22 marked as State's Exhibit 14. Do you recognize this
23 disc?

24 A. Yes.

25 Q. How do you recognize it?

1 A. I listened to it yesterday.

2 Q. And are those your initials?

3 A. Yes, it is.

4 Q. Does this phone call fairly and accurately
5 portray the phone call you had with Santonio
6 Williams on May 11th, 2015?

7 A. Yes.

8 MS. HALL: Your Honor, at this time, State
9 moves to enter into evidence State's Exhibit 14.

10 MR. BUSH: No objection, Your Honor.

11 THE COURT: Admitted. You can publish.

12 MS. HALL: Yes, Your Honor.

13 (State's Exhibit No. 14 admitted into
14 evidence.)

15 MS. HALL: Your Honor, I think we may need to
16 approach briefly.

17 (Sidebar conference.)

18 BY MS. HALL:

19 Q. Sergeant Nesbitt, before we play this
20 recording, what does Santonio Williams ask you to do
21 during this phone call?

22 A. He -- well, when I listened to it yesterday.
23 It said something about was I there -- oh, can you
24 call my lawyer to say I was with you or something
25 like that, to that effect.

1 Q. He wanted you to call his lawyer?

2 A. Call his lawyer.

3 Q. And tell the lawyer what?

4 A. That he was -- that -- say I was around or say
5 he was with me or something like that, to that
6 effect.

7 Q. Okay.

8 MS. HALL: At this time, the State is going to
9 publish that phone call.

10 (Audio played for his Honor and the jury.)

11 BY MS. HALL:

12 Q. Sergeant Nesbitt, who is the female voice on
13 the recording?

14 A. That was me.

15 Q. And who was the male voice?

16 A. That was Santonio.

17 Q. Where were you the night of April 14th, 2015?

18 A. Is that the --

19 Q. That's the night of the shooting?

20 A. I was home in Beaufort.

21 Q. You were home?

22 A. Yes.

23 Q. So you were not with Santonio Williams?

24 A. No.

25 Q. Did you ever call his lawyer and tell his

1 lawyer that you were with Santonio Williams that
2 night?

3 A. No.

4 Q. Because you weren't with him?

5 A. No.

6 Q. I have no further questions for you. Please
7 answer any the Defense may have.

8 CROSS-EXAMINATION

9 BY MR. BUSH:

10 Q. Sergeant Nesbitt, you stated that your phone
11 number at that time was (706) 832-6636, correct?

12 A. Yes.

13 Q. And you testified Mr. Williams' number was
14 (706) 755-9252, right?

15 A. Yes.

16 Q. And at the end of that call, we heard you say
17 that around the same time we were on the phone and
18 Mr. Williams answered; yes, correct?

19 A. Yes.

20 Q. Do you remember texting Mr. Williams on April
21 14th, 2015, at 9:03 PM?

22 A. I don't remember. If I look at the phone --
23 the log, I can tell you if I did or not.

24 Q. And you reviewed the log with the Solicitor's
25 Office already, haven't you?

1 A. Yes. They showed me the --

2 Q. So it would refresh your memory if you were to
3 look at the phone calls now? Important to note on
4 these phone records is that they are in UTC,
5 Universal Coordinated Time, which is five hours
6 ahead of Eastern Standard Time --

7 MS. HALL: Objection; Your Honor, he's
8 testifying.

9 THE COURT: Well, ask a question.

10 BY MR. BUSH:

11 Q. You're aware these records are in UTC time,
12 which is Universal Coordinated Time, correct?

13 A. Yes, because you just said it.

14 Q. And they say it right there at the top of the
15 records actually, where it says connection time,
16 UTC?

17 A. Yes.

18 Q. And that's five hours ahead of Eastern Standard
19 Time?

20 A. Yes.

21 Q. Now, on those records you can see at 4:15, at
22 the 20346 mark, there's a text message from you to
23 Mr. Williams, correct?

24 A. What time again?

25 Q. It would be at 203 on 4/15/15, April 15th, time

1 2021.

2 A. You said 2021?

3 Q. Correct.

4 A. There's no 2021. 2011, I see a text message,
5 yes.

6 Q. If you go down and you look at the call log for
7 April 15th, 2015, at 2:03, 0203 hours.

8 A. Yes.

9 Q. And that's a text message from you to
10 Mr. Williams, correct?

11 A. Yes.

12 Q. And if you were to subtract five hours from
13 that, that would be 9:03 PM, correct?

14 A. Yes.

15 Q. And, again, you see a record right below it at
16 2:04?

17 A. Yes.

18 Q. And five hours before that would be 9:04 PM,
19 correct?

20 A. Yes.

21 MR. BUSH: I beg the Court's indulgence.

22 No further questions, Your Honor.

23 THE COURT: Redirect?

24 MS. HALL: Nothing, Your Honor.

25 THE COURT: You can step down.

1 MS. HALL: Your Honor, may this witness be
2 released from her subpoena?

3 THE COURT: No problem. You're free to go.
4 Next witness.

5 MS. HALL: Your Honor, at this time, we'd also
6 like to move to have Mr. Jefferson released from his
7 subpoena.

8 THE COURT: That's fine.
9 All right. Next witness.

10 MR. THURMOND: Your Honor, the State calls
11 Victor Mercuri.

12 VICTOR MERCURI

13 being first duly sworn, testified as follows:

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Have a seat in the witness box.
16 State your full name and spell your last name.

17 THE WITNESS: I'm Victor Mercuri. My last name
18 is spelled M-E-R-C-U-R-I.

19 DIRECT EXAMINATION

20 BY MR. THURMOND:

21 Q. Afternoon.

22 A. Good. How are you doing, sir?

23 Q. Fine, thank you. How old are you?

24 A. Twenty-four, sir.

25 Q. Where are you from?

1 A. Originally, Charleston, South Carolina.

2 Q. How far did you go in school?

3 A. 12th grade.

4 Q. Where were you employed before your arrest on
5 February the 13th of 2016?

6 A. A concrete company.

7 Q. And you are a current resident of the Aiken
8 County Detention Center?

9 A. Yes, sir.

10 Q. I got to go through your pending charges with
11 you and ask you about your prior record. You are
12 currently charged with the offense of armed robbery;
13 is that correct?

14 A. Yes, sir.

15 Q. With a potential penalty of anywhere from 10 to
16 30 years. An accompanying gun charge with
17 possession of a weapon during the commission of a
18 violent crime that carries up to five years;
19 correct?

20 A. Yes, sir.

21 Q. Malicious injury to a jail, carries anywhere
22 from zero to three years, correct?

23 A. Yes, sir.

24 Q. Possession of stolen vehicle, value of \$2,000
25 to \$10,000, with a potential penalty of zero to five

1 years; is that correct?

2 A. Yes, sir.

3 Q. And, lastly, manufacturing methamphetamine
4 first offense with a potential penalty of anywhere
5 from zero to 15 years?

6 A. Yes, sir.

7 Q. And as to your prior record, you have a
8 previous conviction in 2015 for possession of a
9 stolen vehicle; is that correct?

10 A. Yes, sir.

11 Q. And other than the charge that I just listed,
12 those other charges are still pending?

13 A. Yes, sir.

14 Q. Do you want to tell this jury what promises or
15 deals the State has made with you in exchange for
16 your testimony today?

17 A. Absolutely none at all. There's no promises,
18 no deals, nothing like that.

19 Q. Since your arrest back on February 13th of
20 2016, at some point were you housed in the same pod
21 with this Defendant, Santonio Williams?

22 A. Yes, sir.

23 Q. Do you remember the approximate dates?

24 A. From right around May 20th to the end of May.
25 Originally -- excuse me. I'm sorry. April 20th to

1 about the beginning of May and then I was housed
2 somewhere else. And then I came back from May 20th
3 to the beginning of June. And I believe he was
4 moved out at the end of June.

5 Q. Do you recall being in the same pod with
6 Mr. Williams for approximately 20 days total? Does
7 that sound about right?

8 A. Yes, sir.

9 Q. And while you were housed in the same pod with
10 him, did you hear him discussing his case?

11 A. Yes, sir.

12 Q. And how did that come about?

13 A. While on recreation in the dayroom, I
14 intercepted a conversation between Santonio Williams
15 and Austin Pownall, Reginald Hamilton --

16 Q. Hold on just a moment. Austin Pownall?

17 A. Yes, sir.

18 Q. Spell his last name, please.

19 A. P-O-W-N-A-L-L.

20 Q. And was he your cellmate?

21 A. Yes, sir.

22 Q. Did you know him prior to being arrested?

23 A. Yes, sir. We were in elementary school
24 together some years ago.

25 Q. All right. And so you say -- I think you used

1 the word intercepted, I think. You overheard a
2 conversation between --

3 A. Yes, sir.

4 Q. -- Mr. Pownall and others?

5 A. Yes, sir. I --

6 Q. Who did you hear speaking and where did you
7 hear them?

8 A. In the dayroom. I heard Santonio Williams,
9 Austin Pownall, and Reginald Hamilton speaking.

10 Q. What is the dayroom?

11 A. The place where we have recreation outside of
12 our cells.

13 Q. And was Mr. Williams being teased?

14 A. Yes, sir. They were teasing him for shooting a
15 female. The conversation was along the lines of
16 he -- they called him a shitty shot. And I guess he
17 was supposed to shoot somebody else, but ended up
18 shooting a female. And he replied and said that he
19 intended on killing both of them, but he missed the
20 nigger and shot the bitch.

21 Q. And were there any other occasions where you
22 heard the defendant, Santonio Williams, talking
23 about his case?

24 A. Yes, sir.

25 Q. All right. Tell me about that occasion.

1 A. While in my cell, C-3205, I was housed with
2 Austin Pownall. And I heard Austin Pownall and
3 Santonio talking through the door about his case.
4 Austin was questioning him about his case and
5 Santonio said that he shot the bitch, as he called
6 her, out of retaliation for someone killing his
7 brother, and by doing so, he was going to obtain a
8 higher rank in his gang.

9 Q. Who was he referring to by his brother?

10 A. A fellow gang member.

11 Q. And when this conversation took place, were you
12 and Mr. Pownall in the same cell?

13 A. Yes, sir.

14 Q. And where was Mr. Williams?

15 A. Standing outside the door.

16 Q. Why was he outside and you and Mr. Pownall were
17 confined to your cell?

18 A. We had got in trouble the night before and
19 received a reprimand where they take your recreation
20 for the next day, and we were locked in our cells.

21 We were right beside the shower and he came over and
22 had the conversation with Austin Pownall right
23 before he got into the shower. And they were

24 talking about things because -- I believe that he
25 was getting ready to go to court, so they were

1 talking about his case. But this was back the end
2 of June -- end of May, beginning of June.

3 Q. All right. So even though you were in your
4 cell with Mr. Pownall, Mr. Williams would have been
5 on rec because he was not in trouble?

6 A. Yes, sir.

7 Q. And I believe you testified Mr. Pownall was
8 talking through your cell door at Mr. Williams; is
9 that correct?

10 A. Yes, sir. There's a large glass opening. I
11 could visibly see him.

12 Q. And did you provide a statement to that effect
13 to law enforcement on or about September 16th, 2016?

14 A. Yes, sir, I did.

15 Q. And in that statement, did you reference that
16 you thought that those conversations occurred
17 somewhere on the 3rd or 4th of June?

18 A. Yes, sir. And my memory at the time, yes, sir,
19 somewhere around the end of May, beginning of June
20 as well.

21 Q. Do the days kind of blend together in there,
22 Mr. Mercuri?

23 A. Well, yes, sir. I mean, when you do time, I
24 mean, the days kind of run together. Every day is
25 the same, you know.

1 Q. So this --

2 A. It's hard to recall five months later an exact
3 day.

4 Q. So there may be some confusion about the exact
5 date, but is there any confusion whatsoever about
6 what you heard?

7 A. No, sir. Not a doubt in my mind, sir. I saw
8 his lips moving.

9 Q. Mr. Mercuri, that's all the questions I have
10 for you. If you would, please answer any that the
11 Defense may have.

12 A. Yes, sir. Yes, sir.

13 CROSS-EXAMINATION

14 MR. MCCARLEY:

15 Q. Was your statement that you gave directly to
16 the Solicitor's Office recorded?

17 A. Did they record it?

18 Q. Did they record it? Was it audio-recorded?

19 A. Not audio.

20 Q. Okay. Did they video-record it?

21 A. No, sir.

22 Q. Okay. But you weren't made any promises?

23 A. None at all, sir.

24 Q. None. But they didn't audio-record it?

25 A. No, sir.

1 Q. And they didn't video-record it?

2 A. No, sir.

3 Q. So we can't know if you were made any promises,
4 can we? Because we can't hear it, we got to trust
5 you?

6 A. Yes, sir.

7 Q. Okay. And you're looking at 35 years?

8 A. Yes, sir.

9 Q. And those 35 years are in the hands of these
10 folks?

11 A. The hands of the jury.

12 Q. No, sir. That's not your jury.

13 A. Well, the day I have trial, whenever that
14 happens.

15 Q. Okay. Now, you say this happened in early
16 June?

17 A. End of May, early June, yes, sir.

18 Q. Okay. But you didn't tell the Solicitor's
19 Office until September 16th.

20 A. Yes, sir.

21 Q. Okay. So two and a half months after you heard
22 this stuff, you then tell the Solicitor's Office
23 about it, the people --

24 A. Yes, sir.

25 Q. No further questions.

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MR. THURMOND:

4 Q. Did you ever go into Mr. Williams' cell?

5 A. Never.

6 Q. You ever see his discovery related to his case?

7 A. No, sir.

8 Q. No further questions.

9 MR. MCCARLEY: May I recross?

10 THE COURT: Sure.

11 RECROSS-EXAMINATION

12 BY MR. MCCARLEY:

13 Q. Are you aware that on September 16th of 2015, I
14 sent Santonio Williams his discovery?

15 A. No, sir.

16 Q. I didn't think so.

17 THE COURT: All right. You can step down.

18 Next witness.

19 MR. THURMOND: The State calls Captain Nick
20 Gallam, G-A-L-L-A-M.

21 NICK GALLAM

22 being first duly sworn, testified as follows:

23 THE WITNESS: Yes, ma'am.

24 THE CLERK: Have a seat in the witness box.

25 State your full name and spell your last.

1 THE WITNESS: My name is Captain Nick Gallam,
2 G-A-L-L-A-M.

3 DIRECT EXAMINATION

4 BY MR. THURMOND:

5 Q. Captain, where are you employed?

6 A. Aiken County Sheriff's Office over at the
7 detention center.

8 Q. And how long have you been there?

9 A. Fifteen years.

10 Q. What are your duties as captain at the
11 detention center?

12 A. Oversee all the operations of the detention
13 center.

14 Q. And approximately how many inmates were there?

15 A. This morning at 7:00, we had 363.

16 Q. Are inmates in your detention center allowed to
17 use telephones provided by the detention center?

18 A. Yes, sir, that is correct.

19 Q. And how are those phones operated?

20 A. They are voiceover IP telephones. They are set
21 up by inmate PIN number, which is a distinct number
22 for the inmates to use the phone set up on either
23 prepaid accounts or collect accounts to the user.

24 Q. At intake then, is that when an inmate is given
25 a specific or unique PIN number for them?

1 A. Yes, sir. We enter them into the vendor
2 software that we use which auto-generates a specific
3 PIN number for that inmate.

4 Q. Do they have to input that PIN number prior to
5 making a telephone call?

6 A. Yes, sir, the PIN number along with their date
7 of birth.

8 Q. When are they allowed to use the phone?

9 A. Any time that they're out on general population
10 recreation throughout the day.

11 Q. Is it a violation for an inmate to place a call
12 using another inmates's PIN number?

13 A. Yes, sir.

14 Q. And in your experience, why do inmates do that?

15 A. Typically when we see that it's for a reason
16 to -- they know that the calls are monitored, so
17 they use another inmate's PIN number to keep from
18 those calls being discovered.

19 Q. And are they informed of the rules and
20 regulations concerning the phones when they arrive
21 at the detention center?

22 A. Yes, sir. Every inmate booked in gets a copy
23 of the rules and regulations.

24 Q. And they are to include that their phone calls
25 are subject to being monitored or recorded?

1 A. Yes, sir, that's correct.

2 Q. I believe there's a sign out front?

3 A. Yes, sir, there is.

4 Q. And is there an admonishment at the beginning
5 of a call?

6 A. Yes, sir.

7 Q. And also provided with the rules provided to
8 each inmate?

9 A. That's correct, yes, sir.

10 Q. So take me through this, how does an inmate
11 make a call?

12 A. It's just like a standard telephone that you'd
13 see, kind of like the old pay phones. They would
14 lift the handset, enter in their PIN number, to
15 include their date of birth, and then the dialed
16 number.

17 Once the number is connected, it informs the
18 end user or the called party that somebody from the
19 Aiken County Detention Center is trying to make a
20 phone call to them, and then the end user has an
21 option to either accept the call or decline the
22 call.

23 Q. And how are those called maintained?

24 A. Currently we're with a vendor called Securus
25 and they are kept at their holding facility or on

1 their network in their servers, either in Dallas,
2 Texas or Atlanta, Georgia.

3 Q. So who has access to the system?

4 A. Only authorized users.

5 Q. How is access obtained?

6 A. Through jail staff, we provide through user
7 agreements access to the system.

8 Q. Is there any way to edit or alter those calls
9 that are maintained on the system?

10 A. No, sir, not to my knowledge. They're kept on
11 a secure server by the vendor.

12 Q. How long are those calls stored?

13 A. Typically one year.

14 Q. What types of searches can you run using the
15 Securus system that maintains all the calls?

16 A. There's several different ways you can do it.
17 You can search by called number, by the inmate PIN
18 number, through specific phones throughout the
19 facility or inmate's name, date search. There's a
20 lot of parameters that you can search for those
21 calls.

22 Q. So not just the PIN number. You could do a
23 search query using a phone number that had been
24 called from the detention center?

25 A. That is correct, yes, sir.

1 Q. What is a call detail report?

2 A. Call detail report, exactly what you just kind
3 of described. When you put in those search
4 parameters, it will provide you with a call detail
5 report which will indicate, you know, the timeframe
6 that the phone call was made, the phone number, the
7 inmate's PIN number that it's associated with,
8 whether or not it's a local phone call or an
9 interstate phone call. Trying to think if there's
10 any other data that it gives you. The called
11 number.

12 Q. Was this Defendant, Mr. Williams, provided a
13 PIN number?

14 A. Yes, sir.

15 Q. What is his PIN number?

16 A. I don't have it. I'd have to actually run a
17 search on his name --

18 Q. I'm getting ready to show you some documents.
19 Let me show you what's been marked as State's 16 and
20 State's 49, get you to take a look at State's 16.
21 Tell me what this is.

22 A. This is an example of a call detail report.
23 Looks like phone calls that were made by Santonio
24 Williams while he was in housing unit C1 with the
25 different called parties' numbers. Looks like his

1 PIN number is 125313.

2 Q. Is that the document that can be printed out
3 from the Securus server?

4 A. Yes, sir.

5 Q. And State's No. 49. Can I get you to take a
6 look at that, please?

7 A. Yes, sir.

8 Q. And have you reviewed the contents of --

9 A. I have.

10 / Q. And how do you know that's the same disc that
11 you looked at?

12 A. I initialed it after I listened to it.

13 Q. And is the call history report, State's No. 16,
14 does that relate to the calls on State's No. 49?

15 A. Yes, sir. It's a call that was made on 3/29/15
16 at 11:57. And that's the same call that's on the
17 call detail report.

18 Q. Who is PIN number 602165?

19 A. That's the PIN number associated with Terence
20 Wideman.

21 Q. And the phone calls on State's 49, are they
22 true and accurate copies of the phone calls made
23 from the Defendant's PIN and from Terence Wideman's

24 PIN?

25 A. Yes, sir, they are.

1 Q. I want to ask you a couple questions about
2 housing and the pod and cell assignments. Does the
3 Aiken County Detention Center maintain a log of
4 those records?

5 A. Yes, sir.

6 Q. And are inmates on the same pod permitted to
7 recreate together?

8 A. Yes, sir.

9 Q. And how many hours a day?

10 A. Depends on custody level. In the lower custody
11 levels, it's pretty much all day except for event
12 times like lockdown and count times. In other areas
13 it's more restricted, so it may be anywhere from
14 three to four hours a day.

15 Q. Let me show you what's been marked for ID as
16 State's No. 16A and ask you if you recognize it.

17 A. Yes, sir.

18 Q. What is it?

19 A. Different housing logs for -- I think it's four
20 different inmates, three different inmates.

21 Q. Who are those four?

22 A. One belongs to Victor Mercuri, Santonio
23 Williams, and Austin Pownall.

24 Q. And those logs are kept and maintained in the
25 regular course of business there at the detention

1 center?

2 A. Yes, sir. They're maintained through our
3 secure records management system.

4 Q. Can you tell the jury when the defendant
5 Santonio Williams and the defendant who just
6 testified, Victor Mercuri, if they were ever on the
7 same pod and the dates?

8 A. Yes, sir. They were housed in the same
9 location in C3, which is a maximum security housing
10 unit. Looks like on 4/20 they were both in and out,
11 so there's some different dates that they were
12 together.

13 Q. What do the total dates appear to be?

14 A. Looks about 20 days.

15 Q. And I believe you testified that inmates could
16 recreate four to six hours a day?

17 A. Yes, sir, that's correct.

18 Q. Twenty days times six hours a day, that's
19 roughly 120 hours of opportunity that Victor Mercuri
20 would have had to engage with the defendant,
21 Santonio Williams?

22 A. That's correct.

23 Q. And during these dates in question of May 20th
24 to May 31st, who was Victor Mercuri's roommate?

25 A. Would have been an Austin Pownall.

1 Q. And at some point in May, did both Victor
2 Mercuri and Austin Pownall receive an inmate written
3 reprimand?

4 A. Yes, sir.

5 Q. And what date did they serve that reprimand?
6 Let me show you 16B too and ask you if you recognize
7 that.

8 A. Yes, sir. This is both the written reprimand
9 for Mr. Pownall and for Victor Mercuri and it was on
10 5/20 that they lost their recreation and were locked
11 down in their room.

12 Q. So as I understand, on 5/20, both Austin
13 Pownall and Victor Mercuri would have been confined
14 to their cell during recreation period; is that
15 correct?

16 A. Yes, sir. And they were in C3 at that time.

17 Q. Okay. That's all the questions I have for you.

18 THE COURT: Cross?

19 MR. MCCARLEY: Thank you very much.

20 CROSS-EXAMINATION

21 BY MR. MCCARLEY:

22 Q. Captain Gallam, how are you doing, sir?

23 A. Good, sir. How about you?

24 Q. I'm okay. In the area that you're saying that
25 Mr. Mercuri and Mr. Williams were in, are there any

1 recording devices there?

2 A. Yes, sir. There are video CCTV cameras.

3 Q. Do they record?

4 A. Yes.

5 Q. Do they have microphones?

6 A. No, sir.

7 Q. Got cameras though?

8 A. Yes, sir.

9 Q. Isn't it true that detainees also exchange PIN
10 numbers because they don't have money on their
11 books?

12 A. That could be a possibility, yes, sir.

13 Q. Okay. Just a second, sir.

14 Nothing further.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MR. THURMOND:

18 Q. The monitoring system that Mr. McCarley
19 referenced, how long are those records maintained?

20 A. Just depending on the amount of data. It's
21 based on storage capabilities. Typically around 28
22 days is what we're able to store.

23 Q. Okay. So if information was provided in
24 September related to an event from May, that video
25 would have long rolled back over itself?

1 A. Yes, sir.

2 Thank you. That's all.

3 THE COURT: Recross?

4 MR. MCCARLEY: No, sir, Your Honor.

5 THE COURT: All right. You can step down.

6 Okay. Folks, why don't we take about a 10 or
7 15-minute break? You can stretch your legs, use the
8 restroom. Don't start any deliberations or
9 discussions and we'll see you back in about 15
10 minutes.

11 (The jury exits the courtroom at 3:08 PM.)

12 (Brief recess 3:06 PM - 3:21 PM.)

13 THE COURT: All right. Are you ready for your
14 next witness?

15 MS. HALL: Yes, Your Honor.

16 THE COURT: Let the record reflect the
17 defendant is in the courtroom.

18 Go ahead and bring the jury back in.

19 (The jury enters the courtroom at 3:21 PM.)

20 THE COURT: All right. Call your next witness.

21 MR. THURMOND: State calls Sergeant Chris
22 Johnson with Aiken County Sheriff's Office.

23 CHRIS JOHNSON

24 being first duly sworn, testified as follows:

25 THE WITNESS: Yes.

1 THE CLERK: Have a seat in the witness box.

2 State your full name and spell your last.

3 THE WITNESS: Christopher Lynn Johnson,

4 J-O-H-N-S-O-N.

5 DIRECT EXAMINATION

6 BY MS. HALL:

7 Q. Sergeant Johnson, where are you employed?

8 A. I'm employed with the Aiken County Sheriff's
9 Office.

10 Q. What is your position there?

11 A. I'm a forensic investigator with the sheriff's
12 office.

13 Q. What all does that job entail?

14 A. I respond to crime scenes and collect evidence,
15 photograph the crime scene or document the crime
16 scene, process for any other physical evidence.

17 Q. How long have you held that position?

18 A. I've been a forensic investigator with the
19 sheriff's office since June of 2006.

20 Q. How long have you been in law enforcement
21 total?

22 A. I started my law enforcement career May of
23 1998.

24 Q. What is your educational background and
25 training?

1 A. I've got a Bachelor's Degree in biology, went
2 to the South Carolina Criminal Justice Academy May
3 of 1998, spent two years on the road in Greenville,
4 worked for the department of public safety in
5 Greenville doing forensic investigation in
6 Greenville. My forensic investigation was
7 on-the-job training up there, is where I started,
8 and got a job here with Aiken County and moved to
9 where I'm at now in 2006.

10 Q. How did you become involved in this case?

11 A. I was on call that evening and got requested to
12 come out to the crime scene.

13 Q. And what was that address?

14 A. 219 Diamond Street in the county of Aiken.

15 Q. When you arrived, what did you do first?

16 A. I -- when I arrived, I got out of my truck.
17 It's my protocol that I get out and do a survey of
18 the crime scene, just take a look around and see
19 what the crime scene consists of.

20 Q. What do you do after finishing that survey?

21 A. Then I document the crime scene as I found it
22 without putting any markers or anything in there.
23 As I saw it when I pulled up, I document what I saw.

24 Q. What do you mean by markers?

25 A. On a crime scene, we use evidence markers,

1 yellow placards that sit -- like a triangle, sit on
2 the ground that have the numbers on it 1 through
3 however many pieces of evidence we need to mark.

4 Q. What is the purpose of that?

5 A. The purpose of that is allows us to be able to
6 see the evidence in our photographs. Say, if we're
7 across the street and we're taking a photograph of
8 the entire crime scene, it allows us to see what
9 pieces of evidence and their location in the crime
10 scene.

11 Like, if you've got a phone laying on the
12 ground you can't see in the grass, you put the
13 marker by the phone and it allows you to be able to
14 see where the phone is at, and the marker number
15 dictates what piece of evidence you're talking
16 about.

17 Q. Did you photograph and mark the scene at 219
18 Diamond Street on April 14th, 2015?

19 A. Yes, I did.

20 Q. I'm showing you what has previously been marked
21 for identification purposes as State's Exhibit 25,
22 26, and 27. Do you recognize these?

23 A. Yes, ma'am, I do.

24 Q. Are these the photographs you took of Diamond
25 Street on April 14th, 2015?

1 A. Yes, ma'am.

2 Q. Have they been changed or altered in any way?

3 A. No, ma'am.

4 MS. HALL: Your Honor, at this time the State
5 moves to introduce State's 25, 26 and 27 into
6 evidence.

7 MR. MCCARLEY: No objection, Your Honor.

8 THE COURT: Admitted.

9 (State's Exhibit Nos. 25, 26, and 27 admitted
10 into evidence.)

11 MS. HALL: Permission to publish, Your Honor?

12 THE COURT: You may.

13 BY MS. HALL:

14 Q. Sergeant Johnson, can I have you step down and
15 explain to the jury what we're looking at?

16 A. Yes, ma'am.

17 Q. What is this a picture of?

18 A. This is a picture of the corner of the property
19 on Diamond Street. This is a concrete wall. To
20 this side of the wall is the street, Diamond Street,
21 and you can see in the background, this is the house
22 and the front yard.

23 Q. And what is depicted on that wall?

24 A. Right here, this red spot right here is blood.

25 Q. 26, what is depicted in this picture?

1 A. Once again, this is the wall. Just to
2 orientate you, this is the street side, this is the
3 yard. This is marker No. 6 and I'm marking this
4 little gray plastic piece right here.

5 Q. 27, what is this a picture of?

6 A. This right here is a close-up of the evidence
7 marker No. 6 and allows you to be able to see
8 exactly what I'm talking about, this gray plastic
9 piece right here.

10 Q. What is that gray plastic piece?

11 A. I believe it's called a Sabot. It's like a
12 wadding for a Sabot round.

13 Q. After you photographed the scene with the
14 markers in this case, what did you do?

15 A. I went and collected the evidence that I had
16 marked.

17 Q. What do you mean by collect?

18 A. Basically, you have a paper bag and you put the
19 marker or the location of where you're collecting,
20 all your pertinent information, your case number,
21 your date and time, description of what the item is
22 and where you located it, and basically take that
23 back to the office in a paper bag, is how we collect
24 it.

25 Q. And what do you do with it once you have it

1 bagged and you take it back to the office?

2 A. Once I get to the office with it, if it's
3 requested that I do any type of further analysis on
4 the piece of evidence, I do that analysis. If not,
5 I generate a chain of custody and place it into our
6 evidence.

7 Q. What is chain of custody?

8 A. A chain of custody is a document that is
9 generated with each piece of evidence. One chain
10 can have multiple pieces of evidence on it. But
11 with each piece of evidence, it allows us to be able
12 to see who has custody and where that piece of
13 evidence goes from the time it's collected to the
14 time it comes to court.

15 Q. I'm showing you what's previously been marked
16 as State's Exhibit 28. Do you recognize this?

17 A. Yes, I do.

18 Q. How do you recognize it?

19 A. This is the gray piece of plastic that I
20 collected. And also it has the item number, CJ,
21 which is my initials, Chris Johnson, 6, and that's
22 my writing describing what it is.

23 Q. And this is the item you collected from 219
24 Diamond Street on April 14th, 2015?

25 A. Yes, ma'am.

1 MS. HALL: Your Honor, at this time the State
2 moves to enter State's Exhibit 28 into evidence.

3 MR. MCCARLEY: No objection, Your Honor.

4 THE COURT: Admitted.

5 (State's Exhibit No. 28 admitted into
6 evidence.)

7 MS. HALL: I have no further questions for you.
8 Please answer any the Defense may have.

9 CROSS-EXAMINATION

10 BY MR. MCCARLEY:

11 Q. Did any of the evidence you gathered tie anyone
12 to this crime?

13 A. (Nonverbal response).

14 MR. MCCARLEY: No further questions, Your
15 Honor.

16 THE COURT: All right. Redirect?

17 MS. HALL: No, Your Honor.

18 THE COURT: All right. You may step down.

19 Next witness.

20 MR. THURMOND: Your Honor, the State calls
21 Dr. Janice Ross. It's my understanding the Defense
22 is willing to stipulate to her qualifications.

23 MR. MCCARLEY: That's correct, Your Honor.

24 JANICE ROSS, M.D.

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Have a seat in the witness box,

3 stating your full name and spelling your last.

4 THE WITNESS: Janice Edwards Ross, R-O-S-S.

5 THE COURT: You are stipulating to expertise in

6 what field? Pathology? Is that correct?

7 MR. THURMOND: Forensic pathology.

8 MR. MCCARLEY: That's correct, Your Honor.

9 THE COURT: All right.

10 Folks, remember earlier today, I guess it was,

11 I was telling you that normally when witnesses

12 testify, they get up and they tell you what they

13 heard, they saw, they touched, they felt, they

14 smelled -- their observations, in other words -- but

15 we don't normally let people get up and give you

16 their opinions about evidence?

17 Well, the law says that sometimes when

18 somebody, because of education or specialized

19 training or experience in some field rises to the

20 level of expertise, then we do allow them to come in

21 and testify as an expert in that field, and then

22 they can also give you their opinion about evidence

23 and the bases for their opinion.

24 Now, this witness has been stipulated as being

25 an expert in the field of pathology, so she will be

1 able to give you her opinion within that field. You
2 alone decide how much weight to give this witness's
3 testimony. You give it as much or as little weight
4 you think it deserves based on all of the evidence
5 that you'll hear throughout the trial.

6 You may continue.

7 MR. THURMOND: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. THURMOND:

10 Q. Dr. Ross, where are you employed?

11 A. Newberry Pathology Associates in Newberry,
12 South Carolina.

13 Q. What is your position there?

14 A. I'm a forensic pathologist.

15 Q. How long have you held that position?

16 A. I've been in Newberry since May of 2000.

17 Q. Would you tell us, please, what a forensic
18 pathologist is and what one does?

19 A. Yes. Forensic pathologist is a doctor, so I've
20 been through four years of college and four years of
21 medical school and over five years of training in
22 the field of forensic pathology.

23 Pathology -- a pathologist learns how to
24 identify diseases using microscope and using
25 laboratory work. We learn how to do an autopsy,

1 find cause of death. A forensic pathologist is
2 further trained to identify patterns of injury, do
3 thorough autopsies, collect specimens and document
4 injuries, identify cause of death and a manner of
5 death.

6 Q. And about how many autopsies a year do you
7 perform?

8 A. About a thousand.

9 Q. And about how many times have you testified in
10 court?

11 A. In South Carolina, over 200 times.

12 Q. So in your capacity there at Newberry
13 Pathology, did you perform an autopsy of
14

15 A. Yes.

16 Q. And what was the date and time of your
17 examination?

18 A. April 15th, 2015, and we started the autopsy at
19 9:55 PM -- it should be AM, I'm sorry.

20 Q. Where was this performed?

21 A. We started at 8:30 AM, I'm sorry.

22 At the morgue at Newberry County Memorial
23 Hospital.

24 Q. How do you receive the body?

25 A. The body is brought to us in a body bag into

1 the morgue. We take photographs externally,
2 identify and inventory clothing, then further do
3 photographs of the patient without clothing.

4 In this case there was -- he was brought to us
5 nude, but we identified -- she was brought to us
6 nude. We identified that there was a shotgun wound,
7 so we then further did x-rays.

8 Q. As part of this procedure, do you assign a case
9 number to each autopsy you perform?

10 A. Yes.

11 Q. What case number was assigned to this case?

12 A. FA -- which means forensic autopsy -- 15-295.

13 Q. All right. Would you please describe the
14 injuries that you observed?

15 A. Yes. She had several wounds on her right
16 forearm, elbow, and hand, back of her hand, and she
17 had an entrance shotgun wound in the abdomen area.

18 Q. Let me show you what has been marked as State's
19 Exhibit Nos. 18, 19, 20, 21, 22, and 23, ask if you
20 can recognize those.

21 A. Yes. These are photographs of injuries we
22 found at the autopsy.

23 Q. And do they truly and accurately depict what
24 they purport to show?

25 A. Yes.

1 MR. THURMOND: Your Honor, we would offer 19
2 through 23 into evidence as well as 18; 18 through
3 23.

4 MR. MCCARLEY: Just like to renew my pretrial
5 objection.

6 THE COURT: Over objection, they are admitted.

7 (State's Exhibit Nos. 18 through 23 admitted
8 into evidence.)

9 MR. THURMOND: And we'd publish these at this
10 time. I'd ask Dr. Ross to step down and assist me.

11 THE COURT: You may.

12 BY MR. THURMOND:

13 Q. All right. Can I get you to describe the
14 injuries in this photo, please?

15 A. Yes. This is the right side of the patient.
16 You see the right arm, there's some injuries on her
17 forearm. This is where the elbow is. So some
18 wounds up here, just above the elbow. There's an
19 abrasion here on the right side and there's an
20 entrance wound right to the right of the
21 bellybutton.

22 Q. And have you had an opportunity to examine
23 what's in evidence as State's No. 28?

24 A. I've seen photographs.

25 Q. And do you have any observations related to

1 State's No. 28 and any injuries to the body of

2 Ms.

3 A. Yes. This is part of the wadding of the Sabot.

4 It forms a cylinder and it comes out with the lead

5 bullet, slug, in this case, and it has rounded

6 edges. So you can see a pattern here where there's

7 a roundness where the round part of this, this part

8 of the Sabot, went against her arm.

9 This wound, if you can see the other side of

10 this, would be on the other side where the open part

11 of this wadding is.

12 Q. And that makes a rough edge as opposed to a

13 curve?

14 A. Yes. Sort of -- well, the edges will make a

15 parallel line, basically. This rounded wound is

16 part of the roundness. So those are the pattern

17 type -- types of pattern injuries that we look for.

18 Q. And if her right forearm was lined up with her

19 abdomen, would that be the direction of travel of

20 the projectile?

21 A. Yes. So this is where the slug lead went into

22 that.

23 Q. And is that injury consistent with an injury

24 that someone would suffer while sitting on a wall

25 and shot right to left?

1 A. It could be, yes.

2 Q. All right. State's 19, please?

3 A. Again, this is the right forearm that we looked
4 at before, elbow, the back of the hand, and the back
5 of this finger, where I found out later that the
6 part of this wadding was actually -- part of it was
7 remaining in the wound at the scene. And this is
8 consistent with part of that wadding abrading that.
9 An abrasion is just a scraping of the surface of the
10 skin.

11 Q. I'll show you State's Exhibit 20, please.

12 A. This is where one particle actually exited. In
13 a minute you'll see the slug. The metal was in
14 pieces, and one piece came out and we retrieved two
15 pieces from the inside.

16 Q. State's 21? That number, is that the number
17 that you assigned to this case?

18 A. Yes. We put the number such that the head is
19 above the number. This just is a close-up of the
20 exit wound.

21 Q. From her lower back?

22 A. Yes.

23 Q. Show you State's 22, Dr. Ross. What are we
24 looking at here?

25 A. Okay. This is the x-ray we took of the chest

1 and the abdomen. It's probably hard for you to see.

2 There are two pieces of metal still here. This is
3 the level of lumbar vertebrae 5, which is close to
4 the bottom of your back. The entrance wound, you
5 can't see on the x-ray, but it would be right in
6 here, a little bit above.

7 Q. So is there part of the projectile she was shot
8 with exited and part of it remained embedded in her
9 back?

10 A. These two pieces remained in her back.

11 Q. Let me show you State's Exhibit 23. What are
12 those?

13 A. Those are the pieces that we recovered from the
14 back.

15 Q. Thank you. You may have a seat, please.

16 And let me show you what is marked as State's
17 No. 24 and ask you if you can identify that.

18 A. Yes. Those are the metal fragments that we
19 recovered from the patient.

20 Q. That were depicted in State's Exhibit No. 23?

21 A. Correct.

22 Q. Okay. Dr. Ross, do you have an opinion to a
23 reasonable degree of medical certainty what the

24 cause and manner of death of was?

25 A. Yes.

1 Q. What is that, please?

2 A. Cause of death is exsanguination, which means
3 to bleed out due to laceration of intestines and
4 blood vessels due to the shotgun wound to the
5 abdomen.

6 Q. And what time was she pronounced dead on the
7 14th of April?

8 A. The coroner gave me the times that she was --
9 I'm sorry. She was pronounced dead at the hospital
10 April 15th, 2015, at 9:55 PM.

11 Q. This is, of course, ruled a homicide, correct?

12 A. Correct.

13 MR. THURMOND: Thank you. That's all the
14 questions I have.

15 THE COURT: Cross?

16 MR. MCCARLEY: No questions from the Defense,
17 Your Honor.

18 THE COURT: All right. You may step down.

19 Let me see y'all over here a second.

20 (Sidebar conference.)

21 THE COURT: Okay. Folks, that's where we will
22 break for today then. I'm going to send you home
23 with the same instructions that I did yesterday
24 about not talking to anybody about the case,
25 including other members of the jury panel. Don't

1 we'll talk about it?

2 MR. THURMOND: Thank you, sir.

3 (Trial in recess for the evening at 3:50 PM.)

4 (The following proceedings were held February
5 1, 2017.)

6 THE COURT: All right. Are we ready?

7 MR. THURMOND: Yes, sir, Your Honor. We have
8 just a couple matters.

9 THE COURT: All right. Let the record reflect
10 the defendant is in the courtroom.

11 Mr. Thurmond, what you got?

12 MR. THURMOND: Thank you, Your Honor. May it
13 please the Court. Yesterday Captain Gallam, who is
14 the Aiken County jail administrator, testified. We
15 showed him several exhibits relating to the
16 operation of the jail and documents that are kept in
17 the ordinary course of business at the detention
18 center. Those were Exhibits 16A -- 16; 16A and 16B.
19 And we would just offer 16 into evidence at this
20 time.

21 MR. MCCARLEY: No objection.

22 THE COURT: All right. Admitted.

23 (State's Exhibit No. 16 admitted into
24 evidence.)

25 MR. THURMOND: Additionally, Your Honor, a jail

1 call was admitted into evidence yesterday, that was
2 State's No. 14. When we played the call for the
3 jury, we had agreed with the Defense about muting a
4 certain portion of that call. So we would just ask
5 to substitute the actual redacted copy that we have
6 agreed with them related to 14. So when they take
7 it back to the jury room, the redaction over that
8 portion of that tape has been done.

9 MR. MCCARLEY: Without objection, Your Honor.

10 MR. THURMOND: May I substitute?

11 THE COURT: You may.

12 MR. THURMOND: That's all we have before the
13 jury comes.

14 THE COURT: Anything else from the defense
15 before we bring the jury in?

16 MR. MCCARLEY: I have not seen the photos that
17 we discussed in chambers with regards to Facebook.

18 MS. HALL: We've just received them, Your
19 Honor. Would you like to take that up now?

20 THE COURT: Let him look at it.

21 MR. MCCARLEY: Your Honor, the third picture,
22 we would object to. May we sidebar?

23 THE COURT: Yes.

24 (Sidebar conference.)

25 THE COURT: Sure makes a better record when I

1 do that, doesn't it?

2 All right. This is --

3 MS. HALL: It's not marked, but it's Page 193
4 of Santonio Williams' Facebook. This is dated
5 January 11th, 2015, the day Donnie Brooks was
6 murdered. This is Santonio Williams, this is Donnie
7 Brooks, and this is Christian Gordon.

8 THE COURT: Okay.

9 MS. HALL: And the reason for the duplication,
10 it's not exactly the same picture. But this would
11 be the first, second, third, and fourth time that
12 Santonio Williams posted pictures of Donnie Brooks
13 the day he died.

14 THE COURT: Are these at the same time?

15 MS. HALL: This was 1416, 1463, so this is a
16 second later, but different pictures. You can see
17 Donnie Brooks' face in this one. Santonio is not
18 making --

19 THE COURT: And what purpose do you need these
20 for?

21 MS. HALL: To show that there were five
22 occasions on the date of Donnie Brooks' death that
23 Santonio Williams posted pictures of Donnie and --

24 THE COURT: What's the significance to five as
25 opposed to four being able to make the point?

1 MS. HALL: We think that it is. The more that
2 he post --

3 THE COURT: Well, I mean, you want to show that
4 he knew the victim?

5 MS. HALL: And the number of times that he
6 commented on Facebook about Donnie Brooks' death on
7 the day he died.

8 THE COURT: Well, these aren't comments, these
9 are pictures.

10 MS. HALL: These are pictures that Santonio
11 Williams posted to his Facebook page on the day that
12 Donnie died. So the fact that he posted four
13 pictures the day Donnie Brooks died as opposed to
14 five does make a difference.

15 THE COURT: In what way?

16 MS. HALL: Because the number of times -- well,
17 I guess --

18 MR. THURMOND: The frequency.

19 MS. HALL: The frequency that he --

20 THE COURT: Well --

21 MS. HALL: He thought it appropriate to put
22 pictures on instead of four.

23 THE COURT: What's your objection?

24 MR. MCCARLEY: The objection is, first and
25 foremost, to the gang signs. I mean, it's just

1 clear, any person knows that --

2 MS. HALL: They're all doing different signs.

3 MR. MCCARLEY: So it's just -- I think it's
4 highly prejudicial to show a group of folks all
5 throwing up what's clearly gang signs. And then
6 when you get into the number of them, there's
7 redacted out here that Santonio -- i mean, that
8 could mean I love you, it could mean rock and roll,
9 it could mean --

10 MS. HALL: "RIP my nigga, gone, but not
11 forgotten," the day Donnie Brooks died.

12 MR. MCCARLEY: If they want --

13 THE COURT: Let's take them one at a time.

14 MR. MCCARLEY: Yes, sir.

15 THE COURT: You're objecting to 193 now?

16 MR. MCCARLEY: Yes, sir. But also this and
17 also this.

18 THE COURT: Okay. I thought you said -- I'm
19 taking them up one at a time. This one here, the
20 victim's face is blocked, so I really don't -- if
21 the purpose is to show he knew him, we've
22 established he posted them on Facebook, he knew him.
23 So 193 doesn't really add anything, so I'll leave
24 that out.

25 You're also objecting to Page 195?

1 MR. MCCARLEY: Yes, sir.

2 MS. HALL: This had "mob life" hashtag, so we
3 took that out.

4 MR. MCCARLEY: Yeah, it says "we mob."

5 THE COURT: So you're okay with this one as
6 redacted?

7 MR. MCCARLEY: I'm not okay with it. That's
8 Santonio by himself.

9 Right?

10 MS. HALL: Yes, it's Santonio, Christian
11 Gordon, and the three of them -- the three of them,
12 RIP. The fact that he -- -

13 THE COURT: Hold on. We can't possibly do but
14 one at a time.

15 So you want to put this in to show what?

16 MS. HALL: That he didn't post just one time
17 about Donnie dying, that he felt it appropriate to
18 post five times on the day he died about his
19 relationship with Donnie Brooks.

20 THE COURT: So this is a separate page --

21 MS. HALL: Yes.

22 THE COURT: -- Page 195?

23 MS. HALL: Yes, RIP, gone, but not forgotten.

24 THE COURT: Okay.

25 MR. MCCARLEY: With all the texts coming in,

1 Your Honor. It's pictures that are prejudicial.

2 MS. HALL: The black-and-white, you can't tell
3 what their hands are doing.

4 MR. MCCARLEY: I can. I think the jury can.

5 THE COURT: Well, I don't see the prejudice in
6 it. I mean, they're making hand signals. But
7 unless there's somebody here to tell us what they
8 are, they don't -- nothing in and of themselves
9 saying they're gangster symbols. I see people make
10 symbols all the time. They're symbols. 195 is
11 okay.

12 What else?

13 MS. HALL: This is 197.

14 THE COURT: Is this all right with you?

15 MR. MCCARLEY: I object, Your Honor. This is
16 more of the same folks making the same signs.

17 MS. HALL: Again, this would be the fifth post
18 on the day that Donnie died: "Shaking my head.
19 Can't believe you're gone. Love you like a brother.
20 RIP, my nigga bad ass." That's the deceased's
21 nickname.

22 THE COURT: And who's this?

23 MS. HALL: Christian Gordon. The same guy.

24 THE COURT: And who's that?

25 MS. HALL: Those people are not witnesses.

1 Christian Gordon could tell us who they are, but
2 that's not relevant. What's relevant is the five
3 pictures the three of these people posted on the day
4 Donnie died.

5 THE COURT: All right. I'll allow that in.

6 MS. HALL: All right. So the only one that's
7 not coming in is Page 193 --

8 THE COURT: Where's the other one?

9 MS. HALL: That's 193.

10 THE COURT: But you said there were five.

11 MR. MCCARLEY: I don't have a problem with the
12 first two...

13 THE COURT: Okay. You're okay with that one?

14 MR. MCCARLEY: Yes, sir.

15 THE COURT: That's 189, this is 191, over your
16 objection, 197, 195, and 194.

17 MR. MCCARLEY: I have not been able to read the
18 comments, Your Honor, I apologize, because I already
19 objected to some comment.

20 MS. HALL: This is another user commenting on
21 the picture. We'll redact that portion out. We've
22 agreed to do that.

23 THE COURT: Okay.

24 MS. HALL: So it's just Santonio's.

25 MR. MCCARLEY: Is there no text on this one?

1 MS. HALL: No text.

2 MR. MCCARLEY: No problems with the text
3 besides on 191.

4 MS. HALL: We'll redact that.

5 THE COURT: Okay. Anything else while we're up
6 here?

7 MS. HALL: I think that takes care of it.

8 THE COURT: Okay.

9 All right. Let's bring the jury in.

10 (The jury enters the courtroom at 10:02 AM.)

11 THE COURT: Okay. Welcome back, folks.

12 Before we begin with testimony, I want to ask
13 if any member of the jury panel happened to see this
14 morning's newspaper or the article in it about the
15 case?

16 All right. Everybody shaking their head no.

17 Again, please don't try to read the newspaper
18 this week, or at least if you do look at the
19 newspaper, don't look at the article -- any article
20 about this case throughout the trial. Again, you're
21 welcome to look at them afterwards, but not during
22 the trial.

23 Now, before we begin, I want to give you what
24 is called a judicial notice of a fact. And a
25 judicially noticed fact is a fact that is capable of

1 accurate and ready determination by resort to
2 sources whose accuracy cannot be reasonably be
3 questioned.

4 And the fact that I want you to take judicial
5 notice of is that during the timeframe of March 8th
6 to November 1st, 2015, that was daylight savings
7 time in the United States. That's according to the
8 NASA web page. And according to the National
9 Hurricane Center, during eastern daylight savings
10 time in the United States, the difference between
11 the UTC time and the eastern daylight time is minus
12 four hours. Okay?

13 Now we will resume with the State calling their
14 next witness.

15 MR. THURMOND: Your Honor, the State calls
16 Demorris Harris.

17 DEMORRIS HARRIS

18 being first duly sworn, testified as follows:

19 THE WITNESS: Yes, ma'am.

20 THE CLERK: Have a seat up here in the witness
21 box. State your full name and spell your last name.

22 THE COURT: You ready?

23 MR. THURMOND: I think he was instructed to say
24 his name and spell his last.

25 THE COURT: State your name and spell your last

1 name for the record, please.

2 THE WITNESS: Demorris Harris, H-A-R-R-I-S.

3 DIRECT EXAMINATION

4 BY MR. THURMOND:

5 Q. Good morning, Mr. Harris. How are you doing?

6 A. Good morning.

7 Q. How old are you, sir?

8 A. Twenty-four.

9 Q. Where are you from?

10 A. Augusta, Georgia.

11 Q. You ever lived in Aiken County?

12 A. Yes, sir.

13 Q. When was that?

14 A. Around '08, '09.

15 Q. Where did you go to high school?

16 A. North Augusta High.

17 Q. How far did you go in school at North Augusta?

18 A. 10th grade.

19 Q. What is your nickname?

20 A. Bope.

21 Q. B-O-P-E?

22 A. Yes, sir.

23 Q. And when were you arrested, Mr. Harris?

24 A. March 30th, 2016.

25 Q. March 30th, 2016. And were you arrested in

1 Georgia?

2 A. Yes, sir.

3 Q. And arrested on the charges of theft by
4 receiving stolen property and possession of
5 marijuana; is that correct?

6 A. Yes, sir.

7 Q. And were you, ultimately, served with some
8 warrants out of South Carolina?

9 A. Yes, sir.

10 Q. And in South Carolina, you are facing charges
11 of kidnapping; is that correct?

12 A. Yes, sir.

13 Q. Grand larceny?

14 A. Yes, sir.

15 Q. Possession of a controlled substance times two?

16 A. Yes, sir.

17 Q. And accessory after the fact to murder; is that
18 correct?

19 A. Yes, sir.

20 Q. And the accessory after the fact to murder,
21 that is related to the case that we are here today
22 about?

23 A. Yes, sir.

24 Q. That's a charge out of Aiken County?

25 A. Yes, sir.

1 Q. And where are you currently being housed?

2 A. In Edgefield County.

3 Q. Edgefield County. While you were incarcerated
4 in Richmond County, Georgia, did Aiken County
5 investigators come to speak with you about this
6 case?

7 A. Yes, sir.

8 Q. And as a result of your statement to them, were
9 you then charged in connection with this case?

10 A. Yes, sir.

11 Q. So prior to your statement to law enforcement
12 while incarcerated in Richmond County, you were not
13 charged with anything related to this murder?

14 A. Yes, sir.

15 Q. Until you gave that statement?

16 A. Yes, sir.

17 Q. All right. You want to tell this jury what
18 promises or deals have been cut with you in exchange
19 for your testimony today?

20 A. None.

21 Q. How long have you known the defendant, Santonio
22 Williams?

23 A. Like 10 or 15 years.

24 Q. Ten to 15 years. Is he present in the
25 courtroom today?

1 A. Yes, sir.

2 Q. Can you point him out to me, describe what he's
3 wearing?

4 A. Right there in front with the striped white and
5 blue.

6 Q. Seated with his attorneys?

7 A. Yes, sir.

8 MR. THURMOND: Your Honor, if the record could
9 reflect the witness has identified Santonio
10 Williams.

11 Q. All right. Mr. Harris, let's talk about April
12 the 14th, 2015. Where did you wake up that morning?

13 A. I woke up in Augusta with my first kid's
14 mother, Tabitha.

15 Q. What's her last name?

16 A. Sengfield.

17 Q. Tabitha Sengfield. You woke up in Augusta.
18 Where did you go when you left her apartment?

19 A. I went to Crestland-- not Crestland, but a gas
20 station by Crestland to get cigarettes and then I
21 saw the --

22 Q. Slow down. How did you get there from Augusta?

23 A. My baby mother, Tabitha.

24 Q. She dropped you off where?

25 A. At a gas station.

1 Q. Let me show you what's been marked as State's
2 No. 9 and ask you if you recognize it.

3 A. Yes, sir.

4 Q. What is it?

5 A. A gas station.

6 Q. Does it truly and accurately depict what it
7 purports to show?

8 A. Yes, sir.

9 MR. THURMOND: Your Honor, we'd offer State's
10 No. 9 into evidence at this time and publish it to
11 the jury.

12 MR. MCCARLEY: I haven't seen it.

13 No objection, Your Honor.

14 THE COURT: Admitted.

15 (State's Exhibit No. 9 admitted into evidence.)

16 BY MR. THURMOND:

17 Q. Mr. Harris, is this the gas station you went
18 to?

19 A. Yes, sir.

20 Q. On April the 14th, 2015?

21 A. Yes, sir.

22 Q. And who did you meet there?

23 A. Demarius Jefferson.

24 Q. How do you know him?

25 A. Went to North Augusta for a few months and we

1 stayed in Belvedere Terrace together.

2 Q. You ever play sports with him?

3 A. No, sir.

4 Q. You ever play basketball with him?

5 A. Around the neighborhood.

6 Q. Around the neighborhood. What kind of car was
7 Mr. Jefferson driving on April the 14th, 2015?

8 A. Four-door Toyota.

9 Q. I'll show you what's in evidence as State's
10 No. 4. Is that the vehicle?

11 A. Yes, sir.

12 Q. Where did you and Mr. Jefferson go once you
13 left the gas station?

14 A. We rode around in Crestland and Bradleyville.

15 Q. And when you're saying Crestland, is that a
16 neighborhood?

17 A. Yes, sir.

18 Q. What were y'all doing when you were riding
19 around?

20 A. Smoking, chilling.

21 Q. And what happened when you and Mr. Jefferson
22 were riding around Pine Crest? Who did you see?

23 A. Saw Santonio.

24 Q. The defendant?

25 A. Yes, sir.

1 Q. Did he get in the car with you?

2 A. Yes, sir.

3 Q. Where did y'all go when you left Pine Crest?

4 A. We went to go pick up Darian.

5 Q. Darian Davis?

6 A. Yes, sir.

7 Q. Where did you pick him up?

8 A. Off Celeste.

9 Q. What color was his house?

10 A. Blue.

11 Q. All right. So there are now, Mr. Harris, four
12 of you in the car?

13 A. Yes, sir.

14 Q. Mr. Jefferson, Mr. Davis --

15 A. Yes, sir.

16 Q. -- yourself and the defendant, Santonio
17 Williams; is that correct?

18 A. Yes, sir.

19 Q. Where did y'all go next?

20 A. Went to Demarius grandma's to play basketball
21 and wait for the other dude to bet on the basketball
22 game.

23 Q. Someone was supposed to meet y'all there to
24 watch y'all play?

25 A. To bet --

1 Q. Did he ever show up?

2 A. Never showed up.

3 Q. And Mr. Jefferson's grandma's house, is that
4 the house on Philpot Lane?

5 A. Yes, sir.

6 Q. And how long did you play basketball there?

7 A. Until it got dark and couldn't see.

8 Q. Where did you go once it got dark?

9 A. The city court.

10 Q. I'll show you State's No. 10 and 11. Are these
11 the city courts where y'all went to play?

12 A. Yes, sir.

13 Q. When y'all got there to the city courts and it
14 had gotten dark, what were you doing there?

15 A. Shooting around.

16 Q. At some point did you leave the basketball
17 courts?

18 A. Yes, sir.

19 Q. Tell me about that.

20 A. Demarius had -- Santonio asked Demarius could
21 he use his car to go get some weed. He ain't let
22 him drive, so he told me to drive. We left there
23 and went to the gas station and got some more
24 cigarettes and cigars, then went to Crestland --

25 Q. Let me stop you right there. You and

1 Mr. Williams left in the black Toyota from the
2 basketball courts?

3 A. Yes, sir.

4 Q. Did Mr. Jefferson and Mr. Davis stay at the
5 basketball courts?

6 A. Yes, sir.

7 Q. Where did you and Mr. Williams go?

8 A. Went to the gas station.

9 Q. Is that the same gas station that you kind of
10 started your afternoon at?

11 A. Yes, sir.

12 Q. Who did you see there?

13 A. His sister.

14 Q. Whose?

15 A. Santonio sister.

16 Q. Did she work there?

17 A. Yes, sir.

18 Q. Okay. And who was driving?

19 A. I was.

20 Q. You were driving from the moment you left the
21 basketball courts?

22 A. Yes, sir.

23 Q. Where was Mr. Williams sitting at that point?

24 A. He was in the front seat.

25 Q. And about how long did y'all stay at the gas

1 station where Mr. Williams' sister was working?

2 A. About, like, two or three minutes.

3 Q. Where did you go next?

4 A. The Crestland.

5 Q. What did you do in Crestland?

6 A. Had stopped by a house.

7 Q. Stopped by a house. I'll show you what's been
8 marked as State's No. 33 and ask if you can identify
9 it.

10 A. Yes, sir.

11 Q. What is it?

12 A. That's Crestland.

13 Q. That's how the house appeared that day on the
14 14th?

15 A. That night.

16 Q. How did you get to this house?

17 A. I was instructed.

18 MR. THURMOND: Your Honor, we'd offer 33 into
19 evidence and move to publish it.

20 MR. MCCARLEY: I apologize. You asked him how
21 he got there and I didn't hear the answer.

22 THE WITNESS: I was instructed by Santonio.

23 MR. THURMOND: Is 33 in evidence, Your Honor?

24 THE COURT: Yes.

25 (State's Exhibit No. 33 admitted into

1 evidence.)

2 MR. THURMOND: Permission to publish it.

3 THE COURT: You may.

4 BY MR. THURMOND:

5 Q. Mr. Harris, this is the house you were directed
6 to by Mr. Williams to stop at?

7 A. Yes, sir.

8 Q. Where did you park?

9 A. Beside the mailbox along the street.

10 Q. What was the lighting like?

11 A. It was dark.

12 Q. Who got out of the car?

13 A. Santonio.

14 Q. Who remained in the car?

15 A. I did.

16 Q. What did he do?

17 A. He got out of the car and told me to pop the
18 trunk. I popped the trunk and he got in the back
19 seat.

20 Q. Well, before you did that, did he go in the
21 house?

22 A. I --

23 Q. Did he go up the driveway?

24 A. Yes, he went up the driveway. I didn't see did
25 he go inside the house or not.

1 Q. How long was he at that house?

2 A. Like two minutes to the most.

3 Q. Then came back to the car?

4 A. Yes, sir.

5 Q. What did he ask you to do when he came back to
6 the car?

7 A. Pop the trunk.

8 Q. Did you do that?

9 A. Yes, sir.

10 Q. Did you see him put anything in the trunk at
11 that point?

12 A. No, sir.

13 Q. After he put something in the trunk, where was
14 he sitting in the car?

15 A. In the back seat.

16 Q. In the back seat now?

17 A. Yes, sir.

18 Q. Before he got out of the car, he was in the
19 front passenger seat?

20 A. Yes, sir.

21 Q. Goes to that house, puts something in the
22 trunk, and is now sitting in the back seat?

23 A. Yes, sir.

24 Q. Where in the back seat?

25 A. I'm not sure. I'm -- I'm not sure.

1 Q. What was he doing in the back seat?

2 A. On his phone.

3 Q. And tell me about his phone. Could you hear
4 what he was saying on the phone?

5 A. No, sir.

6 Q. Did he utilize an earpiece?

7 A. Had an earpiece in.

8 Q. Did you assume anything at that point about why
9 he was in the back seat?

10 A. No, sir.

11 MR. MCCARLEY: Objection; speculation.

12 Q. Were you playing the music loud?

13 A. Yes, sir.

14 Q. Was he trying to talk on the phone?

15 A. Yes, sir.

16 Q. Is that why he was sitting in the back seat at
17 that point?

18 A. Yes, sir.

19 Q. Did you know who he was talking to?

20 A. No, sir.

21 Q. Could you hear any part of the conversation?

22 A. No, sir.

23 Q. Did you have a cell phone with you?

24 A. No, sir.

25 Q. Did you have a phone at that time?

- 1 A. No, sir.
- 2 Q. Did you have anyone else's phone with you that
- 3 night?
- 4 A. No, sir.
- 5 Q. All right. You've left this little gray house
- 6 in Crestland. What happened next?
- 7 A. I was directed to Diamond Street.
- 8 Q. You say directed. Do you know where you're
- 9 going?
- 10 A. No, sir.
- 11 Q. Is Mr. Williams telling you where to go?
- 12 A. Yes, sir.
- 13 Q. Turn-left-turn-right type of directions?
- 14 A. Yes, sir.
- 15 Q. Was he still on the phone?
- 16 A. Yes, sir.
- 17 Q. Do you recall stopping by a baseball field?
- 18 A. Yes, sir.
- 19 Q. What happened there?
- 20 A. He got out and told me to pop the trunk.
- 21 Q. What happened then?
- 22 A. We rode around Diamond Street.
- 23 Q. Could you see him retrieve anything from the
- 24 trunk at that point?
- 25 A. No, sir.

1 Q. Did he get back in the car?

2 A. Yes, sir.

3 Q. Back in the back seat?

4 A. Yes, sir.

5 Q. So where did you go from there?

6 A. Had rode around Diamond Street one time and I

7 seen a group of people. Then a second -- then we

8 rode around again and --

9 Q. You rode by Diamond Street once. And did you
10 observe anyone out in front of 219 Diamond Street?

11 A. I seen a lot of people. I didn't know nobody.

12 Q. What happened after you rode by the first time?

13 A. I rode by again and rode by kind of slow

14 because I thought we was stopping to get the weed.

15 Q. And did you slow down a second time?

16 A. Yes, sir.

17 Q. Mr. Harris?

18 A. Yes, sir.

19 Q. Tell this jury what you saw and what you heard

20 the second time you rode by Diamond Street.

21 A. Second time we rode around Diamond Street I

22 heard a shotgun action pump, then I looked back and

23 I seen what happened. And I was like, what the fuck

24 you doing? You tripping. He was like, calm down,

25 man, ain't nobody going to know nothing.

1 Q. Tell me what you saw happen.

2 A. I saw a barrel going out the back window.

3 Q. Did you look over your left shoulder or your
4 right shoulder?

5 A. My left.

6 Q. You're driving, you look over your left
7 shoulder. You've already heard the shotgun rack?

8 A. Yes, sir.

9 Q. And then what do you see and what do you hear?

10 A. I hear the shotgun being cocked, then I heard
11 the shotgun going off. I said, what you doing, man?
12 You tripping. He was like, calm down, man, ain't
13 nobody going to know nothing. So I sped off the
14 best way I know how.

15 Q. Did you hear noises coming from the party?

16 A. I heard somebody screaming.

17 Q. So what did you do then?

18 A. Kept going. Had went to the basketball court
19 to go get Demarius and Darian.

20 Q. Did you just putter up Diamond or did you get
21 out of there as fast as you could?

22 A. Got out there as fast as I could.

23 Q. When you left there, where did you go to?

24 A. Basketball court to get Demarius and Darian.

25 Q. Right when this happened, was your window, the

1 driver's side window, was it up or down?

2 A. It was just cracked a little bit because I was
3 smoking.

4 Q. Cracked a little bit because you were smoking.
5 When you rode by Diamond Street the first or second
6 time, had you turned your headlights off at any
7 time?

8 A. No, sir.

9 Q. And again, at the time of the shooting, it was
10 just you and Santonio Williams in that black Toyota
11 Corolla?

12 A. Yes, sir.

13 Q. When did you learn that someone had actually
14 been shot?

15 A. The next day when I looked on the news.

16 Q. Tell me how you know this little 16-year-old
17 girl,

18 A. My second child's mother was friends with the
19 girl.

20 Q. She was friends with her?

21 A. Yes, sir.

22 MR. THURMOND: Beg the Court's indulgence, Your
23 Honor.

24 BY MR. THURMOND:

25 Q. Let me show you what's in evidence as State's

1 No. 25. Was that the wall there on Diamond Street?

2 A. Yes, sir.

3 Q. That all these people and children were sitting
4 on?

5 A. Yes, sir.

6 Q. Right after the shooting, did you remember
7 exactly what happened, I mean, exactly where you
8 went immediately after?

9 A. After we had got Demarius and Darian, we had
10 dropped Darian off, then we went to Chalet North
11 Court to try to get rid of the gun.

12 Q. You testified that after the shooting you went
13 back to the basketball courts; is that correct?

14 A. Yes, sir.

15 Q. And then what happened once you got back to the
16 basketball courts?

17 A. I had got out of the car and popped the trunk.
18 He had put the gun back in the trunk and we had
19 left.

20 Q. Let me stop you there. Where did you park when
21 you got back to the basketball courts?

22 A. The side closest by the woods.

23 Q. Over by the woods?

24 A. Yes, sir.

25 Q. And what did Santonio Williams do when you

1 parked?

2 A. Put the gun back in the trunk..

3 Q. Got out of the back seat?

4 A. Yes, sir..

5 Q. Did you see anything in his hands or by his
6 side when he got out?

7 A. No, sir.

8 Q. And so what's the next thing you remember?

9 A. We dropped Darian off. Then after we dropped
10 Darian off, we went to try to go hide the gun.

11 Q. So after leaving the basketball courts, you
12 dropped -- is Darian, Darian Davis?

13 A. Dropped him off.

14 Q. Where did he live?

15 A. In a blue house on Celeste.

16 Q. On Celeste. Okay. Dropped Darian Davis off at
17 Celeste. So now it's you, Mr. Williams, and
18 Mr. Jefferson left in the car?

19 A. Yes, sir.

20 Q. Where did you go then?

21 A. To Chalet North Court. I think that's what
22 they call it. To Jazz house.

23 Q. Jazz? Is Jazz Jasmine Allison?

24 A. Yes, sir.

25 Q. And you went to her house in Chalet North?

1 A. Yes, sir.

2 Q. Show you what's in evidence as State's No. 12.

3 Is that where you went?

4 A. Yes, sir.

5 Q. And is her residence on the left or the right?

6 A. On the right.

7 Q. What happened once you got to Jasmine Allison's
8 house? What did you observe?

9 A. He had tried to put the gun in the back of her
10 house --

11 Q. Start over. I couldn't understand you.

12 A. He had tried to put the gun --

13 Q. Who is he?

14 A. Santonio.

15 Q. He did what?

16 A. Tried to put the gun behind her house.

17 Q. Would she let him keep the gun there?

18 A. No, sir.

19 Q. And did you leave Santonio Williams at
20 Jasmine's house?

21 A. Yes, sir.

22 Q. Who left from Jasmine's house?

23 A. Me and Demorris. We had went --

24 Q. So we started with four guys in the car. We've
25 dropped off Darian on Celeste, we've now dropped off

1 Santonio at Jasmine's house. And you and

2 Mr. Jefferson leave?

3 A. Yes, sir.

4 Q. Where do you go?

5 A. By Belvedere Terrace, a trailer park, at some
6 girl's house.

7 Q. A girl's house in Belvedere, is that what you
8 said?

9 A. The trailer park next to Belvedere Terrace.

10 Q. With Mr. Jefferson?

11 A. Yes, sir.

12 Q. Did she leave in a trailer?

13 A. Yes, sir.

14 Q. Did you know the girl that lived there?

15 A. No, sir.

16 Q. Who knew her?

17 A. Demorris did.

18 Q. Do you remember what you did after that?

19 A. We chilled all night. Then after that, I
20 went --

21 Q. Did Mr. Jefferson go in that house?

22 A. Yeah, he went in the house. I stayed in the
23 car.

24 Q. You stayed in the car. Mr. Harris, back on
25 April 11th, 2016, almost a year after this murder,

1 do you remember giving a statement to Investigator
2 Cain and Investigator Eagen?

3 A. Yes, sir.

4 Q. And you recall giving a recorded interview to
5 investigators on May the 10th of 2016?

6 A. Yes, sir.

7 Q. In your statements to them was your
8 recollection of what happened after the shooting
9 different than anything else you had said?

10 A. I mean, it was because it had been a year since
11 it happened.

12 Q. Do you recall telling investigators that you
13 went straight to Jasmine Allison's house?

14 A. Yes, sir.

15 Q. And having had the benefit of hindsight, was
16 that an accurate statement?

17 A. No, sir.

18 Q. You now recall going to the basketball court
19 after the shooting?

20 A. Yes, sir.

21 Q. What is a specific recollection that you have
22 about dropping somebody off that night? Who would
23 that have been?

24 A. Demarius Jefferson -- not Demarius Jefferson,
25 but Darian.

1 Q. You specifically recall dropping Darian Davis
2 off?

3 A. Yes, sir.

4 Q. Is the only way you have that recollection is
5 because he was at the basketball court? Is that
6 correct?

7 A. Yes, sir.

8 Q. And of all the events of that evening,
9 Mr. Harris, what is the absolute clearest memory you
10 have from the night of April the 14th, 2015?

11 A. Santonio had reached -- shot the gun through
12 the window.

13 Q. That shotgun going off in your ear?

14 A. Yes, sir.

15 Q. Mr. Harris, did you meet with Aiken County
16 investigators again on November 1st of 2016?

17 A. Yes, sir.

18 Q. And on that date did you drive the route with
19 investigators, the route that you and Santonio
20 Williams took on the night of April the 14th, 2015?

21 A. Yes, sir.

22 Q. All right. You have testified that you know
23 Mr. Williams well. You knew him for 15 years; is
24 that correct?

25 A. Yes, sir.

1 Q. Would you know who his friends were or who he
2 hung out with before this shooting?

3 A. Yes, sir. We was cool with everybody,
4 basically.

5 Q. Well, was Mr. Williams close friends with a
6 gentleman by the name of Christian Gordon?

7 A. Yes, sir.

8 Q. Are you friends with Christian Gordon?

9 A. No, not really.

10 Q. Was Santonio Williams friends with a Donnie
11 Brooks prior to Donnie Brooks' death?

12 A. Yes, sir.

13 Q. Good friends?

14 A. Yes, sir.

15 Q. Were you friends with Donnie Brooks?

16 A. Yes, sir.

17 MR. THURMOND: I think we need a sidebar, Your
18 Honor.

19 (Sidebar conference.)

20 BY MR. THURMOND:

21 Q. Mr. Harris?

22 A. Yes, sir.

23 Q. You have testified that you have known
24 Mr. Santonio Williams for 15 years?

25 A. Yes, sir.

1 Q. That you know Christian Gordon?

2 A. Yes, sir.

3 Q. That you knew Donnie Brooks?

4 A. Yes, sir.

5 Q. And that you were friends with Donnie Brooks?

6 A. Yes, sir.

7 Q. Let me show you what's marked as State's No. 44
8 and ask if you recognize that.

9 A. Yes, sir.

10 Q. What is it?

11 A. Santonio, Donnie Brooks, and Brisco.

12 Q. That's a photograph of Donnie Brooks, Santonio
13 Williams, and you said Brisco?

14 A. Christian Gordon.

15 Q. Christian Gordon?

16 A. Yes, sir.

17 Q. And does that truly and accurately depict what
18 it purports to show?

19 A. Yes, sir.

20 MR. THURMOND: Your Honor, we'd offer State's
21 44 into evidence at this time.

22 THE COURT: Over objection, it's admitted.

23 (State's Exhibit No. 44 admitted into
24 evidence.)

25 MR. THURMOND: Publish it to the jury?

1 THE COURT: You may.

2 BY MR. THURMOND:

3 Q. Can I get you to stand up for me, please?

4 Would you point out Donnie Brooks in that picture?

5 A. (Indicating).

6 Q. The gentleman with his shirt off?

7 A. Yes, sir.

8 Q. And a -- looks like a shirt over his head?

9 A. Yes, sir.

10 Q. And the gentleman in the rear with the
11 basketball hat?

12 A. (Indicating).

13 Q. Who is he?

14 A. Santonio.

15 Q. And the gentleman on the right with the long
16 hair?

17 A. Christian Gordon.

18 Q. Thank you. Be seated.

19 Mr. Harris, I'm going to show you what's been
20 marked -- Mr. Harris, I'm going to show you State's
21 Exhibits 45, 46, and 47.

22 MR. MCCARLEY: I apologize, Your Honor. We may
23 need to have another sidebar.

24 (Sidebar conference).

25 BY MR. THURMOND:

1 Q. Let's try this again. All right. Mr. Harris,
2 I'm showing you State's No. 45, 46, and 47. Let me
3 have you take a look at those and ask you if you are
4 familiar with those DVDs and how you are familiar
5 with them.

6 A. I'm familiar with them.

7 Q. When did you listen to those?

8 A. Last week, I think.

9 Q. And do those DVDs bear your initials?

10 A. Yes, sir.

11 Q. Whose voice is on these telephone calls?

12 A. Santonio.

13 Q. Santonio Williams, the defendant?

14 A. Yes.

15 Q. Who you've known for 15 years?

16 A. Yes, sir.

17 Q. That's all the questions I have at this time,
18 Mr. Harris.

19 THE COURT: Cross?

20 MR. MCCARLEY: Yes, sir, Your Honor. Thank
21 you.

22 CROSS-EXAMINATION

23 BY MR. MCCARLEY:

24 Q. You just testified that you know my client
25 well.

1 A. Yes, sir.

2 Q. Okay. And you told Investigator Cain and

3 Investigator Eagen that his name was Santonio

4 Jenkins?

5 A. Yes, sir.

6 Q. Okay. Picking up a little bit where the State

7 left off, you went with your lawyer, the solicitor's

8 office, and the sheriff's office and retraced the

9 route you took that night?

10 A. Yes, sir.

11 Q. Okay. You just testified that you were taking

12 directions on where to go?

13 A. Yes, sir.

14 Q. Okay. Eighteen months after this incident --

15 A. Yes, sir.

16 Q. -- you then went on a 23-turn tour --

17 A. Yes, sir.

18 Q. -- with your lawyer, the solicitor's office,

19 and the sheriff's office?

20 A. Yes, sir.

21 Q. Twenty-three turns, 18 months later?

22 A. Yes, sir.

23 Q. And you were getting directions on April 14th?

24 A. Yes, sir.

25 Q. Okay. You're charged with kidnapping?

1 A. Yes, sir.

2 Q. Okay. Does that have anything to do with this
3 incident?

4 A. No, sir.

5 Q. You're charged with possession of controlled
6 substance. Does that have anything to do with this
7 incident?

8 A. No, sir.

9 Q. You're charged with another possession of
10 controlled substance. Does that have anything to do
11 with this incident?

12 A. No, sir.

13 Q. You're charged with grand larceny. Does that
14 have anything to do with this incident?

15 A. No, sir.

16 Q. Okay. You had a warrant issued for you for
17 kidnapping on March 30th, 2016?

18 A. Yes, sir.

19 Q. You gave your first statement in this case May
20 10th, 2016?

21 A. Yes, sir.

22 Q. But before you gave that video-recorded
23 statement, you met with Investigator Eagen and
24 Investigator Cain in Richmond County?

25 A. Yes, sir.

1 Q. But there was no recording of that?

2 A. No, sir.

3 Q. You met with them on April 11th. You already
4 had a warrant for you for kidnapping?

5 A. Yes, sir.

6 Q. There's no video?

7 A. No video.

8 Q. There's no audio?

9 A. No, sir.

10 Q. Then you met with them again May 10th, 2016?

11 A. Yes, sir.

12 Q. You told Investigator Cain and Investigator
13 Eagen there was a pump shotgun?

14 A. Yes, sir.

15 Q. You told them that you know it was black, it
16 was all black?

17 A. Yes, sir.

18 Q. You told them that Tabitha Sengfield came and
19 picked you up at the -- essentially at the end of
20 this?

21 A. At the end of the whole time I was in North
22 Augusta, she came and got me.

23 Q. Where did she come and get you from?

24 A. Pine Crest.

25 Q. She came and got you from Pine Crest?

1 A. Yes, sir.

2 Q. How did you get from Belvedere Terrace back to
3 Pine Crest?

4 A. I got dropped off in Cameron Cove where Montey
5 stayed at and I went to Pine Crest.

6 Q. After you and Demarius Jefferson went to the
7 house in Belvedere -- the trailer, I apologize, in
8 Belvedere Terrace, where did you go when you were
9 done there?

10 A. We stayed in Belvedere Terrace the whole night
11 until the next day.

12 Q. You stayed at the trailer in Belvedere Terrace
13 the whole night?

14 A. He stayed in Belvedere Terrace with his mama.
15 We both stayed over there that night. We was just
16 over at that trailer park for a long time, though.

17 Q. Okay. You told the investigators in the
18 recorded interview that you did not have a phone at
19 the time?

20 A. Yes, sir.

21 Q. Are you aware that your Facebook messages --
22 your Facebook account was obtained by the
23 solicitor's office and the sheriff's office in this
24 case?

25 A. Yes, sir.

1 Q. Okay. And you give out your phone number on
2 May 9th, 2015?

3 A. Yes, sir.

4 Q. You give out your phone number on March 28th,
5 2015?

6 A. Yes, sir.

7 Q. So before and after the incident, you have a
8 phone?

9 A. I didn't have no phone. I use somebody else
10 phone. Whenever I was around them, I use somebody
11 else phone.

12 Q. So you used somebody else's phone?

13 A. Yes, sir.

14 Q. Okay. Now, you told investigators that after
15 this entire incident?

16 A. Yes, sir.

17 Q. When you see these people, you go the other
18 way?

19 A. Yes, sir.

20 Q. But your Facebook account has you going to
21 Brisco's baby shower. Do you consider that going
22 the other way?

23 A. No.

24 Q. No, you would not consider it going the other
25 way or no, you didn't go?

1 A. I think I went. I don't remember. It's been a
2 little minute.

3 Q. That's correct. You messaged Demarius
4 Jefferson, "pull up" on 4/16/15. You consider that
5 going the other way?

6 A. No, sir.

7 Q. You added Demarius as a friend on 4/16?

8 A. Yes, sir.

9 Q. Were you aware that Demarius Jefferson went to
10 meet with the sheriff's office on 4/17?

11 A. No, sir.

12 Q. You weren't?

13 A. No, sir.

14 Q. There's not going to be any phone calls between
15 your phone number and Demarius Jefferson's on 4/16,
16 17, 18, 19?

17 A. I don't remember. There probably was.

18 Q. You just said no there wasn't, and now you're
19 saying you don't remember, it was probably was?

20 A. I said I don't remember.

21 Q. Did you talk to Demarius Jefferson on the phone
22 a lot around this time?

23 A. No, sir, not as I recall. It's been a little
24 minute.

25 Q. Okay. Is 55 times a lot?

1 A. Yes, sir.

2 Q. You told Investigator Cain and Investigator
3 Eagen that, quote, my people adopted him? I'm
4 talking about my client.

5 A. Yes, sir.

6 Q. Okay. And then you said his name was Santonio
7 Jenkins?

8 A. Yes, sir.

9 Q. Okay. Do you know Kahlo Calhoun?

10 A. Yes, sir.

11 Q. Do you remember talking to him the day after
12 the shooting?

13 A. No, sir.

14 Q. Do you remember telling him that Brisco was in
15 the car?

16 A. No, sir.

17 Q. Do you admit or deny telling Kahlo Calhoun that
18 you shot the gun?

19 A. No, sir.

20 Q. You deny that?

21 A. I deny everything he said.

22 Q. Yes, sir.

23 MR. MCCARLEY: Just a minute, Your Honor.

24 BY MR. THURMOND:

25 Q. You testified that my client was with you in

1 the car, just you and him?

2 A. Yes, sir.

3 Q. And you stopped at a house?

4 A. Yes, sir.

5 Q. And then you stopped at a ball field?

6 A. Yes, sir.

7 Q. And at both of those places?

8 A. Yes, sir.

9 Q. At the house?

10 A. Yes, sir.

11 Q. He gets out of the car, you don't know really
12 where he goes or what he does?

13 A. Yes, sir.

14 Q. He asked you to pop the trunk?

15 A. Yes, sir.

16 Q. You don't have -- you said you didn't have a
17 phone?

18 A. Yes, sir.

19 Q. So you're not looking at your phone or anything
20 like that?

21 A. No, sir.

22 Q. You pop the trunk. He goes to the trunk?

23 A. Yes, sir.

24 Q. You didn't see anything?

25 A. No.

1 Q. And then you said you stopped at a ball field?

2 A. Yes, sir.

3 Q. And he tells you to pop the trunk?

4 A. Yes, sir.

5 Q. And you pop the trunk?

6 A. Yes, sir.

7 Q. And you didn't see anything?

8 A. I don't expect -- I wasn't looking for it to
9 nothing. So how am I going to expect something like
10 that if I'm not looking for it?

11 Q. You didn't see anything?

12 A. No, I didn't see nothing.

13 Q. Okay. So your testimony to this jury is that
14 you're driving this car?

15 A. Yes, sir.

16 Q. Somebody gets in and out with a shotgun
17 multiple times and you don't see anything?

18 A. Yes, sir.

19 Q. And you didn't have a phone, right?

20 A. I didn't have no phone.

21 Q. Okay.

22 MR. MCCARLEY: No further questions, Your
23 Honor.

24 THE COURT: Redirect?
25

1

2

REDIRECT EXAMINATION

3

BY MR. THURMOND:

4

Q. Mr. Harris?

5

A. Yes, sir.

6

Q. Is Jennings or Jenkins, is that the adopted
family name for Santonio Williams?

8

A. Yes, sir.

9

Q. But it's one in the same person, it's this
defendant seated here; is that correct?

10

11

A. Yes, sir.

12

MR. THURMOND: That's all the questions I have.

13

RE CROSS-EXAMINATION

14

BY MR. MCCARLEY:

15

Q. Is it Jennings or Jenkins?

16

A. Jennings.

17

Q. Thank you, sir.

18

THE COURT: All right. You may step down.

19

Next witness.

20

MR. THURMOND: The State calls Investigator

21

Chuck Cain.

22

CHUCK CAIN

23

being first duly sworn, testified as follows:

24

THE WITNESS: Yes, ma'am.

25

THE CLERK: Have a seat in the witness box,

1 stating your full name and spelling your last.

2 THE WITNESS: Investigator Chuck Cain, C-A-I-N.

3 DIRECT EXAMINATION

4 BY MR. THURMOND:

5 Q. Good morning.

6 A. Good morning, sir.

7 Q. Will you please take us through your
8 professional background?

9 A. 1986 to 1991, sergeant United States Marine
10 Corps; 1990 to current, Aiken County Sheriff's
11 Office. I've served as a lieutenant with the
12 detention center, lieutenant on patrol division,
13 lieutenant special operations, and a criminal
14 investigator violent crime.

15 Q. How long have you been an investigator?

16 A. Fourteen years.

17 Q. What's your educational background?

18 A. Bachelor of Science degree psychology.

19 Q. Investigator Cain, I would like to get to the
20 point here and go directly to April the 14th of
21 2015. How did you get involved in this matter?

22 A. I received a telephone call from the sheriff's
23 office notifying me of a shooting incident on
24 Diamond Street.

25 Q. And were you the on-call investigator for that

1 night, if you will?

2 A. Yes, sir.

3 Q. And y'all work in a rotation of sorts?

4 A. Yes, sir.

5 Q. And where did you initially go?

6 A. Upon receiving the call, I initially responded
7 to Georgia Regents University Hospital, MCG in
8 Augusta.

9 Q. And why did you go there rather than directly
10 to the scene?

11 A. Based on the information I received, the victim
12 was still alive. I responded to the hospital in
13 hopes of speaking with the victim and collecting any
14 physical evidence.

15 Q. What time did you get there?

16 A. I arrived at the hospital at 10:03 PM.

17 Q. What time had the victim passed away?

18 A. Upon arrival, I was notified that she was
19 pronounced dead at 9:55 PM, shortly before my
20 arrival.

21 Q. So, obviously, you didn't get a chance to see
22 her prior to her passing?

23 A. No, sir.

24 Q. Where did you go at the hospital?

25 A. Upon arrival at the hospital, I immediately met

1 with the police force employed by the hospital.

2 They escorted me to the emergency room where I met
3 with the medical staff.

4 Q. And were you led to Ms. room at some
5 point?

6 A. Yes, sir, I was taken to the actual room inside
7 the emergency department.

8 Q. And what did you do once there?

9 A. Upon arrival into the individual room of the
10 victim, I began to collect physical evidence.

11 Q. And did you take any photographs prior to
12 collecting any physical evidence?

13 A. Yes, sir, I did.

14 Q. Investigator Cain, I'm going to show you what's
15 marked as State's No. 29 and 30 and ask you if you
16 can identify those photographs?

17 A. Yes, sir, I can identify both of these
18 photographs.

19 Q. What are they?

20 A. State's Exhibit 29 displays the right hand of
21 the victim as I photographed it with a protruding
22 piece of plastic embedded in her right hand.

23 Q. Are they accurate depictions of what you
24 observed that night?

25 A. Yes, sir, they are.

1 MR. THURMOND: Your Honor, at this time we
2 would offer 29 and 30 in evidence and would request
3 to publish those photographs to the jury.

4 THE COURT: Without objection?

5 MR. MCCARLEY: Without objection, Your Honor.

6 THE COURT: Admitted. You can publish.

7 (State's Exhibit Nos. 29 and 30 admitted into
8 evidence.)

9 BY MR. THURMOND:

10 Q. Let me show you what's marked as State's 29.

11 A. Yes, sir.

12 Q. Can you describe this photograph?

13 A. That is the right hand of the victim as I
14 photographed it. Embedded in her right hand is a
15 hard piece of plastic.

16 Q. And this is the picture that you took of her
17 hand at the hospital?

18 A. Yes, sir.

19 Q. And then State's No. 30, what is this?

20 A. That is a metal projectile, metal object that I
21 found on the floor directly beneath the right side
22 of the victim. And it appeared to have blood stain
23 on it.

24 Q. And you collected both that Sabot wadding from
25 her hand and that projectile from the floor?

1 A. Yes, sir.

2 Q. Investigator Cain, let me show you what's
3 marked as State's No. 31 and 32 and ask you if you
4 can identify those for me.

5 A. State's Exhibit 32. Exhibit 32 appears to be
6 the same plastic that I removed from the victim's
7 hand.

8 Q. And how did you mark that as evidence that you
9 collected?

10 A. The brown evidence bag, I handwrote the case
11 number on the bag and kept it in my possession for a
12 short time.

13 Q. That's your handwriting?

14 A. That is my handwriting, yes, sir.

15 Q. And how about State's 31, what is that?

16 A. State's Exhibit No. 31 is the actual lead
17 object, the projectile that I collected from the
18 floor of the hospital room beneath the victim.

19 MR. THURMOND: Your Honor, I'd offer 31 and 32
20 at this time.

21 THE COURT: Without objection?

22 MR. MCCARLEY: Without objection, Your Honor.

23 THE COURT: Admitted. You can publish them.

24 (State's Exhibit Nos. 31 and 32 admitted into
25 evidence.)

1

2 BY MR. THURMOND:

3 Q. What else did you do other than take the
4 photographs and collect the evidence there in the
5 hospital room with Ms.

6 A. I swabbed her hands.

7 Q. Swabbed for what?

8 A. For any indications of gunshot residue.

9 Q. And what is the sheriff's office policy
10 concerning the collection or the attempt to collect
11 gunshot residue?

12 A. Any individual suspected of being directly
13 involved in a shooting incident, the sheriff's
14 office will swab their hands to see in an attempt to
15 collect any type of residue.

16 Q. What is the sheriff's office policy relating to
17 the timeframe from the shooting event to the end
18 point of when you would attempt to collect that type
19 of evidence?

20 A. That is a six-hour window, sir.

21 Q. So six hours from the event?

22 A. From the event, yes, sir.

23 Q. What did you do next, Investigator Cain?

24 A. Upon completing my work at the hospital, I
25 relocated from Augusta, Georgia, to 219 Diamond

1 Street.

2 Q. And had kind of a crowd gathered there at the
3 hospital on behalf of Ms.

4 A. Yes, sir, outside the hospital at the entrance
5 to the emergency room.

6 Q. And what was the mood of that crowd, if you
7 will?

8 A. They were emotionally upset.

9 Q. All right. And then you returned -- or you
10 left the hospital and went to the incident location?

11 A. Yes, sir.

12 Q. Which was where?

13 A. 219 Diamond Street.

14 Q. And what time did you arrive there?

15 A. I arrived there at 11:06 PM.

16 Q. Okay. And who did you meet with there?

17 A. Upon arrival, I met with the parole supervisor,
18 Lieutenant Padgett, and with forensics, Sergeant
19 Johnson.

20 Q. And what did you do upon your arrival?

21 A. I received a briefing from Lieutenant Padgett.
22 I transferred the evidence from the hospital to
23 Sergeant Johnson, I also received a brief from him.
24 And I did collect statements from Deputy Turner at
25 the time, he gave those to me he collected.

1 Q. And the evidence that you transferred to
2 Sergeant Johnson were State's 31 and 32, the Sabot
3 wadding and the projectile that you recovered from
4 the hospital?

5 A. Yes, sir.

6 Q. And did you take statements from any
7 individuals there?

8 A. Yes, sir.

9 Q. Who all did you take statements from?

10 A. If I recall, it was from Undraize Dixon,
11 Patricia Coach and, I believe, a couple more
12 witnesses from the scene.

13 Q. And were there witnesses there who kind of left
14 or scattered, if you will, after the shooting?

15 A. Yes, sir, there were.

16 Q. When did you hear the name Taquan Coach?

17 A. I first heard the name Taquan Coach from fellow
18 law enforcement officers --

19 MR. MCCARLEY: Objection; hearsay.

20 MR. THURMOND: I'm asking when he heard it?

21 THE COURT: You ask him where?

22 MR. THURMOND: When.

23 THE COURT: When?

24 All right. You can answer that.

25 THE WITNESS: I first heard the name Taquan

1 Coach after I left the scene and was returning back
2 to the hospital.

3 BY MR. THURMOND:

4 Q. And did that name set off any kind of red flags
5 in your head?

6 A. Yes, sir, it did.

7 Q. And as a result, did you interview a Christian
8 Gordon?

9 A. Yes, sir.

10 Q. When did you interview him?

11 A. That would have been on April 15th.

12 Q. Okay. So --

13 A. April 15th, around 11:30 that morning.

14 Q. So you hear the name Taquan Coach and you kind
15 of go running to interview Christian Gordon?

16 A. No, sir. When I heard the name Taquan Coach,
17 based on my recent experience, that is what -- that
18 is when I began to approach Christian Gordon, to
19 seek him out.

20 Q. And was it important for you to determine where
21 Christian Gordon was on the night of April 14th?

22 A. Yes, sir.

23 Q. All right. I want to skip forward a couple
24 days, three days after the murder, to Friday, April
25 the 17th, 2015. Up until this point, your case is

1 kind of a whodunit, correct?

2 A. Yes, sir.

3 Q. And did you get a break in the case on Friday,
4 the 17th?

5 A. Yes, sir, I did.

6 Q. Who did you receive a call from?

7 A. Received a telephone call through dispatch from
8 Demarius Jefferson.

9 Q. About what time was that?

10 A. That was 11:10 AM.

11 Q. And is it commonplace as an investigator to get
12 lots of calls in on a case?

13 A. Very common, yes, sir.

14 Q. And was there anything specific that interested
15 you about the call from Mr. Jefferson at 11:10?

16 A. Yes, sir.

17 Q. And what interested you?

18 A. Specifically, was a shotgun used.

19 Q. And --

20 MR. MCCARLEY: Objection; hearsay. He's
21 quoting Mr. Jefferson who has already testified.

22 BY MR. THURMOND:

23 Q. Had the sheriff's office --

24 THE COURT: Sustained as to that.

25 Q. -- released any information about the case?

1 A. No, sir.

2 Q. So there was no public information out there
3 relating to any specifics about the case?

4 A. No, sir.

5 Q. And did you know at that time what this victim
6 had been shot with?

7 A. Yes, sir.

8 Q. Did Mr. Jefferson come in and give a more
9 detailed statement than the one he gave over the
10 phone?

11 A. Yes, sir.

12 Q. Was that statement recorded?

13 A. Yes, sir.

14 Q. And is that the first time in this case where
15 you heard the name Santonio "Red" Williams?

16 A. Yes, sir.

17 Q. What time did Mr. Jefferson and Ms. Navas
18 arrive?

19 A. That would be around 4:20 PM in the afternoon
20 when they arrived.

21 Q. And incidentally, what was the weather like
22 that day?

23 A. It was overcast and a slight rain, sir.

24 Q. How do you know it was raining? Have you
25 looked at photographs?

1 A. I know my vehicle was wet.

2 Q. You've looked at photographs taken there at the
3 sheriff's office lot on the 17th?

4 A. Yes, sir.

5 Q. And do those photographs depict rain or
6 raindrops on the vehicles in the parking lot?

7 A. Yes, sir.

8 Q. And the type of car they were driving again?

9 A. They were driving a black-in-color Toyota
10 Corolla.

11 Q. Was that vehicle searched there at the
12 sheriff's office?

13 A. Yes, sir.

14 Q. Pursuant to the consent of Ms. Navas,
15 accompanied by Mr. Jefferson?

16 A. Yes, sir.

17 Q. Was a firearm or ammunition recovered from that
18 vehicle?

19 A. No, sir.

20 Q. Who did you interview on April 20th of 2015?

21 A. I interviewed Darian Davis.

22 Q. Where did you interview him?

23 A. That interview was conducted at Judge Lynn's
24 office in Belvedere.

25 Q. How would you describe Mr. Davis' demeanor upon

1 being interviewed?

2 A. His demeanor was cooperative with information,
3 but he was demonstrating to me that he wanted no
4 involvement in this.

5 Q. Didn't want to be there, but answered your
6 questions?

7 A. Yes, sir.

8 Q. And on April the 21st, did you obtain a warrant
9 for Mr. Williams?

10 A. Yes, sir.

11 Q. And what was that warrant for?

12 A. Accessory before the fact, murder.

13 Q. And he is being tried this week on the offense
14 of murder; is that correct?

15 A. Yes, sir.

16 Q. And is it common to upgrade or downgrade
17 charges based on evidence during the course of an
18 investigation?

19 A. Yes, sir.

20 Q. So there's a warrant on April 21st. What
21 happens next with respect to apprehending
22 Mr. Williams?

23 A. Once I received the warrant, we placed it into
24 the NCIC terminal and notified the sheriff's office
25 warrant division and let them go about seeking and

1 locating him.

2 Q. The warrants division goes and looks for people
3 who have arrest warrants?

4 A. Yes, sir.

5 Q. Did that happen in this case?

6 A. Yes, sir.

7 Q. Did the warrants division look for
8 Mr. Williams?

9 A. Yes, sir.

10 Q. Did they look for him in all the places he was
11 supposed to be?

12 A. Yes, sir.

13 Q. Did they find him in any of those places?

14 A. No, sir.

15 Q. When and where did they find him?

16 A. On April 28th, around 11:00 PM at night,
17 Mr. Williams was located in Cedar Grove Apartments
18 off of Windsor Spring Road in Augusta, Georgia.

19 Q. To your knowledge, was there any prior
20 connection between Mr. Williams and that address?

21 A. No, sir.

22 Q. All right. I want to ask you about search
23 warrants. On April 24th and April 29th, did you
24 obtain search warrants?

25 A. Yes, sir.

1 Q. What did you obtain search warrants for?

2 A. April 24th was a search warrant for incoming
3 and outgoing telephone calls pertaining to the
4 telephone of Mercedes Navas.

5 Q. The telephone that she had loaned to
6 Mr. Jefferson?

7 A. To Mr. Jefferson, yes, sir.

8 Q. Okay. And on the 29th, did you secure another
9 search warrant?

10 A. Yes, sir. That was another search warrant for
11 the same phone requesting GPS and tower information.

12 Q. Okay. And during the course of your
13 investigation, did you develop a phone number for
14 the defendant?

15 A. Yes, sir.

16 Q. How did you do that?

17 A. I entered the defendant's name and date of
18 birth into the law enforcement research site engine
19 TLO, and from that we received information that gave
20 us the telephone number.

21 Q. What is a TracFone?

22 A. A TracFone is a telephone that an individual
23 can purchase freely without having to go through an
24 actual provider such as Verizon or Alltel and so
25 forth.

1 Q. So it would not necessarily have what's called
2 subscriber information associated with a TracFone?

3 A. That is correct.

4 Q. You had a number associated with the defendant,
5 but not a name per se?

6 A. That's correct, sir.

7 Q. And you ultimately secured a search warrant for
8 that number through Verizon?

9 A. Through Verizon, yes, sir.

10 MR. THURMOND: I beg the Court's indulgence.

11 Q. And you had also reviewed the records of the
12 phone that Mr. Jefferson was using?

13 A. Yes, sir.

14 Q. And you saw that same number that you were
15 later to associate with Mr. Williams?

16 A. Yes, sir.

17 Q. All right. I want to go to April 11th, 2016.
18 This is almost a year later. Generally what was
19 going on with your investigation kind of during the
20 course of those many intervening months?

21 A. We -- I was waiting for additional phone
22 records to come back, GPS, cell tower, so forth. We
23 had pretty much reached a standstill in the
24 investigation. I was -- really, the last thing for
25 my investigation was to inter- -- locate and

1 interview Mr. Harris.

2 Q. And Mr. Harris had been kind of hard to find?

3 A. Yes, sir.

4 Q. And on April 11th, 2016, was there another big
5 break in the case, if you will?

6 A. Yes, sir.

7 Q. What was that?

8 A. After being notified of Mr. Harris' arrest in
9 Richmond County, Georgia, I traveled to the Richmond
10 County jail in Augusta and I did interview Demorris
11 Harris.

12 Q. And that was on April the 11th?

13 A. Yes, sir.

14 Q. Was he interviewed again May 10th of 2016 at
15 our sheriff's office?

16 A. No, sir. May the 10th was at the Richmond
17 County headquarters.

18 Q. Then when was he interviewed in Aiken?

19 A. That would have been on November 1st when I met
20 with him.

21 Q. Let me go back to May the 10th. As a result of
22 his interview in Richmond County, Georgia, you went
23 and obtained a warrant related to this case?

24 A. Yes, sir.

25 Q. And what was that warrant for?

1 A. That was for accessory after the fact, murder.

2 Q. And what date did you seek that warrant?

3 A. That was on May 24th.

4 Q. And why did you pursue that warrant against
5 Mr. Harris?

6 A. At that time and at this time, that is the
7 only -- I only have evidence to support the charge
8 accessory after the fact.

9 Q. He's given statements to knowledge of the crime
10 after it happened?

11 A. After the fact, yes, sir.

12 Q. And on November 1st, did you meet with
13 Mr. Harris, his lawyer, other investigators,
14 representatives from the solicitor's office at the
15 sheriff's office?

16 A. Yes.

17 Q. What was asked of Mr. Harris?

18 A. Requested Mr. Harris to accompany law
19 enforcement on the route of the black Toyota Corolla
20 the night of the incident.

21 Q. And did he agree to do that?

22 A. Yes, sir.

23 Q. Where did you go get Mr. Harris to bring him to
24 the sheriff's office that day?

25 A. I drove to the Bamberg County jail in South

1 Carolina and escorted him to the Aiken County
2 Sheriff's Office.

3 Q. And was he dressed as he was today?

4 A. Yes, sir.

5 Q. How did you dress him on November the 1st?

6 A. I dressed him a hooded windbreaker with a ball
7 cap.

8 Q. As you began driving around, what was
9 Mr. Harris' demeanor?

10 A. He was making effort to conceal his face and
11 identity from the public.

12 Q. Would he, for example, duck down at a stop
13 sign?

14 A. Yes, sir.

15 Q. And did he give you driving directions for the
16 route that he and Mr. Williams took back in April
17 2015?

18 A. Yes, sir.

19 Q. '14. Were they specific?

20 A. Yes, sir.

21 Q. Did he direct you to a gas station at Atomic
22 Road and Old Edgefield Road?

23 A. Yes, sir.

24 Q. Did he direct you to a residence at 200 Philpot
25 Avenue?

1 A. Yes, sir.

2 Q. Did he direct you to the city basketball courts
3 at 495 Brookside Avenue?

4 A. Yes, sir.

5 Q. Did he then take you back to the gas station?

6 A. Yes, sir.

7 Q. Did he direct you to a gray house at 710
8 Seymour Avenue?

9 A. Yes, sir.

10 Q. Incidentally, do you know who was living there
11 in April of 2015?

12 A. Yes, sir. Based on my investigation, I was
13 able to confirm that the sister of Santonio Williams
14 and her common-law husband, Christian Basket, reside
15 in that residence.

16 Q. And that is the little gray house in State's
17 No. 33?

18 A. Yes, sir.

19 Q. I'm going to ask you a couple more questions
20 about this car, the black Toyota Corolla processed
21 by your agency on April 17th. I believe you
22 testified that it was raining that day?

23 A. Yes, sir.

24 Q. Did you have information at that point that the
25 car had been wiped down?

1 A. Yes, sir.

2 Q. And this is three days after the murder. Did
3 you have information that people had been in and out
4 of the car?

5 A. Yes, sir.

6 Q. And were you aware that a day, maybe two days
7 after the murder, that Mr. Williams had at least
8 partially been back inside the car?

9 A. I can't recall, sir.

10 Q. Was there testimony this week to that effect?

11 A. Yes, sir.

12 Q. Let me ask you this: As far as evidentiary
13 value, was that car contaminated, in your view?

14 A. Yes, sir.

15 Q. Obviously would have been of greater value had
16 it been pulled over on the side of the road that
17 night?

18 A. That night, yes, sir.

19 Q. Let me show you what's marked as State's No. 55
20 and ask you if you can identify those records.

21 A. Yes, sir. These are the telephone records that
22 I requested pertaining to the telephone that -- the
23 telephone that Demarius Jefferson had on the night
24 of the incident.

25 Q. Have you had a chance to look through those

1 records?

2 A. Yes, sir, I have.

3 Q. Can I get you to turn to April the 17th for me,
4 sir?

5 A. (Witness complies).

6 Q. Towards the back, I think.

7 A. What time, sir?

8 Q. I'd like to give you a highlighter and have you
9 highlight every phone call associated with the Aiken
10 County Sheriff's Office on that date.

11 A. (Witness complies). Those are the ones that I
12 recognize, sir.

13 Q. How many calls on that Friday were made by
14 Mr. Jefferson using Ms. Navas' cell phone to the
15 Aiken County Sheriff's Office?

16 A. I'm showing 16, sir.

17 Q. Okay. Let me show you what's marked as State's
18 Exhibit 56. Tell us what that is, please.

19 A. That is a certification of telephone records
20 from a custodian.

21 Q. Does that appear to be signed and properly
22 notarized?

23 A. Yes, sir.

24 MR. THURMOND: Your Honor, we would offer
25 State's Exhibit 55 at this time pursuant to Section

1 16-5-520.

2 MR. MCCARLEY: Without objection, Your Honor.

3 THE COURT: Admitted.

4 (State's Exhibit No. 55 admitted into
5 evidence.)

6 BY MR. THURMOND:

7 Q. Investigator Cain, when you were marking those
8 records I asked you for every phone number
9 associated with the sheriff's office. Did that
10 include Investigator Billy Fluery's cell phone
11 number?

12 A. Yes, sir. I recognized that phone number.

13 Q. That's all the questions I have for you. Thank
14 you.

15 A. Thank you, sir.

16 THE COURT: Cross?

17 MR. MCCARLEY: Yes, sir, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. MCCARLEY:

20 Q. Good morning, Investigator Cain. How are you,
21 sir?

22 A. Good morning, sir.

23 Q. In your recorded interview with Demarius
24 Jefferson on April 17th, Investigator Cain, did you
25 ask him who went to the city court?

1 A. Yes, sir.

2 Q. Did he indicate to you that Demorris Harris,
3 a/k/a Bope, had gone to the city court?

4 A. Yes, sir.

5 Q. On April 17th, Demarius --

6 A. I'm sorry. I'm sorry. On the 17th?

7 Q. Yes, sir. Your first interview with Demarius
8 Jefferson, did he mention Bope?

9 A. On the first interview, he did mention the name
10 Bope, yes, sir.

11 MR. MCCARLEY: Just a moment, Your Honor.

12 Q. Investigator Cain, would you mind looking at
13 your investigative report, reading through that
14 first interview?

15 A. Would that be on page 6, sir?

16 Q. I believe that's the top of page 5, sir.

17 A. That was the telephone conversation.

18 Q. Okay.

19 A. The interview happened at the sheriff's office
20 that afternoon at 1705. The first italicized --

21 Q. Exactly right --

22 A. -- is the telephone conversation --

23 Q. Page 6.

24 A. Page 6.

25 Q. Would you mind reviewing that and seeing if

1 there's any mention of Bope on page 6?

2 A. On page 6, down towards the bottom, I called
3 Bope. There's several references. I have them in
4 parentheses where he mentioned to me in that
5 interview Bope.

6 Q. Did he tell you that Bope was in the car ever
7 in that interview?

8 A. No, sir.

9 Q. But then he called you back on April 20th. All
10 of a sudden, Bope's in the car?

11 A. At 1145, yes, sir.

12 Q. He called you back on April 20th and told you
13 Bope was in the car?

14 A. Yes, sir.

15 Q. After never mentioning him being in the car on
16 April 17th?

17 A. Yes, sir.

18 Q. You interviewed Demorris Harris, went to see
19 Demorris Harris originally in March -- or in April,
20 I apologize, in 2016, with Investigator Eagen?

21 A. Yes, sir. That was March the 30th, yes, sir.

22 Q. Okay.

23 A. I'm sorry. April 11th. April 11th.

24 Q. I'm working through the timeline with you too,
25 Investigator Cain. I appreciate you.

1 A. Yes, sir.

2 Q. That was not recorded?

3 A. No, sir.

4 Q. No audio, no video?

5 A. No, sir.

6 Q. Then you went back and met with him again on
7 May 10th?

8 A. Yes, sir.

9 Q. Did he tell you he had a phone?

10 A. I do not recall at this time.

11 Q. Would you mind reviewing your notes from that
12 interview and seeing if he made any mention of
13 having a phone or not?

14 A. Just at the end: I had called Tabitha to come
15 and get me.

16 Q. Okay. Speaking of Tabitha, were you ever able
17 to get in touch with her? She is the person he said
18 he left that night with in his interview with you.

19 A. No, sir.

20 Q. Why not?

21 A. I have no further information on her. I would
22 not know where to begin.

23 Q. Was he willing to give you her address or phone
24 number?

25 A. I did not ask.

1 Q. You did not ask Demorris Harris how you could
2 get in touch with Tabitha Sengfield after she was
3 the way he got away from this entire incident?

4 A. I did not pursue her, no, sir.

5 Q. A lot of folks have referenced this as a small
6 car. Toyota Corolla, relatively small vehicle?

7 A. Small four-door, yes, sir.

8 Q. Okay. Shotgun, nobody has indicated that it
9 was sawed off? Has anybody indicated to you that it
10 was sawed off?

11 A. No, sir.

12 Q. Big shotgun, small car. Do you find it
13 credible somebody getting in and out of the front
14 seat and the back seat of somebody's car and they
15 never see a shotgun?

16 A. I don't think I can answer that honestly
17 because it was nighttime based on the information I
18 have.

19 Q. Okay. In your testimony with the solicitor,
20 you said that when you heard the name Taquan Coach,
21 you immediately thought about Christian Gordon.

22 A. Yes, sir.

23 Q. Okay. What kind of car is tied to Christian
24 Gordon? In the course of your investigation, what
25 kind of car did you find out was tied to Christian

1 Gordon?

2 A. A black-in-color 2001 Honda Accord.

3 Q. Okay. Did you have the opportunity to try to
4 get any evidence from that vehicle?

5 A. Yes, sir.

6 Q. Okay. On what date, sir?

7 A. That was on April 15th, 2015.

8 Q. How is that car tied to Mr. Gordon?

9 A. That is his mother's vehicle.

10 Q. The 2015 Toyota Corolla, who did you find that
11 car to be tied to?

12 A. The vehicle was, I believe, owned by the parent
13 of Mercedes Navas.

14 Q. Who was Mercedes Navas' boyfriend at the time?

15 A. That would have been Demarius Jefferson.

16 Q. Okay. In the course of your investigation, did
17 you uncover any information about what color T-shirt
18 the shooter was wearing?

19 A. One statement reflected the suspect wore a
20 white T-shirt.

21 Q. Who gave that statement, Investigator Cain?
22 Was it Patricia Coach at the scene?

23 A. I would have to look at the actual statement
24 myself. But I do recall one of the statements
25 referencing a white T-shirt.

1 Q. One of the statements from the scene?

2 A. Yes, sir.

3 Q. Then did you receive a phone call from Cheryll
4 Grubbs after you had interviewed her?

5 A. After my initial interview with her?

6 Q. Yes, sir.

7 A. Afterwards?

8 Q. Yes, sir. A phone call from her.

9 A. I would have to say yes, sir, I'm sure I did.

10 Q. What shirt did she say that Demarius
11 Jefferson --

12 MR. THURMOND: Objection, Your Honor; hearsay.

13 THE COURT: Sustained.

14 MR. MCCARLEY: Just a moment, Your Honor.

15 BY MR. MCCARLEY:

16 Q. The -- and I had never heard about this before,
17 so I apologize, Investigator Cain, if I say it
18 incorrectly. There's some kind of database, a law
19 enforcement database, whereby you put somebody's
20 information in it and it spits out a phone number?

21 A. TLO. Yes, sir.

22 Q. Okay. Did you ever put Demorris Harris'
23 information in TLO?

24 A. No, sir.

25 Q. What about Demarius Jefferson?

1 A. No, sir.

2 Q. What about Christian Gordon?

3 A. No, sir.

4 Q. What about Darian Davis?

5 A. No, sir.

6 Q. Just a moment, sir.

7 My client was originally charged with accessory
8 before the fact?

9 A. Yes, sir.

10 Q. And the only information that you uncovered
11 between that and this indictment for murder was the
12 statement of Demarius Jefferson?

13 A. No, sir.

14 Q. What else was there?

15 A. The telephone records, the GPS, the cell tower.
16 When that was received by myself, that also
17 corroborated the witness' statements and that's what
18 led to that charge.

19 Q. That cell phone data, did it include Christian
20 Gordon?

21 A. No, sir.

22 Q. Did it include Demorris Harris?

23 A. No, sir.

24 Q. Did it include Darian Davis?

25 A. No, sir.

1 Q. Okay. No further questions. Thank you,
2 Investigator Cain.

3 A. Thank you, sir.

4 THE COURT: Redirect?

5 MR. THURMOND: No, Your Honor.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you, sir.

8 THE COURT: Okay. Folks, let's take our
9 morning break. Again, don't begin deliberations or
10 discussions about the case, and we'll have you back
11 in about 10 or 15 minutes.

12 (The jury exits the courtroom at 11:28 AM.)

13 (Brief recess 11:28 AM - 11:45 AM.)

14 THE COURT: Bring the defendant in.

15 MR. MCCARLEY: Would you like to put the
16 sidebars between Mr. Thurmond and I on the record?

17 THE COURT: Oh, yeah, that's right. Yes.

18 On State's Exhibit 44, we had a sidebar. You
19 objected to a picture and I overruled your objection
20 and said that the expert -- you put the objection on
21 the record. So go ahead. What would you like to
22 say? Why did you object?

23 MR. MCCARLEY: I believe it was a 403 analysis.
24 And there was also -- I claimed that it was
25 cumulative based on the other pictures they've

1 already gotten in, prejudicial in regards to gang
2 affiliation, gang signs, and not probative of
3 anything due to the fact it's cumulative. I believe
4 that was the gist of it.

5 THE COURT: Mr. Thurmond, do you want to put on
6 the record why you wanted it in?

7 MR. THURMOND: Certainly, Your Honor. The
8 witness testified that he had known Mr. Williams for
9 more than 15 years, that he knew Donnie Brooks, that
10 he was friends with Donnie Brooks, that he knew
11 Christian Gordon, he was not necessarily friends
12 with Christian Gordon, and the photograph
13 corroborated the fact that he knew all those people
14 and the capacities he knew them.

15 THE COURT: And I believe my basis was it
16 corroborated the witness' testimony about knowledge
17 of the victim and the defendant and the defendant
18 knowing the victim and it was not unduly
19 prejudicial. And any accumulated effect, I don't
20 believe there was any. Simply corroborative of his
21 testimony at this point. So it was overruled.

22 Anything else? No?

23 Bring the jury back in then.

24 (The jury enters the courtroom at 11:48 AM.)

25 THE COURT: Okay. Folks, we'll resume now with

1 the State calling their next witness.

2 MS. HALL: State calls Karen Milbrodt.

3 KAREN MILBRODT

4 being first duly sworn, testified as follows:

5 THE WITNESS: Yes, ma'am.

6 THE CLERK: Have a seat in the witness box.

7 State your full name and spell your last.

8 THE WITNESS: Good afternoon. My name is Karen
9 Milbrodt, M-I-L-B-R-O-D-T.

10 DIRECT EXAMINATION

11 BY MS. HALL:

12 Q. Ms. Milbrodt, where are you employed?

13 A. I work for Verizon Wireless.

14 Q. How long have you been employed with Verizon?

15 A. It will be 19 years next month.

16 Q. And what is your position at Verizon? What
17 capacity do you work for them?

18 A. My title is I'm a senior analyst in our
19 executive relations department. And one of my
20 responsibilities as a senior analyst is to be a
21 records custodian.

22 Q. What do you mean by that? What records are
23 stored in the ordinary course of Verizon's business?

24 A. Sure. Any kind of activity that's managed
25 through our network, cell phone texts, phone calls,

1 cell tower information, data transactions. Those
2 are business records that we keep.

3 Q. I'm showing you what has previously been
4 entered into evidence as State's Exhibit 55, not
5 entered into evidence yet State's 57, 58, and 59.
6 Have you had an opportunity to review these records?

7 A. I have.

8 Q. And are these records the records stored by
9 Verizon and provided by Verizon?

10 A. Yes, ma'am.

11 Q. Have they been changed or altered in any way,
12 to your knowledge?

13 A. Not to my knowledge, no.

14 MS. HALL: Your Honor, at this time, State
15 moves to enter into evidence State's 57, 58, and 59.

16 MR. BUSH: I just need to look at them, Your
17 Honor.

18 THE COURT: No objection?

19 MR. BUSH: No objection, Your Honor.

20 THE COURT: They're admitted.

21 (State's Exhibit Nos. 57, 58, and 59 admitted
22 into evidence.)

23 BY MS. HALL:

24 Q. How are these records stored by Verizon?

25 A. They're stored electronically.

1 Q. And how are they accessed or retrieved?

2 A. We have various billing and recording systems
3 that will pull them through electronically and then
4 they can be printed and converted into a paper
5 record.

6 Q. Stored securely?

7 A. Yes.

8 Q. Can it be tampered with?

9 A. No.

10 Q. And these records are kept in Verizon's
11 ordinary course of business?

12 A. Absolutely, yes.

13 Q. Does Verizon keep historical propagation maps
14 in the ordinary course of their business?

15 A. No.

16 Q. So a propagation map from April of 2015 would
17 not be available?

18 A. No.

19 Q. That's not something Verizon keeps?

20 A. No.

21 Q. I have no further questions. Please answer any
22 the Defense may have?

23 A. Certainly.

24 CROSS-EXAMINATION

25 BY MR. BUSH:

1 Q. Ms. Milbrodt, would it surprise you to know

2 that the Verizon subpoena compliance team did

3 certify a propagation map from April of 2015?

4 A. Yes, I'd be very surprised.

5 Q. And you oversee the subpoena compliance?

6 A. I don't oversee them, but many times we've been

7 asked to produce maps, and we don't.

8 Q. And you were provided all of the records handed

9 over to the State in this case, correct?

10 A. The records that the State subpoenaed.

11 Q. And they showed you the propagation maps that

12 Verizon provided us, correct?

13 A. No, I've never seen a map.

14 Q. Would you be able to recognize a propagation

15 map if you were shown one?

16 A. Certainly, I could recognize a map.

17 (Defendant's Exhibit Nos. 1 and 2 marked for

18 identification.)

19 Q. I'm showing you what's been marked as

20 Defendant's Exhibit 1 and Defendant's Exhibit 2.

21 Are those propagation maps?

22 A. It's possible. I -- someone has created a map.

23 I don't know who or what the map is of.

24 Q. And Verizon regularly makes propagation maps,

25 though, correct?

1 A. No.

2 Q. They don't? They don't track the coverage of
3 their towers?

4 A. We do, but we don't create maps.

5 Q. Would you recognize a record certification from
6 Verizon?

7 A. Yes.

8 Q. And this is a record certification sent from
9 Verizon on January 23rd of 2017, correct?

10 A. Yes.

11 Q. And that certification, what does it say?

12 A. From address down?

13 Q. Sure.

14 A. Second Circuit Public Defender's Office, 211
15 York Street, Aiken, South Carolina, Verizon case
16 160276926, docket file 2015A0210700179, State of New
17 Jersey, City of Bedminster.

18 I, Josh -- and I'll spell his last name --
19 R-A-N-S-E-G-N-O-L-A -- being duly sworn depose say I
20 am the custodian of records for Verizon, and in that
21 capacity I certify that the attached records are
22 true and accurate copies of the records created from
23 the information maintained by Verizon in the actual
24 course of business.

25 It is Verizon's ordinary practice to maintain

1 such records. And that said, said were made
2 C-O-N-T-E-M-P-O-R-A-N-E-O-U-S-L-Y with the
3 transaction and the events stated therein or within
4 a reasonable time thereafter.

5 Q. So that certifies the records that came with
6 that, correct?

7 A. I have no idea what came with these records.

8 Q. But that certification states that it certifies
9 the records it came with, correct?

10 A. It would. I don't know the employee.

11 Q. And it's been signed?

12 A. Yes.

13 Q. By a Verizon employee?

14 A. I don't know. I don't know who this is.

15 Q. It's been notarized?

16 A. It is.

17 Q. And it's got Verizon on the letterhead,
18 correct?

19 A. It does.

20 MR. BUSH: Your Honor, at this time I'd move to
21 enter those maps into evidence.

22 MR. THURMOND: Objection, Your Honor.

23 THE COURT: Not authenticated through her.

24 She's saying --

25 What are you saying with regards to those

1 records?

2 THE WITNESS: I don't recognize them enough --
3 I've never had a map produced by our records
4 custodial department ever, so I don't know.

5 THE COURT: She's not willing to authenticate
6 those records. So at least not through this
7 witness; maybe you can deal with it some other way.

8 MR. BUSH: Thank you, Your Honor.

9 THE COURT: Do you have anything else of this
10 witness?

11 MR. BUSH: Nothing further, Your Honor.

12 THE COURT: Redirect?

13 MR. THURMOND: Nothing from the State, Your
14 Honor.

15 THE COURT: You're free to go.

16 All right. Next witness.

17 MR. THURMOND: Your Honor, the State calls
18 Michelle Echenmiller, E-C-H-E-N-M-I-L-L-E-R.

19 It's my understanding the Defense is willing to
20 stipulate to her qualifications.

21 MICHELLE ECHENMILLER

22 being first duly sworn, testified as follows:

23 THE WITNESS: Yes.

24 THE CLERK: Have a seat in the witness box.

25 State your full name and spell your last, please.

1 THE COURT: Is she being qualified as an expert
2 in something?

3 MR. THURMOND: Yes, sir.

4 THE COURT: You said they're willing to
5 stipulate to her qualifications.

6 MR. THURMOND: Yes, sir.

7 THE COURT: She's giving an opinion?

8 MR. THURMOND: Yes, sir.

9 THE COURT: What is she being offered as an
10 expert in?

11 MR. THURMOND: Firearms identification and tool
12 marks.

13 THE COURT: Firearms identification and tool
14 marks?

15 MR. THURMOND: Yes, sir.

16 THE COURT: Y'all are stipulating to her
17 expertise in that field?

18 MR. MCCARLEY: We are, Your Honor.

19 THE COURT: All right. You remember yesterday
20 I told you about expert witnesses. This witness has
21 now been qualified as an expert in the field of
22 firearm identification and tool marks. She'll be
23 allowed to give you her testimony not only in the
24 form of her observations, but as to her opinions.

25 You decide how much weight to give her opinion based

1 on all of the evidence that you'll hear throughout
2 the trial.

3 Go ahead.

4 MR. THURMOND: Thank you.

5 DIRECT EXAMINATION

6 BY MR. THURMOND:

7 Q. Ms. Echenmiller?

8 A. Yes.

9 Q. Where are you employed?

10 A. I work for the South Carolina Law Enforcement
11 Division in the forensics lab in the firearms
12 department.

13 Q. And what do you do in that capacity?

14 A. I'm a forensic firearms examiner. Basically we
15 examine any evidence from any agency in the state
16 when they bring it to us. And I specialize in
17 firearms, so fired bullets, fired cartridge cases,
18 firearms, also a couple other things like serial
19 number restoration and then tool mark identification
20 as well.

21 Q. How long have you held that position?

22 A. Eleven years.

23 Q. And approximately how many firearms analyses do
24 you perform in a given year?

25 A. Hundreds in a year.

1 Q. Did you receive evidence in this case for your
2 examination?

3 A. I did.

4 Q. When?

5 A. I received a portion of the evidence on April
6 22nd, 2015, that was two items. And then on April
7 29th of 2016, I received some more evidence.

8 Q. Okay. And specifically what did you receive on
9 April the 29th of 2016?

10 A. On the 29th I got a gray piece of plastic from
11 the ground -- according to the packing slip, that's
12 what it was called -- as well as projectile
13 fragments from autopsy and some more projectile
14 fragments from autopsy.

15 Q. And specifically the items you received on
16 April the 22nd of 2015, what were those?

17 A. Packing slip describes it as a lead projectile
18 and plastic wadding from the victim.

19 Q. So on one date you received the large lead
20 projectile and wadding, and then on a subsequent
21 date you received the other piece of the wadding,
22 for lack of a better word, and the fragments?

23 A. Yes.

24 Q. From what agency did you receive those items?

25 A. Aiken County Sheriff's Office.

1 Q. How is an item logged in once it's received by
2 SLED?

3 A. The agency will take it to our login
4 department. Whenever anything arrives at SLED, it
5 gets its own unique case number so all the evidence
6 in that case has the same number. And then each
7 item gets a number as well. They're barcoded, so we
8 just scan them to different custodies so we can
9 establish a solid chain of custody.

10 So when it comes in, it gets scanned. When I
11 pick it up, it gets scanned to my custody. And then
12 when I return it, it gets scanned back to the login
13 department.

14 Q. And let me show you what is in evidence as
15 State's 38, State's 31, and State's 32, and -- just
16 a moment, ma'am -- and State's 24. If you would,
17 take a look at those for me, please.

18 A. This is the evidence I examined in this case.
19 Whenever I receive evidence, during my examination
20 I'll write on there the lab number, the item number,
21 and then my initials so I can identify it later.

22 Q. Does that evidence bear the identifiers you
23 just mentioned?

24 A. Yes.

25 Q. What did you do to those items of evidence once

1. you received them?

2. A. Once I receive evidence, I'll photograph the
3. outside of the container to document how it arrived.
4. I'll take the evidence out, I'll also photograph
5. what's inside the envelope or the bag, and then I'll
6. begin my examination. We have worksheets that we'll
7. fill out. We'll take down general characteristics
8. such as weight, diameter, a description. If we see
9. anything like biological trace, we'll write that
10. down. And then depending on the evidence that's
11. submitted, I'll do microscopic examinations and
12. comparisons as well.

13. Q. Did you weigh these items?

14. A. I did.

15. Q. Specifically, did you weigh items State's
16. No. 24 and State's No. 31?

17. A. I did.

18. Q. And what was the weight of those items?

19. A. So State's 31 is my item 9, and it weighed
20. 382.8 grains.

21. Q. Is that the larger piece of lead projectile?

22. A. Yes. Yes, the largest piece. And then we had
23. two fragments. One fragment weighed 34.4 grains and
24. then the other one weighed 25.4 grains.

25. Q. And the lead fragment, is that on the item

1 marked State's No. 24?

2 A. Yes.

3 MR. THURMOND: Your Honor, we'd move 24 into
4 evidence at this time.

5 MR. MCCARLEY: I haven't seen it, Your Honor.

6 THE COURT: Any objection?

7 MR. MCCARLEY: No objection, Your Honor.

8 THE COURT: Admitted.

9 (State's Exhibit No. 24 admitted into
10 evidence.)

11 BY MR. THURMOND:

12 Q. I believe together you said that the large
13 fragment and the smaller fragments weighed 442.6
14 grains?

15 A. That was the total weight, yes.

16 Q. And did you compare that to an intact slug?

17 A. I did. In the absence of anything else, we'll
18 try to determine what manufacturer make it was if
19 it's necessary for the investigation. I used our
20 ammunition reference collection and I was able to
21 find a manufacturer that I thought fit. So once I
22 disassembled the shot shell for that, I weighed the
23 slug by itself to see how much it weighed. And a
24 slug that is intact without being fired weighed
25 451.2 grains.

1 Q. So what had been recovered amounted to most of
2 the original projectile?

3 A. Yes.

4 Q. Is this, comparatively speaking, a huge chunk
5 of lead, a large chunk of lead? How would you
6 describe it?

7 A. It's a 50-caliber projectile. To compare that
8 to something that is common every day, if you know
9 what a 9-millimeter bullet looks like, those weigh
10 about 115 grains. This is 450 grains, so
11 approximately four 9-millimeter bullets.

12 Q. And you mentioned reference collection and
13 reference sample. Tell us a little more about that.
14 What all is maintained inventory at the State Law
15 Enforcement Division?

16 A. In any case, we would like to try to use the
17 ammunition that was used in the crime. So we keep a
18 closet, basically, of ammunition that we go out and
19 buy at different stores and order online, and then
20 once we get evidence in a case, we try to match
21 exactly what we got in the case.

22 Q. And do you have an opinion as to the
23 manufacturer gauge and type of projectile that you
24 analyzed?

25 A. I do. In this case it was most similar -- the

1 remaining observable physical characteristics of the
2 items I received were most closely related to a
3 Winchester 12-gauge shot shell.

4 Q. And when most people think shotgun or shot
5 shell, they think of a whole bunch of little tiny
6 pellets. That is not what you're describing, is it?

7 A. Right. This is a Sabot slug, so it's one
8 projectile surrounded by two pieces of plastic.

9 Q. And what is the primary application of a
10 12-gauge Sabot slug?

11 A. It's generally used to hunt large game.

12 Q. What are some common gauges for a shotgun?

13 A. There's 10-gauge, 12-gauge is the most common,
14 we also see 16, 20, and 28. There's also .410 bore
15 diameter.

16 Q. Where does the 12-gauge kind of fit in that as
17 far as size?

18 A. It would be the second largest. So 10-gauge is
19 the largest and 12 is next.

20 Q. Those plastic pieces up there, I guess
21 vernacular people would call it a wadding. But a
22 Sabot slug, do those plastic pieces go with that
23 projectile? How does that work?

24 A. Yes. In general, the plastic is not really
25 attached, it's just kind of crunched, for lack of a

1 better term, around the lead. It protects the
2 inside of the shotgun, but also its main purpose is
3 to let a smaller diameter projectile be fired in a
4 larger diameter bore. So it will go down the barrel
5 with the projectile and then at some point during
6 its flight, both pieces will fall off and the
7 projectile will keep going.

8 Q. So the plastic pieces break away leaving the
9 large lead projectile down range?

10 A. Correct.

11 Q. All right. All right. I'm going to show you
12 what's marked as State's 34, 35, 36, 37, and 38 and
13 have you take a look at those, please. Tell me if
14 you can identify them.

15 A. These are part of the photographs I took in
16 this -- in my examination of the evidence in this
17 case.

18 Q. Do those truly and accurately depict what they
19 purport to show?

20 A. Yes.

21 MR. THURMOND: Your Honor, at this time, we
22 would offer State's, 34, 35, 36, 37, and 38 into
23 evidence and would request permission to publish it
24 to the jury.

25 THE COURT: Any objection?

1 MR. MCCARLEY: No objection, Your Honor.

2 THE COURT: It's admitted and you can publish.

3 (State's Exhibit Nos. 34 through 38 admitted
4 into evidence.)

5 BY MR. THURMOND:

6 Q. Okay. Can I get you to step down for me,
7 please?

8 Okay. Tell us what we are -- let's start with
9 this one. What are we looking at here?

10 A. This is what a shot shell looks like once you
11 take it out of the box. This is how it looks
12 straight from the box.

13 Q. That's State's 35. How about State's No. 36?

14 A. In this case I wanted to get a picture of what
15 it looked like from the top, so this is the top
16 down. This is what the two plastic pieces and the
17 lead projectile look like when they're in the shot
18 shell still.

19 Q. State's 37?

20 A. I peeled the shot shell plastic outer layer
21 away so that you can see just the projectile. This
22 is the part that will travel down the bore of the
23 shotgun. So the two plastic pieces and then the
24 lead projectile.

25 Q. This is for reference? This isn't the

1 actual --

2 A. Right. This is just for reference.

3 Q. State's No. 38?

4 A. I took the Sabot slug out of the shot shell and
5 I took a picture of what it looks like when it's
6 opened.

7 Q. Okay. And would you pass me those two items on
8 top, please. So, ma'am, these gray pieces here
9 depicted in State's 32 and 28, that would be
10 represented in this piece here and this piece here,
11 correct?

12 A. Yes.

13 Q. It just surrounds the lead projectile?

14 A. Yes.

15 Q. And then on State's 34, what are we looking at
16 here?

17 A. So this is the reference sample that I cut open
18 and then this is the lead projectile and the two
19 halves of the Sabot that I received in this case.

20 Q. Let me go back to -- this will be a good
21 example. The outer layer of the shotgun shell is
22 what's peeled away?

23 A. Yes.

24 Q. And this comes out the barrel?

25 A. Yes.

1 Q. There would be no way for anyone to leave
2 fingerprints or DNA on this piece right here; is
3 that correct?

4 A. Right, because it's covered by the outer layer
5 of the shot shell.

6 Q. Have a seat, please.

7 I think that's all the questions I have for
8 you. Thank you.

9 THE COURT: Cross?

10 MR. MCCARLEY: No questions, Your Honor.

11 THE COURT: You may step down.

12 All right. Mr. Thurmond, did you have anybody
13 else you wanted to call before lunch?

14 MR. THURMOND: No, sir.

15 THE COURT: Folks, what we are going to do then
16 is break for lunch. Let's have you return at 1:45.
17 Again, don't begin --

18 Yes, sir?

19 MR. THURMOND: I have somebody in the air as we
20 speak. Can we start at 2:00, please?

21 THE COURT: Fair enough. Let's go with that.

22 Don't begin deliberations or discussions. You
23 can go to lunch with anybody you want to, including
24 other members, but don't talk about the case,
25 witness demeanor, or anything like that. And we

1 will see you back at 2:00. Again, don't look at the
2 newspaper about the case.

3 (The jury exits the courtroom at 12:14 PM.)

4 THE COURT: All right. See y'all at 2:00.

5 (Luncheon recess 12:13 PM - 2:08 PM.)

6 THE COURT: All right. Are we getting the
7 defendant in? Let the record reflect the defendant
8 is in the courtroom.

9 Anything we need to take up before we bring the
10 jury in?

11 MS. HALL: Nothing from the State, Your Honor.

12 THE COURT: All right. Bring them in.

13 THE BAILIFF: We're one short, Your Honor.

14 THE COURT: All right. Then we'll wait on
15 them.

16 (The jury enters the courtroom at 2:10 PM.)

17 THE COURT: Okay. Folks, welcome back. We are
18 going to resume this afternoon with the State
19 calling the next witness.

20 MS. HALL: State calls Special Agent Clay
21 Simmonds.

22 CLAY SIMMONDS

23 being first duly sworn, testified as follows:

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Have a seat in the witness box.

1 State your full name and spell your last.

2 THE WITNESS: Full name is Robert Clayton
3 Simmonds. Spelling of my last name is
4 S-I-M-M-O-N-D-S.

5 DIRECT EXAMINATION

6 BY MS. HALL:

7 Q. Special Agent Simmonds, where are you employed?

8 A. I'm a special agent with the FBI, Charleston,
9 South Carolina.

10 Q. How long have you held that position?

11 A. In Charleston, I'm approaching three years.
12 But with the FBI in general, I've been employed
13 since May of 2002.

14 Q. What exactly does your job in Charleston
15 entail?

16 A. Well, part of my job is I'm a special agent
17 with the FBI. I am involved with the criminal
18 program, all reactive types of crimes, bank
19 robberies, kidnappings, missing children, robberies
20 of commercial businesses. But my main focus is to
21 work on gangs and drugs in the Charleston metro
22 area -- or the tri-county area of Charleston.

23 Q. Please explain or describe your educational
24 background and certifications that you hold.

25 A. Sure. To become a special agent, I attended

1 college at the College of Charleston where I
2 double-majored in business and accounting. I later
3 joined the police department in Charleston,
4 Charleston Police Department, where I was a police
5 officer for five years, did two years of patrol,
6 worked three years on the FBI violent crime task
7 force.

8 Afterwards I went to graduate school for about
9 a year at Clemson University, at which time the
10 bureau hired me in May of 2002 where I spent 16
11 weeks in Quantico, Virginia where we covered the
12 gamut of violations that we're authorized to
13 investigate, from terrorism matters,
14 counterintelligence, white-collar crimes, bank
15 frauds and things of that nature, and violent crimes
16 that I spoke of earlier.

17 I had defensive tactics, firearms, driving fast
18 around a racetrack and stuff like that to go through
19 pursuit driving and things of that nature. And then
20 after I finished my training at Quantico, I was
21 assigned to the Oklahoma City division for
22 approximately 10 years, and then I went to FBI
23 headquarters as a supervisor working for the
24 assistant director of the criminal program.

25 And then during that time while I was at FBI

370

1 headquarters, I became supervisor for the cellular
2 analysis survey team, better known as CAST. And
3 that group is a group of dedicated agents who
4 analyze call detail records that we receive from
5 service providers, Verizon, AT&T, T-Mobile, Sprint,
6 those carriers. And we basically take a look at the
7 records and see what type of information we can
8 extract out of it and then draw a visual depiction
9 of those records on a map so you can have a better
10 understanding of what the records are showing.

11 So to become a member of the CAST team, you are
12 selected and you go through several weeks of
13 training. There's a week of kind of basic, what we
14 call Project Pinpoint. It's a basic course that
15 says, hey, here are cell phone records, here are the
16 tower lists. This is the information that is within
17 these records, this is how you take these records
18 and place them on a mapping program and draw that
19 visual depiction I spoke of earlier.

20 Another week of that training to become a
21 certified CAST member is what we call Advanced
22 Project Pinpoint. It's where the record is a little
23 more detailed. We get into practical scenarios,
24 actual crimes that have been adjudicated, and we
25 take those records and draw out what had previously

1 been placed in court.

2 And then we go through two two-week
3 certification classes where during that time, we are
4 trained on how a cell phone works, how it identifies
5 cell towers, how the phones connect to the towers,
6 radio frequency theories, because that's how the
7 cell phones communicate with the towers is through
8 radiofrequency.

9 The engineers for each one of the major service
10 providers, T-Mobile, AT&T, Verizon, U. S. Cellular,
11 all come and provide instruction to us. There
12 are -- law enforcement liaison person will come to
13 educate us on how to obtain the records through the
14 legal process. And then the engineers come and,
15 train us about their network, how it's set up, why
16 they set up the towers the way that they do, why
17 antennas are tilted downwards and oriented the way
18 they are.

19 At the conclusion of that portion of the
20 training, we actually go to a tour of the service
21 provider. So during a couple of trainings I have
22 attended, one, I was an observer being supervised,
23 and the other one I went on tour as a student
24 becoming certified.

25 We toured the towers and the, for lack of a

372

1 better word, the center where your calls get
2 processed so you guys can talk to your family and
3 friends and things of that nature. So we actually
4 got to see the tower, the switch process, how the
5 phone calls go through. So I've been able to tour
6 T-Mobile, Verizon, AT&T, and I believe Sprint was
7 the fourth one that we went to, and to U.S. Cellular
8 because they're in Chicago.

9 Q. How often do you analyze cell phone records?

10 A. Almost every day.

11 Q. And have you testified in courts before as an
12 expert witness in the analysis of call detail
13 records?

14 A. Yes, sir.

15 Q. Multiple times?

16 A. Once in Berkeley County in South Carolina and
17 then another one in Washington, DC.

18 MS. HALL: Your Honor, at this time the State
19 moves to introduce Special Agent Clay Simmonds of
20 the FBI as an expert in the field of call detail
21 record analysis.

22 MR. BUSH: No objection, Your Honor.

23 THE COURT: All right. Folks, this witness has
24 now been qualified as an expert in the field of cell
25 phone call records and analysis. The same

1 instructions that I gave you for earlier witnesses
2 who were qualified as an expert apply to this
3 witness as well; that is, you give his testimony as
4 much weight or as little weight as you think it
5 deserves based on all of the evidence that you hear
6 throughout the trial.

7 All right. You may resume.

8 BY MS. HALL:

9 Q. Special Agent Simmonds, were you asked to
10 analyze cell phone records in this case?

11 A. Yes, ma'am.

12 Q. And were you provided Verizon cell phone
13 records for multiple phone numbers?

14 A. Three phone numbers, yes, ma'am.

15 Q. I'm showing you what's previously been marked
16 and admitted into evidence as State's Exhibits 55,
17 59, and 57. Do you recognize these call detail
18 records?

19 A. Yes, ma'am. They are Verizon call detail
20 records, one for telephone number (706) 755-9252,
21 State's Exhibit 57; second one is Verizon call
22 detail records for telephone number (706) 840-5578,
23 which is State's Exhibit 59; and the last one is,
24 again, Verizon cell phone records, call detail
25 records for telephone number (727) 247-9470, which

1 is State's Exhibit 55.

2 Q. And were these records provided to you in the
3 format that you normally receive Verizon records?

4 A. Yes, ma'am.

5 Q. What telephone numbers were you asked to map
6 together for purposes of this case?

7 A. The two that were mapped together were
8 (727) 247-9470 and (706) 755-9252.

9 Q. And have you prepared a PowerPoint presentation
10 to help you explain and map the cell phone records
11 that you have just referenced?

12 A. Yes, ma'am.

13 Q. I'm showing you what has previously been marked
14 as State's Exhibit 42. Do you recognize this?

15 A. Yes, ma'am. It's the nine-page PowerPoint
16 presentation that I provided to your office.

17 Q. With the two telephone numbers that you listed
18 before?

19 A. Yes, ma'am.

20 Q. And this PowerPoint just visually depicts the
21 data that you were provided?

22 A. Yes, ma'am. Visually depicts the information
23 on State's 55 and 57.

24 MS. HALL: Your Honor, at this time, State
25 moves to introduce State's Exhibit 42 into evidence.

1 MR. BUSH: We would just renew our pretrial
2 objection.

3 THE COURT: Over objection, it's admitted.

4 MS. HALL: Thank you, Your Honor.

5 (State's Exhibit No. 42 admitted into
6 evidence.)

7 MS. HALL: Your Honor, permission to publish
8 the PowerPoint presentation and the witness to step
9 down to explain?

10 THE COURT: You may step down.

11 THE WITNESS: Thank you.

12 BY MS. HALL:

13 Q. All right. What is depicted on this first
14 slide?

15 A. Well, the first slide is just our cover sheet
16 we typically use when we do analyses of call detail
17 records. It's just the FBI cellular analysis survey
18 team, who conducted the analysis, which is me, where
19 I'm from, our internal case file number for my
20 system, and then the two numbers that were analyzed
21 and then the date that the analyze was -- the
22 analysis was peer-reviewed and finalized.

23 Q. What is a peer review?

24 A. When we get call detail records, we take the
25 call detail records, look at them, and then compare

1 them with a tower that's -- so, basically, how this
2 is generated, the phone companies provide us with
3 the call detail records, they also provide us with a
4 tower list, which tells us the location of the
5 towers, the address, the GPS coordinates of it, the
6 orientation of the towers, you know, where they're
7 at, 10 degrees, 30 degrees, 100 degrees, that way
8 the towers get oriented to provide service down to
9 that area.

10 And then we're able to take that information
11 and visually depict it on the map. And that's how
12 we come up with this presentation, is I place it
13 into a commercially grade mapping system.

14 Q. Let's go to the next slide. What is this a
15 picture of?

16 A. This is a typical of a three-sector tower that
17 we find throughout the State of South Carolina. You
18 probably see these as you're driving home from work
19 or when you're driving up and down the highway.
20 Most towers here in South Carolina are
21 three-directional or three-sector towers with sector
22 one being on this back side, the north side, sector
23 two being this side or the southeast side, and
24 sector three being the western half of that.

25 The towers are divided approximately into

377

1 120-degree sectors to provide the 360 degrees that
2 the tower would cover. So users who are facing this
3 side of the tower, sector-two side of the tower,
4 call detail records would be generated from that
5 tower, that side of the tower.

6 Q. So each side is a different sector?

7 A. Yes, ma'am.

8 Q. And that is depicted in the call detail
9 records?

10 A. That's depicted in the call detail records that
11 we'll get to in a minute and explain. So each one
12 of these sectors are oriented a certain way and
13 those orientations, or the azimuth is the technical
14 term for it, are provided in degrees.

15 So we use what degree the azimuth is oriented
16 and then go 160 degrees on one side of the azimuth,
17 60 degrees on the other side of the azimuth against
18 the 120-degree sector for that particular tower.

19 Q. Were all of the cell phone towers utilized in
20 this case three-sector towers?

21 A. Yes, ma'am.

22 Q. How do you know that information?

23 A. That information is provided in the tower list
24 that is given by the cell phone provider.

25 Q. And that's provided to you through the FBI?

1 A. Yes. They provide the database that the FBI
2 has access to and other law enforcement officers.

3 Q. All right. Next slide. What are we looking at
4 here?

5 A. So this is an overview of all the towers --
6 generally, an overview of all the towers for Verizon
7 in the North Augusta/Aiken area of South Carolina in
8 April of 2015. As you see down here in Augusta, you
9 have a few more towers than what you may have around
10 in Aiken and Camp Rawls and Perry and those kinds of
11 areas.

12 And the reason why that is so is that cell
13 phone companies are in it to make money. They're a
14 billion-dollar business a year and they want you
15 guys to be happy with your cell phone service. So
16 every month you pay that \$60 or \$100, or if you're
17 like me with children, \$200 a month for that
18 service.

19 And they don't want you to go switching to
20 another company, so they provide these towers in
21 these areas to best service their customers because
22 the most aggravating thing in the world is for you
23 to be on the cell phone talking to your mom, talking
24 to a relative and, all of a sudden, the call drops
25 off and you have to call them back and you can't

1 hear them.

2 Back in the early days of cell phones, you
3 probably drove from one point to another and knew
4 you were going to get into that dead spot and say,
5 hey, I'll call you right back, and then once you got
6 past that dead spot, you'd call them right back.

7 Well, phone companies don't like to have those kind
8 of problems because it makes more aggravated
9 customers. So they add these cell phone towers to
10 the geographic area so that you guys can provide
11 better cell coverage for your services.

12 Q. All right.

13 A. So the way these cell phone towers are kind of
14 oriented or why there's so many in certain areas is
15 they do it because of capacity. So there's more
16 people living in Augusta, Georgia than Aiken, so
17 that's why you have more cell phone towers in there.

18 And all cell phone towers are set up -- I
19 shouldn't say all of them. Most cell phone towers
20 are set up to provide some sort of overlap. So when
21 you go from tower one to tower two or sector one to
22 sector two, you don't drop that call. So you'll
23 have a little bit of the energy from sector one
24 bleeding over into sector two and vice versa, and a
25 little bit of the energy for the tower going from

380

1 tower one to tower two. So when you're driving,
2 you're walking, biking, whatever it is that you guys
3 are doing, you have the service -- uninterrupted
4 service going from those points. And that's why you
5 have so many towers.

6 It's kind of like your sprinkler system in your
7 yard, if you have a sprinkler system or you see
8 sprinkler systems out there. You may have a
9 sprinkler head over here and it covers this portion
10 right here, and then you've got another sprinkler
11 head over here and it covers this section right
12 here, but if you don't have that overlap between the
13 two sprinkler systems, you'll have a dead piece of
14 grass right there. So you always want to have a
15 little bit of overlap. So it's kind of the same
16 concept with cell towers.

17 Q. All right. And the next slide. What are we
18 looking at here?

19 A. This is an explanation of the Verizon call
20 detail records that come when we issue either a
21 subpoena or a court order or a search warrant to
22 obtain these kinds of records. So I took a snippet
23 of the records that were used to analyze, placed
24 them up here and placed an explanation for what each
25 one of these columns means.

1 Q. Let's go through each of those columns
2 individually. The network element name, what is
3 that information?

4 A. This is, basically, the switch. So when cell
5 phone companies set up their networks, they have to
6 have a switch or an element name and they also have
7 to have a tower and sector, which that tower and
8 sector is unique with that switch and it will not be
9 found anywhere else in this market.

10 So when you sit up here and you have Atlanta
11 NTX04 tower, 853, sector one, there's not another
12 NTX04853 sector one tower within this market, it's
13 the only one here. So it's kind of like
14 fingerprints, it's unique to that market. So that's
15 why we know that the phone used that particular
16 tower and that particular sector based off the
17 network element name and the tower.

18 So basically it's the -- the network element
19 name is the switching thing -- process, so when you
20 call, it goes to that switch and sends it out to
21 your family or friends.

22 Q. All right. Mobile directory number?

23 A. That's the target number, the number that you
24 asked to get records for. So in this case it was
25 for (727) 247-9470. And that would be consistent

1 throughout the entire record.

2 Q. And the dialed digit number?

3 A. This is the number that was dialed. So if your
4 target number was making an outgoing call, it would
5 be over here and it will show you what digits he or
6 she dialed. And if somebody were calling that
7 person, an incoming call to your target number, the
8 other number would be in this column here.

9 Q. So the calling party number, that's where the
10 call originates, there on the end?

11 A. Yes.

12 Q. Okay. The number originates here, the calling
13 party number, and this is the number that's dialed,
14 is the dialed digit number?

15 A. Dialed digit number, yes, ma'am.

16 Q. And the call direction column?

17 A. This is just a code for Verizon that tells you
18 what direction the call came from, whether it was an
19 incoming call, an outgoing call, or a call was
20 forwarded. So as you read in their explanation, all
21 inbound calls are 0 and 6, voicemail or mobile
22 forwarded calls are displayed with an F, outbound
23 calls have the digit 1 or 3, and then they have a
24 mobile to mobile, which is Verizon to Verizon phone,
25 will also be listed in there and have a 2 in that

1 column.

2 Q. So then we have the date and time of the call?

3 A. Yeah, date and time, just what it states.

4 Q. What is this 2225?

5 A. It's just in military time. Instead of saying
6 10:25 PM, they just leave it military time, 2225.

7 Q. Okay.

8 A. The next column here is the seizure duration.

9 It's how long a call was on the network from the
10 time they pressed the green button or they dialed
11 the digits and pressed the green button. They
12 pressed the green button and the call came in. It's
13 just how long did that call take place.

14 The next column is the first serving cell site.
15 This tells us what the phone chose -- what tower the
16 phone chose to receive or make that phone call. The
17 first -- the next column is the first serving
18 sector; again, what side of the tower did it choose,
19 one, two, or three.

20 And as it says here, cell sector that initiated:
21 call, this information denotes the direction the
22 target was facing the tower at the time of the call,
23 each cell facing approximately 120 degrees. And
24 then it says check the cell site key for the
25 azimuth, which is the direction of that sector at

1 that particular time.

2 Q. Then the next two columns are the last serving
3 tower and sector numbers. Now, are any of your maps
4 portraying that information?

5 A. No. None of my maps portray the last serving
6 phase or the serving sector because the phone --
7 when you're on your phone and you're making it, your
8 phone is constantly -- like mine is sitting here
9 quiet and it's constantly looking around its
10 environment to see which tower it sees with the
11 cleanest, strongest signal.

12 So when you're ready to make the call and you
13 go and call it, it sends a signal out to that tower
14 and says, hey, I want to make a phone call. And the
15 phone chooses the tower that has the cleanest,
16 strongest signal, which is usually the closest
17 tower, but not all the time. It's usually the
18 closest one. And once that connection is made to
19 the tower, that's when the first serving cell site
20 is generated into these records.

21 And then as the phone moves around onto its
22 network, it will provide you with the last cell site
23 that it talked to. But since the network is in
24 control of the last cell site and sector, we don't
25 clock that data. The phone chooses the first

1 serving cell site and sector when you initially make
2 or receive a phone call.

3 Q. So, essentially, the first serving tower is
4 going to be the tower that your phone uses when it
5 starts the phone call, but after that call is
6 started, the cell phone provider can then switch the
7 user to another tower?

8 A. As long as the phone can see that tower. It
9 has to be able to see that tower to get a good,
10 strong enough signal to complete the call. It can't
11 use a tower that is in California to complete the
12 call, it's got to be in one of the areas that the
13 phone sees with a clean signal.

14 Q. So the first serving tower is going to be the
15 most indicative of location?

16 A. Yes, ma'am. That's why we use that cell site
17 and sector to give you a general location of the
18 phone at that particular date and time.

19 Q. All right. One last thing: These two phone
20 calls here on the bottom --

21 A. Yes, ma'am.

22 Q. -- same date, same time, same duration, what's
23 going on here?

24 A. So just like me, my phone is set up to be in
25 the Charleston market. So now that I'm here in

1 Aiken, if I were to receive a text or a call or
2 anything of that nature, the first thing that it
3 does is it reaches out to the Charleston market and
4 says, hey, phone, where are you, are you in this
5 area? I know that seems like it takes a long time,
6 but this is done in milliseconds. And it realizes,
7 hey, Clay's phone is not in this Charleston market,
8 it's over here in the Aiken market.

9 So what Verizon does when these calls are
10 generated, it sits up there and shows you, hey, we
11 reached out and tried to page the phone in the
12 market it's supposed to be, this phone was set up in
13 the Tampa Bay market but realized that it's actually
14 in the Atlanta market, and it just shows you the
15 route that it took.

16 So this (706) 461 -- looks like we might have
17 cut off a number -- called our target number, tried
18 to find the phone to set up in Tampa Bay, realized
19 the phone was actually in this Atlanta -- Atlanta is
20 the Aiken market, and completed the phone call right
21 at this date and time. So it shows you the path
22 that the phone had to make to set up and receive
23 that call.

24 Q. So when we're looking at cell phone records,
25 when we see the same time, same date, we're not

1 looking at two separate calls, we're just looking at
2 what's going on in between?

3 A. Yes. You're getting an inside look at the way
4 Verizon works their phones.

5 Q. Okay. Go on to the next slide. Let's start
6 off with this little angle here. What is this
7 showing us?

8 A. So again, like I said earlier, towers cover 360
9 degrees, they're divided into three separate
10 sectors, and each sector is approximately 120
11 degrees of coverage area. So this red wedge we like
12 to call a pie wedge is one sector covering
13 approximately 120 degrees. The arms themselves just
14 represent that 120-degree area that it's covering.
15 And this red reflects the energy where the cell
16 phone signal is going to. Does it mean that it ends
17 right there? It could end all the way out here. It
18 could, you know, end all the way out this way. But
19 it's just trying to represent this is the energy,
20 this is where the phone had to be when this call was
21 placed; it can't be up here, it can't be back here,
22 it had to be facing the side of the tower at that
23 time.

24 Q. So this red right in here, that's showing the
25 direction of the signal, not how far it reaches?

1 A. That's correct.

2 Q. Is there a way to determine the exact
3 footprint, just exactly how far a tower can reach?

4 A. There are tools and equipment out there that's
5 available to be hooked up and to receive the radio
6 frequency signal from the tower when you're driving
7 around. And the way you do that is hook this
8 equipment up to your car and drive every single one
9 of the streets around that tower, around the
10 surrounding area around that tower to get to the
11 actual footprint of the tower itself. So there is a
12 way to do it, but you only get the way the footprint
13 of that tower looks on that particular day.

14 Q. And why did we not pursue doing that in this
15 case?

16 A. Well, initially, I was going to drive test --
17 this is what we call a drive test. Drive around
18 with the equipment and see the footprint of the
19 tower is called drive test. And I was going to
20 drive test the area, but when I reached out to
21 Verizon to see if the market had changed, if they
22 had changed the antennas, the tilts, raised them up,
23 tilted them down, added new towers, things of that
24 nature, come to find out, they had changed the
25 market since 2015. If I recall correctly, I didn't

1 get these records until early 2016.

2 Q. So there was no way to find out the actual
3 footprint of this tower April 14th, 2015, at the
4 point you received the records?

5 A. That's correct. And because Verizon indicated
6 they had made some changes to their network here in
7 Aiken, I didn't feel comfortable driving it because
8 I thought it might be unfair.

9 Q. So these three angles here we see, those are
10 towers that were actually utilized. What are the
11 red dots?

12 A. These are the adjacent neighboring towers. So
13 again, kind of the analogy or the story I told
14 earlier about my cell phone, it's just sitting here
15 in idle mode and just reaching out trying to see
16 what towers it sees as the clearest, strongest
17 signal.

18 So if your cell phone is sitting right here
19 and, you know, this tower, this tower, this tower,
20 possibly this one, this one, this one, that one,
21 trying to see which one has the cleanest, strongest
22 signal so when the calls come in, it says, hey, I
23 see this tower has the cleanest, strongest signal at
24 6:31 PM, I want service from that tower.

25 Q. What are these colored markers that are all

1 over the map?

2 A. These are addresses, points of interest that
3 was provided by the investigators that said, hey,
4 this street or this address is pertinent to the
5 investigation. And they provided me the address and
6 I placed it on the map.

7 Q. So these markers just indicate those specific
8 addresses in the legend?

9 A. Yeah, they're indicated through the legend, you
10 know, green is 629 Celeste Avenue and so forth.

11 Q. Now, on all of these maps you have call detail
12 records for two different phones. How do you
13 distinguish between which phone we're talking about
14 in these details?

15 A. I put the phone for 9470 in black and the phone
16 for 9252 in red.

17 Q. So here, this is phone number ending 9470
18 associated with Jefferson and cell phone ending in
19 9252 associated with Williams?

20 A. Yes, ma'am.

21 Q. All right. Color-coded. Now, let's start with
22 our first call. Looking in this first box, we have
23 at 6:40 PM, Williams' cell phone is utilizing this
24 tower, this sector?

25 A. Yes, ma'am.

391

1 Q. And that tower and that sector is also being
2 utilized by Jefferson at 6:30, 6:36, and 6:56?

3 A. Correct. So Mr. Williams' cell phone utilized
4 this tower and sector at 6:40 twice, that's what the
5 times two is, and then again at 6:47, while
6 Mr. Jefferson's phone at 6:30, 6:36 PM twice, and
7 6:00 PM used that same tower and sector.

8 Q. So --

9 A. Which is tower 1620, sector two.

10 Q. So starting around 6:40, this shows us that
11 Mr. Williams and Mr. Jefferson's phones are using
12 the same tower, same sector of that tower?

13 A. Repeat your question one more time.

14 Q. Starting at 6:40 -- starting at 6:40, we've got
15 them using the same tower and same sector?

16 A. Yes. Little bit different times, but, yes,
17 they are generally in the same vicinity at those
18 times.

19 Q. And this yellow marker here, 400 Swiss Street,
20 that is Pine Crest Subdivision? That's what the
21 yellow marker is, Swiss Street?

22 A. From my understanding, yes, ma'am.

23 Q. All right. Going down to the second box here,
24 we've got times of -- looking at similar times,
25 we've got 7:09 for Mr. Jefferson and 7:10 for

1 Mr. Williams, again using same tower, same sector?

2 A. Correct. So both Mr. Jefferson's phone and
3 Mr. Williams' phone between 7:09 and 7:10 PM used
4 Verizon tower 853, sector one, which is kind of
5 facing in the northeast direction on the map.

6 Q. All right. And this third box down here --

7 MS. HALL: Norwood, can you remove that
8 bottom --

9 THE WITNESS: Toolbar.

10 MS. HALL: We'll just have to read through it.

11 THE WITNESS: I think there's a way to do it.

12 Can you right-click and hit hide toolbar? Try
13 desktop. Oh, it didn't work. There you go.

14 BY MS. HALL:

15 Q. All right. So this third box down here, first
16 call depicted in this box, 7:22?

17 A. Yes, ma'am.

18 Q. So from 7:22 till about --

19 A. 8:00.

20 Q. -- 8:00, both phones utilizing -- what is this,
21 the tower number?

22 A. This is the tower number. So it's kind of like
23 in the call detail records I showed you the first
24 serving cell, that's what this number is. So it's
25 tower 1612-2, which is sector two. These two phones

1 between that time period were using this tower 1612
2 between, basically, 7:20 and 8:30.

3 Q. And this purple marker here is for what
4 address?

5 A. 200 Philpot Lane in North Augusta.

6 Q. Okay.

7 A. And so what this also -- this map indicates to
8 me and the cell phone records indicate to me is that
9 at one point, these two phones being utilized by
10 Mr. Jefferson and Mr. Williams were up here on the
11 north side of the map and traveled into the
12 southward way down towards Philpot Lane with them
13 arriving somewhere around 8:00.

14 Q. All right. I think we're ready for the next
15 slide. All right. What do we have depicted here,
16 first call?

17 A. These are -- this is the tower utilized by
18 Mr. Jefferson and Mr. Williams' phone on April 14th,
19 2015, from 8:32 to 8:35 PM. So at 8:32 and 8:33,
20 Mr. Williams' phone ending in 9252 used tower 1612,
21 sector three, which points back towards the west
22 overshadowing the area of 495 Brookside Avenue,
23 North Augusta, while Mr. Jefferson's phone also used
24 that same tower and sector at 8:34 PM.

25 Q. So 8:34 right between Mr. Williams' calls, 8:32

1 and 8:33?

2 A. Just after his 8:33 call, yes, ma'am.

3 Q. And then this 8:35 call, what's going on here?

4 A. So at 8:35, Mr. Williams appears to have moved
5 from sector three to sector two and makes -- and
6 places a phone call at 8:35 PM at tower 1612, sector
7 two, which, again, covers back towards the eastern
8 section of that tower, covering the area close to
9 200 Philpot Lane.

10 Q. Okay. All right. Now, here we have tower
11 1612 --, 1612 and then this dash 3 and dash 2. What
12 does that mean?

13 A. Again, it's the sector that they used. That
14 1612 dash 3 is sector three of the three-sector
15 tower depicted here and 16 dash -- 1612 dash 2 is
16 sector two of that same tower. So at one point they
17 used the west side of the tower and then eventually
18 moved over and used the east side of the tower.

19 Q. But only Williams is using --

20 A. Only Mr. Williams used that sector two.

21 Q. And this marker right here, Brookside Avenue
22 basketball courts?

23 A. That's my understanding. Yes, ma'am.

24 Q. All right. The first thing we notice on this
25 map is we don't have any black calls. So no

1 Mr. Jefferson calls, correct?

2 A. That's correct. If I recall the records
3 correctly, it appears his phone went silent for
4 about an hour or so.

5 Q. And this time period, 8:42 to 8:57, that's
6 what's depicted on this map?

7 A. Yes, ma'am.

8 Q. So Mr. Jefferson didn't have any incoming or
9 outgoing calls during this timeframe?

10 A. That generated any cell tower records.

11 Q. So if his phone were off or dead, would it be
12 able to receive incoming cell phone data?

13 A. It would not receive any tower information.
14 You would have potentially information that someone
15 tried to call with the cell site and sector being
16 zero, with that being zero.

17 And, more than likely, the call direction would
18 either have five, showing that it was a forwarded
19 call, or beside the mobile directory number the
20 phone number itself will have an F indicating that
21 went to voicemail.

22 Q. All right. Let's take this call to call, our
23 first call being over here at 8:42 --

24 A. Yes, ma'am.

25 Q. -- correct? That's Mr. Williams?

1 A. So, yeah, Mr. Williams at -- ending 9252 used
2 tower 1609, sector three, which, again, is the west
3 side of tower 1609 covering the area of 710 Seymour
4 Drive.

5 Q. This is Seymour Drive?

6 A. Yes, this blue marker here.

7 Q. And then 845?

8 A. So 845, the 9252 phone utilized cell tower 876,
9 sector 3, which, again, is more of the northwest
10 direction, and that call was placed at 8:45 PM.

11 Q. And our next call appeared 9:56?

12 A. Again, this tower 1609, sector one, which is
13 the north side of the tower, was utilized by phone
14 number 9252, Mr. Williams' phone, at 9:56 PM and
15 then one minute later, on the same tower, just a
16 different section, 1609, sector two, it used the
17 southeastern portion of tower 1609 at 8:57 PM.

18 Q. 8:57, which is 10 minutes before 911 is called.
19 And what is this red marker here?

20 A. That is 219 Diamond Street and that was the
21 location of the shooting.

22 Q. Shooting. Okay. So at 8:57, Mr. Williams'
23 cell phone is within the vicinity of Diamond Street?

24 A. Yes. It used the tower that's closest to
25 Diamond Street and the direction of the incident

1 location.

2 Q. Okay. So it's not just this tower and this
3 direction, it's this tower and this direction?

4 A. Yes, ma'am. So at 8:57, it used that southeast
5 sector of tower 1609, which is approximately 10
6 minutes before the 911 call came in.

7 Q. All right. And are you aware of the distance
8 between the base of this tower and Diamond Street?

9 A. Yes, ma'am. It's approximately 1.8 miles, 1.79
10 miles from this tower to this incident location.
11 But you also remember though that just because he
12 used this tower doesn't necessarily mean he was at
13 the base of it.

14 Again, the energy comes out this way or out
15 that way or out, you know, whatever direction it's
16 using. But for the 8:57 call, the energy comes out
17 this way, so it could be anywhere in this area
18 closer or further away from this 219 Diamond Street.

19 Q. And this red dot down here, is that our next
20 closest tower to Diamond Street?

21 A. Yes, ma'am. If this legend box wasn't here,
22 you'd see the cell towers over here. And this tower
23 right here is the next closest one to Diamond
24 Street. And if I recall correctly, I measured it
25 out and it's 3.3 miles away from Diamond Street.

1 Q. All right. I think we're ready for the next
2 slide. All right. Our first phone call here, 9:08?

3 A. Yes, ma'am.

4 Q. We've got Diamond Street marker, homicide
5 called in to 911 at 9:07. This phone call by
6 Mr. Williams is at 9:08?

7 A. Yes, ma'am.

8 Q. Which tower is he using?

9 A. So he's using Verizon cell tower 876, sector
10 one, which is, again, the northeastern section of
11 that tower oriented towards Diamond Street. And the
12 call was placed at 9:08 PM.

13 Q. So in the general direction of Diamond Street?

14 A. Yes, ma'am.

15 Q. Okay. And are you familiar with the distance
16 from --

17 MS. HALL: I apologize.

18 MR. MCCARLEY: Your Honor, may Mr. Thurmond and
19 I approach briefly?

20 (Sidebar conference.)

21 THE COURT: Okay. Folks, let's go ahead and
22 take a 10-minute break right here to stretch your
23 legs and use the restroom. Don't begin
24 deliberations or discussions and we'll have you back
25 in about 10 minutes.

1 (The jury exits the courtroom at 2:54 PM.)

2 (Brief recess 2:54 PM - 3:02 PM.)

3 THE COURT: All right. The defendant is in the
4 courtroom.

5 Bring the jury in.

6 (The jury enters the courtroom at 3:03 PM.)

7 THE COURT: All right. Everybody back?

8 Go ahead. You may resume.

9 MS. HALL: Thank you.

10 BY MS. HALL:

11 Q. All right. I believe before we broke, we were
12 looking at this first call on this map, the 9:08 PM.
13 We've got Diamond Street at the red marker?

14 A. Yes, ma'am.

15 Q. And this is one minute after 911 was called?

16 A. Correct. So this provided me the 911 call came
17 in at 9:08. Cell phone 9252, Mr. Williams' cell
18 phone, used Verizon tower 876, sector one, which is
19 the northeast section of that particular tower,
20 which faces the Diamond Street address, the incident
21 location.

22 Q. If we could go back to the last slide?

23 A. Yes, ma'am.

24 Q. This is the last call before our 9:08 call,
25 right?

1 A. Yes, ma'am.

2 Q. So here, explain, we've got in the same
3 direction at Diamond Street 8:57?

4 A. 8:57. So this tower here is the same tower
5 depicted in slide number eight right here. But it
6 only shows sector three instead of sector one of
7 that tower. So, basically, this phone just utilized
8 that tower one minute after the 911 call came in.

9 Q. And let's go back again to that last slide.
10 This 8:57 call, we're clearly no longer over here by
11 the basketball courts?

12 A. There's no possible way.

13 Q. Or 8:56, not at the basketball courts?

14 A. There's no possible way. It's too many other
15 towers that it would have had a cleaner, better
16 signal to utilize.

17 Q. Okay. Go back to the other slide. This is our
18 first call. We are looking at 9:11, correct?

19 A. Yes, ma'am. So what this indicates to me is
20 that this cell site and sector was used at 9:08, the
21 northeast section. Phone travels upwards or
22 northwards to utilize tower 1609, sector three at
23 9:11 PM. And it would be cell phone 9252,
24 Mr. Williams' cell phone. And that covers the
25 western portion of that particular tower.

1 Q. So the 9:08 call, clearly not the basketball
2 courts. And then up here, we're headed back up this
3 direction?

4 A. Yes, ma'am.

5 Q. All right. And our next call is going to be --

6 A. Right here at 9:13, the 9252 cell phone
7 utilized by Mr. Williams. It utilizes tower 1612,
8 sector one at 9:13 PM which is, basically, again,
9 the northeast side of that tower 1612 in the
10 vicinity 710 Seymour Drive.

11 Q. And then 9:18?

12 A. 9:18, the phone moves back towards the east,
13 back towards Verizon tower 876. This time it uses
14 sector three at 9:18, which, again, is more of a
15 northwesterly direction coming back from marker six,
16 Philpot and Seymour Drive.

17 Q. So at 9:11, 9:13, 9:18, Williams' phone is
18 using three different towers?

19 A. Correct.

20 Q. Consistent with traveling, not being
21 stationary?

22 A. That's correct.

23 Q. And then this is our last box up here. Tell us
24 what's going on up here.

25 A. So eventually, phone, Williams' phone 9252,

1 travels back into the area of the basketball court
2 at 495 Brookside Avenue and placed a call at
3 9:28 PM, at which time Mr. Jefferson's phone, the
4 9470, used the same tower, 1612, sector three, at
5 9:27, 9:28, and twice at 9:29 PM.

6 Q. So essentially Mr. Jefferson's phone becomes
7 live around the same time that Mr. Williams' phone
8 comes back over here to the basketball courts?

9 A. Generally approximately around the same time
10 Mr. Williams placed the phone call at 9:28 PM..

11 Q. So 9:28 by Mr. Williams, 9:28 by Mr. Jefferson,
12 using the same tower, same sector?

13 A. Which covers the basketball court. Yes, ma'am.

14 Q. Let's go to the next slide. I'm sorry. Let's
15 go back to our last slide, slide eight. I think
16 this is what I was about to ask you before we broke:
17 Do you know the distance between the base of tower
18 876 and the incident location, 219 Diamond Street?

19 A. Yes, ma'am. When conducting the analysis, I
20 was asked to measure it, and it's approximately a
21 mile and a half. I think it's 1.46 or -47 miles
22 from the base of the tower to the Diamond Street
23 address.

24 Q. But, again, this general area is being serviced
25 by tower 876, sector one?

1 A. Yes, ma'am. The northeast sector.

2 Q. All right. Slide nine. Our first call on this
3 map is going to be where?

4 A. At 9:34 PM, which is down here, tower 1612,
5 sector three, which encompasses the basketball
6 court, 495 Brookside Avenue.

7 Q. And that's just Mr. Jefferson's phone?

8 A. That is just Mr. Jefferson's phone. He made
9 calls at 9:34, 9:36, and 9:38 PM using tower 1612,
10 sector three.

11 Q. And our next phone calls are going to be here,
12 correct?

13 A. Yes, ma'am.

14 Q. So tell us what's going on there.

15 A. So it appears that Mr. Jefferson is beginning
16 to travel in a northerly direction. His phone and
17 Mr. Williams' phone both used tower 853, sector two,
18 at 9:46 PM. So they both made phone calls.

19 Q. At the exact same time?

20 A. Yes, ma'am.

21 Q. Using the exact same tower and exact same
22 sector?

23 A. Yes, ma'am.

24 Q. Let's go to this top box up here. We've got --
25 if we look at these calls, we have Mr. Jefferson

1 having a call at 10:15 and also Mr. Williams having
2 a call at 10:15, the exact same time, correct?

3 A. Correct. So from that -- based on the previous
4 calls made by Mr. Williams and Mr. Jefferson, they
5 moved into a northern direction utilizing tower
6 1612, sector two at the various times placed up
7 there, both of them using that particular tower at
8 10:15 PM.

9 Q. That tower -- same tower, same sector, same
10 time, 10:15?

11 A. Yes, ma'am.

12 Q. Let's go over here to that box over there.
13 We're looking for consistent times. At 10:20,
14 Mr. Jefferson's phone has a phone call and at 10:19,
15 Mr. Williams has a phone call?

16 A. And due to the volume of the phone calls from
17 10:19 and 10:54 PM, I didn't put every --

18 Q. So numerous calls?

19 A. Numerous. He utilized that tower nine times --
20 tower 853, sector one, nine times between 10:15 and
21 10:54 PM. It would just get too jumbled up if you
22 listed every time.

23 Q. So tower 853, sector one being utilized by both
24 Mr. Jefferson and Mr. Williams during the same
25 general timeframe?

1 A. Yes, ma'am.

2 Q. All right. And let's also look at -- let's
3 see, I believe the last phone call on the map for
4 Mr. Williams is 10:54; is that correct?

5 A. Yes, ma'am.

6 Q. Okay. So at 10:54, his phone is here. Now, at
7 10:55, where is Mr. Jefferson's phone?

8 A. Mr. Jefferson moves into a northerly direction
9 and utilizes cell tower 1311, sector one and sector
10 three, between 10:53 PM and 11:13 PM.

11 Q. Okay. I'll get to that in just a second. But
12 what we're looking at is 10:54. Santonio Williams'
13 phone is down here?

14 A. Yes, ma'am.

15 Q. 10:55, Mr. Jefferson's is up here?

16 A. Yes.

17 Q. Not in the same area?

18 A. So it seems they split apart.

19 Q. All right. Now, and you touched on this, up
20 here, tower 1311, sector one and sector three,
21 what's going on there?

22 A. So it appears this address of 181 Southern
23 Pines Drive in North Augusta was a relevant address
24 in the investigation. And it appears that that
25 address teeters on sector one and sector three

1 sections of this particular tower. So it indicates
2 to me that the phone was utilizing each sector based
3 on the times being so close together, that he could
4 have been in that overlap that I talked about, the
5 sprinklers, so you don't have the dead spots.

6 The same thing with the cell towers, do the
7 same thing with the sectors. So it appears he was
8 utilizing each one of those sectors during that
9 period of time, so bouncing back and forth.

10 Q. So this is an example of the overlap you had
11 talked about previously?

12 A. Yes, ma'am.

13 Q. And that address is 181 Southern Pines Drive,
14 Belvedere Terrace?

15 A. Yes, ma'am.

16 MS. HALL: I beg the Court's indulgence.

17 Q. All right. You can take a seat back in the
18 witness stand.

19 All right.. Do you still have Exhibit 57 up
20 there with you?

21 A. Yes, ma'am.

22 Q. Those are the call detail records for what
23 number?

24 A. (706) 755-9252.

25 Q. Okay. I'm going to ask you to flip to April

1 14th, 2015, in those records.

2 A. I'm in the area.

3 Q. Okay. The phone call that we had looked at on
4 your PowerPoint presentation at 8:57 PM?

5 A. Yes, ma'am.

6 Q. In the direction of Diamond Street. Can you
7 tell me the details of that record? Who is making
8 that phone call?

9 A. Too many numbers. 8:57?

10 Q. 8:57, yes.

11 A. So the (706) 755-9252 number, which is
12 Mr. Williams, placed a phone call to (706) 840-5578.

13 Q. Okay. And can you also tell me the call detail
14 records for the phone call at 9:08 PM, just after
15 the shooting?

16 A. Again, Mr. Williams' cell phone,
17 (706) 755-9252, placed a phone call to
18 (706) 840-5578.

19 Q. So Mr. Williams' phone is calling the same
20 phone number 10 minutes before and one minute after
21 the shooting?

22 A. Yes, ma'am.

23 Q. Were you provided call detail records for (706)
24 840-5578, separate records?

25 A. Yes, ma'am.

1 Q. I'm going to ask you to look at Exhibit 59 now
2 for that phone number's records.) You were
3 previously provided those records also to be
4 analyzed?

5 A. Yes, ma'am.

6 Q. Okay. And they were in the same format as
7 normally provided by Verizon?

8 A. Yes, ma'am.

9 Q. Did you map the phone calls just before and
10 just after 9:00 for that phone number?

11 A. I think I did approximately a two-hour window.

12 Q. All right. And did you also prepare a
13 PowerPoint presentation to map those phone calls?

14 A. Yes, ma'am.

15 Q. I'm showing you State's 43. Do you recognize
16 this?

17 A. Yes, ma'am. It's a map I created which
18 visually depicts the cell phone records of cell
19 phone ending in 5578.

20 Q. Based off of the call detail records you
21 received for a two-hour window?

22 A. Yes, ma'am.

23 MS. HALL: Your Honor, at this time State moves
24 to introduce State's Exhibit 43 into evidence.

25 MR. BUSH: I just need to see it, Your Honor.

1 THE WITNESS: Actually, I think I placed it as
2 a three-hour window.

3

4 BY MS. HALL:

5 Q. A three-hour window.

6 A. 8:00 to 11:00 PM.

7 MR. BUSH: No objection, Your Honor.

8 THE COURT: Admitted.

9 (State's Exhibit No. 43 admitted into
10 evidence.)

11 MS. HALL: Permission to publish, Your Honor?

12 THE COURT: You may.

13 MS. HALL: Step back down.

14 THE WITNESS: May I step down?

15 THE COURT: Yes.

16 BY MS. HALL:

17 Q. This first slide here, is that what we were
18 looking at on the first one?

19 A. Yes, ma'am. Generally our title page, telling
20 who I am, what I did, the phone number analyzed, and
21 when the report was complete.

22 Q. So this report is for (706) 840-5578?

23 A. Yes, ma'am.

24 Q. That is the number that was called by Williams'
25 cell phone just before and just after the shooting?

1 A. Yes, ma'am.

2 Q. And your report date being?

3 A. January 12th of this year, 2017.

4 Q. Was this presentation also peer-reviewed as
5 your other one?

6 A. Yes, ma'am.

7 Q. Go ahead.

8 A. Again, this is another slide, we do this for
9 every one of our presentations, just showing you a
10 typical three-sector tower to illustrate that it
11 does have three sides; north side being sector one,
12 eastern side sector two, and western side sector
13 three.

14 Q. So calls also as to this number were
15 three-sector towers?

16 A. Yes, ma'am.

17 Q. Okay.

18 A. Again, just a general overall view of the
19 towers that are available here in the -- for Verizon
20 carrier here in the North Augusta/Aiken market as of
21 April 2015.

22 Q. Next slide?

23 A. Again, same call detail explanation sheet that
24 I had on the previous presentation. The only thing
25 different is that these are the call detail records

1 of the 5578 number that was analyzed with the same
2 explanation as the last presentation.

3 Q. All right. Next slide. Okay. In here you've
4 listed out the times. Now, what is 2022? Remind
5 us --

6 A. Again, Verizon keeps their records in military
7 time, so 2022, if you subtract 12 from the 20, it's
8 8:22 PM.

9 Q. 8:22 PM, 8:23 PM, and then we've got 9:10 and
10 9:38 PM, correct?

11 A. Yes, ma'am. And so instead of drawing the
12 balloon boxes, I created these to show that these
13 calls took place on April 14th, 2015, utilizing
14 Verizon tower 1620, sector two that points to this
15 red wedge which faces the blue marker, 163 Chalet
16 North.

17 Q. And then this box down at the bottom here?

18 A. Again, Verizon tower 853, sector one was
19 utilized on April 14th, 2015, at 8:57 PM, 9:08 PM,
20 and 9:54 PM. And, again, it's the red wedge
21 triangle shape figure that faces that blue marker.

22 Q. And both tower 1620 and 853, both in the
23 general area of Chalet North Court?

24 A. Yes, ma'am.

25 Q. Okay. All right. You can go back to the

1 witness stand.

2 I believe that is all the questions I have for
3 you. Please answer any that the Defense may have.

4 THE COURT: Cross?

5 CROSS-EXAMINATION

6 BY MR. BUSH:

7 Q. All right. Special Agent, we were talking
8 about call detail records. There's nothing in those
9 call detail records that tell you precisely where a
10 phone is at any time, correct?

11 A. No. It just tells me what tower and sector the
12 phone used at that particular time the call was
13 made.

14 Q. And nothing in those call detail records tells
15 you how far the phone is from those cell towers,
16 correct?

17 A. That's correct.

18 Q. So it's impossible to determine how far a phone
19 is from a tower when it pings off it, correct, based
20 off the call detail records?

21 A. You used the terminology that's a little
22 different, you used ping. If the service provider
23 provides me with the GPS coordinates from a ping
24 from it, then, yes, we could tell you where the GPS
25 coordinates are. But based on the call detail

1 records, no, it only tells me what tower and sector
2 the phone used at that particular time.

3 Q. And Verizon didn't provide you with those GPS
4 coordinates for the phone in this case, correct?

5 A. I didn't have them. No, sir.

6 Q. So you can't determine, based off the
7 information and records you have, exactly where the
8 phone is at any time?

9 A. Not off the call details records. And I only
10 provided general location saying that it used that
11 particular tower and sector.

12 Q. Right. As you indicated, they just indicate
13 that a phone is pinging off of a tower?

14 A. No; the phone is utilizing that tower.

15 Q. Okay. It's utilizing that tower?

16 A. It's using that tower for services to place a
17 phone call or text message or whatnot. In this
18 case, they're all phone calls.

19 Q. And the call detail records for all of these
20 phones, none of them gave you the GPS coordinates,
21 correct?

22 A. Call detail records do not give GPS
23 coordinates.

24 Q. So all of the records you reviewed did not have
25 GPS coordinates for any of these phones, correct?

1 A. That's correct.

2 Q. Now, based off the call detail records, can you
3 tell the Court what the person holding the phone is
4 doing at the time?

5 A. No. I wasn't there when the calls took place.

6 Q. So you can't tell us whether the person was
7 using a vehicle?

8 A. No. I mean, I can -- I can guess by how
9 quickly it went from one tower to another. And in
10 my opinion, they had to use a vehicle to get from
11 point A to point B, depending on the duration it
12 took for them to get to that point based on the call
13 detail records. But whether that would be by car or
14 bike or running or whatnot, that would be impossible
15 for me to tell.

16 Q. But for any given particular call, let's say,
17 one call, you can't tell what that person is doing
18 at the time, right?

19 A. I can only say that person who is utilizing
20 that phone is using that tower and sector at that
21 particular time.

22 Q. Now, is there anything in the call detail
23 records that tells us why a phone pings off a
24 specific tower?

25 A. Because it --

1 Q. Or utilizes a specific tower, I apologize.

2 A. Because it sees -- as I said before, cell
3 phones are constantly evaluating its environment and
4 looking for the tower that has the cleanest,
5 strongest signal. So when it wants to make or
6 receive a phone call, text message, data session,
7 whatnot, the phone requests resources from that
8 tower, and the tower grants those resources which
9 generates that call detail record.

10 Q. Now, would you also agree a phone doesn't
11 always utilize the closest tower to it?

12 A. Usually it does. But there are times where
13 there could be things that obstruct the radio
14 frequency signal coming from the tower. Say you're
15 in New York City, for example, and you are walking
16 around and the Empire State Building is right there
17 and you want to call somebody and say, hey, I can't
18 believe the Empire State Building is right there.

19 Because there's so much demand in New York,
20 because there's such large buildings there in New
21 York, it may not use the closest tower for it
22 because of the layout of the environment. But in
23 this situation with these call detail records, the

24 ~~phone obviously used the tower that was closest to~~

25 whatever incident was taking place at that time.

1 Q. So if the frequencies on the closest tower are
2 being used by other calls, texts, or data usage,
3 that wouldn't be showing up in the call detail
4 records either?

5 A. Repeat your question again.

6 Q. Like, if a tower is too loaded with other
7 calls, texts, or data, that wouldn't show up in the
8 call detail records, correct, towers in the same
9 vicinity?

10 A. Well, the call detail records only show us the
11 towers that were actually used. So if the phone
12 call didn't go through, there would not be a record
13 generated at that particular time. So the only time
14 that the record gets generated is when the resources
15 are granted and the phone and the cell tower are
16 talking to each other. That's when the record is
17 generated.

18 So, for instance, if you're at a South Carolina
19 football game and Jake Bentley throws the winning
20 touchdown and you want to call and text everybody
21 and you don't have good cell phone coverage because
22 everybody is utilizing that tower to say how great
23 of a catch or play or whatnot that was, what usually
24 ends up happening is you look at your phone and go,
25 geez, why isn't this going through or you get that

1 fast busy signal and, therefore, there's no record
2 generated in the call detail records. Not until
3 those resources are granted on that tower will a
4 record be generated.

5 Q. And speaking of towers, you didn't investigate
6 whether any of the towers in the area of these
7 incidents were down at the time of these phone
8 calls, did you?

9 A. Because all the towers that were utilized
10 showed up in the call detail records.

11 Q. But if a tower was down, it would pick up the
12 next tower over, correct?

13 A. Not necessarily.

14 Q. Okay.

15 A. Your phone has to see the other towers in the
16 area to utilize it. If it doesn't see it, it will
17 not utilize that tower.

18 Q. Now, let's talk about the maps that you were
19 provided by the State --

20 MR. BUSH: Actually, Mr. Norwood, can I get you
21 to -- the very first one, please, sir.

22 BY MR. BUSH:

23 Q. If you want, you can step down.

24 THE WITNESS: May I?

25 THE COURT: Go ahead.

1 Q. Now, on this map in particular, you've got the
2 names Jefferson and Williams, right?

3 A. Correct.

4 Q. And you were provided those names by the
5 Solicitor's Office, right?

6 A. Right.

7 Q. You were not provided those names by the cell
8 phone providers?

9 A. No. I didn't -- if I recall correctly, I don't
10 know if it was a bogus name associated with the
11 phone or it was actually subscribed to the phones.
12 I don't recall which one.

13 Q. But you did receive the subscriber IDs for
14 these two phone numbers, correct?

15 A. I think I did. I think I have the subscriber
16 ID, but I just don't recall who the phones were
17 subscribed to.

18 Q. So you just based these names off what the
19 State told you, right?

20 A. Correct. I initially didn't have the names in
21 there, but they were later placed in.

22 Q. Okay. Now, these towers, they're -- you've got
23 them shown as little dots sort of on the map, right?

24 A. Correct.

25 Q. And you've got what appears to be a vector,

1 what radius for the tower, right?

2 A. Correct.

3 Q. Again, you can't tell us where a phone is
4 anywhere within that radius, right?

5 A. No. The only thing I can say is when this --
6 these phones used this particular tower somewhere in
7 this general vicinity of the tower.

8 Q. So let's say this tower, for instance, this
9 phone could be, say, on Bradleyville Road, right?

10 A. Possibility.

11 Q. Could possibly be out in Belvedere, right, or
12 Belair Road?

13 A. It might end up utilizing this tower in
14 Belvedere, but depending on the layout of the
15 footprint of the tower, I mean, it's a possibility.

16 Q. It could be. And it could possibly be out at
17 520, right?

18 A. More than likely utilize that tower adjacent to
19 520.

20 Q. All right. Now, the legend that we've got on
21 the side, all these addresses, those addresses were
22 also given to you by the solicitor as well, correct?

23 A. Right.

24 Q. So none of these addresses or anything like
25 that came from the call detail records?

1 A. Right.

2 Q. And your analysis can't prove that these phones
3 are at any of these addresses at any specific time,
4 right?

5 A. Again, as I said in my testimony, they utilize
6 the tower and sector that covers for those
7 particular locations.

8 Q. Okay. Thank you. You may have a seat.

9 And, again, the call detail records that you
10 reviewed, they don't tell you the name of the person
11 who's on the phone at the time, right?

12 A. No, sir.

13 Q. And they don't tell you the name of the person
14 who actually received the call?

15 A. Just the number.

16 Q. Okay. And you don't know who had the phones at
17 any of the time -- any of the times or plots on your
18 maps, right?

19 A. Me, personally, that information wasn't
20 provided to me.

21 Q. Now, this is important, Special Agent Simmonds,
22 because, hypothetically, if I let you borrow my
23 phone and you made a phone call on my phone, the
24 call records would indicate that I was who was
25 making that call, right?

1 A. Indicate your phone made that call.

2 Q. Right.

3 A. Again, my testimony is about where the phones
4 are.

5 Q. But you testified that specific people on these
6 maps were making the phone calls, right?

7 A. Because that's the information that was relayed
8 to me throughout the investigation, is that these
9 individuals were utilizing the phones.

10 Q. If you were an agent reviewing these call
11 detail records and I had given someone else my
12 phone, you wouldn't know just by reviewing these
13 call detail records that I had given my phone to
14 another person, right?

15 A. The call detail records only provide the phone
16 number utilized to make these calls.

17 Q. Okay. So like where your maps say Jefferson
18 made a phone call, it wouldn't surprise you that
19 that phone is actually subscribed to Ms. Navas,
20 would it?

21 A. None of that surprises me. I've seen phones
22 subscribed to Daffy Duck and Mickey Mouse and things
23 of that nature. That's what happens in these kinds
24 of investigations. It happens all the time. People
25 who do bad things don't want to get caught, so a lot

1 of times, they won't put the phones in their names
2 because it makes it a little more difficult on us
3 who are trying to solve that case.

4 Q. I understand. So you can't prove Mr. Santonio
5 Williams had that phone at any time on any of these
6 maps, correct?

7 A. The information that was placed on the map was
8 based on information provided by the investigators.
9 But the call detail records only show me the phone
10 number.

11 Q. I'm asking you your opinion. In your expert
12 opinion, you cannot prove that Mr. Williams had that
13 phone at any of the times any of these calls were
14 made, correct?

15 A. Based on the information that was provided to
16 me by the investigators, the individuals that I
17 listed on the map are the ones that utilized those
18 phones.

19 Q. Well, let's talk about some other call detail
20 records. Now, you didn't review any call detail
21 records for Demorris Harris in this case, did you?

22 A. That name doesn't sound familiar.

23 Q. So the State didn't provide you any call detail
24 records for Demorris Harris in this case?

25 A. The State provided only the three numbers that

1 I'd been speaking of earlier.

2 Q. But the State did provide you records for
3 Demarius Jefferson, right?

4 A. I don't know. Which one is that one?

5 Q. That would be the (727) 247-9470 phone, right,
6 that you just testified was with Mr. Jefferson based
7 off what the investigators told you, correct?

8 A. Right.

9 Q. And that's State's Exhibit 55, right?

10 A. Yes.

11 Q. Now, in those records, can you find in State's
12 Exhibit 55 where Mr. Jefferson contacted the phone
13 number (803) 522-9612?

14 A. How much time are you going to give me?

15 Q. Take your time.

16 A. Because, I mean, if I had this on a computer, I
17 could filter it out and see --

18 Q. Would it help if I told you where they were?

19 A. If you want, because there's 30-something
20 pages.

21 Q. We'll go through them together, and that will
22 be just fine.

23 A. Okay.

24 Q. On April 14th, 2015, at 2157, do you see where

25 Mr. Jefferson called that number, (803) 522-9612?

1 A. Yes.

2 Q. And do you see at 2159 where that
3 (803) 522-9612 number called Mr. Jefferson?

4 A. Correct.

5 Q. And let's move on to April 15th. Can you see
6 on April 15th at 1:34 where that (803) 522-9612
7 number called Mr. Jefferson?

8 A. At what time?

9 Q. 1:34.

10 A. Yes, sir.

11 Q. And you see where Mr. Jefferson calls that
12 number back at 1:34 again, right?

13 A. Correct. Looks like the call to him went to
14 voicemail.

15 Q. Okay. But there's a call --

16 A. And then right afterwards, it seems like he
17 called at 1:34.

18 Q. And at 2358 that day, you see where that
19 (803) 522-9612 number calls Mr. Jefferson again,
20 right?

21 MS. HALL: Objection, Your Honor. If we could
22 refer to the phone number as opposed to
23 Mr. Jefferson, as the Defense has pointed out?

24 THE COURT: It's cross-examination. I'll give
25 him leeway.

1 Go ahead. Overruled.

2 MR. BUSH: Thank you, Your Honor.

3 THE WITNESS: Give me the date and time again.

4 BY MR. BUSH:

5 Q. This was April 15th, 2015 at 2358.

6 A. And your question was the (803) 522-9612?

7 Q. Yes, sir.

8 A. Called Mr. Jefferson?

9 Q. Correct, Special Agent. Do you see that call?

10 A. Yes.

11 Q. And, I apologize, would you mind highlighting
12 that call for me?

13 A. (Witness complies). Again, as I testified
14 earlier, it shows the path of the call. You want me
15 to highlight all three of them?

16 Q. That would be just fine. Thank you.

17 A. (Witness complies). All right.

18 Q. All right. Now let's go to April 16th, 000
19 hours. Did Mr. Jefferson and that (803) 522-5612
20 number have contact at 000 hours?

21 A. Well, 001, one minute after that, it was.

22 Q. And can you highlight that call for me, please?

23 A. (Witness complies).

24 Q. And they contacted one another again on that
25 day at 1:24, right?

1 A. 1:24. And then it seems like after that a lot
2 of calls started going to voicemail. At 1:24, they
3 did -- Mr. Jefferson contacted the (803) 522-9612
4 number.

5 Q. So you don't see a phone call at 1:24?

6 A. No, I do see it.

7 Q. Oh, okay. So you do see a phone call at 1:24.
8 And you see them communicating again at 1:25 that
9 morning, right?

10 A. Correct.

11 Q. And again at 1:34 that morning?

12 A. Correct.

13 Q. And again at 1:35 that morning?

14 A. Correct.

15 Q. And again at 1:36 that morning?

16 A. Correct.

17 Q. And again at 1:40 that morning?

18 A. Correct.

19 Q. And again at 1:41 that morning?

20 A. You want me to highlight each one of these?

21 Q. That would be great.

22 A. Because, I mean, I haven't, but I will continue
23 if you want me to.

24 Q. If you will, that would be great. Thank you,
25 Special Agent.

- 1 A. And you said 1:41?
- 2 Q. 1:41, yes, sir.
- 3 A. Okay.
- 4 Q. And again at 1:57 that morning? Actually, they
- 5 contacted one another three times at 1:57, right?
- 6 A. Well, it appears -- yes, three times.
- 7 Q. And again at 1:59 that morning?
- 8 A. Yes, sir.
- 9 Q. And again at 2:07 that morning?
- 10 A. Yes, sir.
- 11 Q. And again at 2:33 that morning?
- 12 A. Yes, sir.
- 13 Q. And again at 8:07 that morning?
- 14 A. Yes, sir.
- 15 Q. And again at 8:08?
- 16 A. Yes, sir.
- 17 Q. And again at 8:13?
- 18 A. Correct.
- 19 Q. And again at 8:16?
- 20 A. Correct.
- 21 Q. And again at 8:27?
- 22 A. Correct.
- 23 Q. And again at 8:36?
- 24 A. Correct.
- 25 Q. And again at 8:37?

1 A. Now, the one at 8:36 it shows, but I believe
2 one of those calls at 8:36 went to voicemail -- that
3 call went to voicemail because there's an F beside
4 Mr. Jefferson's number.

5 Q. At 8:36?

6 A. 8:36.

7 Q. So that call went to voicemail?

8 A. That's what it appears. Yes, sir.

9 Q. Okay. Now, 8:37, there was a phone call then,
10 right?

11 A. Yes, sir.

12 Q. Between those two numbers?

13 A. Yes, sir.

14 Q. And again at 8:38?

15 A. Again, looks like it went to voicemail.

16 Q. Okay. That's a call between them, right?

17 A. Two calls at 8:37 and 8:38 went to voicemail.

18 Q. And there's a call at 8:41?

19 A. Yes, sir.

20 Q. And a call at 8:45?

21 A. Again, that one appears to have gone to
22 voicemail.

23 Q. Okay. And there's another call at 8:47, right?

24 A. Correct.

25 Q. And how long was that call?

1 A. 549 seconds.

2 Q. How long is that in minutes?

3 A. Almost ten.

4 Q. There's another call at 9:01?

5 A. Correct.

6 Q. Another call at 11:29?

7 A. Yes, sir.

8 Q. Another call at 12:20?

9 A. It appears to be a voicemail.

10 Q. Another call at 1307?

11 A. Yes, sir.

12 Q. And that 12:20 call, you said it was a
13 voicemail?

14 A. I said it appears to be a voicemail because of
15 the F. If you read the explanation on there, a lot
16 of times voicemails are indicated with an F.

17 Q. What about the record right below it?

18 A. It's the process of the call.

19 Q. And we said 1307 already, correct?

20 A. Yes, sir.

21 Q. All right. 1610?

22 A. Correct.

23 Q. 1734?

24 A. Correct.

25 Q. 1735?

1 A. Correct.

2 Q. 2006?

3 A. Correct.

4 Q. Two calls at 2151, right?

5 A. Again, a voicemail.

6 Q. Okay. 2154?

7 A. Correct.

8 Q. 2157?

9 A. Correct.

10 Q. , And 2207. Now let's move to April 17th.

11 There's a call at 11:12 --

12 A. I didn't answer the 2207. Yes, I see 2207.

13 Q. Sorry for going so fast, Special Agent. I

14 apologize. Let's move to April 17th. Are you ready

15 now?

16 A. Yes. Seems a lot of these are already

17 highlighted.

18 Q. Okay. At 11:12?

19 A. Yes, sir.

20 Q. And again at 11:29?

21 A. Yes, sir.

22 Q. Again at 1316?

23 A. Yes, sir.

24 Q. Again at 1333?

25 A. Yes, sir.

1 Q. And how long was that call, Special Agent?

2 A. 311 seconds.

3 Q. There's another call at 1355?

4 A. Yes, sir.

5 Q. 1407?

6 A. Right.

7 Q. 1412?

8 A. Correct.

9 Q. And how long was that call, Special Agent?

10 A. 203, 204 seconds. It showed the process of it
11 being --

12 Q. And there was another call at 1427?

13 A. Correct.

14 Q. 1755?

15 A. Correct.

16 Q. And 1940?

17 A. Correct.

18 Q. Now, that's a total of 55 calls, right?

19 A. I didn't count them while I was going through
20 it, but I'm not going to doubt you.

21 Q. All right. Now, would it surprise you that the
22 total time that these phones were talking or
23 communicating with each other was 84 minutes and 42
24 seconds over those three days?

25 A. Again, I didn't add up the seconds while we

1 were going through the calls. I'm not going to
2 dispute it.

3 Q. Thank you.

4 MR. BUSH: May I beg the Court's indulgence?
5 No further questions at this time, Your Honor.

6 THE COURT: Redirect?

7 MS. HALL: Yes, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. HALL:

10 Q. Special Agent Simmonds, if I could direct you
11 back to State's Exhibit 57, call detail records
12 associated with Mr. Williams.

13 A. Yes, ma'am.

14 Q. If you could flip back to the phone call at
15 8:57 on April 14th, 2015. 8:57 PM?

16 A. Yes, ma'am.

17 Q. And that is the phone number you testified --

18 MR. BUSH: Objection, Your Honor. That
19 testimony is going to be outside the scope of my
20 cross-examination.

21 MS. HALL: Just having him highlight relevant
22 calls, Your Honor.

23 THE COURT: Overruled.

24 BY MS. HALL:

25 Q. Could you please highlight the call at 8:57

1 made by Mr. Williams' telephone number.

2 A. (Witness complies).

3 Q. And at 9:08.

4 A. Got'em.

5 Q. And at 8:23, was there a phone call incoming or
6 outgoing?

7 A. An incoming call from (706) 840-5578 at 8:23.

8 Q. If you could please highlight that phone call
9 as well.

10 A. All right.

11 Q. Thank you. I have no further questions.

12 MR. BUSH: No recross, Your Honor.

13 THE COURT: You may step down. Thank you.

14 Next witness.

15 MS. HALL: State calls Investigator Steve

16 Miano.

17 STEVE MIANO

18 being first duly sworn, testified as follows:

19 THE WITNESS: I swear.

20 THE CLERK: Have a seat in the witness box.

21 State your full name and spell your last.

22 THE WITNESS: Phillip Steven Miano, III,

23 M-I-A-N-O.

24 DIRECT EXAMINATION

25 BY MS. HALL:

1 Q. Investigator Miano, where are you employed?

2 A. I'm employed with the Second Judicial Circuit
3 Solicitor's Office.

4 Q. What is your position at the solicitor's
5 office?

6 A. I'm currently the chief investigator.

7 Q. How long have you been employed at the
8 solicitor's office?

9 A. Since 2013.

10 Q. What is your educational and training
11 background?

12 A. I'm currently in a Master's program for
13 criminal justice administration. I received my
14 Bachelors of Political Science from the University
15 of South Carolina Aiken. I've completed several
16 training programs throughout my career in law
17 enforcement, to include mobile forensic -- mobile
18 device forensics and several other training
19 programs.

20 Q. Have you been actively involved in the
21 investigation of this case of Santonio Williams?

22 A. Yes, ma'am, I have.

23 Q. And did that investigation at some point lead
24 you to get a search warrant?

25 A. Yes, ma'am, it did.

1 Q. Okay. And did you get a search warrant for any
2 Facebook records Mr. Santonio Williams?

3 A. Yes, ma'am, I did.

4 Q. Do you recall the date which you served that
5 search warrant?

6 A. September 6th, 2015.

7 Q. And do you recall when you received those
8 records from Facebook?

9 A. Yes, ma'am. I received those records back
10 September 16th, 2016.

11 Q. How were those records provided to you?

12 A. I submitted the search warrant or court order
13 through the law enforcement -- Facebook has their
14 own law enforcement portal. It's a secured access
15 site.

16 I uploaded that signed search warrant to the
17 portal, and on September 16th I received a message
18 that my files for that search warrant were active
19 for me to pull off of the portal.

20 Q. Could anybody just go into that portal and get
21 that information?

22 A. No, ma'am. There's a security measure in place
23 where I have to provide my e-mail address to

24 Facebook. In turn, I have to receive a secured
25 e-mail from Facebook for me to access that portal.

1 Q. When you received those Facebook records, did
2 you also receive a certification of authenticity of
3 those records?

4 A. Yes, ma'am, I did. I actually received the
5 certification after the records were received, but I
6 received a certification for those records.

7 Q. Okay. I'm showing you what has been marked as
8 State's Exhibit 60. Do you recognize this?

9 A. Yes, ma'am, I do.

10 Q. What is this?

11 A. It's a certificate of authenticity for Facebook
12 records.

13 Q. Of what individual?

14 A. For Santonio Jennings.

15 Q. Does this fairly and accurately depict -- this
16 is the original document you received from Facebook?

17 A. Yes, ma'am, it is.

18 Q. As to Santonio records?

19 A. Yes, ma'am.

20 MS. HALL: Your Honor, at this time, State
21 moves to enter State's Exhibit 60 into evidence.

22 MR. BUSH: I need to see it first, Your Honor.

23 No objection, Your Honor.

24 THE COURT: Admitted.

25 (State's Exhibit No. 60 admitted into

1 evidence.)

2 BY MS. HALL:

3 Q. What format were those records provided in?

4 A. They were provided in an HDML format, which is
5 a format used through internet and then there was a
6 PDF document attached.

7 Q. The PDF document being the full records?

8 A. Yes, ma'am, both were full records.

9 Q. And do you recall how many pages the PDF
10 document was?

11 A. Approximately 972 pages.

12 Q. Okay. And this was for just a certain date
13 range?

14 A. Yes, ma'am, it was.

15 Q. Okay. And did you have an opportunity to
16 review that PDF document of the 972 pages from the
17 Facebook records?

18 A. Yes, ma'am, I did.

19 Q. Of those 972 pages, did you pull relevant pages
20 or pictures, posts, relevant to this case?

21 A. Yes, ma'am, I did.

22 MS. HALL: I beg the Court's indulgence.

23 Q. Investigator Miano, I'm showing you what has
24 been previously marked as State's Exhibits 51

25 through 54. Can you please look through those and

1 tell me what those are?

2 A. Pictures and posts from Facebook.

3 Q. From the Facebook records you received of
4 Santonio Jennings?

5 A. Yes, ma'am.

6 Q. Do these fairly and accurately depict what was
7 in the PDFs -- I'm sorry. Do these fairly and
8 accurately depict what was provided to you in the
9 records?

10 A. Yes, ma'am.

11 MS. HALL: Your Honor, at this time, State
12 moves to introduce State's Exhibits 50 through 54.

13 MR. BUSH: We would just renew our objection,
14 Your Honor.

15 THE COURT: Over objection, it's admitted.

16 (State's Exhibit Nos. 50 through 54 admitted
17 into evidence.)

18 MS. HALL: If you could just step down with me.

19 Permission to publish, Your Honor?

20 THE COURT: Yes, ma'am.

21 THE WITNESS: May I step down?

22 THE COURT: You may.

23 THE WITNESS: Thank you, Your Honor.

24 BY MS. HALL:

25 Q. Please explain the relevance of State's Exhibit

1 50.

2 A. This picture here was on Mr. Santonio Williams'
3 Facebook page. It was uploaded on January 11th,
4 2015.

5 Q. What is the relevance of that date?

6 A. The relevance of this date is the murder of
7 Donnie Brooks. Posted on this photo is a picture of
8 Mr. Donnie Brooks.

9 Q. Okay. State's 51.

10 A. The relevance of this picture, inside the
11 picture here is the apartment complex where
12 Mr. Donnie Brooks --

13 MR. BUSH: Objection, Your Honor. He can't
14 explain or editorialize what these pictures say or
15 mean.

16 MS. HALL: Your Honor, if he recognizes that,
17 has personal knowledge of what's depicted in the
18 photo, he can explain what's in the photo.

19 (Sidebar conference.)

20 BY MS. HALL:

21 Q. Back to State's 51, what is this a picture of?

22 A. That is a picture of Ridgeview Manor apartment
23 complex.

24 Q. And what was the date of that posting?

25 A. The date of the posting was January 11th, 2015.

1 Q. State's 52. Are you familiar with the
2 individuals in this picture?

3 A. Yes, ma'am, I am. Here is Mr. Christian Gordon
4 and Mr. Santonio Williams right there.

5 Q. And the date of this post?

6 A. The date of this post was January 11th, 2015.

7 Q. And this individual?

8 A. That is Mr. Donnie Brooks.

9 Q. Okay. State's 53, the date of this post?

10 A. The date of this post was January 11th, 2015.

11 Q. Who is depicted?

12 A. Depicted here is Mr. Christian Gordon,
13 Mr. Santonio Williams; once again, Mr. Christian
14 Gordon, Mr. Santonio Williams, Mr. Donnie Brooks;
15 Mr. Donnie Brooks, Mr. Christian Gordon, and there's
16 a hand right there, that is Mr. Santonio Williams.

17 Q. State's 54, the date of this post?

18 A. The date of this post, ma'am, is January 11th,
19 2015.

20 Q. And the individuals depicted in this picture?

21 A. Mr. Christian Gordon and Mr. Santonio Williams.

22 Q. Okay. Thank you. You can have a seat.

23 Investigator Miano, what happened on January
24 11th, 2015?

25 A. Mr. Donnie Brooks was murdered at Ridgeview

1 Manor apartment complex.

2 Q. In North August?

3 A. Yes, ma'am.

4 Q. And did you respond to that scene?

5 A. Yes, ma'am, as an investigator for the
6 Solicitor's Office, I responded to that crime scene.

7 Q. In your review of the Facebook records you
8 received, were private inbox messages part of that
9 Facebook report?

10 A. Yes, ma'am. It was part of my search warrant
11 request and we received those messages.

12 Q. And did you have an opportunity to review
13 those?

14 A. I did, yes, ma'am.

15 Q. In your review of those records, did you find
16 any telephone numbers provided by Santonio Jennings
17 or the Facebook page for Santonio Jennings?

18 A. Yes, ma'am, I did.

19 Q. And what was that telephone number?

20 A. (706) 755-9252.

21 Q. Do you recall the number of times that that
22 phone number was provided by the user Santonio
23 Jennings as being his telephone number?

24 A. Yes, ma'am. During my query, it was
25 approximately 137 times.

1 Q. 137 times, the author was Santonio Jennings
2 that his phone number was (706) 755-9252?

3 A. Yes, ma'am.

4 Q. What was the closest date to April 14th, the
5 date of murder, that Santonio
6 Williams, Santonio Jennings, gave out that phone
7 number throughout those private messages?

8 A. I believe it was April 15th, 2015.

9 Q. Just one day after the shooting?

10 A. Yes, ma'am.

11 Q. On each of these exhibits previously entered,
12 50 through 54, the timestamp states that it's in UTC
13 time. What does that mean?

14 A. Coordinated Universal Time. It's
15 essentially -- if you've ever heard it, the military
16 calls it Zulu Greenwich Mean Time.

17 Q. And how do you calculate what time it was in
18 Aiken County?

19 A. There's two ways: The Eastern Standard Time,
20 which is currently what we're in right now, which
21 is -- the best way to associate it is, normally the
22 wintertime when the days are shorter, that's a
23 minus-five from UTC. So if they give you a time in
24 UTC of 10:00, then we know it's 5:00 Eastern
25 Standard Time.

1 Q. 5:00 AM?

2 A. Yes, ma'am, 5:00 AM.

3 Q. And April 14th of 2015, what would be the
4 conversion?

5 A. Well, during that timeframe, we're in Eastern
6 Daylight Time, which is a version of four hours, so
7 you subtract four hours from the UTC time. So going
8 back to the 10:00 time, if we were given a time of
9 10:00, it would now be 6:00 AM. If we were given a
10 time of 10:00 AM during Eastern Daylight Time, we'd
11 be looking at 6:00 AM instead of the UTC of
12 10:00 AM.

13 Q. Thank you.

14 Investigator Miano, how did you come across
15 this Facebook page for Santonio Jennings? How did
16 you determine that was associated with Santonio
17 Williams?

18 A. Yes, ma'am. We were actually in the middle of
19 investigating this case and began doing some
20 Facebook review and came across a Facebook page that
21 depicted Mr. Santonio Williams' picture. And when
22 you're looking at a Facebook page, the URL that's
23 posted at the top of a Facebook page, there's a
24 specific name that's associated with it.

25 Some people put nicknames, such as Mickey Mouse

1 or anything like that. This page actually was
2 www.facebook.com/Santonio.Jenkins. It was an open
3 page. I accessed that open page, looked through it,
4 found multiple photos of Mr. Santonio Williams on
5 that page. And he also had a screen name. I
6 believe it was Santonio -- it may have been Santonio
7 Torez or Santonio Suava. I'm not a hundred percent
8 sure of his screen name.

9 Q. Torez Suava?

10 A. Torez Suava, yes, ma'am.

11 Q. And that's what the public could view his
12 Facebook as?

13 A. Yes, ma'am.

14 Q. Okay.

15 A. So when I submitted my search warrant to
16 Facebook, I have to give them the URL, which is a
17 more identifying piece of information. With the
18 screen name, someone can go in every day and change
19 it to something else, but that URL is specific to
20 that specific page and Facebook account.

21 Q. What is Santonio Williams' middle name?

22 A. Torez.

23 Q. And in reviewing the Facebook of Torez Suava or
24 Santonio Jennings, did the profile picture of that
25 page depict Santonio Williams, the defendant in this

1 case?

2 A. Yes, ma'am, it did.

3 Q. Investigator Miano, I'm showing you what has
4 been previously marked as State's 61. Do you
5 recognize this?

6 A. Yes, ma'am, I do.

7 Q. What is this?

8 A. It is a private message.

9 Q. Okay. What --

10 A. From Mr. Williams' Facebook page.

11 Q. Author being Torez Suava?

12 A. Yes, ma'am.

13 Q. And the body of that message -- or message,
14 inbox message?

15 A. It is a telephone number, (706) 755-9252.

16 Q. And the date of that message?

17 A. Was April 15th, 2015.

18 Q. One day after the shooting of

19 A. Yes, ma'am.

20 Q. Has this page been altered in any way?

21 A. No, ma'am, it has not.

22 Q. This is exactly how it was sent to you from
23 Facebook?

24 A. Yes, ma'am.

25 MS. HALL: Your Honor, at this time, State

1 moves to introduce State's 61.

2 MR. BUSH: We would just renew our prior
3 objection.

4 THE COURT: Over objection, it's admitted.

5 (State's Exhibit No. 61 admitted into
6 evidence.)

7 BY MS. HALL:

8 Q. Investigator Miano, I'm going to show you
9 State's 50 through 54 one more time --

10 A. Yes, ma'am.

11 Q. -- and ask if you can read the titles to each
12 of these pictures. State's 50?

13 A. State's 50 title is RIP my nigga bad ass, love
14 you bra forever.

15 Q. State's 52?

16 A. SMH, which is shake my head.

17 Q. Is there a title to 52?

18 A. No, ma'am, there's not.

19 Q. What is the title to State's 53?

20 A. RIP my nigga, gone but not forgotten.

21 Q. And State's 54?

22 A. SMH, which is shake my head, damn bra, can't
23 believe my nigga gone, love you bra forever, RIP my
24 nigga bad ass.

25 Q. I have no further questions. Please answer any

1 the defense may have.

2 THE COURT: Cross?

3 CROSS-EXAMINATION

4 BY MR. BUSH:

5 Q. Now, on the photos we were just talking about,
6 all the times on those photos were just when they
7 were posted, right? That's not when those photos
8 were taken?

9 A. To my knowledge, when they were posted, yes,
10 sir.

11 Q. And who all did you get search warrants for,
12 for their Facebook records?

13 A. Mr. Williams' Facebook, Mr. Harris' Facebook,
14 Mr. Gordon's Facebook. And I believe that's it as
15 far as requests for records.

16 Q. So you didn't get any Facebook records for --
17 you didn't get a search warrant for Facebook records
18 for Demarius Jefferson?

19 A. No, sir, I didn't.

20 Q. And you didn't get a search warrant for
21 Facebook records for Darian Davis?

22 A. No, sir, I did not.

23 Q. But you reviewed all of the Facebook records
24 that were provided to you from Facebook, right?

25 A. Yes, sir.

1 Q. Now I'm showing you what is a -- the
2 certificate of authenticity that was provided to you
3 by Facebook, correct?

4 A. Correct.

5 Q. And this certificate of authenticity is for
6 Demorris Harris' Facebook account, right?

7 A. Yes, sir.

8 Q. And they certified all of his records for you,
9 correct?

10 A. Yes, sir.

11 Q. And you reviewed Mr. Harris' Facebook records,
12 correct?

13 A. I believe he had two Facebook accounts that we
14 did a search warrant for. I'm fairly certain that
15 I -- I know I reviewed one of them, I don't know
16 exactly about both. One was from later on compared
17 to earlier in time.

18 Q. I understand. But you reviewed all of the
19 records for that specific account, right, the ones
20 that we got the certifications for?

21 A. To my knowledge, yes, sir.

22 Q. Okay. And in that -- in reviewing his Facebook
23 records, did your investigation turn up where he was
24 giving out his phone number in private messaging?

25 A. I do believe so, yes, sir.

1 Q. And would it surprise you to know that he gave
2 out his phone number on March 28th, 2015?

3 A. No, sir, I wouldn't be surprised.

4 Q. And would it surprise you that he gave out that
5 phone number again on May 9th of 2015?

6 A. No, sir.

7 Q. And that's before and after the incident in
8 this case, right?

9 A. Yes, sir.

10 Q. Okay. And in your review of those records, do
11 you remember what that phone number was?

12 A. No, sir, not off the top of my head.

13 Q. Would it refresh your memory if I were to show
14 it to you?

15 A. If I may look.

16 Q. Be glad to. And these records are the records
17 that you did receive from Verizon, right?

18 A. Yes, sir.

19 Q. And they're true and accurate copies of the
20 records that they sent you, right?

21 A. Yes, sir, they appear to be.

22 Q. They haven't been altered in any way?

23 A. Not to my knowledge, no, sir.

24 MR. BUSH: Your Honor, at this time, the

25 Defense would move to enter in the records of

1 Demorris Harris as Defendant's Exhibit, I believe
2 it's 1.

3 MS. HALL: Just like to see it, Your Honor.

4 Your Honor, may we approach?

5 (Sidebar conference.)

6 THE COURT: I need to send the jury out for a
7 few minutes while we discuss this. Don't begin
8 deliberations or discussions. Go ahead and take a
9 restroom break. We'll let you have at least ten
10 minutes.

11 (The jury exits the courtroom at 4:20 PM.)

12 THE COURT: What is this that I'm looking at
13 here?

14 MS. HALL: Your Honor, it is the private inbox
15 message of Demorris Harris, a witness that testified
16 earlier today, the first witness of the day.

17 THE COURT: A private inbox at Facebook?

18 MS. HALL: Facebook.

19 MR. BUSH: Correct.

20 MS. HALL: Correct.

21 THE COURT: So that doesn't necessarily mean it
22 was a phone record, does it?

23 MS. HALL: Correct.

24 MR. BUSH: Correct.

25 THE COURT: So what is it that you want to ask

1 him to do?

2 MR. BUSH: If he will tell me the number that
3 that individual gave out in the private message. No
4 different than what they just did with Mr. Williams.

5 MS. HALL: Mr. Williams is a party in this
6 case.

7 MR. BUSH: And it's a prior inconsistent
8 statement of Mr. Harris, who indicated that he
9 didn't have a phone around that time.

10 MS. HALL: He didn't have a phone with him that
11 night.

12 MR. BUSH: I think he testified around that
13 time.

14 THE COURT: See if you can find that testimony.

15 MS. HALL: And just the fact that he's asking
16 someone to call him on that number that day doesn't
17 mean that's his phone. It could be his mother's
18 phone.

19 THE COURT: What is listed on here as to phone
20 number?

21 MS. HALL: So here we have the author as
22 Demorris Harris being sent to Isaiah Jr., Demorris
23 Harris. In the body, what he sent was HMU and a
24 phone number. But there's no indication of, this is
25 my telephone number. There's no indication this is

1 my --

2 THE COURT: What does HMU mean?

3 MS. HALL: Hit me up.

4 THE COURT: Hit me up. Oh.

5 MS. HALL: I mean, there's no indication it's
6 his phone -- like his girlfriend's number that's
7 sitting next to him when he asked for it -- we have
8 more that we'll have to look at.

9 THE COURT REPORTER: Judge, are we supposed to
10 be off the record while I look for it?

11 THE COURT: I'm sorry.

12 Go ahead and use the restroom while she's
13 looking that up.

14 (Brief recess.)

15 THE COURT: Is it the same phone number?

16 MR. BUSH: So from March 28th, that's the one
17 you're looking at right now --

18 THE COURT: Are these specific things or just
19 that he had a phone?

20 MR. BUSH: Both.

21 THE COURT: Well, I guess what I'm getting at,
22 you didn't ask him to deny a specific statement, you
23 asked him to deny or admit that he had a phone
24 during that time, so he did.

25 MR. BUSH: Yes, sir.

1 THE COURT: We got that proved by one. So when
2 you say, well, I want to show all of these things,
3 you didn't ask him, did you say this?

4 MR. BUSH: I did. I asked him about adding
5 Demarius Jefferson as a friend, I asked him did you
6 go to the baby shower.

7 MS. HALL: Did he say he didn't?

8 MR. BUSH: We can look. I can't remember. But
9 I asked him specific questions off these tabs. Did
10 you go -- remember, I asked him if he went to the
11 baby shower.

12 MS. HALL: And he said he did, so that's not
13 inconsistent.

14 MR. BUSH: I can't --

15 MS. HALL: Yes, he did.

16 MR. BUSH: I said I can't remember. We can ask
17 her.

18 THE COURT: It's going to take a while. Maybe
19 we should break for the day at this point. If
20 you've got 55 tabs --

21 MR. BUSH: No, sir, it's just the number of
22 tabs, I guess.

23 THE COURT: Well, if you need her to look up
24 each and every one of these, it's going to take a
25 little bit of time.

1 MR. BUSH: Yes, sir.

2 THE COURT: What else did you want to do today?

3 MR. THURMOND: We had two more witnesses we
4 wanted to get done today -- we are not going to
5 finish today, unfortunately -- and those are
6 witnesses related to the checkmate-that-king call.
7 One of those witnesses is being brought from the
8 Saluda County jail.

9 THE COURT: Let's do that. This is going to
10 take I don't know how long for her to say whether or
11 not somebody said something on each of these things,
12 so we'll bring the jury in and send them home and
13 you can look them up. We'll finish him in the
14 morning. Okay?

15 MR. THURMOND: Okay.

16 MS. HALL: All right.

17 THE COURT: All right. Bring the jury back in.

18 (The jury enters the courtroom at 4:35 PM.)

19 THE COURT: Okay. Folks, what I'm going to do,
20 we've got some legal issues that we've got to work
21 through and it's going to take us a little bit of
22 time, so I'm going to send you home for the day.
23 We'll work through this and be ready to resume
24 tomorrow morning at 9:30.

25 So, again, go home tonight, don't talk to

1 anybody about the case, including other jury
2 members. Don't look up anything on media, don't
3 post anything on social media or look on social
4 media trying to find out anything about the case, or
5 do any investigation on your own. Tomorrow morning,
6 if there is anything in the paper, just please don't
7 look at the paper until we're finished with the
8 trial. But if you do, please avoid reading anything
9 about this case in the newspaper.

10 All right. Thank you for your patience today.
11 We'll see you at 9:30 in the morning.

12 (The jury exits the courtroom at 4:36 PM.)

13 THE COURT: Okay. Well, I guess you need to
14 come over here and work through whatever it is that
15 you're looking for.

16 (Trial in recess for the evening at 4:26 PM.)

17 (The following proceedings were held February
18 2, 2017.)

19 THE COURT: All right. Where's the witness?

20 Come back up.

21 Bring the defendant in.

22 All right. Let the record reflect the
23 defendant is in the courtroom.

24 Everybody ready?

25 All right. Bring the jury back in.

1 (The jury enters the courtroom at 10:01 AM.)

2 THE COURT: All right. Welcome back, ladies
3 and gentlemen. We are ready to resume now where we
4 left yesterday, and that is with the Defense's cross
5 of the witness.

6 I remind you, you are still under oath.

7 Oh, before we do that though, did anybody look
8 at the newspaper and see an article that was written
9 about that today?

10 Let the record reflect all the jurors indicated
11 they did not. Again, thank you for your cooperation
12 on that. We will resume.

13 Go ahead.

14 MR. BUSH: Thank you, Your Honor. May it
15 please the Court.

16 CONTINUED CROSS-EXAMINATION

17 BY MR. BUSH:

18 Q. Good morning, Investigator Miano.

19 A. Good morning.

20 Q. Yesterday when we left off we were talking
21 about your investigation into Demorris Harris'
22 Facebook records, right?

23 A. Yes.

24 Q. And you testified in the course of your
25 investigation he posted his phone number on Facebook

1 on March 28th, 2015, right?

2 A. Is that the one we looked at yesterday?

3 Q. It is.

4 A. Yes, sir.

5 Q. And what was the number that you associated
6 with Mr. Harris during the course of this
7 investigation?

8 A. I don't believe I had one.

9 Q. Would it refresh your memory to see the number
10 that we talked about yesterday?

11 MS. HALL: Objection, Your Honor. I believe
12 we've already ruled on this.

13 THE COURT: I thought y'all had worked out
14 what --

15 MR. BUSH: Your Honor, we ruled on whether or
16 not we were entering it into evidence. I'm just
17 asking the number he associated with Mr. Harris
18 during the course of his investigation.

19 THE COURT: All right.

20 MR. BUSH: Thank you, Your Honor.

21 THE WITNESS: There's a number that's listed on
22 Mr. Harris' page of (803) 522-9612.

23 BY MR. BUSH:

24 Q. And during the course of your investigation,
25 did you see where Mr. Harris gave that phone number

1 out again?

2 A. I believe he did during a Facebook
3 conversation.

4 Q. Did he give that number out again on May 9th,
5 2015?

6 A. I'm not familiar with the specific dates.

7 Q. If I were to show you those dates, would it
8 refresh your memory?

9 A. Yes, sir. I observed that number on May 9th on
10 Facebook.

11 Q. And that number is (803) 522-9612, correct?

12 A. Yes, sir.

13 Q. And Mr. Harris gave that number out again on
14 May 11th, 2015, right?

15 A. Once again --

16 Q. Would it refresh your memory if I showed you
17 that as well?

18 A. I'm going to have to do that for all the dates
19 if you're asking for more.

20 Q. Yes, sir.

21 A. Yes, sir, on May 11th, 2015.

22 Q. And that phone number that you associated with
23 Mr. Harris was (803) 522-9612?

24 A. That is what's listed on Facebook, yes, sir,
25 for that May 11th, 2015.